

ANIMAL DISEASES ACT

NO. 35 OF 1984

[View Regulation]

[ASSENTED TO 20 MARCH, 1984]
[DATE OF COMMENCEMENT: 1 OCTOBER, 1986]

(English text signed by the State President)

This Act has been updated to <i>Government Gazette</i> 17599 dated 22 November, 1996.

as amended by

Animal Diseases Amendment Act, No. 18 of 1991

Abolition of Racially Based Land Measures Act, No. 108 of 1991
[with effect from 24 June, 1994]

Abolition of Restrictions on the Jurisdiction of Courts Act, No. 88 of 1996
[with effect from 22 November 1996]

ACT

To provide for the control of animal diseases and parasites, for measures to promote animal health, and for matters connected therewith.

ARRANGEMENT OF SECTIONS

1. Definitions
2. Exercising of powers and carrying out of duties by director
3. Authorized persons
4. Written authority in respect of officers and authorized persons
5. Quarantine stations
6. Importation of certain controlled animals or things
7.
8. Removal and further detention of imported animals or things
9. Control measures
10. Animal health schemes
11. Duties of owners and managers regarding health of animals
12. Disposal of straying animals
13. Rendering of certain services by director
14. Assumption of control over land by director
15. Orders
16. Powers of entry and inspection of director
17. Seizures by director
18. Fences
19. Compensation
20. Limitations on investigations, experiments and research with, and manufacture and evaluation of, certain products
21. General provisions regarding applications, claims and requests
22. Determination and payment of fees and other amounts
23. Objections against decisions of and steps taken by director and certain other persons and bodies
24. Keeping and production of documents
25. Secrecy
26. Limitation on liability of South African Transport Services and livestock auctioneers
27. Limitation of liability
28. Application of Act in respect of State
29. Defects in form
30. Defrayal of expenses
31. Regulations
32. Offences and penalties
33. Presumptions and proof
34. Vicarious liability
35. Repeal, savings and transitional provisions
36. Short title and commencement

1. Definitions.—(1) In this Act, unless the context otherwise indicates—

“animal” means any mammal, bird, fish, reptile or amphibian which is a member of the phylum vertebrates, including the carcass of any such animal;

“animal disease” means a disease to which animals are liable and whereby the normal functions of any organ or the body of an animal is impaired or disturbed by any protozoon, bacterium, virus, fungus, parasite, other organism or agent;

“animal health scheme” means any scheme referred to in section 10 (1);

“animal product” means any part or portion of, or product derived from, any animal, including any such part, portion or product in any processed form;

“authorized person” means any person authorized to exercise or perform any power or duty, or requested to render any service, by the director under section 3 (1);

“contaminated thing” means any thing other than an animal which is capable of introducing into, or spreading in, the Republic, any controlled animal disease or parasite, or by means of which any such disease or any parasite can so be introduced or spread, including any prescribed thing contemplated in subsection (7) (a) of this section;

“controlled animal disease” means any animal disease in respect of which any general or particular control measure has been prescribed, and any animal disease which is not indigenous or native to the Republic;

“controlled animal or thing” means any animal, infectious thing, contaminated thing, animal product or parasite, and any progeny or product in respect thereof;

“controlled purpose” means the prevention of the bringing into the Republic, or the prevention or combating of or control over an outbreak or the spreading, or the eradication, of any animal disease or, where applicable, of any parasite;

“controlled veterinary act”, in relation to any animal or thing, means—

- (a) the isolation, detention, inspection, testing, immunization, observation, sampling, marking, treatment, care, destruction or any other disposal of;
- (b) the carrying out of any operation or of any post-mortem examination on; or
- (c) the rendering of any service pertaining specially to the veterinary profession referred to in the rules made under section 30 (1) (a) of the Veterinary and Para-Veterinary Professions Act, 1982 (Act No. 19 of 1982), in respect of,

any such animal or thing for any controlled purpose;

“control measure” means any measure prescribed by the Minister under section 9 in relation to any controlled purpose;

“conveyance” means any aircraft, ship, boat, train, motor car, van, truck, cart or other vehicle, or animal, or other conveyance of whatever kind, including the fittings and equipment and, in the case of an animal, the harness and tackle, thereof;

“customs officer” means any officer as defined in section 1 (1) of the Customs and Excise Act, 1964 (Act No. 91 of 1964);

“department” means the Department of Agriculture;

“director” means the officer in the department referred to in section 2 (1);

“Director-General” means the Director-General: Agriculture;

“infectious thing” means any animal which is infected with a controlled animal disease or parasite, any animal product derived or obtained from such animal by means of which such disease or parasite can be spread in the Republic, and any other thing which is capable of causing any such disease, including any prescribed animal product or thing contemplated in subsection (7) (b) of this section;

“land” includes any building, structure, enclosure, premises, harbour, jetty, wharf or water and, subject to subsection (5) of this section, any adjoining land;

“manager” means, in relation to—

- (a) State land other than State land referred to in paragraph (a) of the definition of “owner”, the person having the charge, control or management of such land and, in relation to land in a common pasture defined in section 1 of the Common Pasture Management Act, 1977 (Act No. 82 of 1977), the relevant pasture management committee established under section 4 of that Act;
- (b) land in any board area defined in section 1 of the Rural Coloured Areas Law, 1979 (Law No. 1 of 1979) (Coloured Persons Representative Council), the relevant management board or board as

defined in the said section;

(c)

[Para. (c) deleted by Proclamation No. R.116 of 1994.]

(d) any commonage referred to in paragraph (b) of the definition of "owner", the relevant lessee;

(e) any commonage or outspan not controlled by any institution, council or body contemplated in paragraph (b) of the definition of "owner", any person designated in accordance with subsection (2) of this section; and

(f) any other land not occupied by an owner—

(i) subject to subsection (3) (a) of this section, if the land is occupied by any usufructuary, lessee, sub-lessee or any other person, such occupier; or

(ii) if any business is carried on on such land without the charge, control or management of the owner, any person ordinarily present thereon during the normal hours during which the business is carried on, and having the charge, control or management of the land; or

(iii) in any case other than a case contemplated in subparagraph (i) or (ii), any authorized person who has been authorized or requested to exercise or perform any power or duty or to render any service in respect of the land;

"Minister" means the Minister of Agriculture;

"officer" means any officer or employee as defined in section 1 (1) of the Public Service Act, 1984 (Act No. 111 of 1984), acting under delegation from or control of the director;

[Definition of "officer" substituted by s. 1 of Act No. 18 of 1991.]

"order" means any order referred to in section 15 (1) which has been served on any person;

"owner" means, in relation to—

(a) State land held—

(i) under a lease, licence or allotment registered in a deeds registry or other registration office and containing an option to purchase such land, the person registered as the holder of such lease, licence or allotment;

(ii) under a deed of sale, the purchaser under such deed;

(b) land of which any institution, council or body contemplated in section 84 (1) (f) of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961), is an owner as contemplated in paragraph (e) (i), or which is held or controlled by such institution, council or body, excluding any commonage within the area of jurisdiction of such institution, council or body which is leased as an agricultural unit for the sole account of a lessee, any such institution, council or body;

(c)

[Para. (c) deleted by Proclamation No. R.116 of 1994.]

(d)

[Para. (d) deleted by Proclamation No. R.116 of 1994.]

(e) any other land—

(i) subject to subsections (3) (b) and (4) of this section, the registered owner of the land or, if the land has been sold, the purchaser; or

(ii) if the owner or purchaser is absent from the Republic or cannot be traced, or is a minor, mentally disordered person, insolvent or otherwise incompetent in law to administer his estate, or is deceased, or is a body corporate under judicial management or in liquidation, the agent or legal representative of such owner or purchaser, or any other person authorized in law to administer his estate, or, in the case of such body corporate, its judicial manager or liquidator, in the Republic;

(f) any controlled animal or thing, or any other moveable property, the person in whom the ownership in respect of such animal, thing or property is vested, including the person having the management, custody or control of such animal, thing or property, or having it in his possession for purposes of any treatment or care or, for the purposes of sections 9 (2) and 11 (1) (b), in the case of wild or foreign animals found on land or among animals, the owner or manager, or owner, respectively, in respect of such land or animals;

"parasite" means any organism which is detrimental to the health of any animal, or which is capable of causing or spreading any animal disease;

"permit" means any permit issued under this Act;

“place of entry” means—

- (a) any place, road or route designated or prescribed under section 6 (1) of the Customs and Excise Act, 1964 (Act No. 91 of 1964), through or along which goods may be imported or enter into the Republic; and
- (b) any place determined by the director under section 6 (2) (a) for purposes of that section;

“prescribe” means prescribe by regulation;

“progeny or product”, in relation to any animal, infectious thing other than an animal, contaminated thing, animal product or parasite, means any other animal or animal product, other such infectious thing, or other contaminated thing, animal product or parasite, obtained or derived therefrom, or descended or produced by, from or by means thereof, whatever the connection or degree of descent or relationship;

“quarantine station” means any quarantine station established or declared under section 5;

“regulation” means any regulation made under this Act;

“remedy” means any stock remedy which has been registered under the Fertilizers, Farm Feed, Agricultural Remedies and Stock Remedies Act, 1947 (Act No. 36 of 1947), including any medicine or veterinary medicine as defined in section 1 of the Medicines and Related Substances Control Act, 1965 (Act No. 101 of 1965);

“scheme” means any animal health scheme;

“this Act” includes any regulation, control measure and animal health scheme;

“veterinarian” means any person who is registered or deemed to be registered in terms of the Veterinary and Para-Veterinary Professions Act, 1982 (Act No. 19 of 1982), to practise the veterinary profession of veterinarian.

(2) The director may, after consultation with the Provincial Secretary of a province wherein any commonage or outspan referred to in paragraph (e) of the definition of “manager” in subsection (1) of this section is situate, designate any person in writing as manager in respect of the relevant land.

