STAATSKOERANT
VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA
GOVERNMENT GAZETTE

REGULASIEKOERANT No. 3101 PRYS + 1c AVB 20c PRICE + 1c GST REGULATION GAZETTE No. 3101
As 'n Nuusblad by die Poskantoor Geregistreer BUITELANDS 30c ABROAD *Registered at the Post Office as a Newspaper*
POSVRY · POST FREE

Vol. 185] PRETORIA, 21 NOVEMBER 1980 [No. 7305

GOEWERMENTSKENNISGEWINGS

DEPARTEMENT VAN SAMEWERKING EN ONTWIKKELING

No. R. 2359 21 November 1980

REGULASIES BETREFFENDE DIE BEHEER OOR DIE AANHOU VAN HONDE BINNE DIE REGSGEBIED VAN DIE GEMEENSKAPSRAAD VAN WARMBAD

Ek, George de Villiers Morrison, Adjunk-minister van Samewerking, namens en in opdrag van die Minister van Samewerking en Ontwikkeling, kragtens die bevoegdheid hom verleen by artikel 11 (1) (fA) van die Wet op Gemeenskapsrade, 1977 (Wet 125 van 1977), maak hierby bekend dat die regulasies in die bygaande Bylae vervat, kragtens 'n besluit deur die Gemeenskapsraad van Warmbad ingevolge artikel 5 (1) (a) (vii) van genoemde Wet geneem, met ingang van die datum van hierdie kennisgewing, op die regsgebied van daardie Raad van toepassing is.

G. DE V. MORRISON, Adjunk-minister van Samewerking.

(Lêer A2/14/4/W6)

BYLAE

WOORDOMSKRYWING

1. In hierdie regulasies, tensy uit die samehang anders blyk, beteken—

"eienaar", met betrekking tot 'n hond, iemand wat 'n hond aanhou, en sluit dit enige persoon in aan wie 'n hond toevertrou is of wat beheer oor 'n hond het, asook die persoon aan wie 'n perseel- of woonpermit uitgereik is ingevolge die regulasies gepubliseer by Goewermentskennisgewing R. 1036 van 1968, ten opsigte van enige perseel binne die raadsgebied waar enige hond aangehou word of toegelaat word om te lewe of te bly, tensy sodanige persoon in staat is om te bewys dat hy nie die eienaar van daardie hond is nie en dat die hond sonder sy goedkeuring of wete toegelaat is om op sodanige perseel aangehou te word of te lewe of te bly;

GOVERNMENT NOTICES

DEPARTMENT OF CO-OPERATION AND DEVELOPMENT

No. R. 2359 21 November 1980

REGULATIONS ON THE CONTROL OF THE KEEPING OF DOGS WITHIN THE AREA OF JURISDICTION OF THE COMMUNITY COUNCIL OF WARMBATHS

I, George de Villiers Morrison, Deputy Minister of Co-operation, on behalf of and by direction of the Minister of Co-operation and Development, by virtue of the powers vested in him by section 11 (1) (fA) of the Community Councils Act, 1977 (Act 125 of 1977), hereby announce that the regulations contained in the accompanying Schedule are, by virtue of a decision taken by the Community Council of Warmbaths in terms of section 5 (1) (a) (vii) of the said Act, applicable to the area of jurisdiction of that Council as from the date of this notice.

G. DE V. MORRISON, Deputy Minister of Co-operation.

(File A2/14/4/W6)

SCHEDULE

DEFINITIONS

1. In these regulations, unless the context otherwise indicates—

"area of the Council" means the urban residential area for which the Council was established;

"authorised officer" means any person appointed by the Council in terms of these regulations to exercise the powers or perform the functions granted or imposed on him in terms of these regulations;

"Coucil" means the Warmbaths Community Council established by Government Notice R. 1086 of 1978;

"dog" means both a dog and a bitch;

"levy" means the levy imposed in terms of regulation 6;

"office of the Council" means any office of the Council;

"gemagtigde beampte" enige persoon deur die Raad kragtens hierdie regulasies aangestel om die bevoegdhede en pligte ingevolge hierdie regulasies aan hom verleen of opgelê, uit te oefen of te vervul;

"gesteriliseerde teef" 'n teef ten opsigte waarvan 'n veearts, geregistreer kragtens die Veeartswet, 1933 (Wet 16 van 1933), 'n sertifikaat uitgereik het ten effekte dat sodanige teef gesteriliseer is;

"heffing" die heffing ingevolge regulasie 6 gehef;

"hond" 'n reun sowel as 'n teef;

"jaar" or "jaarliks" onderskeidelik 'n tydperk of betreffende 'n tydperk van 12 maande wat op 31 Desember eindig;

"openbare plek" enige pad, straat, deurgang, brug, duikweg, sypaadjie, oop veld, tuin, park, omheinde gebied of gebou binne die raadsgebied wat vir die publiek toeganklik is;

"Raad" die Gemeenskapsraad van Warmbad ingestel by Goewermentskennisgewing R. 1086 van 1978;

"raadsgebied" die stedelike woongebied waarvoor die Raad ingestel is;

"raadskantoor" enige kantoor van die Raad;

"verwyderingsgelde" die gelde wat betaalbaar is wanneer 'n hond ingevolge die bepalings van hierdie regulasies deur 'n gemagtigde beampte of ander persoon gevang en vervoer is na die skut.

VEREISTES VIR AANHOU VAN HONDE

2. Niemand mag binne die raadsgebied 'n hond wat twee maande oud of ouer is, aanhou nie, tensy hy sodanige hond by die raadskantoor laat registreer het en, op die wyse hierin bepaal, die voorgeskrewe heffing (indien van toepassing) ten opsigte van die hond betaal het.

PERSOON VIR HEFFING AANSPREEKLIK

3. By die toepassing van hierdie regulasies is die eienaar verantwoordelik vir die registrasie van die hond en die betaling van die heffing, en word die persoon onder wie se sorg of toesig of in wie se besit of binne wie se huis of op wie se perseel 'n hond gevind of gesien word, geag die eienaar te wees, tensy hy die teendeel bewys.

REGISTRASIE VAN HONDE

4. (1) Die eienaar doen aansoek om die registrasie van 'n hond binne 30 dae ná die inwerkingtreding van hierdie regulasies of, indien sodanige hond dan nog nie in sy besit of onder sy beheer gekom het nie, binne 30 dae nadat daardie hond in sy besit of onder sy beheer gekom het, en daarna voor of op 31 Januarie van elke daaropvolgende jaar.

(2) Die registrasie van 'n hond word jaarliks gedoen en bly geldig tot en met 31 Desember van die jaar waarin dit gedoen is.

REGISTRASIESERTIFIKAAT

5. (1) 'n Registrasiesertifikaat word op die naam van die eienaar van 'n hond teen betaling van die heffing bedoel in regulasie 6, behoudens die bepalings van regulasie 7, op aansoek uitgereik.

(2) Die eienaar van enige hond ten opsigte waarvan 'n registrasiesertifikaat uitgereik is, bewaar die sertifikaat te alle tye gedurende die geldigheidsduur daarvan en toon dit op aanvraag van 'n gemagtigde beampte aan hom.

"owner" in relation to a dog means any person who keeps a dog and includes any person to whom a dog has been entrusted or who has control of a dog, and also the person to whom a site or residential permit has been issued in terms of the regulations published under Government Notice R. 1036 of 1968 in respect of any site within the area of the Council where any dog is kept or is permitted to live or remain, unless such person is able to prove that he is not the owner of such dog and that the dog was kept or allowed to live or remain on such site without his knowledge or consent;

"public place" means any road, street, thoroughfare, bridge, subway, sidewalk, open field, garden, park, fenced area or building within the area of the Council which is accessible to the public;

"removal fees" means the fees payable when a dog is caught and transported to the pound by an authorised officer or any other person in terms of the provisions of these regulations;

"spayed bitch" means a bitch in respect of which a veterinarian, registered under the Veterinary Act, 1933 (Act 16 of 1933), has issued a certificate to the effect that such bitch has been spayed;

"year" or "yearly" means or refers to, respectively, a period of 12 months ending on 31 December.

