



NSPCA

Guide to Animal Protection Legislation

for the
South African
Police Services

2019



NATIONAL LOTTERIES COMMISSION
LOTTO FUNDED

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“The historical development of the protection of animal welfare, and the role of the NSPCA in upholding this mandate, illustrates why the NSPCA plays a critical and unique role in our polity. Its long history of guarding the interests of animals reflects constitutional values. It has taken on the role of protecting animals in all of our interests”.

excerpt from Constitutional Court Ruling, 2016

Introduction to the role of the NSPCA

The Society for the Prevention of Cruelty to Animals (SPCA) is the largest animal welfare organisation in Africa and the only animal welfare organisation to have an act of parliament. The National Council of the Society for the Prevention of Cruelty to Animals, referred to as the NSPCA, was founded in 1955 to provide a forum to bring uniformity to welfare legislation and standards. All the SPCAs in South Africa are governed by the SPCA Act 169 of 1993 which is administered by the NSPCA.

The NSPCA is a statutory body with specialised operational units and deals with national issues and enforces the Animal Protection Act No. 71 of 1962 throughout South Africa.

The objectives of the Council are the prevention of animal cruelty and the promotion of good animal welfare; striving to achieve high standards of animal care and management - through education, training and law enforcement. The NSPCA is committed to the protection of all animals and ensuring that their welfare and wellbeing is safeguarded.

Animal Crime Links

Animal Abuse is a Predictor of other violent abuse crimes

Research in psychology and criminology show that acts of cruelty to animals indicate personality flaws and mental disturbance in the abuser. This kind of person is likely to commit a range of other offences.

- All forms of animal abuse have strong connections to other control crimes such as murder, rape, assault, domestic violence and abuse. Typically animal abuse escalates into other crimes.
- 99% of convicted adult animal abusers are likely to have a conviction on other criminal activities.
- 100 percent of convicted sexual homicide perpetrators were involved in acts of animal abuse first.
- People who neglect or abuse animals frequently subject their own children or families to similar hardships.
- Approximately one third of abused children start abusing animals themselves.
- A large percentage of families that receive counselling as a result of incidents of domestic violence also had animals in the home that had been abused.
- More than half of reported and convicted battery of women cases reported that their abuser threatened or injured their animal companions.

Animal Crimes are an indicator of other violent crimes and the presence of organised crime networks.

- Animal crimes are frequently an indicator of other crimes such as robbery and arson and organised criminal networks involved in smuggling operations, drug related activities and illegal firearm syndicates.
- An animal abuse perpetrator is 5 times more likely to commit human assault or violent crime, 3 times more likely to commit drug related crimes and 3 times more likely to commit traffic violations.



The NSPCA: ABUSE leads to ABUSE leads to ABUSE leads to ABUSE

As early as 1705, John Locke noted that "they who delight in the suffering and destruction of inferior creatures, will not be apt to be very compassionate or benign to those of their own kind". In 1750, William Hogarth depicted the progression from animal abuse to murder in his etchings entitled: "The four stages of cruelty."

animals cannot defend themselves, cannot understand why they are being hurt or terrorised, and cannot seek external help.

Animal cruelty is a form of violence and violence rarely, if ever, exists in a vacuum. Acts of cruelty to animals are not always mere indications of a minor personality flaw in the abuser; they could be symptomatic of a deep mental disturbance and related psychological factors. Animal abuse is like a crystal ball that shows details of the lives and future of the abusers. Research in psychology and criminology shows that people who commit acts of cruelty to animals don't stop there - many of them move on to human-directed violence.

Correlation between animal abuse and other crime

An ever-growing list of research and statistical data on animal abuse shows a sharp correlation between animal abuse and other criminal activity, including rape, robbery, assault, arson, murder, sexual homicide, domestic abuse, substance abuse, possession of dangerous weapons and other offences.

Animal abuse: an indicator and a predictor

- Animal abuse cases can indicate the presence of family violence
Animal abuse often occurs in the context of family violence and is frequently associated with other types of domestic violence. If an animal is being abused in a family, the abuser is often committing concurrent violence against humans and it is likely that a child or other family

members are also being hurt or threatened.

A person who is abusive may threaten to kill, or actually harm, a beloved household pet to intimidate family members into accepting sexual abuse, to gain silence or compliance from a child victim, to force them to keep quiet about previous abuse, or to gain a sense of control or power. Animal abuse as a form of victim control may hinder the reporting of child abuse or domestic violence occurring within the household and delay potential intervention. Stevens *et al* (2013) gave a report of one USA study involving women in a domestic violence shelter which indicated that 71% of the women with pets reported that their partner had threatened, hurt or killed their pet. They further found that between 18% and 48% of battered women have delayed their decision to leave their batterer or have returned to their batterer out of fear for the welfare of their pets or livestock.

Witnesses or victims are often more comfortable talking about animal abuse than human violence. A woman afraid to report her partner's abusive behaviour towards her may feel less afraid of reporting his cruelty to animals. According to Stevens *et al* (2013), many women and children allow themselves to be victimised to save their pet from being battered or killed. The effects of animal abuse on women and children go beyond being a recipient of physical

Information and photos provided by the National Council of SPCAs
Compiled by Kotie Geldenhuys

Sadly, animal cruelty is a daily, yet largely unreported, occurrence in South Africa. Few people realise that our communities should be taking animal abuse far more seriously. The question is: why?

The answer is that animal abuse should be taken seriously because it is a serious crime. Like children who are victims of (domestic) violence,

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85% of women and 63% of children seeking shelter from domestic violence report animal abuse in the home.



abuse to protect the pet, and can include the suffering of trauma-related symptoms such as nightmares, anxiety and/or depression.

- Animal abuse cases can reveal individuals who are engaged in other criminal activities

Acts of animal cruelty are often linked to a variety of other crimes, including violence against people, property crimes, and drug-related offences or disorderly conduct offences. It is believed that animal cruelty perpetrators sometimes commit the act of cruelty as an outlet for their impending aggression or criminal intent. A 2001-2004 study conducted by the Chicago Police Department "revealed a startling propensity for offenders charged with crimes against animals to commit other violent offences toward human victims". Of those arrested for animal crimes, 65% had also been arrested for battery against another person (Degenhardt, 2005).

- Animal cruelty is a warning sign for at-risk youth

An extensive 2009 study indicated that 62.2% of individuals who had committed violent acts of animal cruelty had been exposed to, or were victims of, family violence themselves.

Many children who abuse animals come from violent families or violent communities. One of the indicators of child abuse is when children commit cruelty to animals. If a child is reported to have

abused animals, a thorough evaluation of the child and family should be done to determine whether other forms of abuse are present in the family. Research has found that children from violent homes have lower levels of empathy and are able to generate outlooks that justify their own use of violence. Children exposed to violence in a home environment can turn to animal cruelty as an emotional or physical outlet and it is interesting to note that they are more likely to commit acts of animal abuse after witnessing animal abuse than after being abused themselves.

Children who have witnessed domestic violence are significantly more likely to display animal cruelty behaviour because the child may believe that violence is acceptable behaviour, as displayed by parents or role-models, and the child may find acts of animal cruelty to give him/her a self-satisfying feeling of power in an uncontrollable family dynamic.

Acts of animal cruelty are a significant form of physical aggression and can act as an indicator that children pose a risk to themselves as well as to others. Ongoing American longitudinal studies, which began in 1987, demonstrate that chronic physical aggression by elementary school boys increases the likelihood that they will commit continued physical violence, as well as other nonviolent forms of delinquency, during adolescence.

Info box: Many young children go through a developmental stage during which they may hurt insects or other small creatures in the process of exploring their world. Child behaviour experts caution parents, educators and other adults to gently, but firmly, intervene at these times, teaching the child about boundaries and the importance of respecting the needs and interests of other beings. If a child persists in this type of behaviour, or intentionally injures or kills cats, dogs, birds or other animals, further action is necessary, including parent training, psychotherapy for the child and family, and, in extreme cases, institutionalisation.



■ Serial killers, school shooters and mass murderers almost invariably have histories of abusing animals “Murderers very often start out by killing and torturing animals as kids,” says Robert K Ressler, who developed profiles of serial killers for the Federal Bureau of Investigation (FBI). A well-published USA study revealed that 100% of sexual homicide perpetrators (like Jeffrey Dahmer, who impaled frogs, cats and dogs’ heads on sticks) started by abusing animals and committing heinous acts of animal cruelty (www.peta.org/issues/companion-animal-issues/companion-animals-factsheets/)

Info box: Studies conducted in different correctional services institutions have revealed that animal abusers were 5.3 times more likely to have a violent criminal record than control participants; four times more likely to be arrested for property crimes; 3.5 times more likely to be arrested for drug-related offences, and 3.5 times more likely to be arrested for disorderly behaviour.

animal-abuse-human-abuse-partners-crime/).

Other examples of serial killers who have a history of animal abuse are:

- Albert DeSalvo (the “Boston Strangler”), who killed 13 women, trapped dogs and cats and shot arrows at them through boxes in his youth;
 - Dennis Rader (the BTK killer), who terrorised people in Kansas and wrote in a chronological account of his childhood that he hanged a dog and a cat; and
 - Lee Boyd Malvo, a convicted sniper who killed ten people with a rifle and who, according to a psychology professor who testified during the trial, “pelted - and probably killed - numerous cats with marbles from a slingshot when he was about 14 years old (www.peta.org/issues/companion-animal-issues/companion-animals-factsheets/animal-abuse-human-abuse-partners-crime/).
- It also has been revealed that more than half of the school shooters whose deadly rampages made national headlines during the late 1990s were known to persistently abuse animals (Miner, 1999). Degenhardt (2005) confirms this and says that seven school shootings, which took place across the USA between 1997 and 2001, all involved boys who had previously committed acts of animal cruelty. Sadly, many of these criminals’ childhood violence went unexamined - until it was directed at humans.

Understanding animal cruelty

■ Acts of omission (or passive animal cruelty) involve neglect of an animal under a variety of harsh conditions.

This can cause immense suffering for an animal. Some examples of neglect are:

- starvation;
- dehydration;
- allowing parasite infestations;
- allowing a collar to grow into the skin of a pet;
- providing inadequate shelter in extreme weather conditions; and
- failure to seek veterinary care in the case of a medical emergency.

In many cases, the occurrence of omission is due to merely being ignorant of what an animal needs and in these instances, an investigator may educate the owner and return to review the situation at a later date.

Nevertheless, sometimes severe cases require that the owner be charged and the animal removed and put into medical care. Passive animal cruelty is often overlooked by the general public, but it is just as significant.

Mental health issues sometimes can underline the cause of omission. An example is a form of OCD (obsessive compulsive disorder) whereby animals are collected and crowded or “hoarded” together progressively because of a strong, almost uncontrollable, fixation. (Hoarding is a topic for a future discussion.)

■ Acts of commission (or active animal cruelty) involve a purposeful act with malicious intent by a person to harm an animal.

Famous animal abusers



Ted Bundy



Jeffery Dahmer



David Berkowitz



Michael Vick

The link between animal cruelty and human violence is indisputable.

This refers to active cruelty, such as hitting and kicking. This intentional type of abuse is sometimes the most disturbing and is considered to indicate signs of psychological problems and psychopathic behaviour.

Animal abuse in violent homes can take many forms with many causes. People usually attack susceptible creatures such as pets because they are too vulnerable to protect themselves. Often, the criminal takes pleasure in it and gets a sense of accomplishment from the act of cruelty.

Examples of active animal cruelty are:

- assault and sexual assault;
- burning;
- poisoning;
- mutilation;
- drowning;
- suffocation; or
- abandonment.

Usually, people with a history of active animal cruelty are more likely to strike again and should be monitored closely.

Inter-agency cooperation

Animal abuse is a violent crime that affects not only animals but also children, families and communities. Investigating, prosecuting and sentencing individuals who commit animal abuse can be an effective weapon for law enforcement in the fight against crime.

Ongoing awareness campaigns and education that addresses the importance of detecting and preventing animal cruelty, and the link between animal cruelty and human violence, is fundamental to ensuring safe communities, as

well as inter-agency communication and cooperation.

What can you do?

By ignoring animal cruelty, we are ignoring the indicators of preventable violence against humans and creating a ticking time bomb. Communities must recognise that abuse to any living being is unacceptable and endangers everyone. Children should be taught to care for and respect animals. After an extensive study of the links between animal abuse and human abuse, Kellert and Felthous, two experts on animal abuse and anti-social behaviour, concluded that "the evolution of a more gentle and benign relationship in human society might be enhanced by our promotion of a more positive and nurturing ethic between children and animals" (Kellert and Felthous, 1985).

Animal cruelty is a well-researched red flag for both concurrent and potential future violence towards humans. In South Africa, animal cruelty is a piece of the crime puzzle that can be actioned against, as we have the legislation to allow it to be reported and punished, but in order to make a difference, the community must come together and let their voices be heard. Recognition of animal cruelty can save lives.

If you see an act of violence against any animal, report it to both the local SPCA and to the police.

List of additional references

Degenhardt, B. 2005. "Statistical summary of offenders charged with crimes against companion animals: July 2001 - July 2005." Report from the Chicago Police Department. In **Animal Cruelty and Human Violence. A documented connection.** The Humane Society of the United States. Accessed at www.humanesociety.org/issues/abuse_neglect/qa/cruelty_violence_connection_fa.html on 30 January 2014.

Kellert, S R and Felthous, A R. 1985. "Childhood cruelty toward animals among criminals and noncriminals." *Human Relations* 38. In **Animal abuse and human abuse: Partners in crime.** Accessed at www.peta.org/issues/companion-animal-issues/companion-animals-factsheets/animal-abuse-human-abuse-partners-crime/#ixzz2rs352MGc on 30 January 2013.

Miner, F. 1999. "1997-1998 school shootings roundup." *The Latham Letter*. In *The Humane Society of the United States*. Nd. **First strike: The violence connection.** Accessed at www.humanesociety.org/assets/pdfs/abuse/first_strike.pdf on 30 January 2014.

Stevens, S; Stahmer, E and McKee, C. 2013. "The link between domestic violence and animal abuse." *The Feminist Wire*. Accessed at <http://thefeministwire.com/2013/10/the-link-between-domestic-violence-and-animal-abuse> on 30 January 2014.

www.cobar.org/index.cfm/ID/1491/DPWCP/The-Abuse-Connection/display.cfm?GenID=5540 - Accessed on 30 January 2014.

Animals Protection Act, No 71 of 1962

STATUTES OF THE REPUBLIC OF SOUTH AFRICA—ANIMALS

ANIMALS PROTECTION ACT NO. 71 OF 1962

[ASSENTED TO 16 JUNE, 1962]

[DATE OF COMMENCEMENT: 1 DECEMBER, 1962]

(Afrikaans text signed by the State President)

as amended by

General Law Amendment Act, No. 102 of 1972

[with effect from 5 July, 1972—see title GENERAL LAW AMENDMENT ACTS.]

Animals Protection Amendment Act, No. 7 of 1972

Animals Protection Amendment Act, No. 54 of 1983

Animals Protection Amendment Act, No. 20 of 1985

Animals Protection Second Amendment Act, No. 84 of 1985

Protection of Animals Amendment Act, No. 7 of 1991

Animal Matters Amendment Act, No. 42 of 1993

Abolition of Corporal Punishment Act, No. 33 of 1997

[with effect from 5 September, 1997—see title CRIMINAL LAW AND PROCEDURE]

GENERAL NOTE

In terms of Proclamation No. R.45 of 8 August, 1997, the administration of Act No. 71 of 1962 has been assigned to the Minister for Agriculture and Land Affairs.

ACT

To consolidate and amend the laws relating to the prevention of cruelty to animals.

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

“animal” means any equine, bovine, sheep, goat, pig, fowl, ostrich, dog, cat or other domestic animal or bird, or any wild animal, wild bird or reptile which is in captivity or under the control of any person;

“Minister” means the Minister of Justice;

“owner”, in relation to an animal, includes any person having the possession, charge, custody or control of that animal;

“police officer” includes a member of any force established under any law for the carrying out of police powers, duties or functions;

“veterinarian” means a person registered as such under the Veterinary and Para-Veterinary Professions Act, 1982 (Act No. 19 of 1982).