(3) Any person who alleges that, or who acts as if, he—

- (a) is a usufructuary, lessee, sub-lessee or occupier of land referred to in paragraph (f) (i) of the definition of “manager” in the said subsection (1); or
- (b) is a purchaser of land referred to in paragraph (e) (i) of the definition of “owner” in the said subsection (1),

shall at the request of the director furnish him for the purposes of this Act with written proof of his claim, or of his right so to act.

(4) Where land is held in undivided shares by more than one person, the director may, after consultation with such holders of undivided shares as he, after taking reasonable steps, may trace, designate any such holder in writing as the owner of the land for the purposes of those provisions of this Act referred to by him in the designation.

(5) For the purposes of this Act, unless the context otherwise indicates, any reference to land, in the case of land registered under a separate deed of title as a separate unit in any deeds registry and which is adjoined by other land separately registered in the name of the same owner, shall, irrespective of the respective pieces of land being divided physically by natural means or by roads, railway lines, aqueducts or otherwise, be construed as a reference to such land and such adjoining land as one unit.

(6) The director may by notice in the *Gazette* approve any specific stock remedy, medicine or veterinary medicine contemplated in the definition of “remedy” in the said subsection (1), as a remedy which may be used in respect of a specific animal disease or parasite defined in the notice for the purposes of those provisions of this Act referred to in such notice.

(7) The Minister may prescribe by regulation—

- (a) things other than animals, as contaminated things; and
- (b) animal products or other things, as infectious things,

for the purposes of those provisions of this Act specified in such regulations.

2. Exercising of powers and carrying out of duties by director.—(1) The director of the Directorate of Animal Health of the department, who shall be a veterinarian, shall exercise the powers and perform the duties conferred or imposed upon the director by or under this Act.

[Sub-s. (1) substituted by s. 2 of Act No. 18 of 1991.]

(2) The director shall exercise his powers and perform his duties with due regard to any instructions issued by the Minister.

(3) (a) Any power conferred or duty imposed upon the director may be exercised or performed by the director personally or by an officer under a delegation from or under the control of the director.

(b) Any decision made by any such officer may be withdrawn or amended by the director, and shall, until it

has been so withdrawn, be deemed, except for the purposes of this paragraph, to have been made by the director.

3. Authorized persons.—(1) The director may from time to time—

- (a) make known in the prescribed manner that, subject to section 21, applications may be made for the designation of applicants as authorized persons for the purposes of this Act, and may, after consideration of the applications—
 - (i) designate any applicant, or as many applicants as he may deem fit, who in his opinion have the required knowledge, experience, qualifications, equipment and means, as an authorized person or persons; and
 - (ii) enter into an agreement, on a form approved for this purpose by the Director-General, with any such person, and authorize him, to exercise the powers and perform the duties which the director may from time to time in the prescribed manner entrust to him;
- (b) request any person who in his opinion has the required knowledge, experience, qualifications, equipment and means, to render on his behalf, in connection with any exercising or performing by the director of any power or duty granted to or imposed upon him by or under this Act, the service specified in the request; or
- (c) in any manner deemed appropriate by him, authorize or request any person in the service of the State, to perform any function or render any service contemplated in paragraph (a) or (b), respectively.

(2) Any person who feels aggrieved by any decision or action of any authorized person may, within the period and in the manner prescribed, request the director to review the decision or action concerned.

(3) The director may, after he has made such investigations as he may deem necessary, confirm, vary or set aside the relevant decision or action.

(4) The director may, after an investigation referred to in subsection (3), and if he is satisfied that a decision or action which he has set aside or varied, resulted from neglect of or non-compliance with procedures or practices which the person was obliged to follow or apply, or was *mala fide*—

- (a) if it is the first decision or action of such person being set aside or varied, reprimand him in writing; or
- (b) cancel the agreement concerned forthwith; and
- (c) if any fruitless expenditure of State money results from any such decision or act, determine the amount thereof and recover it, for which purpose the provisions of subsections (1), (3), (4), (5), (6), (7) (except the reference to subsection (2)) and (9) of section 34 of the Exchequer and Audit Act, 1975 (Act No. 66 of 1975), shall apply in respect of such determination and recovery, as if the director were an accounting officer, and the authorized person were a person who was in the employ of a department of State, as contemplated in the said section.

(5) An authorized person who is not in the service of the State shall, on the submission by him of the prescribed report and claim in respect of the carrying out or the performance by him of the relevant authorization of service, be reimbursed—

- (a) if a tariff of fees which may be claimed in respect thereof has been determined by or under any law, or in any other case, by the Director-General, in accordance with such tariff; or
- (b) if such tariff has not been so determined, for all expenses actually and necessarily incurred by him:

Provided that if such authorized person is an owner or manager of land, or an owner of any animal or thing, in respect of which the authorization was carried out or the service rendered, no such reimbursement shall be made.

4. Written authority in respect of officers and authorized persons.—(1) The director shall furnish any officer referred to in section 2 (3), and any authorized person, with written authority stating that the officer or person mentioned therein is authorized to exercise, perform or render the power, duty or service specified therein, in general, or in particular cases, or in cases of a particular nature, or in respect of a specified type of controlled animal or thing, or animal disease, or particular land, or particular area.

(2) An officer or authorized person shall, on the exercising, performing or rendering of any power, duty or service, produce his written authority at the request of any person affected, or who may be affected, thereby, for inspection.

(3) Any written authority shall, in the case of—

- (a) an officer who ceases to act under the authority or control of the director, within 30 days of so ceasing;
- (b) an authorized person referred to in section 3 (1) (a), within 30 days of the determination of the agreement;
- (c) an authorized person referred to in section 3 (1) (b), together with his report and claim referred to in section 3 (5),

be returned by such officer or person to the director.

5. Quarantine stations.—(1) The director may—

- (a) with the approval of the Minister, at any place in the Republic establish, or cause to be established, a quarantine station for the accommodation of imported animals or things which are in terms of this Act required or permitted to be detained or isolated; and
- (b) declare any place where any animal or thing which may be seized under this Act, or which is in terms of this Act required or permitted to be detained or isolated, is found, to be a quarantine station for the accommodation of such animal or thing.

[Sub-s. (1) substituted by s. 3 of Act No. 18 of 1991.]

(2) A quarantine station shall be equipped and used for purposes of the performance of controlled veterinary acts in respect of animals and things referred to in subsection (1).

(3) The director shall appoint an officer as quarantine master to take charge, subject to the instructions of the director, of a quarantine station.

(4) (a) Any person requesting accommodation for any animal or thing at a quarantine station shall apply to the quarantine master concerned and, if accommodation is available, the quarantine master shall furnish the applicant with a written confirmation thereof.

(b) An applicant shall on receipt of the written confirmation pay the applicable prescribed fees forthwith.

(5) Any person making use under this section of any quarantine station shall in respect of the accommodation of the relevant animal or thing pay to the quarantine master the applicable fees at the prescribed rates.

(6) Fees paid by any person in terms of subsection (4) (b), shall—

- (i) be utilized as part payment of fees payable in terms of subsection (5); or
- (ii) be refunded to the person who paid the fees, if—
 - (aa) such person has returned, at least 30 days before the commencement date of the period for which he has reserved accommodation, a permit issued to him for the importation of the relevant animal or thing, to the director, and has in writing cancelled the reservation; or
 - (bb) the director withdraws the permit; or
- (iii) otherwise be forfeited to the State.

6. Importation of certain controlled animals or things.—(1) (a) No person shall import into or convey in transit through the Republic any animal, parasite or contaminated or infectious thing except under the authority of a permit and in compliance with any condition imposed in such permit.

[Para. (a) substituted by s. 4 (a) of Act No. 18 of 1991.]

(b) A permit referred to in paragraph (a)—

- (i) shall be obtained by an importer before the relevant animal or thing is removed from or out of any place outside the Republic by means of any conveyance or by any other means for the purpose of importing it into or conveying it in transit through the Republic;

[Sub-para. (i) substituted by s. 4 (b) of Act No. 18 of 1991.]

- (ii) shall, in respect of any animal or animal product referred to in section 16 (1) of the Livestock Improvement Act, 1977 (Act No. 25 of 1977), only be issued if the written authority contemplated in that section has been granted in respect thereof; and
- (iii) shall, where the director requires that the animal or thing be detained in a quarantine station, only be issued on proof being adduced to him that a confirmation of accommodation has been furnished and fees have been paid, as contemplated in paragraphs (a) and (b), respectively, of section 5 (4) of this Act.

(c) When any person imports into or conveys in transit through the Republic animals or things of the same class on a regular basis from the same country, the director may, if he is satisfied that it will not defeat a controlled purpose, issue to such a person a permit referred to in paragraph (a) to so import or convey during the period specified therein consecutive consignments of animals or things of the same class.

[Para. (c) added by s. 4 (c) of Act No. 18 of 1991.]

(2) Any animal or thing in respect of which a permit has been issued—

- (a) shall only be imported into the Republic through or at a place of entry referred to in paragraph (a) of the definition of “place of entry” in section 1 (1), or, in the case of any animal, through or at any other place which the director has, subject to the provisions of the Customs and Excise Act, 1964 (Act No. 91 of 1964), determined for purposes of this paragraph;
- (b) shall be imported within the period specified in the permit;
- (c) shall be detained in the prescribed manner at the relevant place of entry, and shall be made available

to the director for purposes of the performance of controlled veterinary acts; and

- (d) shall not without the written authority of the director, or contrary to any condition of such authority, referred to in section 8 (1) (a), be removed from such place.

(3) (a) The director may, if he knows or on reasonable grounds suspects, that any animal or thing is, contrary to any provision of this Act, or any condition of a permit—

- (i) being removed, or has been removed, from any place outside the Republic, for purposes of importing it into the Republic; or
- (ii) about to be imported by any person into the Republic; or
- (iii) present on or in any conveyance, or forms part of any consignment, which is being or has been brought or sent by any person to the Republic,

direct that the animal, thing, consignment or portion thereof determined by him, shall not be imported into the Republic or unloaded or removed from the conveyance, as the case may be, except with his consent and, if he has determined conditions in connection therewith, in accordance with such conditions.