REQUIREMENTS FOR THE KEEPING OF DOGS

2. No person shall, within the area of the Council, keep a dog that is two months old or older, unless he has caused such dog to be registered at the office of the Council and, in the manner hereinafter provided, has paid the prescribed levy (if any) in respect of the dog.

PERSON LIABLE FOR LEVY

3. For the purposes of these regulations the owner shall be responsible for the registration of the dog and the payment of the levy and any person in whose custody, charge or possession, or within whose house or on whose premises any dog is found or seen, shall be deemed to be the owner, until he shall have proved the contrary.

REGISTRATION OF DOGS

4. (1) The owner shall apply for the registration of a dog within 30 days of the commencement of these regulations or, if such dog has then not yet come into his possession or under his control, within 30 days after the dog has come into his possession or under his control, and thereafter on or before 31 January of every ensuing year.

(2) The registration of a dog shall be carried out annually and shall remain valid up to and including 31 December of the year during which it was carried out.

REGISTRATION CERTIFICATE

5. (1) Any registration certificate shall be issued in the name of the owner of a dog on payment of the levy referred to in regulation 6, subject to the provisions of regulation 7, on application.

(2) The owner of any dog in respect of which a registration certificate has been issued shall preserve the certificate at all times for the period of validity thereof and shall produce it to any authorised officer on demand.

(3) Geen registrasiesertifikaat kan van een persoon aan 'n nader persoon oorgedra word nie.

(4) Indien 'n registrasiesertifikaat verlore raak of vernietig word, kan 'n duplikaat daarvan teen betaling van 50c aan die voormalige houer daarvan uitgereik word.

HEFFINGS

6. By registrasie van 'n hond betaal die eienaar, behoudens die bepalings van hierdie regulasies, die jaarlikse heffing ten opsigte van elke hond wat hy binne die raadsgebied aanhou, teen onderstaande tarief:

(a) Vir die eerste reun of gesteriliseerde teef: R2.

(b) Vir 'n tweede of verdere hond van die tipe in paragraaf (a) bedoel: R10.

(c) Vir 'n ongesteriliseerde teef: R10.

(d) Vir 'n tweede of verdere hond van die tipe in paragraaf (c) bedoel: R15.

VRYSTELLING VAN DIE BETALING VAN HEFFINGS

7. (1) Geen heffing is betaalbaar nie ten opsigte van 'n hond—

(a) wat deur 'n blinde persoon as gids gebruik word;

(b) wat jonger as ses maande is; of

(c) wat in die besit of bewaring is van die Dierebeskermingsvereniging of 'n ander soortgelyke liggaam deur die Raad goedgekeur.

(2) Die vrystelling bedoel in subregulasie (1) (a) of (b), onthef nie die eienaar van die hond daarvan om aansoek te doen om die registrasie van die betrokke hond nie.

(3) 'n Registrasiesertifikaat word gratis aan die eienaar van 'n hond bedoel in subregulasie (1) (a) of (b) uitgereik, met vermelding op sodanige sertifikaat van die rede van vrystelling: Met dien verstande dat die eienaar van 'n hond bedoel in subregulasie (1) (a) elke jaar om 'n gratis registrasiesertifikaat aansoek moet doen en die nodige bewys moet lewer dat hy op vrystelling van die betaling van die heffing geregtig is.

BEPERKING OP DIE AANHOU VAN HONDE

8. (1) Tensy die Raad in enige bepaalde geval anders bepaal, word daar op geen enkele perseel meer as een hond aangehou nie: Met dien verstande dat hierdie bepaling nie betrekking het op 'n teef se werpsel as sodanige werpsel jonger as twee maande oud is nie.

(2) 'n Perseel waarop honde aangehou word, moet só omhein wees dat die honde in die erf gehou kan word, en die heining moet behoorlik in stand gehou word deur die eienaar van die honde.

GEMAGTIGDE BEAMPTES

9. (1) Die Raad kan een of meer persone as gemagtigde beamptes aanstel.

(2) 'n Gemagtigde beampte kan, met die doel om vas te stel of aan die bepalings van hierdie regulasie voldoen word—

(a) op alle redelike tye enige grond of perseel betree;

(3) No registration certificate shall be transferable from one person to any other person.

(4) If any registration certificate is lost or destroyed, a duplicate thereof may be issued to the former holder thereof on payment of 50c.

LEVIES

6. Upon registration of a dog the owner shall pay, subject to the provisions of these regulations, the annual levy in respect of every dog which is kept by him within the area of the Council, at the following rate:

(a) For the first dog or spayed bitch: R2.

(b) For a second or additional dog of the kind contemplated in paragraph (a): R10.

(c) For any unspayed bitch: R10.

(d) For any second or additional dog of the kind contemplated in paragraph (c): R15.

EXEMPTION FROM PAYMENT OF LEVIES

7. (1) No levy shall be payable in respect of any dog—

(a) which is used by a blind person as a guide;

(b) which is younger than six months; or

(c) which is in the possession or under the control of the Society for the Prevention of Cruelty to Animals or any similar body approved by the Council.

(2) The exemption referred to in subregulation (1) (a) or (b) shall not exempt the owner of the dog from applying for the registration of the dog concerned.

(3) A registration certificate shall be issued free of charge to the owner of a dog referred to in subregulation (1) (a) or (b) with a mention on such certificate of the reason for the exemption: Provided that the owner of a dog contemplated in subregulation 1 (a) shall be required to apply every year for a free registration certificate, submitting the necessary proof that he is entitled to be exempted from the payment of the levy.

RESTRICTION ON THE KEEPING OF DOGS

8. (1) Unless the Council in any particular case determines otherwise, not more than one dog may be kept on any single site: Provided that this provision shall not apply to the litter of a bitch when such litter is younger than two months.

(2) Any site where dogs are kept shall be fenced in such a way that the dogs can be kept within the site and the fence shall be kept in good repair by the owner of the dogs.

AUTHORISED OFFICERS

9. (1) The Council may appoint one or more persons as authorised officers.

(2) An authorised officer may, for the purpose of ascertaining whether the provisions of these regulations are being complied with—

(a) at all reasonable times enter upon any land or premises;

(b) op die naam en adres van enige persoon wat die eienaar van 'n hond is of wat oënskynlik in beheer van 'n hond is, aandring en sodanige persoon aansê om die registrasiesertifikaat en die hond ten opsigte waarvan die registrasiesertifikaat uitgereik is, vir inspeksie toon of te laat toon;

(c) enige persoon met betrekking tot enige aangeleentheid wat by so 'n doel ter sake is, ondervra.

(3) Die persoon in beheer van enige grond of perseel tentyde van 'n besoek van 'n gemagtige beampte wat homself behoorlik kan identifiseer, moet, op versoek van die beampte, die beampte toelaat om sodanige perseel te betree en om sy bevoegdhede en pligte ingevolge hierdie regulasies op daardie perseel uit te oefen en te vervul.

(4) 'n Gemagtigde beampte kan, by die uitoefening van 'n bevoegdheid of die vervulling van 'n plig ingevolge hierdie regulasies, vergesel wees deur iemand om hom as tolk of op enige ander wyse te help, en sodanige persoon word, onderwyl hy in opdrag van die gemagtigde beampte optree, geag 'n gemagtigde beampte te wees.