[Definition of “veterinarian” substituted by s. 12 of Act No. 7 of 1991.]

2. Offences in respect of animals.—(1) Any person who—

(a) overloads, overdrives, overrides, ill-treats, neglects, infuriates, tortures or maims or cruelly beats, kicks, goads or terrifies any animal; or

[Para. (a) substituted by s. 13 (a) of Act No. 7 of 1991.]

- (b) confines, chains, tethers or secures any animal unnecessarily or under such conditions or in such a manner or position as to cause that animal unnecessary suffering or in any place which affords inadequate space, ventilation, light, protection or shelter from heat, cold or weather; or
- (c) unnecessarily starves or under-feeds or denies water or food to any animal; or
- (d) lays or exposes any poison or any poisoned fluid or edible matter or infectious agents except for the destruction of vermin or marauding domestic animals or without taking reasonable precautions to prevent injury or disease being caused to animals; or

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- (e) being the owner of any animal, deliberately or negligently keeps such animal in a dirty or parasitic condition or allows it to become infested with external parasites or fails to render or procure veterinary or other medical treatment or attention which he is able to render or procure for any such animal in need of such treatment or attention, whether through disease, injury, delivery of young or any other cause, or fails to destroy or cause to be destroyed any such animal which is so seriously injured or diseased or in such a physical condition that to prolong its life would be cruel and would cause such animal unnecessary suffering; or
- (f) uses on or attaches to any animal any equipment, appliance or vehicle which causes or will cause injury to such animal or which is loaded, used or attached in such a manner as will cause such animal to be injured or to become diseased or to suffer unnecessarily; or
- (g) save for the purpose of training hounds maintained by a duly established and registered vermin club in the destruction of vermin, liberates any animal in such manner or place as to expose it to immediate attack or danger of attack by other animals or by wild animals, or baits or provokes any animal or incites any animal to attack another animal; or
- (h) liberates any bird in such manner as to expose it to immediate attack or danger of attack by animals, wild animals or wild birds; or
- (i) drives or uses any animal which is so diseased or so injured or in such a physical condition that it is unfit to be driven or to do any work; or
- (j) lays any trap or other device for the purpose of capturing or destroying any animal, wild animal or wild bird the destruction of which is not proved to be necessary for the protection of property or for the prevention of the spread of disease; or
- (k) having laid any such trap or other device fails either himself or through some competent person to inspect and clear such trap or device at least once each day; or
- (l) except under the authority of a permit issued by the magistrate of the district concerned, sells any trap or other device intended for the capture of any animal, including any wild animal (not being a rodent) or wild bird, to any person who is not a *bona fide* farmer; or
- (m) conveys, carries, confines, secures, restrains or tethers any animal—
 - (i) under such conditions or in such a manner or position or for such a period of time or over such a distance as to cause that animal unnecessary suffering; or
 - (ii) in conditions affording inadequate shelter, light or ventilation or in which such animal is excessively exposed to heat, cold, weather, sun, rain, dust, exhaust gases or noxious fumes; or
 - (iii) without making adequate provision for suitable food, potable water and rest for such animal in circumstances where it is necessary; or

[Para. (m) substituted by s. 13 (b) of Act No. 7 of 1991.]
- (n) without reasonable cause administers to any animal any poisonous or injurious drug or substance; or
- (o)

[Para. (o) deleted by s. 2 of Act No. 42 of 1992.]
- (p) being the owner of any animal, deliberately or without reasonable cause or excuse, abandons it, whether permanently or not, in circumstances likely to cause that animal unnecessary suffering; or
- (q) causes, procures or assists in the commission or omission of any of the aforesaid acts or, being the owner of any animal, permits the commission or omission of any such act; or

- (r) by wantonly or unreasonably or negligently doing or omitting to do any act or causing or procuring the commission or omission of any act, causes any unnecessary suffering to any animal; or
- (s) kills any animal in contravention of a prohibition in terms of a notice published in the *Gazette* under subsection (3) of this section,

[Para. (s) inserted by s. 21 (b) of Act No. 102 of 1972.]

shall, subject to the provisions of this Act and any other law, be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding twelve months or to such imprisonment without the option of a fine.

[Sub-s. (1) amended by s. 3 of Act No. 54 of 1983, by s. 5 of Act No. 20 of 1985, by s. 13 (c) of Act No. 7 of 1991 and by s. 2 of Act No. 33 of 1997.]

(2) For the purposes of subsection (1) the owner of any animal shall be deemed to have permitted or procured the commission or omission of any act in relation to that animal if by the exercise of reasonable care and supervision in respect of that animal he could have prevented the commission or omission of such act.

(3) The Minister may by notice in the *Gazette* prohibit the killing of an animal specified in the notice with the intention of using the skin or meat or any other part of such animal for commercial purposes.

[Sub-s. (3) added by s. 21 (c) of Act No. 102 of 1972.]

2A. Animal fights.—(1) Any person who—

- (a) possesses, keeps, imports, buys, sells, trains, breeds or has under his control an animal for the purpose of fighting any other animal;
- (b) baits or provokes or incites any animal to attack another animal or to proceed with the fighting of another animal;
- (c) for financial gain or as a form of amusement promotes animal fights;
- (d) allows any of the acts referred to in paragraphs (a) to (c) to take place on any premises or place in his possession or under his charge or control;
- (e) owns, uses or controls any premises or place for the purpose or partly for the purpose of presenting animal fights on any such premises or place or who acts or assists in the management of any such premises or place, or who receives any consideration for the admission of any person to any such premises or place; or
- (f) is present as a spectator at any premises or place where any of the acts referred to in paragraphs (a) to (c) is taking place or where preparations are being made for such acts,

shall be guilty of an offence and liable on conviction to a fine or imprisonment for a period not exceeding two years.

(2) In any prosecution in terms of subsection (1) it shall be presumed, unless the contrary is proved, that an animal which is found at any premises or place is the property or under the control of the owner of that premises or place, or is the property or under the control of the person who uses or is in control of the premises or place.

(3) Notwithstanding anything to the contrary contained in any law, a magistrate's court shall have jurisdiction to impose any penalty provided for in this section.

[S. 2A inserted by s. 3 of Act No. 42 of 1993.]

3. Powers of court.—(1) Whenever a person is convicted of an offence in terms of this Act in respect of any animal, the court convicting him may in addition to any punishment imposed upon him in respect of that offence—

- (a) order such animal to be destroyed if in the opinion of the court it would be cruel to keep such animal alive;

- (b) order that the person convicted be deprived of the ownership of such animal;
- (c) declare the person convicted to be unfit to own or be in charge of any animal, or of any animal of a specified kind, for a specified period;
- (d) make any order with regard to such animal as it deems fit to give effect to any order or declaration made under any of the preceding paragraphs.

(2) Any person who is found in possession or in charge of any animal in contravention of a declaration made in terms of paragraph (c) of sub-section (1), shall be guilty of an offence and liable on conviction to the penalties prescribed in sub-section (1) of section two.

4. Power of court to award damages.—(1) Whenever any person is convicted by a magistrate's court of an offence under this Act and it is proved that such person has by the commission of that offence caused loss to any other person or that any other person has as the result of such offence incurred expense in providing necessary veterinary attention or treatment, food or accommodation for any animal in respect of which the offence was committed or in caring for such animal pending the making of an order by the court for the disposal thereof, the court may, on application by such other person or by the person conducting the prosecution acting on the instructions of such other person, summarily enquire into and determine the amount of the loss so caused or expense so incurred and give judgment against the person convicted and in favour of such other person for the amount so determined, but not exceeding an amount of R5 000.

[Sub-s. (1) substituted by s. 6 (a) of Act No. 20 of 1985.]

(2) Any such judgment shall have effect as if it had been given in a civil action duly instituted before such court.

(3) The provisions of sub-sections (1) and (2) shall *mutatis mutandis* apply in respect of—

- (a) any costs incurred in connection with the custody of an animal seized in terms of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), for the purposes of a prosecution in terms of this Act; and

[Para. (a) substituted by s. 9 of Act No. 7 of 1972 and by s. 6 (b) of Act No. 20 of 1985.]

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- (b) any costs incurred in connection with the destruction of an animal in terms of an order under paragraph (a) of sub-section (1) of section *three* and the removal and burial or destruction of the carcass.

5. When police officer may destroy any animal.—(1) Whenever a police officer is of the opinion that any animal is so diseased or severely injured or in such a physical condition that it ought to be destroyed, he shall, if the owner be absent or refuses to consent to the destruction of the animal, at once summon a veterinarian or, if there is no veterinarian within a reasonable distance, two adult persons whom he considers to be reliable and of sound judgment, and if such veterinarian or adult person after having duly examined such an animal certify that the animal is so diseased or so severely injured or in such physical condition that it would be cruel to keep it alive, such police officer may without the consent of the owner destroy the animal or cause it to be destroyed with such instruments or appliances and with such precautions and in such manner as to inflict as little suffering as practicable.

(2) Any police officer who destroys any animal or causes it to be destroyed in the absence of the owner shall, if such owner's name and address are known, advise him of the destruction, and where the destruction of any animal takes place on any public place or public road shall, subject to the provisions of the Animal Diseases Act, 1984 (Act No. 35 of 1984), remove the carcass or cause it to be removed therefrom.

[Sub-s. (2) substituted by s. 10 of Act No. 7 of 1972 and by s. 14 of Act No. 7 of 1991.]

(3) A veterinarian may in respect of any animal exercise the powers conferred by sub-section (1) upon a police officer without summoning another veterinarian, police officer or any other person, and in respect of such exercise of those powers the provisions of sub-section (2) shall apply.

(4) Any expenses which may be reasonably incurred by any police officer or veterinarian in carrying out the provisions of this section may be recovered from the owner of the animal in question as a civil debt.

(5) It shall be a defence to an action brought against any person arising out of the destruction of an animal by him or with his authority, to prove that such animal was so severely injured or so diseased or in such a physical condition that it would have been cruel to have kept it alive, and that to summon a police officer or follow the procedure prescribed in this section would have occasioned unreasonable delay and unnecessary suffering to such animal.

6. Poundmaster may recover expenses.—Any poundmaster shall be entitled to recover from the owner of any impounded animal any reasonable expenses necessarily incurred by him in rendering or providing veterinary or medical attention for such animal.

7. Owner may be summoned to produce animal for inspection by court.—(1) A court trying any person for an alleged offence under this Act may summon the owner of any animal in respect of which such offence is alleged to have been committed to produce that animal at a time and place stated in the summons for inspection by the court.

(2) Any person who without satisfactory excuse fails to comply with a summons issued in terms of sub-section (1) shall be guilty of an offence and liable on conviction to the penalties prescribed in sub-section (1) of section *two*.

8. Powers of officers of society for prevention of cruelty to animals.—(1) If authorized thereto by writing under the hand of the magistrate of a district, any officer of any society for the prevention of cruelty to animals may in that district—

- (a) without warrant and at any time with the consent of the owner or occupier, or failing such consent on obtaining an order from a magistrate, enter any premises where any animal is kept, for the purpose of examining the conditions under which it is so kept;

- (b) without warrant arrest any person who is suspected on reasonable grounds of having committed an offence under this Act, if there is reason to believe that the ends of justice would be defeated by the delay in obtaining a warrant;
- (c) on the arrest of any person on a charge of an offence under this Act, seize any animal or thing in the possession or custody of that person at the time of the arrest and take it forthwith to a police officer, who shall deal with it in accordance with the provisions of the Criminal Procedure Act, 1977 (Act No. 51 of 1977);

[Para. (c) substituted by s. 7 of Act No. 20 of 1985.]

- (d) exercise in respect of any animal the powers conferred by sub-section (1) of section five upon a police officer and in respect of such exercise of those powers, the provisions of the said section shall *mutatis mutandis* apply.

(2) Any authority granted under sub-section (1) may at any time for good cause be revoked by the magistrate of the district.

(3) An officer to whom authority has been granted under sub-section (1) shall, when required to do so in the exercise of his powers, produce that authority for inspection.

(4) Any person who wilfully obstructs, hinders or resists an officer authorized under sub-section (1) in the exercise of the powers conferred upon him or conceals any animal or thing with intent to defeat the exercise of such powers, or who upon demand fails to give his name and address to such officer, shall be guilty of an offence and liable on conviction to the penalties set out in sub-section (1) of section two.

9. Costs may be awarded against vexatious complainant.—If at the trial of any person on a charge of an offence under this Act, the court is satisfied that any person or body has without reasonable cause and vexatiously lodged or caused to be lodged the complaint which led to such trial, it may award costs, including attorney and client costs, on the magistrate's court scale, against such person or body as if the proceedings were civil proceedings between the accused and such person or body.

10. Regulations.—(1) The Minister may make regulations relating to—

- (a) the method and form of confinement and accommodation of any animal or class, species or variety of animals, whether travelling or stationary;
- (b) any other reasonable requirements which may be necessary to prevent cruelty to or suffering of any animal;
- (c) the seizure, impounding, custody or confining of any animal due to any condition of such animal, the disposal or destruction of such animal and the recovery of any expenses incurred in connection therewith from the owner of such animal; and

[Para. (c) substituted by s. 1 of Act No. 84 of 1985.]

- (d) generally such matters as are required for the better carrying out of the objects and purposes of this Act.

(2) Such regulations may prescribe penalties for contravention thereof or failure to comply therewith not exceeding a fine of R4 000 or imprisonment for a period of twelve months.

[Sub-s. (2) substituted by s. 4 of Act No. 54 of 1983 and by s. 8 of Act No. 20 of 1985 and amended by s. 15 of Act No. 7 of 1991.]

10A.

[S. 10A inserted by s. 11 of Act No. 7 of 1972 and repealed by s. 16 of Act No. 7 of 1991.]

11. Repeal of laws.—The Prevention of Cruelty to Animals Act, 1914 (Act No. 8 of 1914), the Prevention of Cruelty to Animals Act, 1914, Amendment Act, 1922 (Act No. 14 of 1922), the Prevention of Cruelty to Animals Act, 1914, Amendment Act, 1928 (Act No. 10 of 1928), and the Prevention of Cruelty to Animals Amendment Act, 1949 (Act No. 28 of 1949), are hereby repealed.

12. Short title and commencement.—This Act shall be called the Animals Protection Act, 1962, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

DIEREBESKERMINGSWET
NO. 71 VAN 1962

[GOEDGEKEUR OP 16 JUNIE 1962]

[DATUM VAN INVOERING: 1 DESEMBER 1962]

(*Afrikaanse teks deur die Staatspresident geteken*)

soos gewysig deur

Algemene Regswysigingswet, No. 102 van 1972
[met ingang van 5 Julie 1972—sien titel ALGEMENE REGSWYSIGINGSWETTE.]

Wysigingswet op Dierebeskerming, No. 7 van 1972
Wysigingswet op Dierebeskerming, No. 54 van 1983
Wysigingswet op Dierebeskerming, No. 20 van 1985
Tweede Dierebeskerminingswysigingswet, No. 84 van 1985
Wysigingswet op die Beskerming van Diere, No. 7 van 1991
Wysigingswet op Diere-aangeleenthede, No. 42 van 1993
Wet op die Afskaffing van Lyfstraf, No. 33 van 1997
[met ingang van 5 September 1997—sien titel STRAF- EN PROSESREG]

ALGEMENE KENNINGSGEWING

Kragtens Proklamasie No. R.45 van 8 August, 1997, word die administrasie van Wet No. 71 van 1962 aan die Minister vir Landbou en Grondsake oorgedra.

WET

Tot samevatting en wysiging van die wetsbepalings betreffende die voorkoming van dieremishandeling.