(b) The director may, if he deems it necessary, make such direction known by notice in the *Gazette*, and shall, irrespective of whether it has so been made known or not, make known the provisions of the direction as soon as may be practicable to all persons who, to his knowledge, are or will be involved in the importation, unloading or removal, as the case may be, or to any person in whose service any such persons are, or who exercises control over them, or in respect of such unloading or removal.

(c) The provisions of subsection (2) (c) and (d) shall *mutatis mutandis* apply in respect of any animal or thing referred to in subsection (3) (a) which has been imported, unloaded or removed with the consent of the director as contemplated in the lastmentioned subsection: Provided that in such application of the said subsection (2) (d) a removal contemplated therein shall not be effected unless the importer concerned has paid the fees which are in terms of this Act payable in respect of the relevant required permit.

7.

[S. 7 repealed by s. 5 of Act No. 18 of 1991.]

8. Removal and further detention of imported animals or things.—(1) No person shall, without the written authority of the director or contrary to any condition imposed by him in granting such authority, remove any imported animal or thing which is detained—

- (a) in terms of subsection (2) (c) of section 6; or
- (b) in terms of the said subsection (2) (c), as applied by subsection (3) (c) of the said section; or
- (c) for purposes of any disposal or removal by the director or any other person under section 7 (2) or (3); or
- (d) by or by virtue of any other provision of this Act and at any place of entry, from the relevant place of detention or, where it is not detained but is required so to be detained at any place of entry, from the relevant place of entry.

(2) Any imported animal or thing in respect whereof the director has under or by virtue of any provision of this Act required that it be detained at any quarantine station or other place or institution determined by him for purposes of any controlled veterinary act shall, subject to the regulations—

- (i) be removed to such quarantine station, place or institution by or under the supervision of the director, or in a conveyance sealed by him; and
- (ii) shall be detained at the quarantine station, place or institution for the period deemed necessary or determined by the director.

(3) No person shall remove any animal or thing referred to in subsection (2), or any progeny or product in respect thereof, from or out of any quarantine station, place or institution referred to in the said subsection, without the written authority of the director, or contrary to any condition imposed by him in granting such authority.

9. Control measures.—(1) (a) The Minister may for any controlled purpose prescribe general control measures, or particular control measures in respect of particular animal diseases and parasites.

(b) A control measure may be prescribed in respect of the whole of the Republic, or in respect of a particular defined area.

(c) If a control measure has been prescribed for a particular area under the control of an officer, the director shall in the prescribed manner notify all owners and managers of land, or owners of animals, in that area, of the area and, where applicable, the period within which the control measure shall apply.

(d) A control measure shall remain in force, where any period for the duration thereof has been prescribed, until such period has expired, or, in any other case, until rescinded by the Minister.

(2) Control measures may relate to—

- (a) the powers and duties of owners and managers of land, and owners of animals, in respect of infectious or contaminated things, or of animals or things which can on reasonable grounds be suspected of being infected with or contaminated by any controlled animal disease or parasite, with regard to controlled veterinary acts, or any other examinations or acts in connection with such animals or things;
- (b) the certificates or other documents which shall be issued, given, obtained, kept or produced as proof of, or in connection with, the performance of such examinations or acts;
- (c) restrictions on and control of the slaughter, killing, hunting or catching and the movement and removal of such animals or things on, over, from or to land where a controlled animal disease or parasite occurs, or is suspected to be present;
- (d) subject to applicable provisions of any other law, restrictions on and control of the movement of conveyances and persons on, over, from or to land where any animal or thing referred to in paragraph (a) is or was present, or is suspected to be or to have been present, and the decontamination or other manner of treatment of any person, conveyance or other object;
- (e) the powers and duties of owners in respect of such animals or things, or of the director in relation to the establishment or construction of fences or other temporary or permanent structures or appliances, together with the required equipment and appurtenances, on land, and the use, maintenance and removal thereof;
- (f) particulars and information which are required to be recorded by owners in respect of such animals or things in registers or other documents;
- (g) the powers and duties of the director, including powers to require the performance, or the abstaining from the performance, of acts by owners in respect of such animals and things, or by owners or managers of land; and
- (h) any other matter which the Minister deems expedient or necessary in respect of the relevant controlled purpose, such animals and things, or any animal disease or parasite, the generality of the powers conferred by this paragraph not being limited by the provisions of the preceding paragraphs.

10. Animal health schemes.—(1) The Minister may by notice in the *Gazette* establish a scheme in respect of any controlled purpose or for the improvement of animal health.

(2) The Minister may in any such notice—

- (a) state the objects of the scheme;
- (b) define the kinds of animals and the animal disease or parasite to which the scheme shall apply;
- (c) specify the kinds of animals which are susceptible to the animal disease or parasite concerned, which are the carriers thereof or which may cause or spread it;
- (d) define the kinds of animals in respect of which, for the achievement of the objects of the scheme concerned, controlled veterinary acts or tests, examinations, treatments or disposals by the persons enrolled in the scheme, shall be done, applied or effected;
- (e) describe the manner in which animals referred to in paragraph (d) may become infected with the animal disease or parasite concerned, and the characteristics of such infection in each such kind of animal;
- (f) determine the tests to which the animals concerned, and the progeny or products thereof, shall be subjected, in order to ascertain whether they are infected with the animal disease or parasite concerned, and determine the methods according to which such tests shall be carried out, and the remedies or substances and equipment to be used for such tests;
- (g) describe the positive or negative results of tests referred to in paragraph (f), and furnish the interpretation of such results;
- (h) determine the further tests and examinations to which the animals concerned, and the progeny or products thereof, shall be subjected for the diagnosis of the animal disease or parasite concerned;
- (i) determine the manner in which animals which are infected with the animal disease or parasite concerned, and the progeny or products thereof, shall be treated, kept, cared for or otherwise disposed of;
- (j) determine the measures which shall be taken to prevent the infection or reinfection of the animals concerned, and the progeny or products thereof, with the animal disease or parasite concerned, or the spreading thereof;
- (k) determine the requirements for joining the scheme;
- (l) determine the manner in which a person intending to participate in such scheme shall apply for admission thereto, the particulars to be furnished in such application, and the circumstances under which such application must be refused;
- (m) determine the manner in which such person and the animals concerned shall be enrolled, and the

circumstances under which such enrolment shall lapse or be cancelled;

- (n) determine the manner in which and the periods during which animals enrolled in terms of such scheme shall be kept, cared for and treated, and the control to which they shall be subjected;
- (o) specify the information to be recorded by any person enrolled in such scheme;
- (p) indicate the facilities which such person shall provide for purposes of the performance of any controlled veterinary act, or any other tending, detention, tests, treatments or examinations of the animals concerned;
- (q) specify the marks with which, and the manner in which, animals enrolled in terms of the scheme shall be marked;
- (r) determine the manner in which animals complying with the requirements of the scheme shall be certified, the restrictions on the use of such certificate and the circumstances under which such certificate shall lapse;
- (s) specify the tariffs which shall be payable in respect of services rendered in terms of such scheme;
- (t) determine other powers and duties to be exercised and performed by defined persons or officers in terms of such scheme;
- (u) determine the circumstances under which the provisions of the scheme shall be applicable to all owners of animals of the kind concerned in a defined area, and set out the directions which are to be complied with in respect of such animals in such area; and
- (v) provide generally for any other matter which, in his opinion, is necessary or expedient in order to further or better achieve the objects of the scheme, the generality of the powers conferred by this paragraph not being limited by the provisions of the preceding paragraphs.

(3) Notwithstanding the provisions of subsection (2) (f), (g) and (h), the Minister may in a notice referred to in subsection (1) empower the director to determine the tests, examinations, positive and negative results and the interpretation thereof, and the additional tests and examinations required, in connection with a scheme.

(4) The provisions of a scheme shall be binding on a person who is, and in respect of the animals in respect of which he is an owner which are, enrolled in terms of the scheme.

(5) The Minister may under subsection (1) establish different schemes for the improvement of animal health in general, or of the health of different kinds of animals, or in relation to different kinds of animal diseases or parasites.

(6) The Minister may at any time by notice in the *Gazette* amend or revoke a scheme.

(7) (a) The Minister may, in a notice referred to in subsection (1), confer and impose the powers and duties to be exercised and performed in terms of the provisions of any scheme by any person other than a person enrolled in the scheme, upon the director or any other person or body: Provided that certain powers and duties may be conferred and imposed upon the director and other powers and duties conferred or imposed upon such other person or body: Provided further that if the director deems it expedient, he may himself exercise or perform any power or duty so conferred and imposed upon such other person or body.

(b) Any power conferred or duty imposed upon the the director or person or body under paragraph (a) may

- (i) in the case of the director, be exercised and performed by the director personally or by any officer; or
- (ii) in the case of such person or body, be exercised and performed by such person himself or body itself, or by an employee or other person under the control or direction of the person or body concerned.

(8) A person upon whom or body upon which powers and duties are conferred and imposed under subsection (7) (a) may, in respect of the exercising of those powers and the performance of those duties, be paid the allowances and other remuneration which the Minister determines.

11. Duties of owners and managers regarding health of animals.—(1) Any owner or manager of land on which there are animals, and any owner in respect of animals, shall, whether or not such owner or manager has obtained advice regarding the health, or any certificate of fitness or health of the animals in terms of section 13 (1) (c), from the director—

- (a) take, with due observance of the provisions of this Act, all reasonable steps to prevent the infection of the animals with any animal disease or parasite and the spreading thereof from the relevant land or animals, or which are necessary for the eradication of animal diseases and parasites on the land or in respect of the animals; and
- (b) whenever such animals—
 - (i) have become or can reasonably be suspected of having become infected with any animal disease or parasite, apply in respect of such animals the prescribed treatment or any other treatment which may be deemed suitable and customary in the particular circumstances; and
 - (ii) have become or can reasonably be suspected of having become infected with any controlled animal disease, immediately report such incidence in the prescribed manner to the director.