DIE SKUT VAN HONDE

10. (1) Enige gemagtigde beampte of enige ander persoon kan 'n hond wat losloop en skynbaar sonder eienaar is, of wat aangehou word in stryd met enige bepaling van hierdie regulasies, skut in 'n skut van die Raad of in 'n plek wat deur die Raad as skut aangewys is, totdat die persoon wat sodanige hond opeis, 'n registrasiesertifikaat daarvoor aan die skutmeester of persoon in beheer van die plek waar die hond geskut is, getoon het en die gelde by regulasie 13 voorgeskryf, betaal het.

(2) Waar daar op of aan die halsband van 'n hond wat geskut is, die naam en adres van 'n persoon verskyn, tree die skutmeester of persoon in beheer van die plek waar die hond geskut is, onmiddellik met die betrokke persoon in verbinding en 'n skriftelike mededeling, gepos aan die adres wat op of aan die halsband verskyn, word as voldoende mededeling geag vir doeleindes van hierdie regulasie.

(3) Niemand mag enige hond wat wettig geskut is, vrysit of probeer vrysit uit die bewaring van die persoon in beheer van die skut of plek nie.

REGISTER VAN HONDE WAT GESKUT IS

11. Die Raad hou 'n register wat die datum toon waarop elke hond geskut, verkoop of van kant gemaak is, en in die geval van verkoping, die bedrag verkry, welke bedrag aan die Raad toeval.

ONOPGEËISTE HONDE KAN VERKOOP OF VAN KANT GEMAAK WORD

12. (1) Ingeval 'n hond nie binne 'n tydperk van 96 uur na 12h00 van die dag waarop die hond geskut is, deur iemand wat daarop geregtig is, opgeëis word nie, kan 'n gemagtigde beampte die hond laat verkoop of van kant laat maak.

(2) Die Raad is nie aanspreeklik vir skadevergoeding aan enige persoon wat op die hond aanspraak maak ten aansien van enige handeling ingevolge hierdie regulsies nie.

(b) demand the name and address of any person who is the owner of a dog or who is apparently in control of a dog, and require such person to produce or cause to be produced for inspection the registration certificate and the dog in respect of which the registration certificate was issued;

(c) question any person in respect of any matter relevant to any such purpose.

(3) The person in control of any land or premises shall, at the time of the visit of any authorised officer who is able duly to identify himself, upon request of the officer, permit him to enter upon such premises and to exercise his powers and to carry out his duties in terms of these regulations on such premises.

(4) An authorised officer may, in the exercise of a power or the carrying out of a duty under these regulations, be accompanied by a person to assist him as an interpreter or in any other manner and such person shall, while acting under the direction of such authorised officer, be deemed to be an authorised officer.

IMPOUNDING OF DOGS

10. (1) Any authorised officer or any other person may impound any dog which is at large and apparently ownerless, or which is being kept in contravention of any provision of these regulations, in a pound belonging to the Council, or any place designated by the Council as a pound, until the person claiming such dog shall have produced to the poundmaster or person in control of the place where the dog is impounded, a registration certificate in respect thereof, and paid the fees prescribed by regulation 13.

(2) Where there appears on the collar of any dog impounded the name and address of a person, the poundmaster or person in control of the place where the dog is impounded shall immediately communicate with such person and a written communication, posted to the address shown on the collar, shall be deemed sufficient communication for the purposes of this regulation.

(3) No person shall rescue or attempt to rescue any dog lawfully impounded from the custody of the person in charge of the pound of place.

REGISTER OF DOGS IMPOUNDED

11. The Council shall keep a register showing the date on which every dog was impounded, sold or destroyed and, in the case of a sale, the amount realised, which amount shall accrue to the Council.

UNCLAIMED DOGS MAY BE SOLD OR DESTROYED

12. (1) In the event of any dog not being claimed by any person entitled thereto within a period of 96 hours after 12h00 of the day the dog was impounded, an authorised officer may cause the dog to be sold or to be destroyed.

(2) The Council shall not be liable for any compensation to any person entitled to the dog in respect of any action taken in terms of these regulations.

SKUT- EN VERWYDERINGSGELDE

13. Die gelde betaalbaar indien 'n hond ingevolge hierdie regulasies geskut is, is soos volg:

(a) R1 per dag of gedeelte van 'n dag per hond skutgeld; en

(b) R5 vir die vang van sodanige hond en die vervoer daarvan na die skut.

DIE VAN KANT MAAK VAN HONDE

14. (1) Die Raad of sy gemagtigde beampte kan, behoudens die bepalings van regulasies 10 en 12, gelas dat 'n hond van kant gemaak word—

(a) indien dit blyk dat sodanige hond beantwoord aan die beskrywing in regulasie 15 (1), en die persoon wat daarop aanspraak maak, dit nie ingevolge regulasie 15 (3) kan terugkry nie;

(b) indien sodanige hond op 'n openbare plek losloop en skynbaar sonder eienaar is of nie opgeëis word nie; en

(c) indien sodanige hond op 'n openbare plek losloop en die eienaar of persoon wat oor die hond toesig het, weier of in gebreke bly om die heffing wat ingevolge hierdie regulasies ten opsigte van sodanige hond verskuldig is, te betaal.

KWAAI HONDE EN LOOPSE TEWE

15. (1) Niemand mag toelaat dat enige hond wat—

(a) wild of gevaarlik is of kwaai voorkom;

(b) in die gewoonte geraak het om af te storm op enige voertuie, diere, pluimvee, duiwe of persone buite enige perseel waar die hond aangehou word;

(c) persone beseer of skade aan eiendom aanrig; of

(d) 'n loopse teef is;

op 'n openbare plek kom nie of gebring word nie.

(2) Enige gemagtigde beampte kan sodanige hond skut of laat skut.

(3) Niemand wat aanspraak maak op 'n hond wat aldus geskut is, kry dit terug nie, tensy die skutgelde betaal is.

HONDE WAT STEURNIS VEROORSAAK

16. (1) Niemand mag 'n hond aanhou wat—

(a) deur aanhoudend of te veel te blaf, te tjank of te huil, 'n steurnis of oorlas veroorsaak nie;

(b) aan 'n aansteeklike siekte ly nie: Met dien verstande dat hierdie bepaling nie belet dat so 'n hond in 'n kliniek by 'n veearts vir behandeling gehuisves word nie.

(2) Indien 'n gemagtigde beampte van mening is dat 'n hond 'n hond is soos bedoel in subregulasie (1), kan hy die eienaar van sodanige hond skriftelik opdrag gee om die hond uit die raadsgebied te verwyder en moet die eienaar sodanige hond binne 96 uur, bereken vanaf 12h00 op die dag waarop sodanige kennisgewing aan hom beteken is, aldus verwyder, en indien die eienaar nalaat om die opdrag uit te voer, kan die gemagtigde beampte die hond skut en ooreenkomstig regulasies 12 en 13 daarmee handel.

(3) Die Raad is nie aanspreeklik vir betaling van skadevergoeding aan enige persoon wat op 'n hond bedoel in subregulasie (1), aanspraak maak, ten opsigte van enige handeling ingevolge hierdie regulasie nie.

POUND AND REMOVAL FEES

13. The moneys payable if a dog is impounded in terms of these regulations shall be as follows:

(a) R1 per day or portion of a day per dog, in pound fees; and

(b) R5 for catching such dog and transporting it to the pound.

DESTRUCTION OF DOGS

14. (1) The Council or its authorised officer may, subject to the provisions of sections 10 and 12, order the destruction of any dog—

(a) where it appears that such dog is of the type described in regulation 15 (1) and that the person claiming such dog is not entitled to its return in terms of regulation 15 (3);

(b) where such dog is at large in any public place and appears to be ownerless or is unclaimed; and

(c) where such dog is at large in a public place and the owner or person having custody thereof refuses or fails to pay the levy due in terms of these regulations in respect of such dog.