1. Woordbepaling.—Tensy uit die samehang anders blyk, beteken in hierdie Wet—

„dier” ’n lid van die perdefamilie, bees, skaap, bok, vark, hoender, volstruis, hond, kat of ander huisdier of -voël of ’n wilde dier, wilde voël of reptiel wat in gevangenskap verkeer of onder die beheer van iemand is;

„eienaar”, met betrekking tot ’n dier, ook iemand wat in besit is van of belas is met die sorg, bewaring of beheer van ’n dier;

„Minister” die Minister van Justisie;

„polisiebeampte” ook ’n lid van ’n mag by wet ingestel ter uitvoering van bevoegdhede, pligte of werksaamhede van polisie;

„veearts” ’n persoon wat kragtens die Wet op Veterinêre en Para-Veterinêre Beroepe, 1982 (Wet No. 19 van 1982), as sodanig geregistreer is.

[Omskrywing van „veearts” vervang deur a. 12 van Wet No. 7 van 1991.]

2. Misdrywe ten opsigte van diere.—(1) Iemand wat—

(a) ’n dier oorlaai, oorwerk, flour ry, mishandel, verwaarloos, woedend maak, pynig, of vermink of wreedaardig slaan, skop, voortdryf of verskrik; of

[Par. (a) vervang deur a. (13) (a) van Wet No. 7 van 1991.]

WETTE VAN DIE REPUBLIEK VAN SUID-AFRIKA—DIERE
Dierebeskermingswet, No. 71 van 1962

a. 2

a. 2

- (b) 'n dier onnodig of in sulke toestand of op so 'n wyse of in so 'n houding dat dit onnodige lyding aan daardie dier veroorsaak of in 'n plek wat onvoldoende ruimte, lugtoevoer, lig, beskerming of beskutting teen hitte, koue of die weer bied, inperk, vasketting, op tou slaan of vasmaak; of
- (c) 'n dier onnodig uithonger of ondervoed of water of kos ontsê; of
- (d) gif of vergiftigde vloeistof of eetbare middels of besmetlike stowwe êrens plaas of onbedek laat behalwe vir die uitroei van ongediertes of rondloperhuisdiere of sonder om redelike voorsorgsmaatreëls te tref om te voorkom dat besering of siekte aan die diere veroorsaak word; of

vervolg op bladsy 274

- (e) in die geval van die eienaar van 'n dier, daardie dier opsetlik of nalatiglik in 'n vuil toestand of vol parasiete hou of toelaat dat dit met eksterne parasiete besmet raak of versuim om veerartsenykundige of ander geneeskundige behandeling of aandag waartoe hy in staat is te verskaf of te verkry vir so 'n dier wat daaraan behoefte het, hetsy weens siekte, besering, die geboorte van kleintjies of 'n ander oorsaak, of versuim om so 'n dier af te maak of te laat afmaak wat so ernstig beseer of siek is of in so 'n liggaamlike toestand verkeer dat dit wreed sou wees en onnodige lyding vir daardie dier sal veroorsaak om hom aan die lewe te hou; of
- (f) enige toerusting, toestel of voertuig op 'n dier gebruik of aan hom vasmaak wat daardie dier beseer of sal beseer of wat op so 'n wyse gelaai, gebruik of vasgemaak word dat daardie dier beseer of met siekte besmet sal word of onnodig sal ly; of
- (g) behalwe om honde wat deur 'n behoorlik ingestelde en geregistreerde ongedierteklub aangehou word, af te rig om ongediertes uit te roei, 'n dier loslaat op so 'n wyse of plek dat hy aan onmiddellike aanval of gevaar van aanval deur ander diere of deur wilde diere blootgestel word, of 'n dier sar of tart of aanhits om 'n ander dier aan te val; of
- (h) 'n voël loslaat op so 'n wyse dat hy aan onmiddellike aanval of gevaar van aanval deur diere, wilde diere of wilde voëls blootgestel word; of
- (i) 'n dier dryf of gebruik wat so sieklik of beseer is of in so 'n liggaamlike toestand verkeer dat hy ongeskik is om gedryf te word of om enige werk te doen; of
- (j) 'n slagyster of ander toestel stel om 'n dier, wilde dier of wilde voël te vang of uit te roei, waarvan die uitroeiing nie vir die beskerming van eiendom of die voorkoming van verspreiding van siekte nodig bewys word nie; of
- (k) waar 'n slagyster of ander toestel aldus gestel is, versuim of self of deur middel van 'n bevoegde persoon daardie slagyster of toestel minstens een keer per dag na te sien en op te ruim; of
- (l) behalwe op gesag van 'n permit deur die landdros van die betrokke distrik uitgereik, 'n slagyster of ander toestel bedoel om 'n dier, met inbegrip van 'n wilde dier (behalwe 'n knaagdier) of wilde voël te vang, verkoop aan iemand wat nie 'n *bona fide*-boer is nie; of
- (m) 'n dier vervoer, dra, inperk, vasmaak, beperk, of op tou slaan—
 - (i) onder sulke toestande of op so 'n wyse of in so 'n houding of vir so 'n tydperk of oor so 'n afstand dat onnodige lyding aan daardie dier veroorsaak word; of
 - (ii) in toestand wat nie voldoende beskutting, lig of lugtoevoer bied nie, of wat daardie dier oormatig aan hitte, koue, die weer, son, reën, stof, uitlaatgasse of skadelike dampe blootstel; of
 - (iii) sonder om, in omstandighede waar dit nodig is, voldoende voorsiening vir geskikte voedsel, drinkbare water en rus vir daardie dier te maak; of[Par. (m) vervang deur a. 13 (b) van Wet No. 7 van 1991.]
- (n) sonder redelike oorsaak 'n giftige of skadelike middel of stof aan 'n dier toedien; of
- (o)
[Par. (o) geskrap deur a. 2 van Wet No. 42 van 1993.]
- (p) in die geval van die eienaar van 'n dier, daardie dier opsetlik of sonder redelike oorsaak of verskoning aan sy lot oorlaat, hetsy permanent of nie, onder omstandighede wat waarskynlik onnodige lyding aan daardie dier sal veroorsaak; of
- (q) die verrigting of nalating van 'n voormelde handeling veroorsaak of bewerkstellig of daarby behulpsaam is of, in die geval van die eienaar van 'n dier, toelaat dat so 'n handeling verrig of nagelaat word; of

- (r) deur op ligsinnige of onredelike of nalatige wyse 'n handeling te verrig of na te laat, of die verrigting of nalating van 'n handeling te veroorsaak of te bewerkstellig, onnodige lyding aan 'n dier veroorsaak; of
- (s) 'n dier doodmaak in stryd met 'n verbod ingevolge 'n kennisgewing kragtens subartikel (3) van hierdie artikel in die *Staatskoerant* gepubliseer,
[Par. (s) ingevoeg deur a. 21 (b) van Wet No. 102 van 1972.]

is, behoudens die bepalings van hierdie Wet en enige ander wetsbepalings, aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens twaalf maande of met daardie gevangenisstraf sonder die keuse van 'n boete.

[Sub-a. (1) gewysig deur a. 3 van Wet No. 54 van 1983, deur a. 5 van Wet No. 20 van 1985, deur a. 13 (c) van Wet No. 7 van 1991 en deur a. 2 van Wet No. 33 van 1997.]

(2) By die toepassing van sub-artikel (1) word die eienaar van 'n dier geag 'n handeling of versuim met betrekking tot die dier toe te gelaat of te bewerkstellig het indien hy deur redelike sorg en toesig ten opsigte van dié dier uit te oefen die verrigting of nalating van daardie handeling kon verhoed het.

(3) Die Minister kan by kennisgewing in die *Staatskoerant* die doodmaak van 'n in die kennisgewing vermelde dier met die doel om die vel of vleis of 'n ander deel van bedoelde dier vir handelsdoeleindes te gebruik, verbied.

[Sub-a. (3) bygevoeg deur a. 21 (c) van Wet No. 102 van 1972.]

2A. Dieregevegte.—(1) Iemand wat—

- (a) 'n dier besit, aanhou, invoer, koop, verkoop, afrig, teel of onder sy beheer het vir die doel van die bevegting van 'n ander dier;
- (b) 'n dier sar of tart of aanhits om 'n ander dier aan te val of met die bevegting van 'n ander dier voort te gaan;
- (c) vir finansiële gewin of as 'n vorm van vermaak dieregevegte bevorder;
- (d) toelaat dat enige van die handeling in paragrawe (a) tot (c) bedoel, plaasvind op 'n perseel of plek in sy besit of onder sy toesig of beheer;
- (e) 'n perseel of plek besit, gebruik of beheer vir die doel of gedeeltelik vir die doel om dieregevegte daarop aan te bied of in verband met die bestuur van so 'n perseel of plek optree of help, of vergoeding ontvang om iemand tot so 'n perseel of plek toe te laat; of
- (f) teenwoordig is as 'n toeskouer op 'n perseel of plek waar enige van die handeling in paragrawe (a) tot (c) bedoel, plaasvind of waar voorbereiding vir sodanige handeling getref word,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar.

(2) By 'n vervolging ingevolge subartikel (1) word vermoed, tensy die teendeel bewys word, dat 'n dier wat op 'n perseel of plek gevind of aangetref word, die eiendom of onder die beheer is van die eienaar van daardie perseel of plek, of die eiendom of onder die beheer is van die persoon wat daardie perseel of plek gebruik of in beheer daarvan is.

(3) Ondanks andersluidende bepalings van die een of ander wet is 'n landdroshof regsbevoeg om enige straf op te lê waarvoor hierdie artikel voorsiening maak.

[A. 2A ingevoeg deur a. 3 van Wet No. 42 van 1993.]

3. Bevoegdheid van die hof.—(1) Wanneer iemand weens 'n misdryf ingevolge hierdie Wet ten opsigte van 'n dier veroordeel word, kan die hof wat hom skuldig bevind, benewens enige ander straf hom ten opsigte van dié misdryf opgelê:—

- (a) beveel dat bedoelde dier afgemaak word indien die hof oordeel dat dit wreed sou wees om dié dier aan die lewe te hou;

- (b) enige onkoste aangegaan in verband met die afmaak van 'n dier ingevolge 'n bevel kragtens paragraaf (a) van sub-artikel (1) van artikel drie en die verwydering en begrawe of vernietiging van die karkas.

5. Wanneer polisiebeampte 'n dier kan afmaak.—(1) Wanneer 'n polisiebeampte van oordeel is dat 'n dier so siek of so ernstig beseer is of in so 'n liggaamlike toestand verkeer dat dit afgemaak behoort te word, moet hy, indien die eienaar afwesig is of weier om toe te stem dat die dier afgemaak word, sonder versuim 'n veearts ontbied, of, as daar nie binne redelike afstand 'n veearts is nie, twee volwasse persone wat hy betroubaar en van goeie oordeel ag, en indien daardie veearts of volwasse persone na behoorlike ondersoek van die dier sertifiseer dat die dier so siek of so ernstig beseer is of in so 'n liggaamlike toestand verkeer dat dit wreed sou wees om hom aan die lewe te hou, kan bedoelde polisiebeampte die dier sonder die toestemming van die eienaar afmaak of laat afmaak met die instrumente of toestelle en met die voorsorgmaatreëls en op die wyse wat so min lyding as moontlik veroorsaak.

(2) 'n Polisiebeampte wat 'n dier in afwesigheid van die eienaar afmaak of laat afmaak, moet, indien bedoelde eienaar se naam en adres bekend is, hom van die afmaking in kennis stel, en moet, maar onderworpe aan die bepalings van die Wet op Dieresiektes, 1984 (Wet No. 35 van 1984), waar 'n dier op 'n openbare plek of openbare pad afgemaak word, die karkas vandaar verwyder of laat verwyder.

[Sub-a. (2) vervang deur a. 10 van Wet No. 7 van 1972 en deur a. 14 van Wet No. 7 van 1991.]

(3) 'n Veearts kan die bevoegdheid wat kragtens sub-artikel (1) aan 'n polisiebeampte verleen word, ten opsigte van 'n dier uitoefen sonder om 'n ander veearts, polisiebeampte of persoon in te roep, en die bepalings van sub-artikel (2) is ten opsigte van die uitoefening van bedoelde bevoegdheid van toepassing.

(4) Uitgawes wat redelikerwys deur 'n polisiebeampte of veearts by die uitvoering van die bepalings van hierdie artikel aangegaan word, kan as 'n siviele skuld op die eienaar van die betrokke dier verhaal word.

(5) By 'n geding teen iemand ingestel weens die afmaak van 'n dier deur hom of op sy gesag, is dit 'n verweer om te bewys dat dié dier so ernstig beseer of so siek was of in so 'n liggaamlike toestand verkeer het dat dit wreed sou gewees het om hom aan die lewe te hou, en dat dit onredelike vertraging en onnodige lyding vir die dier sou veroorsaak het om 'n polisiebeampte te ontbied of die in hierdie artikel voorgeskrewe prosedure te volg.

6. Skutmeester kan uitgawes verhaal.—'n Skutmeester is geregtig om van die eienaar van 'n dier wat geskut is redelike uitgawes te verhaal wat hy noodsaaklikerwys by die ververlening of verskaffing van veeartsenykundige of geneeskundige aandag aan daardie dier aangegaan het.

7. Eienaar kan gedagvaar word om dier vir inspeksie voor hof te bring.—(1) 'n Hof wat iemand weens 'n beweerde misdryf ingevolge hierdie Wet verhoor, kan die eienaar van 'n dier ten aansien waarvan bedoelde misdryf na bewering gepleeg is, dagvaar om daardie dier op 'n tyd en plek in die dagvaarding vermeld vir inspeksie deur die hof te bring.

(2) Iemand wat sonder bevredigende verskoning versuim om aan 'n dagvaarding ingevolge sub-artikel (1) te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe in sub-artikel (1) van artikel twee voorgesryf.

8. Magte van beamptes van vereniging tot voorkoming van mishandeling van diere.—

(1) Indien skriftelik daartoe gemagtig deur die landdros van 'n distrik mag 'n beampte van 'n vereniging tot voorkoming van mishandeling van diere in daardie distrik—

- (a) sonder lasbrief en te eniger tyd met die toestemming van die eienaar of bewoner, of by gebrek aan sodanige toestemming, nadat 'n bevel van 'n landdros verkry is, enige perseel waarin of waarop 'n dier aangehou word, binnegaan met die doel om die omstandighede waaronder daardie dier aangehou word, te ondersoek;

- (b) enige persoon wat op redelike gronde verdink word dat hy 'n oortreding ingevolge die bepalings van hierdie Wet gepleeg het, sonder lasbrief in hegtenis neem indien daar rede bestaan om te vermoed dat die regspleging verydel sal word deur die vertraging wat die verkryging van 'n lasbrief sal meebring;
- (c) by die inhegtenisneming van enige persoon weens 'n aanklag van 'n oortreding ingevolge die bepalings van hierdie Wet, enige dier of ding wat ten tyde van die inhegtenisneming in die besit of bewaring van daardie persoon is, in beslag neem en dit onverwyld na 'n polisiebeampte neem, wat daarmee handel ooreenkomstig die bepalings van die Strafproseswet, 1977 (Wet No. 51 van 1977);

[Par. (c) vervang deur a. 7 van Wet No. 20 van 1985.]

- (d) die bevoegdhede wat kragtens sub-artikel (1) van artikel vyf aan 'n polisiebeampte verleen word, ten opsigte van 'n dier uitoefen en die bepalings van daardie artikel is *mutatis mutandis* ten opsigte van die uitoefening van bedoelde bevoegdhede van toepassing.

(2) Enige magtiging kragtens sub-artikel (1) verleen, kan te eniger tyd op goeie gronde deur die landdros van die distrik ingetrek word.

(3) 'n Beampte aan wie 'n magtiging kragtens sub-artikel (1) verleen is, moet dit vir ondersoek toon wanneer dit in die uitoefening van sy pligte vereis word.

(4) Iemand wat 'n beampte wat kragtens sub-artikel (1) gemagtig is, opsetlik hinder, belemmer of teengaan by die uitoefening van 'n bevoegdheid wat aan hom verleen is of wat 'n dier of ding verberg met die doel om die uitoefening van so 'n bevoegdheid te dwarsboom, of wat versuim om op aanvraag sy naam en adres aan so 'n beampte te verstrek, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe in sub-artikel (1) van artikel twee uiteengesit.