(2) A veterinarian or any other person who finds the incidence or suspected incidence of any controlled animal disease in any animal or progeny or product thereof, shall immediately report such incidence to the director.

[Sub-s. (2) substituted by s. 6 of Act No. 18 of 1991.]

12. Disposal of straying animals.—(1) Whenever an owner or manager of land finds on the land, or whenever an owner of animals finds among his animals, any animal which he knows has strayed thereto or has been unlawfully removed from a place outside the Republic, or which can reasonably be suspected of having so strayed or been removed, he shall—

- (a) forthwith isolate such animal and report the finding of the animal in the prescribed manner to the director; and
- (b) detain the animal, and any progeny or product thereof, in isolation, pending the decision of the director as to its disposal.

(2) The director may, after the presence of a foreign animal has been reported to him in terms of paragraph (a) of subsection (1)—

- (a) if—
 - (i) any person who alleges and proves that he is the owner of the animal submits, within two days after such report to the director, a written request to the director for the restoration to him of the animal, and reimburses the State for any expenses incurred in connection with the animal within seven days after having been requested to do so; and
 - (ii) the director is of the opinion that no provision of subsection (1) of section 17 is applicable in respect of the animal, or any progeny or product thereof, and that the circumstances under which the animal has been found justifies such a restoration,

direct that the animal and any such progeny or product thereof be restored to the owner; or

- (b) direct that the person who found the animal shall forthwith remove the animal, and any such progeny or product thereof, to a place indicated by the director for purposes of the performance of controlled veterinary acts in respect thereof by the director, or destroy it, or otherwise dispose of it, in accordance with the instructions of the director; or
- (c) himself deal with the animal, and any such progeny or product thereof, in accordance with any applicable provision of section 17; or
- (d) seize the animal, or any such progeny or product thereof, in accordance with the provisions of section 17 (1), and in his discretion destroy it, or dispose thereof for the benefit of the State.

[Para. (d) substituted by s. 7 (a) of Act No. 18 of 1991.]

(3) The provisions of subsections (1), (2) and (4) shall *mutatis mutandis* also apply in respect of any animal, and any progeny or product thereof, found on land by the owner or manager of the land, or by any owner of animals thereon, if such person knows that it has strayed thereto, or has been unlawfully removed, from any other place in the Republic, or if it can reasonably be suspected of having so strayed or been removed, and knows that any circumstance referred to in subsection (1) (b) of section 17 is present in respect thereof, or it can reasonably be so suspected.

[Sub-s. (3) substituted by s. 7 (b) of Act No. 18 of 1991.]

(4) No person shall, except pursuant to a provision of subsection (2) or under authority of the director—

- (a) remove any animal, or any progeny or product thereof, referred to in subsection (1) or (3) from any place where it is being detained in isolation in terms of any provision of this section; or
- (b) contravene, or fail to comply with, any provision of a direction of the director referred to in subsection (2) (b) which has been addressed to him.

13. Rendering of certain services by director.—(1) The director may, subject to subsections (2) and (3), whenever any owner of any controlled animal or thing, or any owner or manager in respect of land, applies voluntarily in the prescribed manner to him—

- (a) for the rendering of advice by him to such person regarding the fitness or health of;
- (b) to effect or perform any controlled veterinary act or any other act connected with a controlled purpose, in respect of; or
- (c) for a prescribed certificate of fitness or health in respect of,

that animal or thing or that land, as the case may be, render such advice, effect or perform such examination or act, or issue such certificate or refuse to issue it, as the case may be.

(2) The director shall not be obliged to render any service referred to in subsection (1), if, in a particular case

—

- (a) the required equipment, means or officers are; or

- (b) the required accommodation for the animal or thing at a place, centre, institution or quarantine station deemed suitable by him for the purpose, is,

not available to him.

(3) (a) The owner or manager to whom a service is rendered under this section, shall pay fees at the prescribed rate in respect of the service rendered, to the director.

(b) The director may exempt any owner or manager from the payment of fees if he is of opinion that the rendering of the relevant service—

- (i) is in accordance with the policy aims of the department regarding the promotion of animal health;
- (ii) is in the interest of the livestock industry in the Republic;
- (iii) is necessary due to an abnormal mortality of animals; or
- (iv) is necessary as a result of an unusual animal disease afflicting, or which can afflict, an appreciable number of animals.

14. Assumption of control over land by director.—(1) The director may, whenever he deems it necessary for any controlled purpose, declare by written notice served in the prescribed manner on any owner or manager of land, that he assumes as from a specified date control over land defined in the notice, including all fences, structures, facilities or improvements on the land, or only such fences, structures, facilities or improvements specified therein, for a period specified therein or for such period as the director may deem necessary.

(2) The director may at any time after the service of a notice, and as from the date specified therein—

- (a) enter upon and occupy the land, and take with him such assistants, officers, conveyances, appliances, instruments, tools, remedies and other things as he may deem necessary for his purpose;
- (b) establish a camp, together with the necessary accessories and equipment, on the land, and construct a road giving access thereto;
- (c) remove any vegetation on the land;
- (d) erect any fence or gate thereon, or alter or remove any existing fence or gate;
- (e) use any suitable place on the land for the destruction or other disposal of any controlled animal or thing, irrespective of whether it originated from or was found on the land, or not;
- (f) make use of grazing, fuel and water;
- (g) perform any act on the land which an owner or manager of the land is required in terms of this Act to perform, and recover any expenditure connected therewith from the owner or manager; and
- (h) perform such other acts on or in respect of the land as he may for the relevant controlled purpose deem necessary.

(3) The director shall not—

- (a) effect any structural alterations; or
- (b) erect any permanent structures, except fences,

on any land over which he has assumed control under this section, unless the Minister has previously consented thereto.

15. Orders.—(1) The director may, in order to achieve a controlled purpose, serve an order in the prescribed manner on any owner of animals or things, or any owner or manager of land, wherein he is directed, in respect of—

- (a) any specified controlled animal or thing; or
- (b) land defined therein; or
- (c) any such animal or thing and such land,

to comply with a specified provision of this Act, or to perform, or abstain from performing, any other defined act.

(2) An order shall, subject to subsections (3) and (4), be binding on the person concerned and any other person who is his legal successor in respect of the relevant animals, things or land.

(3) Notwithstanding any provision to the contrary in any order regarding the movement or removal of any controlled animal or thing, the director may at any time on written application of a person concerned grant him written authority to move or remove any such animal or thing in accordance with the conditions of the authority (if any).

(4) The director may by written notice served on an owner or a manager, or his legal successor, in the prescribed manner—

- (a) amend any order; or
- (b) if the director is satisfied after such inspections or examinations as he may deem necessary that the

provisions of the order have been properly complied with and that the objects thereof have been achieved, withdraw any order.

(5) A document purporting to have been signed by the director and framed in a manner which has in respect of the serving of orders and notices been prescribed for purposes of this subsection, shall be conclusive proof that an order under subsection (1), or a notice under subsection (4), has been served on a person concerned.

16. Powers of entry and inspection of director.—(1) (a) The director may at any time, without prior notice to any owner or manager or any other person, whenever he deems it necessary for any controlled purpose, or in the exercising or performing by him of any power or duty granted to or imposed upon him by or under this Act—

- (i) enter upon any land; or
- (ii) order to stop and enter upon, take control of or board any conveyance in the territorial waters, as defined in section 2 of the Territorial Waters Act, 1963 (Act No. 87 of 1963), of, or at any other place in, the Republic.

(b) The director may, when acting under paragraph (a)—

- (i) take with him such assistants or officers and conveyances, appliances, instruments, tools, remedies or other things as he may deem necessary for his purpose;
- (ii) require all reasonable assistance from an owner or manager of land of which the relevant land forms part, or from a person who is the owner in respect of the relevant conveyance or of any controlled animal or thing which is or has been on the land, or in or on the conveyance, in order to enable him to exercise and perform his powers and duties in respect of any part or portion of the land or conveyance.

(2) The director may on the relevant land or in respect of the relevant conveyance—

- (a)
 - (i) search for any controlled animal or thing and, if he on reasonable grounds suspects it to be thereon or therein, require the owner or manager to produce it to him;
 - (ii) make investigations regarding the presence or incidence of any animal disease or parasite;
 - (iii) install beacons or affix marks or seals;
 - (iv) inspect or test any appliance or equipment which is available for use in connection with any controlled purpose;
 - (v) take and analyse or test samples of any remedy, or the final mixture thereof, which is intended for use in respect of any applicable controlled purpose;
 - (vi) ascertain whether anything required to be done in terms of this Act has been or is being done;
 - (vii) inspect and supervise the doing of anything which any person is in terms of this Act required to do;
 - (viii) check, count, and establish the identity, origin and descent of, treat against any animal disease or parasite, and effect any controlled veterinary act in respect of, any controlled animals or things found by him, and make in the prescribed manner any temporary or permanent marks; and
 - (ix) in general, make such further investigations and perform such other acts as he may deem necessary;
- (b) require that a person referred to in subsection (1) (b) (ii), forthwith or at the time and place fixed by the director—
 - (i) produce to him for inspection, or provide him with, a copy of any register, book, record or other document which such person is required in terms of this Act, or, in respect of any animal, thing or conveyance referred to in the said subsection, in terms of the provisions of any other law, to keep or produce, and the director may make in such document such notes as he may deem expedient in respect of any entry appearing therein or which is required to appear therein, or which in his opinion is inaccurate or false;
 - (ii) explain any entry, deletion, alteration, omission or note in such document; and
 - (iii) furnish him with any other information required by him.

(3) The director may, whenever he addresses or interrogates any person under this section, address or interrogate such person either in private or in the presence of any other person, as he may deem fit and require.