VICIOUS DOGS AND BITCHES ON HEAT

15. (1) No person shall permit any dog that—

(a) is wild or vicious, or appears to be so;

(b) has acquired the habit of charging any vehicles, animals, poultry, pigeons or persons outside any premises where it is kept;

(c) causes damage to persons or property; or

(d) is a bitch on heat;

to be in a public place, or bring it into such place.

(2) Any authorised officer may impound any such dog or have it impounded.

(3) No person claiming any dog so impounded shall have it returned, unless and until the pound fees have been paid.

DOGS CAUSING NUISANCE

16. (1) No person shall keep a dog that—

(a) creates a disturbance or a nuisance by constant or excessive barking, howling or whining;

(b) suffers from a contagious disease: Provided that this provision does not prohibit that such dog be kept in a veterinary surgeon's clinic for treatment.

(2) In the event of an authorised officer being of the opinion that a dog is a dog contemplated in subregulation (1), he may order the owner of such dog in writing to remove such dog from the area of the Council and the owner shall thus remove such dog within 96 hours of 12h00 on the day when such notice was served and if the owner of such dog fails to comply with such written order the authorised officer may impound the dog and deal with it in terms of regulations 12 and 13.

(3) The Council shall not be liable to pay any compensation to any person who lays claim to any dog contemplated in subregulation (1) in respect of any action in terms of these regulations.

HOND MOET AAN LEIBAND VAS WEES

17. (1) Niemand mag toelaat dat enige hond op straat of in 'n openbare plek losloop nie, en 'n hond moet aan 'n leiband of ketting en onder beheer gehou word.

(2) 'n Gemagtigde beampte kan 'n hond wat nie aan 'n leiband of ketting vas is nie, skut, en met sodanige hond word gehandel ooreenkomstig regulasie 10 of 12 van hierdie regulasies.

HONDE MAG NIE AANGEHITS WORD NIE

18. Niemand mag sonder redelike gronde—

(a) 'n hond teen 'n persoon of dier aanhits nie; of

(b) toelaat dat 'n hond onder sy toesig of in sy besit 'n persoon of dier aanval of die skrik op die lyf jaag nie.

VORMS

19. Die Raad of iemand deur hom daartoe gemagtig, skryf enige vorm voor wat nodig is vir die behoorlike toepassing van hierdie regulasies.

VERMOEDENS

20. Indien daar kragtens hierdie regulasies geregtelike stappe teen iemand gedoen word op grond daarvan dat hy—

(a) 'n hond ouer as twee maande aanhou sonder dat dit geregistreer is;

(b) 'n hond ouer as ses maande aanhou sonder dat hy die heffing ten opsigte van die hond betaal het; of

(c) 'n teef aanhou wat nie gesteriliseer is nie;

word sodanige hond geag reeds twee of ses maande, na gelang van die geval, oud te wees of ouer, of geag nie gesteriliseer te wees nie, tensy en tot tyd en wyl die teendeel bewys is.

MISDRYWE EN STRAWWE

21. (1) Enige persoon wat—

(a) enige bepaling van hierdie regulasies oortree;

(b) enige verklaring met betrekking tot die eienaarskap of die registrasie van 'n hond aan 'n gemagtigde beampte doen wat in enige belangrike opsig vals is, wetende dat dit vals is;

(c) weier of in gebreke bly om op enige vraag wat 'n gemagtigde beampte, in die uitoefening van sy bevoegdhede of vervulling van sy pligte ingevolge hierdie regulasies, aan hom gestel het, na sy beste vermoë te antwoord;

(d) weier of in gebreke bly om na sy beste vermoë te voldoen aan enige vereiste deur 'n gemagtigde beampte in die uitoefening van sy genoemde bevoegdhede of die vervulling van sy pligte gestel;

(e) hom verset teen enige gemagtigde beampte of so 'n beampte hinder of belemmer in die uitvoering van enigeen van die bevoegdhede of die vervulling van enigeen van die pligte wat aan hom verleen of opgedra is by hierdie regulasies;

(f) valslik voorgee dat hy 'n gemagtigde beampte is;

(g) 'n dokument namaak met die doel om sodanige dokument uit te gee as 'n registrasiesertifikaat wat kragtens hierdie regulasies uitgereik is;

DOGS TO BE ON LEAD

17. (1) No person shall permit any dog to be at large in a street or public place and shall keep any dog on a leash or chain and under control.

(2) Any authorised officer may impound a dog which is not kept on a leash or chain and such dog shall be dealt with in accordance with regulation 10 or 12 of these regulations.

DOGS NOT TO BE URGED TO ATTACK

18. No person shall, without reasonable cause—

(a) set any dog on any person or animal;

(b) permit any dog in his custody or possession to attack or terrify any person or animal.

FORMS

19. The Council or any person authorised to do so by it shall prescribe any form which may be necessary for the proper execution of these regulations.

PRESUMPTION

20. In any proceedings instituted in terms of these regulations against any person on the grounds that—

(a) he is keeping a dog older than two months without it having been registered;

(b) he is keeping a dog older than six months without having paid the levy in respect of the dog; or

(c) he is keeping an unspayed bitch;

such dog shall be beemed to be two or six months of age or older or to be unspayed, until and unless the contrary is proved.

OFFENCES AND PENALTIES

21. (1) Any person who—

(a) contravenes any of the provisions of these regulations;

(b) makes any statement in respect of the ownership or the registration of a dog to any authorised officer which is false in any material particular knowing the same to be false;

(c) refuses or fails to answer to the best of his ability any question which an authorised officer has put to him in the execution of his powers or duties in terms of these regulations;

(d) refuses or fails to comply to the best of his ability with any requirement of an authorised officer in the execution of his said powers or duties;

(e) resists or hinders or obstructs any authorised officer in the execution of any of the powers or duties conferred or imposed upon him by these regulations;

(f) falsely represents himself to be an authorised officer;

(g) fabricates any document with intent to utter such document as a registration certificate issued in terms of these regulations;

(h) 'n nagemaakte dokument gebruik of in omloop bring wat as 'n registrasiesertifikaat uitgegee kan word; of

(i) 'n registrasiesertifikaat wat aan iemand anders kragtens hierdie regulasies uitgereik is, steel of in besit daarvan gevind word sonder dat hy bevredigende rekenskap kan gee van hoe dit in sy besit gekom het;

begaan 'n misdryf, en is by skuldigbevinding strafbaar met 'n boete van hoogstens R50, of, by wanbetaling, met gevangenisstraf vir 'n tydperk van hoogstens drie maande.

(2) 'n Hof wat iemand skuldig bevind dat hy 'n hond aanhou sonder dat dit behoorlik geregistreer is of onder beheer gehou word, ooreenkomstig die bepalings van hierdie regulasies, kan, benewens die straf bedoel in subregulasie (1), beveel dat die betrokke hond van kant gemaak word, en daarna kan 'n gemagtigde beampte sodanige hond van kant maak.

No. R. 2360 21 November 1980

REGULASIES BETREFFENDE DIE BEHEER OOR DIE AANHOU VAN HONDE BINNE DIE REGSGEBIED VAN DIE GEMEENSKAPSRAAD VAN WITBANK

Ek, George de Villiers Morrison, Adjunk-minister van Samewerking, namens en in opdrag van die Minister van Samewerking en Ontwikkeling, kragtens die bevoegdheid hom verleen by artikel 11 (1) (fA) van die Wet op Gemeenskapsrade, 1977 (Wet 125 van 1977), maak hierby bekend dat die regulasies in die bygaande Bylae vervat, kragtens 'n besluit deur die Gemeenskapsraad van Witbank ingevolge artikel 5 (1) (a) (vii) van genoemde Wet geneem, met ingang van die datum van hierdie kennisgewing, op die regsgebied van daardie Raad van toepassing is.