9. Koste kan teen kwelsugtige klaer toegeken word.—Indien die hof by die verhoor van iemand weens 'n aanklag van 'n oortreding ingevolge hierdie Wet oortuig is dat enige persoon of liggaam sonder redelike gronde en kwelsugtig die klagte ingedien of laat indien het wat tot die verhoor gelei het, kan hy koste, met inbegrip van prokureur- en kliëntkoste, ooreenkomstig die landdroshofskaal teen so 'n persoon of liggaam toeken asof die verrigtinge sivielregtelike verrigtinge tussen die beskuldigde en so 'n persoon of liggaam was.

10. Regulasies.—(1) Die Minister kan regulasies uitvaardig betreffende—

- (a) die metode en vorm van inperking en huisvesting van 'n dier of 'n klas, soort of variëteit diere, hetsy op reis of stilstaande;
- (b) enige ander redelike vereistes wat nodig mag wees om mishandeling of lyding van 'n dier te voorkom;
- (c) die inbeslagneming, skut, bewaring of inperking van 'n dier weens enige toestand waarin dié dier verkeer, die beskikking oor of afmaak van so 'n dier en die verhaal van onkoste in verband daarmee aangegaan van die eienaar van dié dier, en

[Par. (c) vervang deur a. 1 van Wet No. 84 van 1985.]

- (d) oor die algemeen aangeleenthede wat nodig mag wees ten einde die oogmerke en doelstellings van hierdie Wet beter te kan verwesenlik.

(2) Sodanige regulasies kan vir oortreding daarvan of versuim om daaraan te voldoen strawwe voorskryf wat 'n boete van R4 000 of gevangenisstraf vir 'n tydperk van twaalf maande nie te bowe gaan nie.

[Sub-a. (2) vervang deur a. 4 van Wet No. 54 van 1983, deur a. 8 van Wet No. 20 van 1985 en deur a. 15 van Wet No. 7 van 1991.]

-10A.

[A. 10A ingevoeg deur a. 11 van Wet No. 7 van 1972 en herroep deur a. 16 van Wet No. 7 van 1991.]

11. Herroeping van Wette.—Die „Wet tot Voorkomen van Mishandeling van Dieren, 1914” (Wet No. 8 van 1914), die „Voorkomen van Mishandeling van Dieren Wet, 1914, Wijzigings Wet, 1922” (Wet No. 14 van 1922), die Voorkoming van Mishandeling van Diere Wet, 1914, Wysigings Wet, 1928 (Wet No. 10 van 1928), en die Wysigingswet op die Voorkoming van Dieremishandeling, 1949 (Wet No. 28 van 1949), word hierby herroep.

12. Kort titel en inwerkingtreding.—Hierdie Wet heet die Dierebeskermingswet, 1962, en tree in werking op 'n datum deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

Communications Nodal point

Sent: 04 July 2012 17:06

To: SAPS All E-Mail Users - New

Subject: FW: Police enforcement : Animal Protection Act

Importance: High



FOR ATTENTION: ALL OPERATIONAL MEMBERS

POLICE ENFORCEMENT: ANIMALS PROTECTION ACT NO 71 OF 1962

The National Council of Society for Prevention of Cruelty to Animals (NSPCA) has expressed to the SAPS, their concern that they do not receive support from police officials in terms of the Animals Protection Act No 71 of 1962, as they do not always have the capacity to deal with all cases reported.

It is alleged that Station Commanders inform members that they are not permitted to shoot / destroy animals in need of immediate destruction.

Section 5 of the Animals Protection Act No 71 of 1962 clearly states that police officials have the authority to shoot / destroy animals in need of destruction. In fact, the police officers are obligated to act in the best interest of the animals. Police officials can be charged for cruelty to animals in terms of Section (2) (1) (q) and (r) of the aforementioned Act if animals are left to suffer.

This is a serious concern that needs immediate intervention from all Station Commanders and needs to be brought to the attention of all operational members so that all police officials act within the best interest of animals and the public.

Numerous cases of SAPS members abusing this Act has been reported to the NSPCA and some have even been reported to the media impacting negatively on service delivery and the image of the SAPS.

We draw your attention to Section 5 of the Animals Protection Act No 71 of 1962 -

5. When police officer may destroy any animal - (1) Whenever a police officer is of the opinion that any animal is so diseased or severely injured or in such a physical condition that it ought to be

destroyed, he shall, if the owner be absent or refuses to consent to the destruction of the animal, at once summon a veterinarian or, if there is no veterinarian within reasonable distance, two adult persons whom he considers to be reliable and of sound judgement, and if such veterinarian or adult person after having duly examined such an animal certify that the animal is so diseased or so severely injured or in such a physical condition that it would be cruel to keep it alive, such police officer may without the consent of the owner destroy the animal or cause it to be destroyed with such instruments or appliances and with such precautions and in such a manner as to inflict as little suffering as practicable.

(2) Any police officer who destroys any animal or causes it to be destroyed in the absence of the owner shall, if such owner's name and address are known, advise him of the destruction, and where the destruction of any animal takes place on any place or public road shall, subject to the provisions of the Animal Disease Act, 1984 (Act No 35 of 1984), remove the carcass or cause it to be removed therefrom.

(3) A veterinarian may in respect of any animal exercise the powers conferred by subsection (1) upon a police officer without summoning another veterinarian, police officer or any other person, and in respect of such of exercise of those powers the provisions of sub-section (2) shall apply.

(4) Any expenses which may reasonably incurred by any police officer or veterinarian in carrying out the provisions of this section may be recovered from the owner of the animal in question as a civil debt.

(5) It shall be a defence to an action brought against any person arising out of the destruction of any animal by him or with his authority, to prove that such animal was so severely injured or so diseased or in such a physical condition that it would have been cruel to have kept it alive, and that to summon a police officer or follow the procedure prescribed in this section would have occasioned unreasonable delay and unnecessary suffering to such animal.

The Animal Protection Act No 71 of 1962 as well as a brochure of the position to shoot certain farm animals to avoid suffering caused to the animals are attached for your convenience.

**ORGANISATIONAL COMMUNICATION
CORPORATE COMMUNICATION
SOUTH AFRICAN POLICE SERVICE**



The NSPCA: The Animals Protection Act *unpacked*

Information and photos provided by the NSPCA
Compiled by Kotie Geldenhuis

Animal cruelty is a criminal offence. This month, we explore the Animals Protection Act 71 of 1962, which governs the prevention of cruelty to animals, and outlines the roles of animal welfare organisations and the SAPS in enforcing this legislation.



Top, from left to right: Starving cattle - no feed or water; Donkeys which are forced to pull heavy loads; A dog kept on a chain; Dogs living in dirty conditions and that are infested with parasites.
Bottom, from left to right: Donkeys which are beaten with whips or sticks to make them move faster; An injured dog which did not receive medical care; Parrots kept in a cage; A Nile Monitor speared by a garden fork in a cruel inhumane way

Although the Animals Protection Act dates back to 1962, the legislation has been amended over the years. While the National Council of SPCAs (NSPCA) believes that the Act is in need of a total overhaul with regard to various offences, the Act, in their opinion, is generally a sound piece of legislation which compares well on a global scale.

Definition of an “animal” in the Animals Protection Act

The definition of an “animal” in the Act covers **ALL** animals. This includes wild animals, farm animals, domestic animals, birds and even includes, for example, animals in the Kruger National Park and the rivers that run through our country.

“Animal” means any equine, bovine, sheep, goat, pig, fowl, ostrich, dog, cat or other domestic animal or bird, or any

wild animal, wild bird or reptile which is in captivity or under the control of any person.

The **offences** in terms of the Act are broad and numerous, which assists in prosecuting for any eventuality. For the purpose of this article, we are going to concentrate on the powers of the SAPS in terms of the Animals Protection Act and how the SAPS is able to assist the NSPCA and other welfare organisations, provided that the inspector is (a) authorised by a magistrate and (b) is in possession of a warrant.

Specific reference to a police official and their duties

Section 5 of Act 71 of 1962 defines a “police official” and its definition includes a member of any force established under any law for the carrying out of police powers, duties or functions.

The Act also describes what the duties of the police are in terms of animals. In layman's terms, it states that if an animal is so diseased or severely injured, or in such a physical condition that it ought to be destroyed, the police official may destroy the animal, even if the owner is absent or if the owner refuses to give permission. For example, this applies if an animal has been hit by a vehicle and is lying in a public place, or an animal is found

diseased or injured on a person's property and the police official is present. However, before destroying the animal, the official should:

- Summon a veterinarian or;
- if there is no veterinarian available within a reasonable distance, summon two adults who are reliable and of sound mind. This could include fellow police officials or members of the public, and after they have duly examined/inspected the animal and certified that the animal is so diseased or injured that to keep it alive would be cruel, the police official, without the consent of the owner, may destroy the animal or cause it to be destroyed. The destruction/killing/slaughter must cause as little suffering as possible.

The details of these two people must be kept in your pocket book in case they are required later.

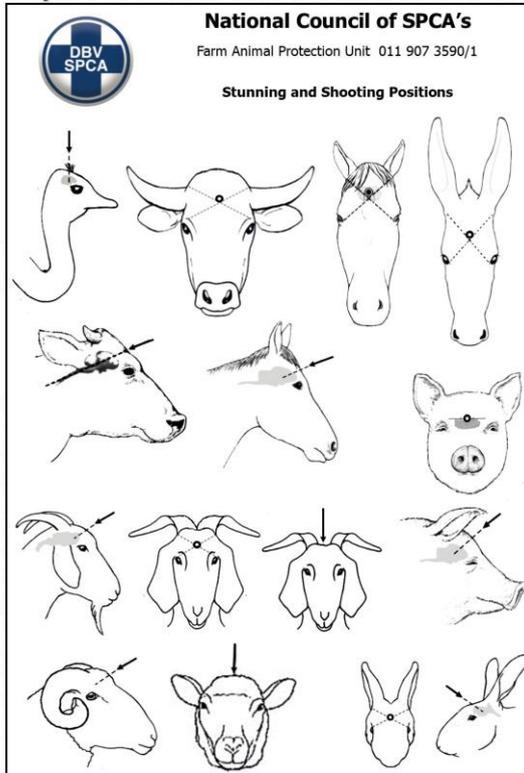
The **definition** of an "owner" is clear and it is very simple to prove ownership. The definition reads: "In relation to an animal, [an owner] includes any person having the possession, charge, custody or control of that animal; ..." (Words in square brackets inserted.) For example, if a person says: "I am only looking after the animal for its owner," then in terms of the Act, this means that s/he is the owner, since s/he is in charge, has custody and is in possession of the animal. The driver of a truck, for example is in charge of the animals on the truck - s/he has the animals in his/her possession and is in control of the animals, even if s/he is not the owner.

What is important is to see that the animal is destroyed with as little suffering as possible. In the case of an SAPS member finding such an animal, shooting the animal is acceptable. However, it is important to ensure that the animal is restrained or restricted to a small area, so as to keep it from running away. This precaution is necessary in the event that the first shot does not kill the animal. The subsequent shots should follow quickly to avoid any suffering. (See Graphic 1.)

Finally, the law requires that if the owner was not present, but the owner's address is known, that the owner be informed. In terms of the Animal Diseases Act 35 of 1984, the person who carried out the destruction of the

animal is required to either remove the carcass or cause the carcass to be removed. This can be done by contacting the local health department or sanitation department.

Graphic 1 demonstrates where to shoot for effectiveness



Section 8 of the Animals Protection Act

This section refers to inspectors of the Society for the Prevention of Cruelty to Animals (SPCA). It permits the inspector to enter the premises of a person/owner with the person/owner's permission, to examine the conditions under which the animals are kept.

There are times when the owner refuses to give the inspector permission to enter and the inspector has to obtain a warrant from a magistrate to enter the premises. This is where the assistance of the SAPS is required to enforce the warrant, as the situation may be hostile. The SAPS should assist the inspector in gaining entry and also often it is necessary for the police to protect the inspector and assist him/her to carry out the court order. Very often, this

includes removing the animals and other evidence from the property in order to successfully prosecute the owners.

The powers conferred on the Society for the protection of animals are wide. In terms of section 8(1)(b) of the Animals Protection Act, the inspector can, without a warrant, arrest any person who is suspected on reasonable grounds of having committed an offence under the Act, if it is thought that the ends of justice would be defeated by the delay involved in obtaining a warrant. Once again, the SAPS would play an integral part in assisting the inspector to make the arrest, as well as into removing the animals and the evidence.

While the SPCA movement's philosophy is one of education, circumstances often require investigation and the need to prosecute for animal cruelty. However, there are many towns and places in South Africa with no SPCA or animal welfare society and since animal cruelty is a criminal offence, it is important that all reports to the SAPS of animal cruelty or animal abuse are investigated by this body. The NSPCA is available to provide guidance or assistance at any time, and can be contacted at **tel: (011) 907 3590** or via e-mail, to: **nspca@nspca.co.za**. There is also an emergency cellphone number to be used when assistance is needed urgently: **083 212 3465**.

Some examples of animal cruelty/abuse or suffering are as follows:

- Animals confined or chained in inadequate space or on short chains
- Animals that are not fed and watered
- Animals not being protected against the elements - (sun, rain, cold)
- Organised dogfighting (see **SERVAMUS**: February 2014)
- Animals that do not receive medical care when sick or injured
- Animals living in dirty conditions and that are infested with parasites
- Animals that are slaughtered/killed inhumanely/cruelly
- Animals that are beaten with whips or sticks to make them move faster

Regulation 468

DEPARTEMENT VAN JUSTISIE

No. R. 468

14 Maart 1986

REGULASIES BETREFFENDE DIE BESLAGLEGGING OP DIERE DEUR 'N BEAMPTTE VAN 'N VERENIGING TOT VOORKOMING VAN MISHANDELING VAN DIERE

Die Minister van Justisie het kragtens die bevoegdheid hom verleen by artikel 10 (1) (b) en (c) van die Dierebeskermingswet, 1962 (Wet 71 van 1962), die regulasies vervat in die Bylae hiervan, uitgevaardig.

BYLAE

Woordomskrywing

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

“beampte” ’n beampte van ’n vereniging;

“die Wet” die Dierebeskermingswet, 1962 (Wet 71 van 1962);

“vereniging” ’n vereniging tot voorkoming van mishandeling van diere bedoel in artikel 8 (1) van die Wet, en het ’n woord of uitdrukking waaraan ’n betekenis in die Wet geheg is, die betekenis aldus daaraan geheg.

Beslaglegging en rapportering

2. (1) Indien skriftelik daartoe gemagtig deur die landdros van ’n distrik mag ’n beampte van ’n vereniging in daardie distrik, indien dit blyk dat daar redelike gronde is om te glo dat ’n dier wat in daardie distrik gevind word, onmiddellike sorg nodig het of indien dit redelikerwys nodig is om mishandeling of lyding van so ’n dier te voorkom, op daardie dier beslag lê en in bewaring van die vereniging neem.

DEPARTMENT OF JUSTICE

No. R. 468

14 March 1986

REGULATIONS RELATING TO THE SEIZURE OF ANIMALS BY AN OFFICER OF A SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS

The Minister of Justice has, by virtue of the powers vested in him by section 10 (1) (b) and (c) of the Animals Protection Act, 1962 (Act 71 of 1962), made the regulations contained in the Schedule hereto.

SCHEDULE

Definition

1. In these regulations, unless inconsistent with the context—

“officer” means an officer of a society;

“the Act” means the Animals Protection Act, 1962 (Act 71 of 1962);

“society” means a society for the prevention of cruelty to animals as intended in section 8 (1) of the Act,

Seizure and reporting

2. (1) If authorised thereto in writing under the hand of the magistrate of a district, any officer of any society may in that district, if it appears that there are reasonable grounds to believe that an animal found in that district needs immediate care or if it is reasonably necessary to prevent cruelty to or suffering of such an animal, seize such animal and take it into the custody of the society.

(2) Sodanige beslaglegging moet binne 24 uur gerapporteer word aan 'n polisiebeampte aan diens by dië polisie-stasie, polisiekantoor of polisiepos wat die naaste aan die plek waar die dier gevind is, geleë is.

(3) Subartikels (2) en (3) van artikel 8 van die Wet is *mutatis mutandis* van toepassing ten opsigte van 'n magtiging kragtens subregulasie (1) verleen.