17. Seizures by director.—(1) The director may, at any time in any manner deemed fit by him, and without notice to any person, seize—

- (a) any animal, conveyance, document referred to in section 16 (2) (b) (i), or other thing—
 - (i) which is concerned, or is on reasonable grounds believed by him to be concerned, in the commission or suspected commission of any offence under this Act; or
 - (ii) which may afford evidence of the commission or suspected commission of any such offence; or

(iii) which is intended, or is on reasonable grounds believed by him to be intended, to be used in the commission of any such offence;

- (b) subject to section 19, any infectious or contaminated thing, or any animal or thing which he on reasonable grounds suspects to be a contaminated or infectious thing, or any animal which he finds and which he knows, or on reasonable grounds suspects, to have strayed to the place where he finds it from a place outside the Republic.

(2) The director shall without delay deliver any thing seized by him under subsection (1) (a) to a police official as defined in section 1 (1) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), and it shall be disposed of in accordance with the applicable provisions of that Act relating to seizures of objects by the State.

(2A) (a) Notwithstanding the provisions of subsection (2), the director shall remain in possession of and retain control over any animal or other thing referred to in subsection (1) (a) seized by him under the said subsection and which is an infectious or contaminated thing or is on reasonable grounds suspected to be an infectious or contaminated thing, and he may at his discretion dispose thereof.

(b) Before the director disposes of any animal or other thing under paragraph (a), he may place such thing at the disposal of a police official referred to in subsection (2) for any investigation such police official deems necessary.

[Sub-s. (2A) inserted by s. 8 (a) of Act No. 18 of 1991.]

(2B) (a) Notwithstanding the provisions of subsection (2), any animal or thing which has been seized in terms of subsection (1) (a) on the ground of no permit having been obtained for the importation thereof, together with any progeny or product thereof, may, where the director is of the opinion that a permit would have been issued if an application therefor had been made, be returned to the person who has imported the animal or thing to be removed at his own expense within the period determined by the director, from the Republic.

(b) If the person referred to in paragraph (a) refuses to accept any such animal or thing, or so to remove it from the Republic, the director may at his discretion destroy it or otherwise dispose of it for the benefit of the State.

[Sub-s. (2B) inserted by s. 8 (a) of Act No. 18 of 1991.]

(3) Any animal or thing seized by the director under subsection (1) (b) may, by him—

- (a) be removed to any place deemed suitable by him, and he may perform such controlled veterinary acts in respect thereof as he may deem necessary or expedient;
- (b) if it is a living animal and the director considers a post-mortem examination necessary, be slaughtered;
- (c) if he is of opinion that the owner in respect of the relevant animal or thing at the time of the seizure possesses the necessary equipment and means to detain and care for such animal or thing and, where applicable, any progeny or product thereof, in a manner which will ensure that the relevant controlled animal disease or parasite will not spread, be placed in the care of such person in accordance with conditions agreed upon by the director with such person; or
- (d) if he is of the opinion—
- (i) that any isolation or treatment thereof will not promote the relevant controlled purpose; or
 - (ii) that the calculated cost of the performance in respect thereof of any act referred to in paragraphs (a), (b) or (c) exceeds the estimated value thereof; or
 - (iii) that no remedies or equipment is available to act in accordance with paragraph (a) or (b) in respect thereof,

be destroyed or otherwise disposed of, or the owner concerned may be ordered so to destroy or dispose of it.

(4) The director shall, as soon as he is satisfied that the detention of any animal or thing seized by him under subsection (1) (b) and which has been dealt with in accordance with subsection (3) (a) or (c), is no longer necessary for any controlled purpose, return it to, or consent to its being restored in full possession of, the owner concerned, as the case may be.

(5) The carcass of any animal seized under subsection (1) (b), or which has been slaughtered pursuant to subsection (3) (b), or destroyed or disposed of under subsection (3) (d), shall be forfeited to the State, and the director may—

- (a) if he is able to dispose of the carcass in a manner beneficial to the State, so dispose of it, in which case any expenditure resulting therefrom shall be defrayed from the income obtained therefrom; or
- (b) where paragraph (a) is not applicable, dispose of the carcass at his discretion.

(6) An owner of any animal or thing seized under subsection (1), shall reimburse the State with any reasonable expenses incurred by the director in connection with the performance by him of any act under any provision of subsection (2B), (3), (4) or (5) in respect thereof, and which cannot be defrayed from any income referred to in subsection (5) (a): Provided that the foregoing provisions of this subsection shall not apply in respect of any animal to which any provision of an animal health scheme applies.

[Sub-s. (6) substituted by s. 8 (b) of Act No. 18 of 1991.]

18. Fences.—(1) (a) The director may for any controlled purpose or, in order to control in connection therewith the movement, removal or transport of animals, erect permanent fences along, on or across public or private roads or along the boundaries of any land, and temporary fences on or across any land, and may install gates, grids or other passages in any such fence.

(b) The director shall maintain fences erected and passages installed under paragraph (a), and may from time to time effect such alterations thereto as he may deem necessary.

(2) The director may on any land build, rebuild, repair and maintain roads giving access to, or which are necessary in connection with the erection, maintenance and alteration of, any fence referred to in subsection (1), and may construct thereon any bridge, causeway, culvert or drift which is necessary for the use or maintenance of any such road.

(3) The director may for the purposes contemplated in subsections (1), (2) and (6), after notice to an owner or manager of relevant land—

- (a) enter upon and occupy the land, and take with him such assistants or officers and conveyances, tents, material, tools and other things as he considers necessary;
- (b) pitch a temporary camp on any suitable place on the land; and
- (c) subject to subsection (4), dig out or take and remove sand, soil, clay, gravel, stone, water, wood or other material which he requires from any place on the relevant land or on any nearby land on which it is available.

(4) The director may, on submission to him of a written application, pay to the relevant owner or manager, on a basis determined by the director, reasonable compensation for the use of any material referred to in section (3) (c), or may, where he is of opinion that any such payment is under the particular circumstances not justified, refuse any such application.

(5) (a) Where the director is of opinion that the erection of a fence or the building of a road referred to in subsections (1) and (2), respectively, or any passage in respect of such fence or bridge, causeway, culvert or drift in respect of such road, or any alteration, repair or maintenance thereof, will be of advantage to an owner or manager of relevant land, the director may recover any portion of the relevant costs determined, subject to paragraph (b), by him, from the owner or manager.

(b) Any amount recoverable in terms of paragraph (a), shall be determined by the director on any basis deemed fit by him, and the director shall notify the owner or manager in writing of the amount so recoverable and of the basis on which it was calculated.

(6) The director may, with the concurrence of the Minister of Finance, remove, wholly or partially, any fence erected under section (1) (a) which is no longer used or suitable for the purposes for which it was erected, and sell or otherwise dispose of it in any manner deemed fit by him and on the conditions determined by him, for the benefit of the State.

(7) No person shall—

- (a) without the written authority of the director, remove, alter or impair in efficacy any fence which has been erected under subsection (1), or any gate, grid or passage installed therein; or
- (b) alter, obstruct or damage any road which has been built under subsection (2), or any bridge, causeway, culvert or drift constructed thereon.

(8) For the purposes of the provisions of subsection (1) (a) and (b) regarding the installation of gates, grids and passages in, and the effecting of alterations to, fences, and the provisions of subsections (3), (4), (5) and (7) (a) in so far as they relate to fences, any fence which has been erected on the international boundaries of the Republic, shall be deemed to be a fence erected under subsection (1) (a) for a controlled purpose.

19. Compensation.—(1) The owner of any animal or other thing which has been destroyed or otherwise disposed of pursuant to any control measure, or any provision of section 17 (3) or (5), or any other provision of this Act, by the director or on his authority, may submit an application for compensation for the loss of the animal or thing to the director.

(2) The director may, taking into consideration—

- (a) the applicable compensation, based on a fair market value of the animal or thing, which has been prescribed for purposes of this section or, where no compensation has been so prescribed, any amount fixed by him in accordance with any criterion deemed applicable by him;
- (b) the value of any thing which has in connection with the animal or thing been returned to the owner;
- (c) any amount which is due by the owner pursuant to any provision of this Act in respect of the animal or thing to the State; and
- (d) any amount which may accrue to the owner from any insurance thereof,

fix a fair amount as compensation.

(3) Notwithstanding the provisions of subsection (2), the director shall, in the case where a carcass has been disposed of in terms of section 17 (5), fix the nett income accruing from such disposal, against which any amount

payable by the owner concerned by virtue of any provision of this Act in respect of the carcass to the State is to be set off, as compensation in respect of the carcass, if—

- (a) the owner is otherwise entitled in terms of this section to compensation; and
- (b) that nett income exceeds the amount prescribed in respect of any such carcass.

(4) No compensation shall be payable in respect of any animal or thing which has been in connection with the commission of an offence in terms of this Act or in respect of which such offence has been committed, as the case may be, and which has been destroyed or otherwise disposed of by the director or by his order pursuant to the provisions of this Act.

[Sub-s. (4) added by s. 9 of Act No. 18 of 1991.]

20. Limitations on investigations, experiments and research with, and manufacture and evaluation of, certain products.—No person shall, except under a permit and in compliance with the conditions which are prescribed or, in any particular case, determined by the director—

- (a) conduct any investigation, experiment or research with any vaccine, serum, toxin, anti-toxin, antigen or other biological product which consists or originates wholly or partially of, or from, any micro-organism, or of or from the glands, organs, fluids, or any other part, of an animal or parasite: Provided that the foregoing provisions of this paragraph shall not apply to any substance in so far as it is controlled under the Medicines and Related Substances Control Act, 1965 (Act No. 101 of 1965);
- (b) for the manufacture or evaluation of a product or remedy used for or intended to be used at or for the testing, diagnosis, prevention, treatment or cure of any animal disease or parasite, or for the maintenance or improvement of the health, growth, production or working capacity of an animal, use any vaccine, serum, toxin, anti-toxin, antigen or other biological product referred to in paragraph (a); or
- (c) for the purposes of any investigation, experiment or research referred to in paragraph (a), or for the manufacture or evaluation of a product or remedy referred to in paragraph (b)—
 - (i) infect or contaminate any animal or any other thing with any animal disease or parasite; or
 - (ii) introduce into or collect in the Republic, or have in his possession, or remove or transport from the place where it is normally found or kept, any controlled animal or thing, or any protozoon, bacterium, virus, fungus, parasite, other organism or agent which is capable of spreading any animal disease or parasite.