G. DE VILLIERS MORRISON, Adjunk-minister van Samewerking.

(Lêer A2/14/4/W42)

BYLAE

WOORDOMSKRYWING

1. In hierdie regulasies, tensy uit die samehang anders blyk, beteken—

"eienaar", met betrekking tot 'n hond, iemand wat 'n hond aanhou, en sluit dit enige persoon in aan wie 'n hond toevertrou is of wat beheer oor 'n hond het, asook die persoon aan wie 'n perseel- of woonpermit uitgereik is ingevolge die regulasies gepubliseer by Goewermentskennisgewing R. 1036 van 1968, ten opsigte van enige perseel binne die raadsgebied waar enige hond aangehou word of toegelaat word om te lewe of te bly, tensy sodanige persoon in staat is om te bewys dat hy nie die eienaar van daardie hond is nie en dat die hond sonder sy goedkeuring of wete toegelaat is om op sodanige perseel aangehou te word of te lewe of te bly;

"gemagtigde beampte" enige persoon deur die Raad kragtens hierdie regulasies aangestel om die bevoegdhede en pligte ingevolge hierdie regulasies aan hom verleen of opgelê, uit te oefen of te vervul;

(h) uses or circulates any fabricated document which may be uttered as a registration certificate; or

(i) steals or is found to be in possession of a registration certificate, issued to someone else in terms of these regulations, without being able to account satisfactorily for possession thereof;

shall commit an offence and shall on conviction be liable to a fine not exceeding R50 or, in default of payment, to imprisonment for a period not exceeding three months.

(2) Any Court convicting any person of keeping any dog without it having been properly registered or kept under control in accordance with the provisions of these regulations may, in addition to the penalty referred to in subregulation (1), order the destruction of the dog concerned and, thereupon, an authorised officer may destroy such dog.

No. R. 2360 21 November 1980

REGULATIONS ON THE CONTROL OF THE KEEPING OF DOGS WITHIN THE AREA OF JURISDICTION OF THE COMMUNITY COUNCIL OF WITBANK

I, George de Villiers Morrison, Deputy Minister of Co-operation, on behalf of and by direction of the Minister of Co-operation and Development, by virtue of the powers vested in him by section 11 (1) (fA) of the Community Councils Act, 1977 (Act 125 of 1977), hereby announce that the regulations contained in the accompanying Schedule are, by virtue of a decision taken by the Community Council of Witbank in terms of section 5 (1) (a) (vii) of the said Act, applicable to the area of jurisdiction of that Council as from the date of this notice.

G. DE V. MORRISON, Deputy Minister of Co-operation.

(File A2/14/4/W42)

SCHEDULE

DEFINITIONS

1. In these regulations, unless the context otherwise indicates—

"area of the Council" means the urban residential area for which the Council was established;

"authorised officer" means any person appointed by the Council in terms of these regulations to exercise the powers or perform the functions granted or imposed on him in terms of these regulations;

"Council" means the Witbank Community Council established by Government Notice R. 700 of 1978.

"dog" means both a dog and a bitch;

"levy" means the levy imposed in terms of regulation 6;

"office of the Council" means any office of the Council;

"owner" in relation to a dog means any person who keeps a dog and includes any person to whom a dog has been entrusted or who has control of a dog, and also the person to whom a site or residential permit has been issued in terms of the regulations

"gesteriliseerde teef" 'n teef ten opsigte waarvan 'n veearts, geregistreer kragtens die Veeartswet, 1933 (Wet 16 van 1933), 'n sertifikaat uitgereik het ten effekte dat sodanige teef gesteriliseer is;

"heffing" die heffing ingevolge regulasie 6 gehef;

"hond" 'n reun sowel as 'n teef;

"jaar" or "jaarliks" onderskeidelik 'n tydperk of betreffende 'n tydperk van 12 maande wat op 31 Desember eindig;

"openbare plek" enige pad, straat, deurgang, brug, duikweg, sypaadjie, oop veld, tuin, park, omheinde gebied of gebou binne die raadsgebied wat vir die publiek toeganklik is;

"Raad" die Gemeenskapsraad van Witbank ingestel by Goewermentskennisgewing R. 700 van 1978.

"raadsgebied" die stedelike woongebied waarvoor die Raad ingestel is;

"raadskantoor" enige kantoor van die Raad;

"verwyderingsgelde" die gelde wat betaalbaar is wanneer 'n hond ingevolge die bepalings van hierdie regulasies deur 'n gemagtigde beampte of ander persoon gevang en vervoer is na die skut.

VEREISTES VIR AANHOU VAN HONDE

2. Niemand mag binne die raadsgebied 'n hond wat twee maande oud of ouer is, aanhou nie, tensy hy sodanige hond by die raadskantoor laat registreer het en, op die wyse hierin bepaal, die voorgeskrewe heffing (indien van toepassing) ten opsigte van die hond betaal het.

PERSOON VIR HEFFING AANSPREEKLIK

3. By die toepassing van hierdie regulasies is die eienaar verantwoordelik vir die registrasie van die hond en die betaling van die heffing, en word die persoon onder wie se sorg of toesig of in wie se besit of binne wie se huis of op wie se perseel 'n hond gevind of gesien word, geag die eienaar te wees, tensy hy die teendeel bewys.

REGISTRASIE VAN HONDE

4. (1) Die eienaar doen aansoek om die registrasie van 'n hond binne 30 dae ná die inwerkingtreding van hierdie regulasies of, indien sodanige hond dan nog nie in sy besit of onder sy beheer gekom het nie, binne 30 dae nadat daardie hond in sy besit of onder sy beheer gekom het, en daarna voor of op 31 Januarie van elke daaropvolgende jaar.

(2) Die registrasie van 'n hond word jaarliks gedoen en bly geldig tot en met 31 Desember van die jaar waarin dit gedoen is.

REGISTRASIESERTIFIKAAT

5. (1) 'n Registrasiesertifikaat word op die naam van die eienaar van 'n hond teen betaling van die heffing bedoel in regulasie 6, behoudens die bepalings van regulasie 7, op aansoek uitgereik.

(2) Die eienaar van enige hond ten opsigte waarvan 'n registrasiesertifikaat uitgereik is, bewaar die sertifikaat te alle tye gedurende die geldigheidsduur daarvan en toon dit op aanvraag van 'n gemagtigde beampte aan hom.

published under Government Notice R. 1036 of 1968 in respect of any site within the area of the Council where any dog is kept or is permitted to live or remain, unless such person is able to prove that he is not the owner of such dog and that the dog was kept or allowed to live or remain on such site without his knowledge or consent;

"public place" means any road, street, thoroughfare, bridge, subway, sidewalk, open field, garden, park, fenced area or building within the area of the Council which is accessible to the public;

"removal fees" means the fees payable when a dog is caught and transported to the pound by an authorised officer or any other person in terms of the provisions of these regulations;

"spayed bitch" means a bitch in respect of which a veterinarian, registered under the Veterinary Act, 1933 (Act 16 of 1933), has issued a certificate to the effect that such bitch has been spayed;

"year" or "yearly" means or refers to, respectively, a period of 12 months ending on 31 December.

REQUIREMENTS FOR THE KEEPING OF DOGS

2. No person shall, within the area of the Council, keep a dog that is two months old or older, unless he has caused such dog to be registered at the office of the Council and, in the manner hereinafter provided, has paid the prescribed levy (if any) in respect of the dog.

PERSON LIABLE FOR LEVY

3. For the purposes of these regulations the owner shall be responsible for the registration of the dog and the payment of the levy and any person in whose custody, charge or possession, or within whose house or on whose premises any dog is found or seen, shall be deemed to be the owner, until he shall have proved the contrary.