Kennisgewing

3. (1) Indien daar nie ingevolge artikel 20 van die Strafproseswet, 1977 (Wet 51 van 1977), op die dier beslag gelê word nie, moet die betrokke vereniging—

- (a) indien die eienaar van die dier se naam en adres bekend is aan die vereniging, onverwyld op die wyse wat in die omstandighede gepas is, kennis van die beslaglegging aan die eienaar gee;
- (b) indien die eienaar van die dier se naam en adres nie aan die vereniging bekend is nie en die dier nie losgelaat is nie, die feit dat die dier in die vereniging se bewaring geplaas is, binne sewe dae na die beslaglegging adverteer deur publikasie van 'n kennisgewing daarvan in Afrikaans in 'n Afrikaanstalige koerant en in Engels in 'n Engelstalige koerant wat in die betrokke distrik in omloop is: Met dien verstande dat indien 'n tweetalige koerant in daardie distrik in omloop is, 'n kennisgewing in albei amptelike tale aldus daarin gepubliseer word.

(2) 'n Vereniging bedoel in regulasie 2 (1) laat binne die tydperk genoem in regulasie 3 (1) (b) 'n afskrif van die kennisgewing in laasgenoemde regulasie bedoel—

- (a) aan die polisie-stasie, polisiekantoor of polisiepos bedoel in regulasie 2 (2) stuur;
- (b) aan elke ander vereniging tot voorkoming van mishandeling van diere in dieselfde distrik as die betrokke vereniging stuur; en
- (c) op 'n kennisgewingsbord by die kantoor van die vereniging aanbring.

Beskikking

4. Wanneer die dier wat in bewaring van die vereniging geneem is, nie binne sewe (7) dae na die datum van die advertensie of kennisgewing aan die eienaar opgeëis is nie, beskik die vereniging oor die dier. Met dien verstande dat die vereniging die dier kan vernietig, ongeag die toestand waarin die dier verkeer as daar nie andersins oor die dier beskik kan word nie.

Uitgawes

5. 'n Vereniging wat 'n dier ooreenkomstig hierdie regulasies in bewaring het of gehad het, kan die redelike onkoste in verband daarmee aangegaan, op die eienaar van die dier verhaal.

Misdrywe

6. (1) Niemand mag—

- (a) tensy hy ooreenkomstig 'n bepaling van 'n Wet daartoe gemagtig is, 'n dier waarop 'n beampte ooreenkomstig hierdie regulasies beslag gelê het of wat aldus in bewaring van 'n vereniging is, uit die besit of bewaring van so 'n beampte of vereniging verwyder nie; of
- (b) 'n beampte of 'n vereniging opsetlik hinder, belemmer of teengaan by die uitoefening van 'n bevoegdheid wat ingevolge hierdie regulasies aan so 'n beampte of vereniging verleen is, nie.

(2) Iemand wat 'n bepaling van subregulasie 1 oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R2 000 of met gevangenisstraf vir 'n tydperk van hoogstens een (1) jaar.

(2) Such seizure must be reported within 24 hours to a police officer on duty at the police station, police office or police post situated nearest to the place where the animal was found.

(3) Subsections (2) and (3) of section 8 of the Act shall *mutatis mutandis* apply to an authority granted in terms of subregulation (1).

Notice

3. (1) If the animal is not seized in terms of section 20 of the Criminal Procedure Act, 1977 (Act 51 of 1977), the society concerned must—

- (a) if the name and address of the owner of the animal are known to the society, forthwith give notice of the seizure to the owner in the manner best suited under the circumstances; or
- (b) if the name and address of the owner of the animal are not known to the society and the animal has not been released, within seven days of the seizure, advertise the fact that the animal has been taken into the society's custody by publication of a notice thereof in Afrikaans in an Afrikaans language newspaper and in English in an English language newspaper circulating in the district concerned: Provided that, if a bilingual newspaper circulates in that district, a notice in both official languages shall be published therein.

(2) The society referred to in regulation 2 (1) shall within the period mentioned in regulation 3 (1) (b) cause a copy of the notice intended in the last-mentioned regulation to be—

- (a) sent to the police station, police office or police post intended in regulation 2 (2);
- (b) sent to every other society for the prevention of cruelty to animals in the same district as the society concerned; and
- (c) affixed to a notice board at the office of the society.

Disposal

4. Whenever an animal that was taken into the custody of the society has not been claimed within seven days of the advertisement or notice to the owner, the society shall deal with the animal in its discretion: Provided that the society may destroy the animal, irrespective of the condition of the animal, if the animal cannot be disposed of otherwise.

Expenses

5. A society that has or had an animal in custody in terms of these regulations may recover from the owner of the animal the reasonable expenses incurred in connection therewith.

Offences

6. (1) No person shall—

- (a) unless authorised thereto in accordance with a provision in an Act, remove an animal that was seized by an officer or that is in the custody of a society in accordance with the provisions of these regulations from the possession or custody of such officer or society; or
- (b) wilfully obstruct, hinder or resist an officer or a society in the exercise of a power conferred on an officer or society in terms of these regulations.

(2) Any person who contravenes a provision in subregulation (1) shall be guilty of an offence and liable on conviction to a fine not exceeding R2 000 or to imprisonment for a period not exceeding one year.

Animal Matters Amendment Act

Act No 42 of 1993

2 No. 14704

GOVERNMENT GAZETTE, 16 APRIL 1993

Act No. 42, 1993

ANIMAL MATTERS AMENDMENT ACT, 1993

GENERAL EXPLANATORY NOTE:

Words underlined with a solid line indicate insertions in existing enactments.

ACT

To provide for directions in respect of injuries caused by animals; to amend the Animals Protection Act, 1962, so as to further regulate the prohibition of animal fights; and to provide for matters connected therewith.

*(Afrikaans text signed by the State President.)
(Assented to 25 March 1993.)*

BE IT ENACTED by the State President and the Parliament of the Republic of South Africa, as follows:—

Directions in respect of injuries caused by animals

1. (1) Any person as a result of whose negligence an animal causes injury to another person, shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding two years. 5
- (2) Whenever a person is convicted of an offence in terms of subsection (1), the court convicting him may in addition to any punishment imposed upon him in respect of that offence—
 - (a) make any order relating to the removal, custody, disposal or destruction of the animal concerned and the recovery of any costs incurred in connection therewith; 10
 - (b) declare the person convicted to be unfit, for a specified period, to own a certain kind of animal or an animal of a specific breed or to have it under his control or in his custody. 15
- (3) Subsection (2) shall *mutatis mutandis* apply if any person —
 - (a) as a result of whose negligence an animal causes the death of another person is found guilty of an offence with regard to such negligence; 15
 - (b) as a result of whose deliberate action an animal causes the death of or injury to another person is found guilty of an offence with regard to such action. 20
- (4) The Minister of Justice may from time to time, with the concurrence of the Minister of State Expenditure, appropriate funds to a society for costs incurred relating to the removal, custody, disposal or destruction of an animal.
- (5) (a) A person who has in terms of subsection (2)(b) been declared unfit, for a specified period, to own a certain kind of animal or an animal of a specific breed or to have it under his control or in his custody, shall, if at the time of the declaration he owns or has under his control or in his custody such an animal and such animal is not destroyed in terms of subsection (2)(a), within 14 days from the date on which such declaration was made, make alternative arrangements for the caring of the animal for the period for which he is declared unfit to own such an animal or to have it under his control or in his custody. 25 30
- (b) Subject to the provisions of paragraph (a), any person who owns or has under his control or in his custody an animal in contravention of a declaration made in terms of subsection (2)(b), shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding one year. 35

(6) Notwithstanding anything to the contrary contained in any law, a magistrate's court shall have jurisdiction to impose any penalty which is provided for in this section.

Amendment of section 2 of Act 71 of 1962, as amended by section 21 of Act 102 of 1972, section 3 of Act 54 of 1983, section 5 of Act 20 of 1985 and section 13 of Act 7 of 1991 5

2. Section 2 of the Animals Protection Act, 1962, is hereby amended by the deletion of paragraph (o) of subsection (1).

Insertion of section 2A in Act 71 of 1962

3. The following section is hereby inserted after section 2 of the Animals Protection Act, 1962: 10

“Animal fights

2A. (1) Any person who—

- (a) possesses, keeps, imports, buys, sells, trains, breeds or has under his control an animal for the purpose of fighting any other animal; 15
 - (b) baits or provokes or incites any animal to attack another animal or to proceed with the fighting of another animal;
 - (c) for financial gain or as a form of amusement promotes animal fights;
 - (d) allows any of the acts referred to in paragraphs (a) to (c) to take place on any premises or place in his possession or under his charge or control; 20
 - (e) owns, uses or controls any premises or place for the purpose or partly for the purpose of presenting animal fights on any such premises or place or who acts or assists in the management of any such premises or place, or who receives any consideration for the admission of any person to any such premises or place; or 25
 - (f) is present as a spectator at any premises or place where any of the acts referred to in paragraphs (a) to (c) is taking place or where preparations are being made for such acts, 30
- shall be guilty of an offence and liable on conviction to a fine or imprisonment for a period not exceeding two years.

(2) In any prosecution in terms of subsection (1) it shall be presumed, unless the contrary is proved, that an animal which is found at any premises or place is the property or under the control of the owner of that premises or place, or is the property or under the control of the person who uses or is in control of the premises or place. 35

(3) Notwithstanding anything to the contrary contained in any law, a magistrate's court shall have jurisdiction to impose any penalty provided for in this section.”. 40

Short title

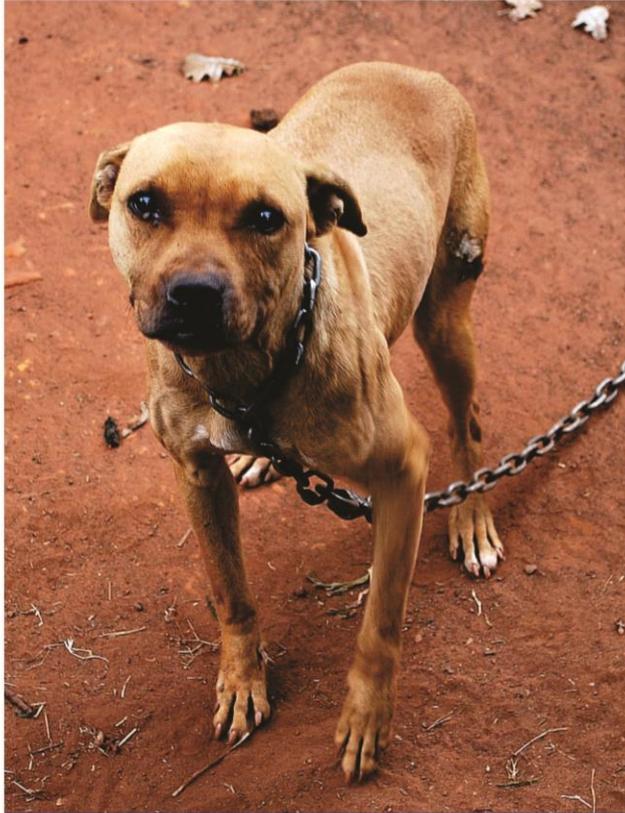
4. This Act shall be called the Animal Matters Amendment Act, 1993.

ANIMAL FIGHTING IS A CRIME

ACTION: - Report any suspicious activity or information to the NSPCA on Telephone: 011 907 3590/1 or email specialinvestigations@nspca.co.za



DOGFIGHTING IS A CRIME DON'T LET IT HAPPEN



WHAT DOES THE LAW SAY?

Under South African law (Animals Protection Act No 71 of 1962)

It is a crime to be involved in any manner with the fighting of animals or to own, keep, train or breed animals used for fighting. It is also illegal to buy, sell or import these animals.



It is a crime to incite/encourage or allow any animal to attack another animal or proceed to fight.



You are committing a crime if you allow any one of these activities to take place on a property you own, live on or have control of.



It is a crime to promote animal fighting for money or entertainment.



You are committing a crime if you rent your property or allow the property you manage to be used for animal fighting purposes.



It is a crime to watch a dog fight. Even being a spectator at a dog fight is a criminal offence, as is being on the same property where dog fighting is taking place.



PENALTIES You face imprisonment of many years, heavy fines, and a criminal record for breaking this law. The loss of your personal assets and denial of future animal ownership are further penalties that you can face when convicted of dog fighting.

REPORT DOGFIGHTING REWARD IT'S A CRIMINAL OFFENCE R15,000

The National Council of SPCAs offers a reward of up to R15 000 for information leading to the arrest and conviction of dog fighters



IF YOU DON'T REPORT IT, YOU SUPPORT IT!

Contact the NSPCA - You can remain anonymous, your identity is protected
specialinvestigations@nspca.co.za | 011 907 3590 | www.nspca.co.za

WHAT IS DOG FIGHTING?

Dog Fighting is the premeditated and cruel practice of encouraging and inciting two dogs to attack and fight each other until one of the dogs is either killed or is too injured and exhausted to continue fighting.

Dog fighting is a thriving underground activity in both urban and rural areas across the country. This cruel and illegal activity may be happening in your community

Dogs used for fighting suffer terrible injuries such as - crushed and broken bones, ripped flesh, deep puncture wounds, torn muscles, broken teeth, severe bruising and internal injuries. Dogs used for these activities often die as a result of these injuries, from blood loss, shock, dehydration, exhaustion, and/or infection.

Most dogs used for fighting have miserable lives - caged or chained with heavy chains in bad living conditions.



HOW DOES THIS AFFECT ME?



The Circle of Violence

Animal abuse has close links to other criminal activities, acts of violence and abuse of vulnerable people.

Dog fighting promotes a lack of respect for the law, insensitivity to suffering, an enthusiasm for violence and involvement in other crimes such as illegal gambling, drugs, illegal weapons and theft.

The presence of these dogs in a community, owned by irresponsible individuals, increases the risks of attack on other animals and also on people.

Where animal fighting is allowed to take place other illegal activities will flourish

Protect your family, pets and community - report dog fighters.



HOW DO I RECOGNISE THE PRESENCE OF DOG FIGHTING AND HOW CAN I HELP? LOOK OUT FOR THESE SIGNS:

- ! Pit bulls kept on heavy chains or confined in small areas like alleys, garages or cages.
- ! Residences or properties with multiple pitbulls that are unsterilised, unsocialised or unfriendly to other animals.
- ! Purpose built fighting pits or makeshift fighting areas with blood stains on floors and walls.
- ! Frequent or regular change in dogs at a specific property. As dogs are killed, new animals are purchased or stolen.
- ! Groups of pitbulls being walked at unusual hours, especially late at night.
- ! The presence of training equipment like slat mills, treadmills, springpoles or break sticks; veterinary drugs/supplies & steroids.
- ! Pit bulls that have evidence of repeated injuries. Dogs with multiple scars or injuries on their bodies, especially their faces, front legs, chests, hind legs, thighs and ears.

If you suspect that dog fighting is taking place in your area, call your local SPCA or the NSPCA. As South Africa's largest animal protection organisation we are the leaders in law enforcement relating to animal cruelty, abuse and neglect.

Sexual Offences and Related Matters Amendment Act No 32 of 2007

What is Bestiality? Sexual relations between a person and an animal

Is this a criminal offence? Yes

Can a person be prosecuted for this? Yes

CRIMINAL LAW (SEXUAL OFFENCES AND RELATED MATTERS) AMENDMENT ACT No.32, 2007

WYSIGINGSWET OP DIE STRAFREG (SEKSUELE MISDRYWE EN VERWANTE AANGELEENTHEDE) No. 32, 2007

Part 4: Incest, bestiality and sexual acts with corpse

Bestiality

13. A person ("A") who unlawfully and intentionally commits an act—
- (a) which causes penetration to any extent whatsoever by the genital organs of—
 - (i) A into or beyond the mouth, genital organs or anus of an animal; or
 - (ii) an animal into or beyond the mouth, genital organs or anus of A; or
 - (b) of masturbation of an animal, unless such act is committed for scientific reasons or breeding purposes, or of masturbation with an animal, is guilty of the offence of bestiality.