21. General provisions regarding applications, claims and requests.—(1) Subject to the provisions of this Act regarding any particular application, claim or request, any application, claim or request which is under this Act required or permitted to be lodged with or directed to the director, shall—

- (a) be made or submitted in the prescribed manner;
- (b) contain the prescribed particulars and information;
- (c) be made or submitted within the prescribed time; and
- (d) be accompanied by the prescribed documents and the required prescribed application, or other, fees or amounts:

Provided that—

- (i) the applicant or claimant shall furnish to or supply the director with such further particulars, information and documents which he may require, at his request;
- (ii) the director may in any particular case in his discretion condone any deviation from, or non-compliance with, any provision of paragraph (a), (b) or (c), or regarding documents referred to in paragraph (d).

(2) Subject to provisions to the contrary in this Act, no prescribed application, or other, fees or amounts shall be refundable to any applicant or claimant.

(3) The director—

- (a) shall consider any application, claim or request lodged with or directed to him under this Act, and may in connection therewith make such further investigations or enquiries as he may deem necessary;
- (b) may in his discretion refuse or grant, subject to the provisions of this Act, any such application, claim or request, provided that, in the lastmentioned case, all due fees or moneys referred to in subsection (1) (d) have been paid, and may, where he grants it, impose such conditions in respect thereof as may be prescribed, and conditions which he may deem necessary, taking into consideration the nature and purpose of the relevant application, claim or request and, where applicable, the promotion of the relevant controlled purpose;
- (c) shall—
 - (i) where the application, claim or request is refused, notify the applicant or claimant in writing

thereof and of the grounds on which the refusal is based; or

- (ii) where the application, claim or request is granted or acceded to, issue in writing the required permit, authority, consent or other proof of assent or approval, as the case may be, to the applicant or claimant; and
- (d) may, where it is still possible, at any time when it is deemed necessary by him, withdraw any such permit, authority, consent or other proof of assent or approval, as the case may be, by written notice to the person concerned.

22. Determination and payment of fees and other amounts.—(1) All fees or other amounts payable by any person in terms of any provision of this Act, except amounts that are fixed under any such provision by the director or any other person, shall be determined by the Minister, with the concurrence of the Minister of Finance.

(2) Fees or amounts referred to in subsection (1)—

- (a) which have been determined and are mentioned in any regulation or direction made or given under this Act, shall within 60 days after having become recoverable; and
- (b) which have been determined but are not so mentioned, or which have been fixed as contemplated in subsection (1), shall within 60 days after the debtor concerned has in the prescribed manner been notified of the amount due,

be paid in the prescribed manner.

(3) Interest, calculated at the standard interest rate determined in terms of section 26 (1) of the Exchequer and Audit Act, 1975 (Act No. 66 of 1975), shall, as from the date of expiry of the applicable period of 60 days referred to in paragraph (a) or (b) of subsection (2), be payable in respect of fees or amounts due.

(4) (a) Any amount which becomes payable in terms of section 18 (5) (a) or (6), or as a result of the erection by the director of a permanent structure under a control measure, shall, for the purposes of the recovery thereof, be deemed to be assistance referred to in section 10 (1) of the Agricultural Credit Act, 1966 (Act No. 28 of 1966), which has been rendered to the owner or manager of the land on which the fence or structure concerned was erected, on condition that—

- (i) the amount due shall be repayable within 60 days of the date on which the director notified in writing the owner or manager concerned of such amount, in which case no interest shall be payable on that amount; and
- (ii) if such amount is not so paid, interest calculated from the date of such notice and at the applicable rate referred to in section 15 of the said Act, shall be payable on that amount.

(b) Notwithstanding the provisions of paragraph (a) (i), the Minister may, after consideration of representations by an owner or manager referred to in that paragraph which are submitted within 60 days of the date of a notice referred to therein, on such conditions or stipulations as the Minister deems expedient, including a condition that a mortgage bond contemplated in section 34 of the Agricultural Credit Act, 1966, be registered *mutatis mutandis* in accordance with that section in favour of the State, approve that—

- (i) payment of the amount due may be postponed for a specified period; or
- (ii) the amount due may be paid in specified instalments at specified times.

(c) Whenever a condition is imposed under paragraph (b) that land be mortgaged in favour of the State as security or partial security for an amount due referred to in that paragraph, the provisions of section 35 of the Agricultural Credit Act, 1966, shall *mutatis mutandis* apply in respect of the registration of such mortgage bond.

23. Objections against decisions of and steps taken by director and certain other persons and bodies.—

(1) Any person who feels aggrieved by any decision of or steps taken by the director, or by any other person or body referred to in section 10 (7) (a), or by any employee or other person under the control or direction of any such person or body, in terms of this Act, may within the prescribed time and on payment of the amount which is prescribed, lodge in accordance with the provisions of this section an objection against the decision or steps with the Minister.

(2) An objection shall be submitted in the prescribed manner to the Director-General, who shall submit it together with his recommendation to the Minister for a final decision.

(3) (a) For the purposes of his recommendation contemplated in subsection (2), the Director-General may, if he deems it necessary, designate one or more senior officers in the department to institute an investigation regarding the reasons for the objection and the circumstances which gave rise to the complaint, and to submit to him a written report concerning it.

(b) The director and any other officer who has been involved in the decision or steps, shall not be designated under paragraph (a).

(c) The person who lodged the objection, or a representative authorized by him in writing, and the director or other officer, person or body who have been involved in the decision or steps concerned, may, at their own request or at the request of the officer or officers referred to in paragraph (a), submit oral or written representations to that officer or officers, and may be interrogated.

(4) (a) The Minister may, after consideration of the objection and the recommendation of the Director-

General, confirm, vary or set aside the relevant decision or steps, and may for the disposal of the matter, issue, subject to the provisions of this Act, such orders to the director as he may deem necessary.

(b) The Director-General shall notify the person who lodged the objection and the director in writing of the decision of the Minister.

(c) If the Minister varies or sets aside the decision or steps in question, the amount referred to in subsection (1), or such portion thereof as determined by the Minister, shall be refundable to the person who has lodged the complaint.

(d)

[Para. (d) deleted by s. 98 of Act No. 88 of 1996.]

24. Keeping and production of documents.—(1) A copy of any permit, authority, order or other document which has been issued, granted, served or given to a person by the director under this Act and, in the case of an order, the prescribed documents which shall be obtained in connection with the serving thereof, as well as any application, correspondence or other document submitted to the director and arising from the administration and application of this Act, shall be stored safely by him for the periods which are fixed in respect thereof by or pursuant to any provision of the Archives Act, 1962 (Act No. 6 of 1962).

(2) Any person of whom it is required under this Act to have a permit, authority or other document, or to whom a permit, authority, order, certificate or other document has been issued, granted, served or given in terms of this Act, shall, on request, immediately produce the permit, authority, order, certificate or document concerned to the director or an authorized person or a customs officer.

(3) Any permit, authority, order, certificate or other document which was issued, granted or given to or served on a person by the director under this Act shall, for the duration of the validity thereof, be kept safely by the person in whose favour it was issued, granted, or given, or on whom it was served.

(4) Any certificate or other document which purports to indicate that any act which is to be performed in terms of this Act in relation to any controlled animal or thing, or land, or any other thing which is specified on such certificate or document, was actually performed, shall be kept safely for the period of validity thereof by the person of whom it is in terms of this Act required to have such document in his possession.

25. Secrecy.—(1) No person shall, except for the purpose of the performance of his duties under this Act, or for the purpose of legal proceedings thereunder, or when required to do so by any competent court, excluding a civil court, or under any law, or with the written consent of the Minister, disclose to any other person any information acquired by him in the performance of his duties under this Act, and which relates to the business or affairs of a person.

(2) No person shall, except with the written consent of the Minister, give access to any person other than the director, an officer, or any other person entitled thereto in terms of any law, to any records or registers kept in terms of this Act.

26. Limitation on liability of South African Transport Services and livestock auctioneers.—(1) The South African Transport Services shall not be liable—

(a) by reason of its refusal to transport any animal or thing—

(i) whenever it knows, or it may on reasonable grounds be suspected, that such animal or thing is an infectious or contaminated thing;

(ii) if any permit or other document is required by this Act for the transport or removal of such animal or thing, and the consignor is not able or fails to produce that permit or document or any duplicate or copy thereof to it; or

(iii) by reason of a prohibition under this Act of the removal or transport of such animal or thing from the land on which it is kept or is present; or

(b) by reason of its detention or disposal of any such animal or thing in accordance with a written direction issued by the director under this Act.

(2) A livestock auctioneer as defined in section 1 (1) of the Agricultural Produce Agency Sales Act, 1975 (Act No. 12 of 1975), shall not be liable if he refuses to sell any animal in respect of which he knows, or on reasonable grounds suspects, that it is infected with any controlled animal disease or parasite, or in respect of which any circumstance contemplated in subparagraph (ii) or (iii) of subsection (1) (a) is of application, and which has been entrusted to him for sale, or if the director has directed him in writing to detain or dispose of any animal.

(3) The consignor or owner of any animal or thing which has been detained or disposed of in terms of subsection (1) (b) or (2), shall be liable to the South African Transport Services or the livestock auctioneer concerned, as the case may be, for any costs incurred in connection with such detention or disposal.

27. Limitation of liability.—Except where otherwise provided in this Act, no person, including the State, shall be liable in respect of anything done or omitted in good faith in the exercise of a power or the performance of a duty under, or by virtue of, this Act, or in the rendering of any service in terms of this Act, or in respect of anything which may result therefrom.