REGISTRATION OF DOGS

4. (1) The owner shall apply for the registration of a dog within 30 days of the commencement of these regulations or, if such dog has then not yet come into his possession or under his control, within 30 days after the dog has come into his possession or under his control, and thereafter on or before 31 January of every ensuing year.

(2) The registration of a dog shall be carried out annually and shall remain valid up to and including 31 December of the year during which it was carried out.

REGISTRATION CERTIFICATE

5. (1) Any registration certificate shall be issued in the name of the owner of a dog on payment of the levy referred to in regulation 6, subject to the provisions of regulation 7, on application.

(2) The owner of any dog in respect of which a registration certificate has been issued shall preserve the certificate at all times for the period of validity thereof and shall produce it to any authorised officer on demand.

(3) Geen registrasiesertifikaat kan van een persoon aan 'n ander persoon oorgedra word nie.

(4) Indien 'n registrasiesertifikaat verlore raak of vernietig word, kan 'n duplikaat daarvan teen betaling van 50c aan die voormalige houer daarvan uitgereik word.

HEFFINGS

6. By registrasie van 'n hond betaal die eienaar, behoudens die bepalings van hierdie regulasies, die jaarlikse heffing ten opsigte van elke hond wat hy binne die raadsgebied aanhou, teen onderstaande tarief:

(a) Vir die eerste reun of gesteriliseerde teef: R2.

(b) Vir 'n tweede of verdere hond van die tipe in paragraaf (a) bedoel: R10.

(c) Vir 'n ongesteriliseerde teef: R10.

(d) Vir 'n tweede of verdere hond van die tipe in paragraaf (c) bedoel: R15.

VRYSTELLING VAN DIE BETALING VAN HEFFINGS

7. (1) Geen heffing is betaalbaar nie ten opsigte van 'n hond—

(a) wat deur 'n blinde persoon as gids gebruik word;

(b) wat deur 'n persoon aangehou word indien daardie persoon 'n gepensioeneerde is wat weens hoë ouderdom of liggaamlike gebrek nie in staat is om 'n eie inkomste te verdien nie;

(c) wat jonger as ses maande is; of

(d) wat in die besit of bewaring is van die Dierebeskermingsvereniging of 'n ander soortgelyke liggaam deur die Raad goedgekeur.

(2) Die vrystelling bedoel in subregulasie (1) (a), (b) of (c), onthef nie die eienaar van die hond daarvan om aansoek te doen om die registrasie van die betrokke hond nie.

(3) 'n Registrasiesertifikaat word gratis aan die eienaar van 'n hond bedoel in subregulasie (1) (a), (b) of (c), uitgereik, met vermelding op sodanige sertifikaat van die rede van vrystelling: Met dien verstande dat die eienaar van 'n hond bedoel in subregulasie (1) (a) of (b), elke jaar om 'n gratis registrasiesertifikaat aansoek moet doen en die nodige bewys moet lewer dat hy op vrystelling van die betaling van die heffing geregtig is.

BEPERKING OP DIE AANHOU VAN HONDE

8. (1) Tensy die Raad in enige bepaalde geval anders bepaal, word daar op geen enkele perseel meer as een hond aangehou nie: Met dien verstande dat hierdie bepaling nie betrekking het op 'n teef se werpsel as sodanige werpsel jonger as twee maande oud is nie.

(2) 'n Perseel waarop honde aangehou word, moet só omhein wees dat die honde in die erf gehou kan word, en die heining moet behoorlik in stand gehou word.

(3) No registration certificate shall be transferable from one person to any other person.

(4) If any registration certificate is lost or destroyed, a duplicate thereof may be issued to the former holder thereof on payment of 50c.

LEVIES

6. Upon registration of a dog the owner shall pay, subject to the provisions of these regulations, the annual levy in respect of every dog which is kept by him within the area of the Council, at the following rate:

(a) For the first dog or spayed bitch: R2.

(b) For a second or additional dog of the kind contemplated in paragraph (a): R10.

(c) For any unspayed bitch: R10.

(d) For any second or additional dog of the kind contemplated in paragraph (c): R15.

EXEMPTION FROM PAYMENT OF LEVIES

7. (1) No levy shall be payable in respect of any dog—

(a) which is used by a blind person as a guide;

(b) which is kept by a person if such person is a pensioner who, due to old age or disability, is unable to earn an income of his own;

(c) which is younger than six months; or

(d) which is in the possession or under the control of the Society for the Prevention of Cruelty to Animals or any similar body approved by the Council.

(2) The exemption referred to in subregulation (1) (a), (b) or (c) shall not exempt the owner of the dog from applying for the registration of the dog concerned.

(3) A registration certificate shall be issued free of charge to the owner of a dog referred to in subregulation (1) (a), (b) or (c) with a mention on such certificate of the reason for the exemption: Provided that the owner of a dog contemplated in subregulation 1 (a) or (b) shall be required to apply every year for a free registration certificate, submitting the necessary proof that he is entitled to be exempted from the payment of the levy.

RESTRICTION ON THE KEEPING OF DOGS

8. (1) Unless the Council in any particular case determines otherwise, not more than one dog may be kept on any single site: Provided that this provision shall not apply to the litter of a bitch when such litter is younger than two months.

(2) Any site where dogs are kept shall be fenced in such a way that the dogs can be kept within the site and the fence shall be kept in good repair.

GEMAGTIGDE BEAMPTES

9. (1) Die Raad kan een of meer persone as gemagtigde beamptes aanstel.

(2) 'n Gemagtigde beampte kan, met die doel om vas te stel of aan die bepalings van hierdie regulasie voldoen word—

(a) op alle redelike tye enige grond of perseel betree;

(b) op die naam en adres van enige persoon wat die eienaar van 'n hond is of wat oënskynlik in beheer van 'n hond is, aandring en sodanige persoon aansê om die registrasiesertifikaat en die hond ten opsigte waarvan die registrasiesertifikaat uitgereik is, vir inspeksie toon of te laat toon;

(c) enige persoon met betrekking tot enige aangeleentheid wat by so 'n doel ter sake is, ondervra.

(3) Die persoon in beheer van enige grond of perseel ten tyde van 'n besoek van 'n gemagtigde beampte wat homself behoorlik kan identifiseer, moet, op versoek van die beampte, die beampte toelaat om sodanige perseel te betree en om sy bevoegdhede en pligte ingevolge hierdie regulasies op daardie perseel uit te oefen en te vervul.

(4) 'n Gemagtigde beampte kan, by die uitoefening van 'n bevoegdheid of die vervulling van 'n plig ingevolge hierdie regulasies, vergesel wees deur iemand om hom as tolk of op enige ander wyse te help, en sodanige persoon word, onderwyl hy in opdrag van die gemagtigde beampte optree, geag 'n gemagtigde beampte te wees.

DIE SKUT VAN HONDE

10. (1) Enige gemagtigde beampte of enige ander persoon kan 'n hond wat losloop en skynbaar sonder eienaar is, of wat aangehou word in stryd met enige bepaling van hierdie regulasies, skut in 'n skut van die Raad of in 'n plek wat deur die Raad as skut aangewys is, totdat die persoon wat sodanige hond opeis, 'n registrasiesertifikaat daarvoor aan die skutmeester of persoon in beheer van die plek waar die hond geskut is, getoon het en die gelde by regulasie 13 voorgeskryf, betaal het.

(2) Waar daar op of aan die halsband van 'n hond wat geskut is, die naam en adres van 'n persoon verskyn, tree die skutmeester of persoon in beheer van die plek waar die hond geskut is, onmiddellik met die betrokke persoon in verbinding en 'n skriftelike mededeling, gepos aan die adres wat op of aan die halsband verskyn, word as voldoende mededeling geag vir doeleindes van hierdie regulasie.