Sexual abuse of animals has been recognised as one of the early warning signs of psychological dysfunction, including conduct disorder in children and antisocial personality disorder in adults. There is a connection between sexual abuse of animals and sexual abuse of children and this type of animal abuse has also been linked with violent sex offenders, sadomasochistic practices, psychological and mental disorders and interpersonal human violence.

- Sexual abuse of animals and bestiality is associated with psychological and mental disorders, low social skills as well as heightened aggressive tendencies towards humans, sadomasochism and sexually aggressive behaviour.
- Animal Sexual abuse is rarely an isolated atypical sexual behaviour and perpetrators usually have high levels of other offences

What you can do:-

1. Take reports of this crime seriously
2. Take name, phone number and address of the accused (if possible)
3. Find out where the animal/s are and find out when this happened
4. Report you your nearest SPCA or SAPS office immediately and insist on assistance
5. Try and ensure the animals are not moved or hidden before an inspector arrives on the scene.
6. A case must be opened at the nearest SAPS station.
7. **Contact the NSPCA (011 907 3590/1) for advice or assistance**



Private Bag
Privaatsak

X302 Pretoria

Fax No:
Faks No:

012 393 2193

Your reference/U verwysing:

My reference/My verwysing : **26/19/1**

Enquiries/Navrae: **Lt Gen V Moonoo
Brig C Johnson**

Tel: **012 393 1826/7
012 393 1642**

THE DIVISIONAL COMMISSIONER
DIE AFDELINGSKOMMISSARIS
DETECTIVE SERVICE
SPEURDIENS
PRETORIA
0001

2011-08-15

- A. All Provincial Commissioners
SOUTH AFRICAN POLICE SERVICE
- B. The Divisional Commissioner
CRIME PREVENTION
- C. The Head
FAMILY VIOLENCE, CHILD PROTECTION AND SEXUAL OFFENCES
- D. The Executive Legal Officer
SOUTH AFRICAN POLICE SERVICE
- E. The Deputy National Commissioner
CRIME DETECTION
- F. The Divisional Commissioner
CORPORATE COMMUNICATION

(Att: Capt Adriaio)

ACCEPTANCE AND REGISTRATION OF CRIME: REGISTRATION OF CASES OF BESTIALITY

- A&B. 1. This office received an enquiry from addressee "F" regarding the reporting and registration of cases of Bestiality.
2. The National Society for the Prevention of Cruelty to Animals (NSPCA) are finding it difficult to report and register cases of bestiality at various police stations across the country.
3. The NSPCA allege that members of the SAPS refuse to register or deal with cases of bestiality and that personnel of the SPCA are informed that the matter is regarded as "cruelty to animals" and that it should be dealt with as such and investigated by the SPCA.

4. The crime of Bestiality is clearly defined in Section 13 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act no 32 of 2007) which came into operation on **16 December 2007**.

This section define Bestiality as follows:

“a person who unlawfully and intentionally commits an act -

- (a) which causes penetration to any extent whatsoever by the genital organs of -
 - (i) the perpetrator into or beyond the mouth, genital organs or anus of an animal; or
 - (ii) an animal into or beyond the mouth genital organs or anus of the perpetrator; or
- (b) of masturbation of an animal, unless such act is committed for scientific reasons or breeding purposes, or of masturbation with an animal, is guilty of the offence of bestiality”.

5. The following procedures **must** henceforth be followed when cases of bestiality are reported at police stations:
 - 5.1. The investigation must be conducted by a member of the Family Violence, Child Protection and Sexual Offences (FCS) unit,
 - 5.2. The same investigation procedures as for the investigation of rape cases **must** be applied, eg. medical examination of the animal by a **Veterinarian**, medical examination of the perpetrator by a **medical doctor**, visit of the crime scene, seizure and confiscation of exhibits, etc.
 - 5.3. The SAPS member to whom the alleged crime is reported, must obtain a detailed statement from the reporter / complainant and register the case docket on CAS,
 - 5.4. The FCS member on standby duties must immediately be informed of the matter in order to conduct the preliminary investigation,
 - 5.5. The animal must be taken to a Veterinarian for medical examination and ths SAPS must supply and utilize the prescribed Sexual Assault Evidence collection kit (SAECK) (adult or children). Please note that the SAPS is responsible for the remuneration / payment of the fees of the Veterinarian and not the SPCA.

It is further recommended that the assistance of the SPCA are requested / utilized to identify a competent and suitable veterinarian to conduct the medical examination and that the veterinarians who already render a service to the SAPS with regard to the treatment of animals in the service of the SAPS are utilized.

- 5.6. The investigation officer (FCS) must submit a written first factual report of the crime to the local SPCA, and provide regular written progress reports to the SPCA until the case is finalized.

A final written report with the outcome / result of the investigation must also be submitted to the local SPCA. Copies of these reports must be filed under the "B" section of the case docket.

- 5.7. All members of the SAPS must co-operate with and assist personnel of the SPCA fully with all cases reported to the SAPS by personnel of the SPCA.
6. Your offices are requested to urgently communicate the contents of this letter to all personnel under your command and to ensure strict compliance.
7. Your assistance is appreciated.

- C.
 1. Copy for your information.
 2. Kindly ensure that all members of FCS are conversant with this instruction and ensure compliance.
- D.
 1. Copy for your information.
 2. The discussion between Maj Gen Jacobs, Brig Van Graan and Brig Johnson regarding the subject, has bearing on the matter.
- E.
 1. Copy for your information.
- F.
 1. Your e-mail (Adriao Dennis) dated 4 August 2011 has bearing on this matter.
 2. Kindly inform the complainant from the NSPCA of the contents of this letter.

MD MOKGABUDI
MAJOR - GENERAL
The Head: Specific Crime Investigations
Detective Service, Head Office


DIVISIONAL COMMISSIONER: DETECTIVE SERVICE

Date: 2011-08-15

Dog racing is prohibited in South Africa in terms of the following ordinances:-

- Ordinance 4 of 1949: Abolition of Dog Race Meetings and the Prohibition of Betting on Dog Races (Transvaal);
- Ordinance 11 of 1986: Prohibition of Dog Races (Cape Province);
- Ordinance 23 of 1985: Prohibition of Dog Race Meetings Ordinance (Natal);
- Ordinance 11 of 1976: Dog Race Meetings (Orange Free State).

Dog racing is illegal - regardless if there is betting or not.

This legislation is enforced by the South African Police Service.

In the event that information is obtained regarding proposed dog races the organisers should be contacted and informed that in terms of the legislation these activities are not permitted. Organisers must give confirmation in writing that this activity will not proceed.

A member of SAPS should investigate the venue on the date advertised – even if the organisers have said they will cancel the races, to ensure that this is correct.

In the event that the SAPS find a dog racing taking place then the necessary action must be taken to enforce the legislation.

CAPE PROVINCE

3642

PROHIBITION OF DOG RACES

No. 11, 1986

Secs. 1-2

CAPE
PROVINCE

No. 11, 1986.

Ordinance to prohibit the holding of dog races, and to provide for matters incidental thereto.
[Date of promulgation and commencement: 29th July, 1986.] A.

Prohibition of and penalties for the holding of dog races.

1. Any person who holds, organises or attends a dog race shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred rand or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

Short title.

2. This Ordinance shall be called the Prohibition of Dog Races Ordinance, 1986.

**ABOLITION OF DOG RACE MEETINGS AND THE PROHIBITION
OF BETTING ON DOG RACES**

No. 4 of 1949. **AN ORDINANCE**

To abolish the holding of Dog Race Meetings, to prohibit betting on Dog Racing, to repeal the Dog Racing Ordinance, 1940, as amended, and to provide for matters incidental thereto.

(Assented to 27th June, 1949)
(Afrikaans copy signed by Governor-General)
(Date of operation, 1st July, 1949)

BE IT ENACTED by the Provincial Council of Transvaal as follows:—

Definitions.

1. In this Ordinance, unless inconsistent with the context—

“Administrator” means the officer appointed under the provisions of section sixty-eight of the South Africa Act, 1909, as amended, acting on the advice and with the consent of the Executive Committee of the Province;

“bet” means the staking of any money or valuable thing by or on behalf or expressly or impliedly promised, undertaken or agreed to be paid or given to any person as or for the consideration for any assurance, undertaking, promise or agreement, express or implied, to pay or give thereafter any money or valuable thing on any event or contingency of or relating to any dog race, or as or for the consideration of securing the paying of any money or valuable thing on any such event or contingency, and “betting” has a corresponding meaning;

“dog race” includes any whippet race;

“dog race meeting” means any gathering of the public or of the members of any association of persons to watch a dog race or races;

“totalizator” means the instrument, machine or contrivance commonly known as a “totalizator” or any other instrument, machine or contrivance of a like nature or any scheme for enabling any number of persons to make bets with one another on principles of a like nature.

Dog race meetings and betting on dog races prohibited.

2. (1) From and after the first day of July, 1949, no person shall—

(a) hold any dog race meeting in the Province of Transvaal;

(b) attend any such dog race meeting;

(c) accept or lay any bets on the result of any dog race;

(d) conduct a totalizator for the purpose of betting on any dog race.

**ABOLITION OF DOG RACE MEETINGS AND THE PROHIBITION
OF BETTING ON DOG RACES**

(2) Any person who contravenes the provisions of sub-section (1) shall be guilty of an offence and liable on conviction to imprisonment with or without hard labour for a period of not less than six months but not exceeding two years.

Existing licences to remain in force until 30th June, 1949.

3. Notwithstanding the provisions of sub-section (2) of section *three* of the Dog Racing Ordinance, 1940, as amended, every licence issued in terms thereof after the first day of July, 1948, shall expire on the thirtieth day of June, 1949.

Presumption.

4. Any person who holds or attends any dog race meeting shall be presumed, until the contrary is proved, to have held or attended such dog race meeting for the purpose of betting on or in connection with a dog race taking place thereat.

Repeal of Ordinances.

5. The following Ordinances and any other law which may be inconsistent with or repugnant to the provisions of this Ordinance, are hereby repealed with effect from the first day of July, 1949:—

The Dog Racing Ordinance, 1940.

The Dog Racing Amendment Ordinance, 1941.

The Dog Racing Amendment Ordinance, 1942.

The Dog Racing Amendment Ordinance, 1946.

Short title.

6. This Ordinance shall be called the Abolition of Dog Race Meetings and the Prohibition of Betting on Dog Races Ordinance, 1949.

ORANGE FREE STATE

DOG RACE MEETINGS

No. 11 of 1976

ORDINANCE

To prohibit the holding of dog race-meetings.

(Promulgated 30th July, 1976)

(Date of commencement—30th July, 1976)

(Afrikaans text signed)

BE IT ENACTED by the Provincial Council of the Orange Free State, as follows:—

Definition.

1. In this Ordinance "dog race-meeting" means a gathering of persons to watch a dog race.

Prohibition of the holding of a dog race-meeting.

2. No person shall hold, organize or attend a dog race-meeting.

Offences and penalties.

3. Any person who contravenes a provision of section 2 shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

Short title.

4. This Ordinance shall be called the Prohibition of Dog Race-meetings Ordinance, 1976.

[Natal Ord. 23/1985]

ORDINANCE

[Assented to by the State President-in-Cabinet on 6 March 1986 —English text
English text signed]

[Date of commencement 27 March 1986]

To prohibit the holding of dog race meetings, and to provide for matters incidental thereto.

BE IT ENACTED by the Provincial Council of the Province of Natal, as follows:—

Definitions

1. In this ordinance, unless inconsistent with the context —
“Administrator” means the Administrator of the Province of Natal acting on the advice and with the consent of the Executive Committee of the Province;
“dog race” includes a whippet race, and
“dog race meeting” means any gathering of —
 - (a) the public, or
 - (b) the members of any association, institution or organisation, at which a dog race takes place.

Prohibition of dog race meetings

2. No person shall —
 - (a) hold;
 - (b) organise;
 - (c) attend;
 - (d) advertise, canvass or in any other manner invite persons to attend, or
 - (e) use or make available any land or premises for the purposes of

a dog race meeting; provided that the preceding provisions of this section shall not apply to or in respect of a dog race meeting which forms an integral part of trials held under the auspices and in accordance with the rules of any association, institution or organisation which has been approved by the Administrator.

Offences and penalties

3. Any person who contravenes any provision of this ordinance shall be guilty of an offence and on conviction liable to a fine not exceeding one thousand rand or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

Short title

4. This ordinance shall be called the Prohibition of Dog Race Meetings Ordinance, 1985.

Illegal hunting with Dogs

Some uncertainty exists regarding the unlawful use of dogs for hunting purposes, including associated regulations and law-enforcement thereof. The fact remains that hunting with dogs is illegal and contravenes various laws.

Summary

Groups of hunters cause an array of detrimental direct and indirect impacts on biodiversity, game populations, domestic stock and on society at large.

Wildlife crimes threaten species survival and optimal ecosystem functioning, including farmer security via trespassing and stock theft. Collectively this has led to heightened antagonism between farmers, conservation authorities and other landowners.

The law has failed to adequately deal with this growing problem with the result that community members are resorting to whatever methods necessary in an attempt to control this activity and protect their property. These actions are leading to increasing tension and are threatening to further destabilize the relationships between farmers, conservation authorities and adjacent communities.

Increased crime-fighting initiatives, law enforcement and cooperative unity amongst community members, conservation authorities and police officers are imperative to restrict these illegal activities.

Relevant legislation or other prescripts applicable for regulation purposes:

- **Stock Theft Act, 1959 (Act No. 57 of 1959)** – Relates to the theft of stock, which provides for certain offences related to illegal hunting.

Refer to Section 4, Section 9 and Section 10.

- **Game Theft Act, 1991 (Act No. 105 of 1991)** – Regulates the ownership of game in certain instances; to combat theft and wrongful and unlawful hunting, catching and taking into possession of game; and to provide for matters connected therewith. Refer to Section 3, Section 4 and Section 5.
- **Trespass Act, 1959 (Act No. 6 of 1959)** - Relates to the prohibition of entry or presence upon land and entry of or presence in buildings in certain circumstances, and to provide for matters incidental thereto.

Section 1 constitutes means of lawful entry to property.

- **Common Law: Malicious injury to property** – Relating to unlawfully and intentionally damaging the property of another.

The unlawful use of hunting with dogs would constitute in a contravention of common law legislation.

- **Provincial Nature Conservation Ordinances and Acts** – The use of a dog is classified as manner or method of hunting that requires a permit; dogs can only legally be used without a permit for the purpose of retrieving birds during hunting and for the purpose of following or searching for an animal which has been wounded in a legal hunt.

Different provincial legislative provisions are in force for each province, including when nature conservation authorities, police officers and/or landowners may destroy a dog used in unlawful hunting.

- **Animals Protection Act, 1962 (Act No. 71 of 1962)** – Relating to the prevention of cruelty to animals and provides for offences in Section 2, and more specifically for an offence relating to killing animals with the use of dogs:-

Section 2 (1) g. Any person who baits or provokes any animal or incites any animal to attack another animal shall, subject to the provisions of this Act and any other law, be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding twelve months or to such imprisonment without the option of a fine.

- **National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) (NEMBA) and Threatened or Protected Species Regulations (TOPS)** - Hunting, catching, capturing or killing of any specimens of a listed threatened or protected species by any means, method or device whatsoever, including searching, pursuing, driving, lying in wait, luring, alluring or injuring with intent to hunt, catch, capture or kill any such specimen are 'restricted activities' and can only be done upon issue of a permit.

Dogs can only be used for pursuing or searching for an animal wounded in a legal hunt, i.e. with a permit.

- **Criminal Procedure Act, 1977 (Act No 51 of 1977)** – Provides that the State may seize certain articles, in particular those believed to be concerned in the commission of an offence, those which may afford evidence on an offence and those which are believed to be intended to be used in the commission of an offence. Refer to Section 20.

Animal Identification Act No 6 of 2002

2 No. 23479

GOVERNMENT GAZETTE, 3 JUNE 2002

Act No. 6, 2002

ANIMAL IDENTIFICATION ACT, 2002

(English text signed by the President.)
(Assented to 29 May 2002.)