28. Application of Act in respect of State.—This Act, excluding—

- (a) the provisions of any section in so far as it—
 - (i) imposes a duty to pay any fees; or
 - (ii) grants a right to claim any compensation; and
- (b) the penal provisions,

shall bind the State.

29. Defects in form.—A defect in the form of any document which, in terms of any law, is required to be executed in a particular manner, or in a document issued in terms of this Act, shall, if the document substantially complies with the applicable legal requirements, not render unlawful any administrative act performed in terms of this Act in respect of the matter to which such document relates, and shall not be a ground for exception to any legal procedure which may be taken in respect of such matter.

30. Defrayal of expenses.—All expenditure connected with the exercise of any power or performance of any duty granted to or imposed upon the Minister or the director by or under this Act, or which has otherwise been incurred in the administration or application of any provision of this Act, shall, subject to the provisions of this Act, be defrayed from moneys appropriated by Parliament for the purpose or, in respect of any such expenditure for the defrayal of which moneys accrue to the department from a utilization of moneys in the Agricultural Research Account referred to in section 2 of the Agricultural Research Account Act, 1964 (Act No. 37 of 1964), in terms of the provisions of section 3 (2) of the said Act, from such moneys.

31. Regulations.—(1) The Minister may make regulations—

- (a) prescribing the manner in which any controlled animal or thing which is required or permitted to be isolated under this Act by any owner in respect of animals, or by any owner or manager of land on that land, shall be isolated and cared for and treated in isolation;
- (b) prescribing the manner in which any infectious or contaminated thing, or anything which can be suspected of being an infected or contaminated thing, shall be cared for, treated, disinfected, destroyed or disposed of by any owner thereof, or by any owner or manager of land on which any such thing is present;
- (c) prescribing any matter which is required or permitted to be prescribed in terms of this Act; and
- (d) prescribing, in general, any matter which the Minister deems expedient or necessary for the achievement of the purposes of this Act, the generality of this paragraph not being restricted by the provisions of the other paragraphs of this subsection.

(2) Different regulations which differ in the respects deemed expedient by the Minister, may be made under this section, subject to the provisions of this Act, in relation to different areas in the Republic, different classes of controlled animals and things or animal diseases or parasites.

32. Offences and penalties.—(1) Any person who—

- (a) with the object of introducing or spreading any animal disease or parasite in the Republic, contravenes any provision of section 20, or of a condition of a permit referred to in that section, or fails to comply with any provision of such condition;
- (b)
 - (i) with the object of spreading any animal disease or parasite in the Republic, contravenes any provision of section 8 (1) or (3) or section 12 (4) (a); or
 - (ii) with such object removes any animal or thing which has been isolated or is being detained under or pursuant to any other provision of this Act, without the written authority of the director, or contrary to any condition of such authority, from such isolation or detention; or
 - (iii) removes any animal or thing which has been isolated or is being detained under or pursuant to any provision of this Act, without the written authority of the director, or contrary to any condition of such authority, from such isolation or detention, such removal not being penalized by any other provision of this subsection;
- (c) obstructs or hinders the director, an officer, an authorized person or any other person in the exercise of any power or the performance of any duty under this Act;
- (d) damages, removes without the consent of any such person or otherwise tampers with any conveyance, appliance, instrument, tool, equipment, remedy or any other object belonging to, or under the supervision or custody of, the director, an officer, an authorized person or any other person who is exercising or performing, or is required to exercise or perform, any power or duty in terms of this Act, with, or in connection with any such object, or, in the case of any such animal, injures it, or removes it without the consent of any such person, or otherwise interferes with it;
- (e) in order to compel the director, an officer, an authorized person or any other person to perform or to abstain from performing any act in respect of the exercise of any power or the performance of any duty under this Act, or on account of the director, any officer, any authorized person or any such

person having performed or abstained from the performance of such act, threatens the use of violence or force, or suggests the use of violence or force, upon any such person;

- (f) obtains by false representations any permit, consent or authority issued or given under any provision of this Act, from the director, or any other decision from the director which is under any such provision required or permitted to be given;
- (g) alters in any particular or forges any permit, consent, authority or any other document issued, given or granted under any provision of this Act;
- (h) with intent to evade any provision of this Act, uses any altered or forged permit, consent, authority or other document referred to in paragraph (g);
- (i) damages, destroys, moves, removes, erases, alters or otherwise tampers with any beacon, mark or seal which has under any provision of this Act been installed or affixed on, or in connection with, any land, controlled animal or thing or any other thing;
- (j) performs, or abstains from performing, any act for which a permit, consent or authority or other document is required under this Act, without such permit, consent, authority or document having been issued, granted or given in respect thereof to him, such performance or abstention not being penalized by any other provision of this subsection;
- (k) obtains, or aids and abets any other person to obtain, by means of false representations, any compensation under this Act;
- (l) damages, destroys or otherwise tampers with any sample taken under this Act, or any object so seized, or, in the case of an animal, injures it, or removes it out of the possession or control of the director, or destroys it;
- (m)
 - (i) removes, or causes to be removed, any animal or thing in respect of which a permit referred to in section 6 (1) (a) is required to be obtained, from or out of any place outside the Republic, with the object of importing it into, or conveying it in transit through, the Republic, without such permit having been issued to him; or
[Sub-para. (i) substituted by s. 10 (a) of Act No. 18 of 1991.]
 - (ii) contravenes any provision of section 6 (2) (a) or (b);
 - (iii) is found in possession of any animal or thing in respect of which a permit referred to in section 6 (1) (a) is required to be obtained and in respect of which there is a reasonable suspicion that it was imported into the Republic without such permit or contrary to a condition of such permit, and is unable to give a satisfactory account of such possession;
[Sub-para. (iii) added by s. 10 (b) of Act No. 18 of 1991.]
- (n)
 - (i) refuses or fails to stop any conveyance, or to permit the director to take it under his control or to board it, as contemplated in section 16 (1) (a) (ii), whenever he is for that purpose directed or requested by the director;
 - (ii) refuses or fails to render reasonable assistance whenever it is demanded from him by the director under section 16 (1) (b) (ii); or
 - (iii) refuses or fails to comply with any requirement of the director contemplated in section 16 (2) (b);
- (o) as an owner of animals for whom a provision of an animal health scheme is binding, contravenes any such provision, or fails to comply therewith;
- (p) contravenes any provision of a control measure, or fails to comply therewith;
- (q) refuses or fails to receive any order or other document served on him in terms of this Act;
- (r)
 - (i) contravenes, or fails to comply with, any provision of an order; or
 - (ii) as a legal successor to any person referred to in subparagraph (i), contravenes any provision of an order referred to in that subparagraph, or fails to comply therewith;
- (s) refuses or fails to comply with any provision of section 11;
- (t) contravenes any provision of section 18 (7) (a) or (b);
- (u) contravenes any provision of section 4 (3), 12 (1) (a) or (b), (3) or (4) (b), or 24, or fails to comply therewith;
[Para. (u) substituted by s. 10 (c) of Act No. 18 of 1991.]
- (v) contravenes any provision of section 25;
- (w) contravenes, or fails to comply with, any prescribed or other condition imposed by the director under this Act in respect of any permit, consent or authority, or any direction so given or issued by the director, an officer, or any other person or body, such contravention or failure not being penalized by any other provision of this subsection; and

- (x) contravenes, or fails to comply with, any regulation, such contravention or failure not being penalized by any other provision of this subsection,

shall be guilty of an offence, and—

- (aa) on conviction of an offence referred to in paragraph (a) or (b) (i) or (ii), be liable to imprisonment for a period not exceeding seven years;
- (bb) on a first conviction of an offence referred to in any paragraph of this subsection other than a paragraph mentioned in item (aa), be liable to a fine not exceeding R8 000 or to imprisonment for a period not exceeding two years, or to both such fine and such imprisonment;
[Item (bb) substituted by s. 10 (d) of Act No. 18 of 1991.]
- (cc) on a second conviction of an offence referred to in item (bb), be liable to a fine not exceeding R16 000 or to imprisonment for a period not exceeding four years, or to both such fine and such imprisonment;
[Item (cc) substituted by s. 10 (e) of Act No. 18 of 1991.]
- (dd)
[Item (dd) deleted by s. 10 (f) of Act No. 18 of 1991.]
- (ee)
[Item (ee) deleted by s. 10 (f) of Act No. 18 of 1991.]
- (ff) on a third or subsequent conviction of an offence referred to in item (bb), be liable to imprisonment for a period not exceeding the period referred to in item (cc), without the option of a fine.
[Item (ff) substituted by s. 10 (g) of Act No. 18 of 1991.]

(2) Any livestock auctioneer referred to in subsection (2) of section 26 through whose agency any animal referred to in that subsection is sold, or who contravenes any direction of the director referred to therein, or fails to comply therewith, shall be guilty of an offence, and be liable on any first, second or subsequent conviction in accordance with the provisions of items (bb), (cc), and (ff) in so far as it relates to any period of imprisonment referred to in the said item (cc), respectively, of subsection (1) of this section.

(3) An offence referred to in subsection (1) (m) (i) shall, for purposes in relation to jurisdiction of a court to try the offence, be deemed to have been committed in any place where the accused happens to be.

(4) On any conviction for any offence under this Act a conviction for a corresponding offence under any Act repealed by section 35 (1) of this Act, or of any law made thereunder, shall be deemed to be a previous conviction under this Act.