(3) Niemand mag enige hond wat wettig geskut is, vrysit of probeer vrysit uit die bewaring van die persoon in beheer van die skut of plek nie.

REGISTER VAN HONDE WAT GESKUT IS

11. Die Raad hou 'n register wat die datum toon waarop elke hond geskut, verkoop of van kant gemaak is, en in die geval van verkoping, die bedrag verkry, welke bedrag aan die Raad toeval.

AUTHORISED OFFICERS

9. (1) The Council may appoint one or more persons as authorised officers.

(2) An authorised officer may, for the purpose of ascertaining whether the provisions of these regulations are being complied with—

(a) at all reasonable times enter upon any land or premises;

(b) demand the name and address of any person who is the owner of a dog or who is apparantly in control of a dog, and require such person to produce or cause to be produced for inspection the registration certificate and the dog in respect of which the registration certificate was issued;

(c) question any person in respect of any matter relevant to any such purpose.

(3) The person in control of any land or premises shall, at the time of the visit of any authorised officer who is able duly to identify himself, upon request of the officer, permit him to enter upon such premises and to exercise his powers and to carry out his duties in terms of these regulations on such premises.

(4) An authorised officer may, in the exercise of a power or the carrying out of a duty under these regulations, be accompanied by a person to assist him as an interpreter or in any other manner and such person shall, while acting under the direction of such authorised officer, be deemed to be an authorised officer.

IMPOUNDING OF DOGS

10. (1) Any authorised officer or any other person may impound any dog which is at large and apparantly ownerless, or which is being kept in contravention of any provision of these regulations, in a pound belonging to the Council, or any place designated by the Council as a pound, until the person claiming such dog shall have produced to the poundmaster or person in control of the place where the dog is impounded, a registration certificate in respect thereof, and paid the fees prescribed by regulation 13.

(2) Where there appears on the collar of any dog impounded the name and address of a person, the poundmaster or person in control of the place where the dog is impounded shall immediately communicate with such person and a written communication, posted to the address shown on the collar, shall be deemed sufficient communication for the purposes of this regulation.

(3) No person shall rescue or attempt to rescue any dog lawfully impounded from the custody of the person in charge of the pound or place.

REGISTER OF DOGS IMPOUNDED

11. The Council shall keep a register showing the date on which every dog was impounded, sold or destroyed and, in the case of a sale, the amount realised, which amount shall accrue to the Council.

ONOPGEËISTE HONDE KAN VERKOOP OF VAN KANT GEMAAK WORD

12. (1) Ingeval 'n hond nie binne 'n tydperk van 96 uur na 12h00 van die dag waarop die hond geskut is, deur iemand wat daarop geregtig is, opgeëis word nie, kan 'n gemagtigde beampte die hond laat verkoop of van kant laat maak.

(2) Die Raad is nie aanspreeklik vir skadevergoeding aan enige persoon wat op die hond aanspraak maak ten aansien van enige handeling ingevolge hierdie regulasies nie.

SKUT- EN VERWYDERINGSGELDE

13. Die gelde betaalbaar indien 'n hond ingevolge hierdie regulasies geskut is, is soos volg:

(a) R1 per dag of gedeelte van 'n dag per hond skutgeld; en

(b) R5 vir die vang van sodanige hond en die vervoer daarvan na die skut.

DIE VAN KANT MAAK VAN HONDE

14. (1) Die Raad of sy gemagtigde beampte kan, behoudens die bepalings van regulasies 10 en 12, gelas dat 'n hond van kant gemaak word—

(a) indien dit blyk dat sodanige hond beantwoord aan die beskrywing in regulasie 15 (1), en die persoon wat daarop aanspraak maak, dit nie ingevolge regulasie 15 (3) kan terugkry nie;

(b) indien sodanige hond op 'n openbare plek losloop en skynbaar sonder eienaar is of nie opgeëis word nie; en

(c) indien sodanige hond op 'n openbare plek losloop en die eienaar of persoon wat oor die hond toesig het, weier of in gebreke bly om die heffing wat ingevolge hierdie regulasies ten opsigte van sodanige hond verskuldig is, te betaal.

KWAAI HONDE EN LOOPSE TEWE

15. (1) Niemand mag toelaat dat enige hond wat—

(a) wild of gevaarlik is of kwaai voorkom;

(b) in die gewoonte geraak het om af te storm op enige voertuie, diere, pluimvee, duiwe of persone buite enige perseel waar die hond aangehou word;

(c) persone beseer of skade aan eiendom aanrig;

of

(d) 'n loopse teef is;

op 'n openbare plek kom nie of gebring word nie.

(2) Enige gemagtigde beampte kan sodanige hond skut of laat skut.

(3) Niemand wat aanspraak maak op 'n hond wat aldus geskut is, kry dit terug nie, tensy die skutgelde betaal is.

HONDE WAT STEURNIS VEROORSAAK

16. (1) Niemand mag 'n hond aanhou wat—

(a) deur aanhoudend of te veel te blaf, te tjank of te huil, 'n steurnis of oorlas veroorsaak nie;

(b) aan 'n aansteeklike siekte ly nie; met dien verstande dat hierdie bepaling nie belet dat so 'n hond in 'n kliniek by 'n veearts vir behandeling gehuisves word nie.

UNCLAIMED DOGS MAY BE SOLD OR DESTROYED

12. (1) In the event of any dog not being claimed by any person entitled thereto within a period of 96 hours after 12h00 of the day the dog was impounded, an authorised officer may cause the dog to be sold or to be destroyed.

(2) The Council shall not be liable for any compensation to any person entitled to the dog in respect of any action taken in terms of these regulations.

POUND AND REMOVAL FEES

13. The moneys payable if a dog is impounded in terms of these regulations shall be as follows:

(a) R1 per day or portion of a day per dog, in pound fees; and

(b) R5 for catching such dog and transporting it to the pound.

DESTRUCTION OF DOGS

14. (1) The Council or its authorised officer may, subject to the provisions of sections 10 and 12, order the destruction of any dog—

(a) where it appears that such dog is of the type described in regulation 15 (1) and that the person claiming such dog is not entitled to its return in terms of regulation 15 (3);

(b) where such dog is at large in any public place and appears to be ownerless or is unclaimed; and

(c) where such dog is at large in a public place and the owner or person having custody thereof refuses or fails to pay the levy due in terms of these regulations in respect of such dog.

VICIOUS DOGS AND BITCHES ON HEAT

15. (1) No person shall permit any dog that—

(a) is wild or vicious, or appears to be so;

(b) has acquired the habit of charging any vehicles, animals, poultry, pigeons or persons outside any premises where it is kept;

(c) causes damage to persons or property; or

(d) is a bitch on heat;

to be in a public place, or bring it into such place.

(2) Any authorised officer may impound any such dog or have it impounded.

(3) No person claiming any dog so impounded shall have it returned, unless and until the pound fees have been paid.

DOGS CAUSING NUISANCE

16. (1) No person shall keep a dog that—

(a) creates a disturbance or a nuisance by constant or excessive barking, howling or whining;

(b) suffers from a contagious disease: Provided that this provision does not prohibit that such dog be kept in a veterinary surgeon's clinic for treatment.

(2) Indien 'n gemagtigde beampte van mening is dat 'n hond 'n hond is soos bedoel in subregulasie (1), kan hy die eienaar van sodanige hond skriftelik opdrag gee om die hond uit die raadsgebied te verwyder en moet die eienaar sodanige hond binne 96 uur, bereken vanaf 12h00 op die dag waarop sodanige kennisgewing aan hom beteken is, aldus verwyder, en indien die eienaar nalaat om die opdrag uit te voer, kan die gemagtigde beampte die hond skut en ooreenkomstig regulasies 12 en 13 daarmee handel.