ACT

To consolidate the law relating to the identification of animals and to provide for incidental matters.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Definitions

1. In this Act, unless the context indicates otherwise—
- “**animal**” means any animal declared by the Minister in terms of section 2; 5
 - “**authorised person**” means any person, other than an officer, who has been authorised by the registrar under section 3(3) to carry out a specific function in terms of this Act;
 - “**cancel**”, in relation to an identification mark, means any interference whereby that identification mark is rendered illegible or less legible; 10
 - “**document of identification**” means a document of identification referred to in section 6(1) of the Stock Theft Act, 1959 (Act No. 57 of 1959);
 - “**group**” in relation to animals, means a species, breed or kind of animal;
 - “**identification mark**” means any registered mark registered in terms of section 5(2) and placed on any animal for any purpose, and includes any representation of a mark intended to be placed on any animals, as the circumstances may require, but does not include any— 15
 - (a) mark made or placed on the horn or hoof;
 - (b) mark made with paint on any animal;
 - (c) clasp, rivet or tag attached to the ear, or any mark made on such clasp, rivet or tag; or 20
 - (d) notch or hole;
 - “**mark**” means to place an identification mark on any animal;
 - “**marking instrument**” means any instrument used or intended to be used for marking animals; 25
 - “**marking operator**” means a person registered in terms of section 11 to mark animals;
 - “**Minister**” means the Minister of Agriculture;
 - “**officer**” means an officer as defined in section 1(1) of the Public Service Act, 1994 (Proclamation No. 103 of 1994), read with section 1 of the Public Service Amendment Act, 1996 (Act No. 13 of 1996); 30
 - “**owner**”, in relation to any registered identification mark, means the person or, in the case of the State, the Department in whose name such identification mark is registered;
 - “**police official**”, means any member of the service as defined in section 1 of the South African Police Service Act, 1995 (Act No. 68 of 1995), and “**police**” has a corresponding meaning; 35
 - “**prescribed**” means prescribed by regulation;
 - “**registered**” means registered in terms of this Act, and “**registration**” has a corresponding meaning; 40
 - “**registrar**” means the officer designated as Registrar of Animal Identification in terms of section 3;
 - “**sale**”, includes an agreement to sell, and any offer, advertisement, exposure, transfer of ownership, conveyance or delivery for sale, exchange or disposal in any

manner, whether for any consideration or otherwise, and "sell" has a corresponding meaning;

"this Act" includes any regulations made under section 18.

Application of Act

2. This Act applies— 5
- (a) in respect of the animals declared by the Minister by notice in the *Gazette*; and
 - (b) to the whole of the national territory of the Republic of South Africa.

Designation of registrar

3. (1) The Minister must designate an officer in the national Department of Agriculture as the Registrar of Animal Identification, who must exercise the powers, perform the functions and carry out the duties conferred upon, assigned to or imposed on the registrar under this Act. 10

(2) The registrar must exercise his or her powers, perform his or her functions and carry out his or her duties subject to any instruction issued by the Minister.

(3) The registrar may in writing authorise any officer or, with the approval of the Minister, authorise any person who is not an officer, to perform any function entrusted to him or her in terms of this Act. 15

Identification marks

4. The Minister must prescribe identification marks in respect of each group of animals to which marks may be allocated in terms of section 5. 20

Application for registration of identification mark

5. (1) An application for registration of an identification mark must be made to the registrar in the prescribed manner and be accompanied by the prescribed fee.

- (2) If the application complies with the requirements of this Act the registrar must— 25
- (a) allocate an identification mark to the applicant;
 - (b) register such identification mark in the applicant's name; and
 - (c) issue to the applicant a certificate of registration of that identification mark.

Register of identification marks

6. The registrar must in the prescribed manner keep a register of all identification marks prescribed by the Minister in terms of section 4. 30

Duties of owners of animals

7. (1) Each owner of animals must—
- (a) apply for registration of an identification mark in terms of section 5(1);
 - (b) mark his or her animals in the prescribed manner;
 - (c) where an identification mark on an animal is invisible or indistinct, mark the animal clearly with his or her identification mark, within 14 days after he or she is directed to do so by the registrar, an authorised person, an officer or a police official; and 35
 - (d) notify the registrar in writing of any changes of his or her address.
- (2) No person may— 40
- (a) within 14 days of the date on which he or she becomes the owner of an animal with an identification mark, sell, barter, give away or in any other manner dispose of that animal to another person, unless he or she furnishes a document of identification to the person who acquires that animal; or
 - (b) after 14 days of the date on which he or she becomes the owner of an animal, 45
 - (i) sell, barter, give away or in any other manner dispose of that animal unless—
 - (ii) such animal has been marked in the prescribed manner with the identification mark of the owner disposing of that animal; and

(ii) he or she furnishes the person acquiring that animal with a document of identification.

(3) A person acquiring an animal from a person disposing of an animal as contemplated in subsection (2) must retain the document of identification obtained from that person for a period of one year. 5

Alternative methods of identification

8. (1) An owner may, in the prescribed manner, apply for an alternative method of identification.

(2) The registrar may specify alternative methods of identification by notice in the *Gazette*. 10

Transfer of registration of identification marks

9. Any owner of an animal may apply in the prescribed manner to the registrar for the transfer of the registration of an identification mark from the name of any other person to his or her name.

Fees payable in respect of registration of identification marks 15

10. The registrar may not transfer the registration of any identification mark contemplated in section 9 unless the prescribed fee referred to in section 5(1) has been paid.

Registration of marking operators

11. (1) (a) Any person who wants to mark animals other than his or her own animals for financial gain must apply in the prescribed manner to the registrar for registration as a marking operator, and pay the prescribed fee. 20

(b) If the applicant complies with the prescribed requirements, the registrar must register him or her as a marking operator.

(c) A marking operator must in the prescribed manner keep a register of animals marked by him or her. 25

(2) The registrar must in the prescribed manner keep a register of marking operators.

Powers of entry, investigation and seizure

12. (1) The registrar may appoint any officer, or, with the approval of the Minister, any person who is not an officer, as an inspector to exercise the powers and perform the functions referred to in subsection (4). 30

(2) Every inspector must be furnished with a certificate signed by the registrar stating that he or she has been appointed as inspector under this Act.

(3) An inspector must, at the request of any person affected by the exercise of a power or performance of a function by such an inspector, exhibit the certificate referred to in subsection (2) to such a person. 35

(4) An inspector may, on the authority of a warrant issued in terms of subsection (5), conduct an investigation to determine whether the provisions of this Act are being or have been complied with, and may, for that purpose during normal office hours and without giving prior notice— 40

(a) enter upon any place, premises or conveyance in or upon which any animal, carcass or hide of any animal, or marking instrument or other instrument for marking animals, or any certificate or document, or register of marking operators in respect of which this Act applies, is or is upon reasonable grounds suspected to be; 45

(b) clip or otherwise remove hair from any such animal, carcass or hide in order to facilitate examination for identification marks; and

(c) seize any animal or object found in respect of which he or she has reason to suspect that this Act has been contravened.

(5) (a) A warrant referred to in subsection (4) must be issued by a magistrate who has jurisdiction in the area in which the place or facility in question is situated, and may only be issued if it appears from information on oath that there are reasonable grounds to 50

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ANIMAL IDENTIFICATION ACT, 2002

believe that any material, substance, appliance, book, statement or document that may relate to a contravention of this Act is in or upon such place or facility.

(b) A warrant issued in terms of this section must be executed with strict regard to decency and order.

(6) (a) If no criminal proceedings are instituted in connection with any item referred to in subsection (5)(a), seized in terms of subsection (4), or if it appears that such item is not required at any trial for the purpose of evidence or an order of court, that item must be returned as soon as possible to the person from whom it was seized. 5

(b) After the conclusion of criminal proceedings any item seized in terms of subsection (4) and which served as an exhibit in proceedings in which a person was convicted, must be handed over to the inspector to be destroyed or otherwise dealt with as instructed by the registrar. 10

Appeal against decision of registrar

13. A person whose interests are affected by any decision or direction of the registrar may, within the period and in the manner prescribed and upon payment of the prescribed fees, appeal to the Minister against such decision. 15

Duties and powers of pound master

14. If any animal bearing an identification mark is impounded, the pound master must follow the prescribed procedures.

Prohibited marking of animals 20

15. (1) No person may—

- (a) mark or allow an animal to be marked with a mark which is not an identification mark;
- (b) mark or allow an animal to be marked with an identification mark without the authorisation of the owner of such identification mark; 25
- (c) mark or allow an animal to be marked with an identification mark otherwise than in the prescribed manner;
- (d) mark or allow an animal to be marked with an identification mark which is registered in the name of a person who is not the owner of the animal;
- (e) mark or allow an animal to be marked with an identification mark which is not a prescribed identification mark in respect of the group to which the animal belongs; or 30
- (f) use more than one identification mark in respect of the same group of animals, unless the registration of all the identification marks was obtained in terms of this Act. 35

(2) Paragraphs (a), (c) and (e) of subsection (1) do not apply in respect of—

- (a) the marking of animals in accordance with the rules or by-laws of an animal breeders' society or registering authority as defined in section 1 of the Animal Improvement Act, 1998 (Act No. 62 of 1998); or
- (b) the marking by the breeder thereof, of an animal which has been registered or recorded, as the case may be, with the South African Stud Book and Livestock Improvement Association. 40

Offences

16. Any person who—

- (a) is a marking operator and who fails to keep a register in terms of section 11(1)(c); 45
- (b) has in his or her possession an animal marked not in accordance with or in a manner allowed by this Act;
- (c) alters, mutilates or cancels an identification mark on an animal;
- (d) sells to any person an animal on which an identification mark has been altered, mutilated or cancelled; 50
- (e) sells to any person an animal of which an ear has been cut off;

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- (f) hinders or obstructs an officer or an authorised person or a police official in the execution of his or her duties or the exercise of his or her powers under this Act;
- (g) fails or refuses to produce, when required in terms of this Act by the registrar or a police official to do so, any livestock or other thing in his or her possession or under his or her control; 5
- (h) alters a certificate issued in terms of section 5(2)(c);
- (i) fails to comply with or contravenes any provision of section 7;
- (j) in any application made in terms of this Act, makes or causes to be made a statement which is false; 10
- (k) falsely holds himself or herself out to be the registrar or an authorised person; or
- (l) marks animals for financial gain without being registered as a marking operator,
- is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding six months, or to both such fine and such imprisonment. 15

Evidence

17. In any legal proceedings a certificate or computer printout purporting to have been issued by the registrar regarding the registration, or the transfer or cancellation of the registration, of an identification mark in terms of this Act, or the ownership of an identification mark, or any other particulars contained in the register, shall upon production in such proceedings be *prima facie* proof of the facts stated in it. 20

Regulations

18. (1) The Minister may make regulations regarding— 25
- (a) the size, shape, pattern and composition of identification marks;
- (b) the size, shape and construction of marking instruments;
- (c) the age which animals must have attained before they must be marked;
- (d) the manner in which, the parts on which and the material with which animals shall or may not be marked;
- (e) the conditions on which an owner of animals may obtain the registration of more than one identification mark in respect of the same group of animals; and 30
- (f) any matter that may or must be prescribed in terms of this Act.
- (2) The Minister may make different regulations in respect of different kinds of identification marks, different groups of animals and different areas.

Brands provided for in other laws 35

19. The provisions of this Act are in addition to and not in substitution for the provisions of any other law.

Delegation of powers by Minister

20. The Minister may delegate to any officer of the national Department of Agriculture any of the powers conferred upon him or her by this Act, except the powers conferred by sections 18 and 21. 40

Exemption of certain areas and animals from provisions of Act

21. The Minister may from time to time by notice in the *Gazette* declare that certain provisions of this Act shall not apply in any area defined in such notice, or in respect of any group or type of animal specified therein. 45

Repeal of laws and savings

22. (1) Subject to subsection (2) this Act repeals—
- (a) the Acts in the Schedule; and

Act No. 6, 2002**ANIMAL IDENTIFICATION ACT, 2002**

(b) any law relating to Livestock Brands which applied in the territory of any entity which prior to the commencement of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), possessed legislative authority with regard to the marking of animals.

(2) A brand allocated in terms of section 5(2) of the Livestock Brands Act, 1962 (Act No. 87 of 1962), which is in use immediately prior to the date of commencement of this Act is deemed to be an identification mark allocated in terms of section 5(2)(a). 5

Short title and commencement

23. This Act is called the Animal Identification Act, 2002, and comes into operation on a date determined by the President by proclamation in the *Gazette*. 10

Stock Theft Act No 57 of 1959

22

UNION GAZETTE EXTRAORDINARY, 3RD JULY, 1959.

No. 57, 1959.]

ACT

To consolidate and amend the laws relating to the theft of stock and produce.

(English text signed by the Governor-General.)
(Assented to 27th June, 1959.)

BE IT ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Definitions.

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

- (i) "Minister" means the Minister of Justice; (i)
- (ii) "non-European" means a person other than a white person as defined in section one of the Population Registration Act, 1950 (Act No. 30 of 1950); (ii)
- (iii) "produce" means the whole or any part of any skins, hides or horns of stock, and any wool, mohair or ostrich feathers; (iv)
- (iv) "public sale" means a sale effected—
 - (a) at any public market; or
 - (b) by any shopkeeper during the hours when his shop may in terms of any law remain open for the transaction of business; or
 - (c) by a duly licensed auctioneer at a public auction; or
 - (d) in pursuance of an order of a competent court; (iii)
- (v) "stock" means any horse, mule, ass, bull, cow, ox, heifer, calf, sheep, goat, pig, poultry, domesticated ostrich, domesticated game or the carcass or portion of the carcass of any such stock; (v)
- (vi) "sufficient fence" means any wire fence, or any other fence, wall or hedge through which no stock could pass without breaking it, or any natural boundary through or across which no sheep would ordinarily pass. (vi)

Failure to give satisfactory account of possession of stock or produce.

2. Any person who is found in possession of stock or produce in regard to which there is reasonable suspicion that it has been stolen and is unable to give a satisfactory account of such possession shall be guilty of an offence.

Absence of reasonable cause for believing stock or produce properly acquired.

3. Any person who in any manner, otherwise than at a public sale, acquires or receives into his possession from any other person stolen stock or stolen produce without having reasonable cause, proof of which shall be on such firstmentioned person, for believing, at the time of such acquisition or receipt, that such stock or produce is the property of the person from whom he acquires or receives it or that such person has been duly authorized by the owner thereof to deal with it or dispose of it shall be guilty of an offence.

Entering enclosed land or kraal, shed, stable or other walled place with intent to steal stock or produce.

4. (1) Any person who in any manner enters any land enclosed on all sides with a sufficient fence or any kraal, shed, stable or other walled place with intent to steal any stock or produce on such land or in such kraal, shed, stable or other walled place, shall be guilty of an offence.

(2) When any person is charged with a contravention of sub-section (1) the onus shall be upon him to prove that he had no intention to steal any such stock or produce unless he was found proceeding along any road or thoroughfare traversing such land.

Delivery of stock or produce between sunset and sunrise.

5. Any person who for purposes of trade makes or accepts delivery between the hours of sunset and sunrise of any stock or produce sold or purchased or otherwise disposed of or acquired by him in any other manner than at a public sale shall be guilty of an offence.

Document of identification to be furnished by person who disposes of stock.

6. (1) Any person (including any auctioneer, agent or market master but excluding any non-European who is not the registered owner of any land) who sells, barter, gives or in any other manner disposes of any stock to any other person shall at the time of delivery to such other person of the stock so sold, bartered, given or disposed of, furnish such other person with a document (hereinafter called a document of identification)—

(a) stating—

- (i) his full name and address and, if the stock was sold, bartered, given or disposed of on behalf of some other person, also the name and address of such other person;
- (ii) such particulars in regard to such stock as may be required to be stated therein in terms of any regulation made under section *sixteen*;

(b) certifying that such stock is his property or that he is duly authorized by the owner thereof to deal with or dispose of it.