33. Presumptions and proof.—(1) Whenever in any prosecution for any offence under this Act it would be necessary in order to establish the charge, to prove that—

- (a) the accused did or omitted to do anything with the object of bringing into the Republic or of spreading any animal disease or parasite, it shall, on proof that he—
 - (i) contrary to any provision of this Act or of any condition imposed by virtue thereof, brought any infectious or contaminated thing, or any progeny or product thereof, into the Republic, or removed it from any isolation or detention; or
 - (ii) contrary to any provision of this Act or of any condition imposed by virtue thereof—
 - (aa) intentionally infected or contaminated any animal, animal product or any other thing with any animal disease or parasite; or
 - (bb) brought into the Republic, collected, possessed, transported or removed from any place any protozoon, bacterium, virus, fungus, parasite, other organism or agent which is capable of causing or spreading any animal disease or parasite,

be presumed, unless and until the contrary is proved to the satisfaction of the court, that he entertained the object of bringing into the Republic or of spreading any animal disease or parasite;
- (b) any permit, authority, consent, certificate or other document has not been issued, given or granted, as the case may be, to any person who in terms of this Act is required to be in possession thereof, it shall, on proof that such person refused or failed, or was unable, to produce the relevant document on request as contemplated in section 24 (2), be presumed, unless and until the contrary is proved to the satisfaction of the court, that such document has not been issued, given or granted to him;
- (c) the accused imported or brought into the Republic any animal or thing contrary to any provision of this Act or any condition imposed by virtue thereof, it shall, on proof that such animal or thing was found in the Republic under circumstances giving rise to a reasonable inference that it was imported or brought into the Republic by him contrary to any such provision or condition, be presumed that he so imported or brought it in, unless and until it is proved to the satisfaction of the court that—
 - (i) he did not so import it or bring it in;

- (ii) he so imported it or brought it in lawfully;
 - (iii) he, before the alleged contravention, had lawfully been an owner in respect thereof, and that it had not been removed from any place where it had been present or detained, by himself or on his authority;
 - (iv) in the case of an animal, any brand that appears thereon and corresponds with a brand registered by a competent authority in another State or territory, is the brand registered in the Republic in favour of himself or of the person from whom he bought or acquired such animal;
- [Para. (c) amended by s. 11 (a) of Act No. 18 of 1991. Sub-para. (iv) added by s. 11 (b) of Act No. 18 of 1991.]

(d) the accused—

- (i) had knowledge of any fact, matter or thing, it shall be presumed that he had such knowledge, unless and until he proves to the satisfaction of the court that he had no such knowledge, and that he could not by the exercise of reasonable diligence and vigilance have gained such knowledge; or
- (ii) suspected, or that there were reasonable grounds for him to suspect, the existence of a fact, it shall be presumed that he did so suspect or, as the case may be, that there were reasonable grounds so to suspect, unless and until he proves the contrary to the satisfaction of the court;

(e) the accused moved to land or removed from land animals of a particular kind, or permitted it to be done, and it is proved that he at a time relevant to the charge had a particular number of animals of the kind allegedly moved or removed on that land, and that he later, at a time so relevant, had a greater or smaller number of such animals, as the case may be, thereon, it shall without the necessity of proving that he moved or removed any particular animal or permitted it to be done, be presumed that he moved or removed animals of the kind in question to or from the relevant land, as the case may be, or permitted it to be done, unless and until it is proved to the satisfaction of the court that he did not so move or remove those animals or permit it to be done, and that he took all reasonable precautionary measures to prevent them from being moved or removed or from straying;

(f) any animal was brought on land contrary to any provision of this Act or any condition imposed by virtue thereof, it shall on proof that, within the period of time relevant to the charge—

- (i) the relevant animal was marked or branded with marks or brands other than those with which an owner in respect of animals on that land normally marks or brands his animals, or those with which he is in terms of the Livestock Brands Act, 1962 (Act No. 87 of 1962), entitled to brand his animals; or

- (ii) any former brand was deleted, altered or rendered unrecognizable,

be presumed, unless and until the contrary is proved to the satisfaction of the court, that the animal has so been brought on the land; and

(g) the accused failed to apply reasonable diligence and to take reasonable precautionary measures to prevent any animal from straying from any place where it was present or isolated or detained, it shall, on proof that the animal—

- (i) has been found on any other place where it, in terms of this Act, is not permitted to be; or
- (ii) has been found on any other place, no person having the supervision or control of it,

be presumed, unless and until the contrary is proved to the satisfaction of the court, that he so failed to apply reasonable diligence and to take reasonable precautionary measures.

(2) In any prosecution for an offence under this Act—

- (a) a document which purports to be certified by the director to the effect that it is a true copy of a permit, authority, order, certificate or other document issued, granted, served, given or obtained in terms of this Act, shall be admitted in evidence in any court without further proof or production of the original thereof;
- (b) particulars of any event, action or facts which have been recorded in terms of a control measure by the director or any authorised person, shall be *prima facie* evidence of the event, action or facts in question, and shall be admitted in evidence in any court;
- (c) a declaration or other document which purports to have been issued by the government of, or any competent authority in, any foreign State, shall be *prima facie* evidence of the event, action or facts stated therein, and shall be admitted in evidence in any court; and
- (d) the production of the prescribed documents which the director has in connection with the serving of an order or any notice regarding a control measure referred to in section 9 (1) (c) obtained, shall be *prima facie* evidence of the fact that the relevant order has been received by the person on whom it was served, or that owners of animals have been notified as contemplated in the said section, and shall be admitted in evidence in any court.

(3) The provisions of subsections (1) and (2) shall, in so far as they can be applied, apply *mutatis mutandis* in civil proceedings resulting from the implementation of this Act.

[Sub-s. (3) added by s. 11 (c) of Act No. 18 of 1991.]

34. Vicarious liability.—(1) Whenever any manager, representative, agent, employee or member of the household of any person (in this section called a principal) does or omits to do any act which it would be an offence under this Act for such principal to do or omit to do, that principal shall be deemed himself to have done or omitted to do that act, and be liable to be convicted and sentenced in respect thereof, unless it is proved that—

- (a) in doing or omitting to do that act the manager, representative, agent, employee or member of the household was acting without the connivance or the permission of such principal; and
- (b) all reasonable steps were taken by such principal to prevent any act or omission of the kind in question; and
- (c) it was not under any condition or circumstance within the scope of the authority or in the course of the employment of such manager, representative, agent, employee or member of the household to do or to omit to do acts, whether lawful or unlawful, of the character of the act or omission charged,

and the fact that such principal issued instructions forbidding any act or omission of the kind in question shall not, of itself, be accepted as sufficient proof that he took all reasonable steps to prevent the act or omission charged.

(2) Whenever any manager, representative, agent, employee or member of the household of any such principal does or omits to do an act which it would be an offence under this Act for such principal to do or omit to do, such manager, representative, agent, employee or member of the household shall, without prejudice to any other liability incurred by him on account of the relevant act or omission, be liable to be convicted and sentenced in respect thereof as if he were that principal.

(3) Any such manager, representative, agent, employee or member of the household may be so convicted and sentenced in addition to the principal concerned.

(4) In the application of this section in any proceedings, evidence that any land, animal, thing or conveyance was, at the time of the act or omission charged or in issue, in the possession or under the custody, supervision, control or care of any manager, representative, agent, employee or member of the household of a principal, shall be *prima facie* proof that the relevant principal is an owner in respect thereof.

[Sub-s. (4) substituted by s. 12 of Act No. 18 of 1991.]

(5) For the purposes of this section manager, representative, agent or employee, in relation to any principal, includes any person serving under the control of that principal.

35. Repeal, savings and transitional provisions.—(1) The Acts mentioned in the Schedule are hereby, subject to the provisions of this section, repealed to the extent indicated in the third column thereof.

(2) Notwithstanding the repeal of the Animal Diseases and Parasites Act, 1956 (Act No. 13 of 1956), by subsection (1)—

- (a) any permit issued under section 2 (1), 7, 9 (1) or 12, authority given under section 3 (c), 5A or 18A (1), consent granted under section 4 (3) (c), 13 (8) or 16 (6), and, in so far as it relates to any such consent or authority, any delegation of powers under section 18 (1) (a), of the said Act, in force at such repeal, shall, subject to subsection (3), remain in force for a period of three years after the date of commencement of this Act, or for its period of validity, whichever period is the shorter; and
- (b) any other provision of the said Act, including a regulation or notice made or published thereunder, shall, in so far as such provision applies in respect of any such permit, authority, consent or delegation, subject to subsection (3), remain in force until the date of expiry of the shorter period referred to in paragraph (a).

(3) Notwithstanding the provisions of subsection (2), the Minister may at any time withdraw any authority under section 18A (1) and any consent under section 4 (3) (c), 13 (8) or 16 (6) of the Animal Diseases and Parasites Act, 1956, mentioned in subsection (2), and the director may at any time withdraw any other authority or permit referred to in that subsection.

(4) At the commencement of this Act any application granted in terms of the proviso to subsection (2) of section 20 of the Animal Diseases and Parasites Act, 1956, shall be deemed to be an approval referred to in section 22 (4) (b) (ii) of this Act, and any note made in terms of subsection (3) of the said section 20 by any registrar of deeds in respect of the relevant debt and any attachment to land referred to in subsection (4) (a) of the said section 20, shall be deemed to be a registration of a mortgage bond, and a mortgage bond, contemplated in subsection (4) (c) of the said section 22 of this Act, respectively.

(5) Subject to the provisions of subsections (2) and (4), anything done under any provision of any Act repealed by subsection (1), shall be deemed to have been done under the corresponding provision of this Act.

36. Short title and commencement.—This Act shall be called the Animal Diseases Act, 1984, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*

Schedule
ACTS REPEALED

<i>Number and year</i>	<i>Short title</i>	<i>Extent of repeal</i>
------------------------	--------------------	-------------------------

Act No. 13 of 1956	Animal Diseases and Parasites Act, 1956	The whole
Act No. 18 of 1967	Animal Diseases and Parasites Amendment Act, 1967	The whole
Act No. 70 of 1968	General Law Amendment Act, 1968	Section 42
Act No. 51 of 1969	Animal Diseases and Parasites Amendment Act, 1969	The whole
Act No. 46 of 1970	Animal Diseases and Parasites Amendment Act, 1970	The whole
Act No. 9 of 1973	Animal Diseases and Parasites Amendment Act, 1973	The whole