(3) Die Raad is nie aanspreeklik vir betaling van skadevergoeding aan enige persoon wat op 'n hond bedoel in subregulasie (1), aanspraak maak, ten opsigte van enige handeling ingevolge hierdie regulasie nie.

HOND MOET AAN LEIBAND VAS WEES

17. (1) Niemand mag toelaat dat enige hond op straat of in 'n openbare plek losloop nie, en 'n hond moet aan 'n leiband of ketting en onder beheer gehou word.

(2) 'n Gemagtigde beampte kan 'n hond wat nie aan 'n leiband of ketting vas is nie, skut, en met sodanige hond word gehandel ooreenkomstig regulasie 10 of 12 van hierdie regulasies.

HONDE MAG NIE AANGEHITS WORD NIE

18. Niemand mag sonder redelike gronde—

(a) 'n hond teen 'n persoon of dier aanhits nie; of

(b) toelaat dat 'n hond onder sy toesig of in sy besit 'n persoon of dier aanval of die skrik op die lyf jaag nie.

VORMS

19. Die Raad of iemand deur hom daartoe gemagtig, skryf enige vorm voor wat nodig is vir die behoorlike toepassing van hierdie regulasies.

VERMOEDENS

20. Indien daar kragtens hierdie regulasies geregtelike stappe teen iemand gedoen word op grond daarvan dat hy—

(a) 'n hond ouer as twee maande aanhou sonder dat dit geregistreer is;

(b) 'n hond ouer as ses maande aanhou sonder dat hy die heffing ten opsigte van die hond betaal het; of

(c) 'n teef aanhou wat nie gesteriliseer is nie;

word sodanige hond geag reeds twee of ses maande, na gelang van die geval, oud te wees of ouer, of geag nie gesteriliseer te wees nie, tensy en tot tyd en wyl die teendeel bewys is.

MISDRYWE EN STRAWWE

21. (1) Enige persoon wat—

(a) enige bepaling van hierdie regulasies oortree;

(b) enige verklaring met betrekking tot die eienaarskap of die registrasie van 'n hond aan 'n gemagtigde beampte doen wat in enige belangrike opsig vals is, wetende dat dit vals is;

(c) weier of in gebreke bly om op enige vraag wat 'n gemagtigde beampte, in die uitoefening van sy bevoegdhede of vervulling van sy pligte ingevolge hierdie regulasies, aan hom gestel het, na sy beste vermoë te antwoord;

(2) In the event of an authorised officer being of the opinion that a dog is a dog contemplated in subregulation (1), he may order the owner of such dog in writing to remove such dog from the area of the Council and the owner shall thus remove such dog within 96 hours of 12h00 on the day when such notice was served and if the owner of such dog fails to comply with such written order the authorised officer may impound the dog and deal with it in terms of regulations 12 and 13.

(3) The Council shall not be liable to pay any compensation to any person who lays claaim to any dog contemplated in subregulation (1) in respect of any action in terms of these regulations.

DOGS TO BE ON LEAD

17. (1) No person shall permit any dog to be at large in a street or public place and shall keep any dog on a leash or chain and under control.

(2) Any authorised officer may impound a dog which is not kept on a leash or chain and such dog shall be dealt with in accordance with regulation 10 or 12 of these regulations.

DOGS NOT TO BE URGED TO ATTACK

18. No person shall, without reasonable cause—

(a) set any dog on any person or animal;

(b) permit any dog in his custody or possession to attack or terrify any person or animal.

FORMS

19. The Council or any person authorised to do so by it shall prescribe any form which may be necessary for the proper execution of these regulations.

PRESUMPTION

20. In any proceedings instituted in terms of these regulations against any person on the grounds that—

(a) he is keeping a dog older than two months without it having been registered;

(b) he is keeping a dog older than six months without having paid the levy in respect of the dog;

or

(c) he is keeping an unspayed bitch;

such dog shall be deemed to be two or six months of age or older or to be unspayed, until and unless the contrary is proved.

OFFENCES AND PENALTIES

21. (1) Any person who—

(a) contravenes any of the provisions of these regulations;

(b) makes any statement in respect of the ownership or the registration of a dog to any authorised officer which is false in any material particular knowing the same to be false;

(c) refuses or fails to answer to the best of his ability any question which an authorised officer has put to him in the execution of his powers or duties in terms of these regulations;

(d) weier of in gebreke bly om na sy beste vermoë te voldoen aan enige vereiste deur 'n gemagtigde beampte in die uitoefening van sy genoemde bevoegdhede of die vervulling van sy pligte gestel;

(e) hom verset teen enige gemagtigde beampte of so 'n beampte hinder of belemmer in die uitvoering van enigeen van die bevoegdhede of die vervulling van enigeen van die pligte wat aan hom verleen of opgedra is by hierdie regulasies;

(f) valslik voorgee dat hy 'n gemagtigde beampte is;

(g) 'n dokument namaak met die doel om sodanige dokument uit te gee as 'n registrasiesertifikaat wat kragtens hierdie regulasies uitgereik is;

(h) 'n nagemaakte dokument gebruik of in omloop bring wat as 'n registrasiesertifikaat uitgegee kan word; of

(i) 'n registrasiesertifikaat wat aan iemand anders kragtens hierdie regulasies uitgereik is, steel of in besit daarvan gevind word sonder dat hy bevredigende rekenskap kan gee van hoe dit in sy besit gekom het;

begaan 'n misdryf, en is by skuldigbevinding strafbaar met 'n boete van hoogstens R50, of, by wanbetaling, met gevangenisstraf vir 'n tydperk van hoogstens drie maande.

(2) 'n Hof wat iemand skuldig bevind dat hy 'n hond aanhou sonder dat dit behoorlik geregistreer is of onder beheer gehou word, ooreenkomstig die bepalings van hierdie regulasies, kan, benewens die straf bedoel in subregulasie (1), beveel dat die betrokke hond van kant gemaak word, en daarna kan 'n gemagtigde beampte sodanige hond van kant maak.

(d) refuses or fails to comply to the best of his ability with any requirement of an authorised officer in the execution of his said powers or duties;

(e) resists or hinders or obstructs any authorised officer in the execution of any of the powers or duties conferred or imposed upon him by these regulations;

(f) falsely represents himself to be an authorised officer;

(g) fabricates any document with intent to utter such document as a registration certificate issued in terms of these regulations;

(h) uses or circulates any fabricated document which may be uttered as a registration certificate; or

(i) steals or is found to be in possession of a registration certificate, issued to someone else in terms of these regulations, without being able to account satisfactorily for possession thereof;

shall commit an offence and shall on conviction be liable to a fine not exceeding R50 or, in default of payment, to imprisonment for a period not exceeding three months.

(2) Any Court convicting any person of keeping any dog without it having been properly registered or kept under control in accordance with the provisions of these regulations may, in addition to the penalty referred to in subregulation (1), order the destruction of the dog concerned and, thereupon, an authorised officer may destroy such dog.

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Hierdie publikasie is 'n voortsetting van die Suid-Afrikaanse Tydskrif vir Landbouwetenskap Jaargang 1 tot 11, 1958–1968 en bevat artikels oor Akkerbou, Ekologie, Graskunde, Genetika, Landbouplantkunde, Landskapbestuur, Onkruidmiddels, Plantfisiologie, Plantproduksie en -tegnologie, Pomologie, Tuinbou, Weiding en Wynbou. Vier dele van die tydskrif word per jaar gepubliseer.

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Gedruk deur en verkrygbaar by die Staatsdrukker,
Bosmanstraat, Privaatsak X85, Pretoria, 0001

Printed by and obtainable from the Government Printer,
Bosman Street, Private Bag X85, Pretoria, 0001

7305—1