(2) No person to whom any stock has been sold, bartered, given or otherwise disposed of and to whom a document of identification is required to be furnished in terms of sub-section (1) shall take delivery of such stock without obtaining such document at the time of delivery.

(3) Any person to whom a document of identification has been furnished in terms of sub-section (1) shall retain it in his possession for a period of at least three months.

(4) Any person may within the said three months demand an inspection of such document, and upon such demand the person having possession of such document shall produce it for inspection to the person making the demand.

(5) Any person who—

- (a) contravenes or fails to comply with any provision of this section;
- (b) fails to comply with any demand made under sub-section (4); or
- (c) wilfully makes any false statement in a document of identification,

shall be guilty of an offence.

(6) Any person who delivers any stock to an auctioneer, agent or market master for the purpose of sale or disposal in any other manner, shall, for the purposes of this section, be deemed to have disposed of such stock to such auctioneer, agent or market master.

Acquisition of stock or produce from certain persons whose places of residence are unknown.

7. (1) Any person who in any manner (otherwise than at a public sale) acquires or receives into his possession or any auctioneer, agent or market master who receives into his possession for the purpose of sale, from any non-European who is not, to his knowledge, the registered owner of any land or from any person who has no known place of residence, any stock or produce without obtaining at the time of delivery of such stock or produce to him a certificate, issued not more than thirty days before the delivery, from—

- (a) (in the case of such non-European) the employer, chief or headman of such non-European, a justice of the peace, a policeman of or above the rank of sergeant, a dipping foreman, a stock inspector or two residents of substantial means of the neighbourhood in which the transaction takes place; or
- (b) (in the case of such other person) a justice of the peace, a policeman of or above the rank of sergeant, two residents of substantial means of the neighbourhood in which the transaction takes place or the person from whom such other person purchased or acquired such stock or produce,

giving a description of the stock or produce and certifying that to the best of his or their knowledge and belief such non-European or other person is entitled to dispose of or deal with such stock or produce, shall be guilty of an offence.

(2) Any person who has obtained such a certificate shall retain it in his possession for a period of at least three months.

(3) Any person may within the said three months demand an inspection of such certificate, and upon such demand the person having possession of such certificate shall produce it for inspection to the person making the demand.

(4) Any person who fails to comply with the provisions of sub-section (2) or any demand made under sub-section (3) or who wilfully makes any false statement in a certificate referred to in sub-section (1) shall be guilty of an offence.

Stock or produce driven, conveyed or transported on or along public roads.

8. (1) No persons shall drive, convey or transport any stock or produce of which he is not the owner on or along any public road unless he has in his possession a certificate (hereinafter called a removal certificate) issued to him by the owner of such stock or produce or the duly authorized agent of such owner, in which is stated—

- (a) the name and address of the person who issued the certificate;
- (b) the name and address of the owner of such stock or produce;
- (c) such particulars in regard to such stock or produce as may be required to be stated therein in terms of any regulation made under section *sixteen*;
- (d) the place from which and the place to which such stock or produce is being driven, conveyed or transported;
- (e) the name of the driver, conveyer or transporter; and
- (f) the date of issue thereof:

Provided that the provisions of this sub-section shall not apply in respect of any stock or produce which is being driven, conveyed or transported, with the consent of the owner thereof or his duly authorized agent, on or along such portion of any public road as traverses land which belongs to or is occupied by such owner or agent.

(2) No person shall cause or permit any stock or produce belonging to him to be driven, conveyed or transported by any other person on or along any public road without furnishing him with a removal certificate which he is required to have in terms of sub-section (1).

(3) Any justice of the peace, policeman, or owner, lessee or occupier of land may demand from any person who is required in terms of sub-section (1) to have in his possession a removal certificate, an inspection of such certificate, and upon such demand the person having possession of such certificate shall produce it for inspection to the person making the demand.

(4) No person who is or was employed by an owner or occupier of any land shall remove any stock or produce owned by him or under his control from any land owned or occupied by such owner or occupier unless he is in possession of a document furnished by such owner or occupier, the agent of such owner or occupier, or a policeman on a date not more than seven days before the removal, which date shall be stated in the document, giving a description of such stock or produce and certifying that he was to the best knowledge and belief of the person furnishing the document entitled to remove such stock or produce on the said date.

(5) Any owner or occupier of land, or any agent of such owner or occupier, shall, when requested to do so by any person who is or was in the employ of such owner or occupier and who is in possession on land owned or occupied by such owner or occupier of any stock or produce which he desires to remove therefrom, forthwith furnish him with any document which he may require in terms of sub-section (4).

(6) Any person who has obtained such a document as is referred to in sub-section (4) shall retain it in his possession for a period of at least one month.

(7) Any justice of the peace, policeman, or owner, lessee or occupier of land may within the said month demand an inspection of such document, and upon such demand the person having possession of such certificate shall produce it for inspection to the person making the demand; and

- (8) Any person who—
 - (a) contravenes or fails to comply with any provision of this section;
 - (b) fails to comply with any demand made under sub-section (3) or (7);
 - (c) wilfully makes any false statement in a removal certificate or a document furnished in terms of sub-section (5); or
 - (d) falsely declares that he is the owner of stock or produce which is being driven, conveyed or transported by him on or along any public road,

shall be guilty of an offence.

Arrest and search without warrant.

9. (1) Any person may, without warrant, arrest any other person upon reasonable suspicion that such other person has committed the offence mentioned in section *two* or *four*.

(2) Whenever any justice of the peace, policeman, or owner, lessee or occupier of land reasonably suspects that any person has in or under any receptacle or covering or in or upon any vehicle any stock or produce in regard to which an offence has been committed, such justice of the peace, policeman, owner, lessee or occupier may without warrant search such receptacle or vehicle and remove such covering, and if he thereupon finds any stock or produce in regard to which he reasonably suspects an offence to have been committed, he may without warrant arrest such person and seize such vehicle or receptacle and shall as soon as possible convey such person and the stock or produce so found and the vehicle or receptacle so seized to a police station or charge office.

Malicious arrest and search.

10. (1) Any person who, under colour of this Act, wrongfully and maliciously or without probable cause arrests any other person or effects any search shall be guilty of an offence.

(2) On any charge under this section the onus of proof that the arrest or search which is the subject of the charge was not wrongful and malicious or without probable cause shall be upon the accused.

(3) Nothing in this section contained shall be construed as taking away or diminishing any civil right or liability in respect of a wrongful or malicious arrest.

Verdicts on a charge of theft of stock or produce.

11. (1) Any person who is charged with the theft of stock or produce may be found guilty of—

- (a) the theft of or an attempt to commit the theft of such stock or produce; or
- (b) receiving such stock or produce knowing the same to have been stolen; or
- (c) inciting, instigating, commanding or procuring another person—
 - (i) to steal such stock or produce; or
 - (ii) to receive such stock or produce; or
- (d) knowingly disposing of, or knowingly assisting in the disposal of, stock or produce which has been stolen or which has been received with knowledge of it having been stolen; or
- (e) contravening section *two* or *three*.

(2) Any person charged with the theft of stock or produce belonging to a particular person may be found guilty of any of the offences mentioned in sub-section (1), notwithstanding the fact that the prosecution has failed to prove that such stock or produce actually did belong to such particular person.

Act applicable in all cases where charge is one of theft of stock or produce.

12. The provisions of this Act shall apply in every case where an accused is indicted, summoned or charged in respect of the theft of stock or produce, notwithstanding the fact that this Act is not referred to in the indictment, summons or charge.

Jurisdiction of magistrates' courts in respect of punishments.

13. Notwithstanding anything to the contrary contained in any other law, magistrates' courts shall have jurisdiction to impose—

- (a) in the case of a first conviction for any offence mentioned in paragraph (a), (b), (c) or (d) of sub-section (1) of section *eleven*—
 - (i) imprisonment for any period not exceeding two years; or
 - (ii) imprisonment with spare diet or solitary confinement or both for any period not exceeding six months; or
 - (iii) whipping not exceeding ten strokes; or
 - (iv) both such whipping and imprisonment for any period not exceeding two years; or
 - (v) a fine not exceeding five hundred pounds; or
 - (vi) both such fine and imprisonment for any period not exceeding two years;
- (b) in the case of a second or subsequent conviction for any such offence—
 - (i) imprisonment for any period not exceeding three years; or
 - (ii) whipping not exceeding ten strokes; or
 - (iii) both such whipping and imprisonment for any period not exceeding three years;
- (c) any penalty prescribed by section *fourteen*.

Penalty where not otherwise provided for.

14. Any person who is convicted of an offence under this Act for which no penalty is otherwise provided shall be liable to a fine not exceeding one hundred pounds or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

Fine in addition to sentence in certain cases.

15. (1) In all cases of a conviction for any offence mentioned in paragraph (a), (b), (c) or (d) of sub-section (1) of section eleven in which—

(a) the court is satisfied that the stock or produce which forms the subject matter of the charge is the property of some particular person;

(b) such stock or produce has not been recovered, or, if recovered, is worth less than its market value at the time of the theft; and

(c) the owner of such stock or produce does not apply under the provisions of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), for compensation, the court shall, in addition to any sentence which it may have imposed upon a person convicted of any such offence, who is twenty-one years of age or older—

(i) if the stock or produce has not been recovered, sentence the said person to a fine not exceeding the market value of the stock or produce at the time when it was stolen; or

(ii) if the stock or produce has been recovered and is worth less than its market value at the time when it was stolen, sentence the said person to a fine not exceeding the difference between the said market value and the value of the stock or produce when it was recovered,

and in either case the court shall sentence the said person to a term of imprisonment not exceeding twelve months, if the said fine is not paid or is not recovered under sub-section (2), and if the court has imposed that sentence in addition to any other sentence of imprisonment which it imposed for any such offence as aforesaid, the said person shall serve the additional sentence after the expiration of the said other sentence except where the execution of that other sentence has been suspended in which case he shall commence to serve the additional sentence forthwith: Provided that, if the convicted person or any other person acting on behalf of the convicted person has compensated the owner of the stolen stock or produce in any way for its loss or depreciation, a fine imposed under paragraph (i) shall not exceed the amount (if any) by which the compensation fell short of the said market value, and a fine imposed under paragraph (ii) shall not exceed the amount (if any) by which the compensation fell short of the said difference.

(2) Such fine may be recovered in the manner provided by section three hundred and thirty-seven of the Criminal Procedure Act, 1955, and any amount so recovered shall be paid to the owner of the stolen stock or produce subject to the said owner giving security *de restituendo* in case the judgment of the said court is reversed on appeal or review.

(3) The provisions of this section shall not apply in the case of any person sentenced to whipping without imprisonment, unless it is proved that such person has the means of satisfying any fine imposed thereunder.

Regulations.

16. The Minister may make regulations as to the particulars to be stated—

(a) in regard to stock in the document of identification referred to in section six;

(b) in regard to stock or produce in the removal certificate referred to in section eight.

Provisions of Act may be made applicable in respect of farm produce not mentioned in definition of produce.

17. (1) The Minister may by notice in the *Gazette* declare that any or all of the provisions of this Act relating to produce shall also apply, either generally or in any area specified in the notice or any area other than an area so specified, in respect of any such class of farm produce not mentioned in the definition of "produce" in section one as is specified in the notice.

(2) The Minister may in like manner amend or repeal any such notice.

Application of sections 5, 6, 7 and 8.

18. (1) The Minister may by notice in the *Gazette* exclude from the operation of any or all of the provisions of sections *five, six, seven and eight*—

- (a) any area specified in the notice or any area other than an area so specified; or
 (b) any stock or produce or class of stock or produce either generally or in respect of any area specified in the notice or any area other than an area so specified.

(2) The Minister may by notice in the *Gazette*, and on such conditions as he deems fit, exempt any person or class of persons specified in the notice, either generally or under such circumstances or in respect of such stock or produce or class of stock or produce as may be specified in the notice, from compliance with any or all of the provisions of sections *five, six, seven and eight*.

(3) The Minister may by notice in the *Gazette* amend or repeal any notice issued in terms of this section.

Certain provisions of Transkeian Territories Penal Code may be made applicable in certain areas.

19. The Governor-General may by proclamation in the *Gazette* extend the operation of the provisions of sections *two hundred, two hundred and one and two hundred and two* of the Native Territories Penal Code (Act No. 24 of 1886 of the Cape of Good Hope) as read with the Transkeian Territories Penal Code Amendment Act, 1898 (Act No. 41 of 1898 of the Cape of Good Hope) to any area within a released area or scheduled native area as defined in the Native Trust and Land Act, 1936 (Act No. 18 of 1936), specified in the proclamation, and may in like manner amend or repeal any such proclamation.

Repeal or amendment of laws.

20. The laws specified in the Schedule are hereby repealed or amended to the extent set out in the fourth column of the Schedule.

Short title and date of commencement.

21. This Act shall be called the Stock Theft Act, 1959, and shall come into operation upon a date to be fixed by the Governor-General by proclamation in the *Gazette*.

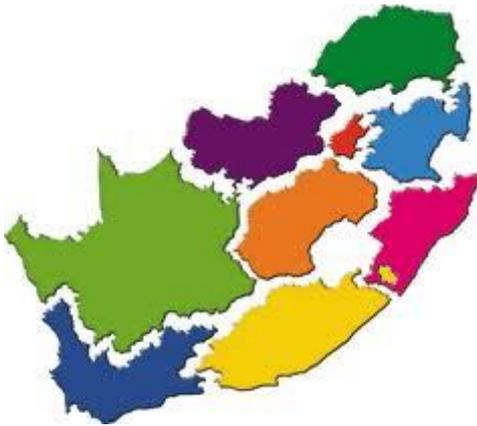
Schedule.

LAWS REPEALED OR AMENDED.

Province or Union.	Number and date of law.	Title or subject of law.	Extent of repeal or amendment.
Cape of Good Hope.	Act No. 14 of 1870.	The Cattle Removal Act, 1870.	The repeal of the whole.
Cape of Good Hope.	Act No. 12 of 1885.	Cattle and Stock Definitions Amendment Act, 1885.	The repeal of the whole.
Cape of Good Hope.	Act No. 20 of 1889.	The Cattle Removal Amendment Act, 1889.	The repeal of the whole.
Cape of Good Hope.	Act No. 12 of 1891.	The Cattle Removal Amendment Act, 1891.	The repeal of the whole.
Cape of Good Hope.	Act No. 7 of 1896.	The Cattle Removal Acts Extension Act, 1896.	The repeal of the whole.
Natal	Act No. 1 of 1899.	Cattle Stealing Act, 1898.	The repeal of sections <i>six to thirty-three</i> , inclusive, and section <i>thirty-six</i> ; the deletion in section <i>thirty-seven</i> of the words "and the passes therein referred to"; and the deletion in section <i>thirty-eight</i> of the words "together with the passes".
Natal	Act No. 41 of 1905.	To amend the Cattle Stealing Act, 1898.	The repeal of section <i>five</i> .
Orange Free State.	Chapter CXXIV of Law Book.	To provide against Theft of Fides, Mohair, Wool and Ostrich Feathers.	The repeal of the whole.
Orange Free State.	Law No. 4 of 1895.	Law Supplementing and Amending Part 2 of Chapter CXXIII of the Law Book.	The repeal of sections <i>three to seven</i> , inclusive.
Transvaal ..	Ordinance No. 6 of 1904.	Stock Theft Ordinance, 1904.	The repeal of sections <i>twenty-eight, twenty-nine and thirty</i> .
Union	Act No. 26 of 1923.	Stock Theft Act, 1923.	The repeal of the whole.
Union	Act No. 16 of 1942.	Stock Theft Amendment Act, 1942.	The repeal of the whole.
Union	Act No. 68 of 1957.	General Law Amendment Act, 1957.	The repeal of section <i>twenty-eight</i> .

SPCA Contact Numbers

GAUTENG	OFFICE No	EMERGENCY No
Alberton	011 907 1568	071 626 0721
Benoni	011 894 2814/5	073 511 2261
Boksburg	011 916 5906/7	083 763 6311
Brakpan	011 742 2007	083 696 9052
Carletonville	018 788 6262	064 752 6035
Centurion	012 664 5644/5	
Edenvale	011 974 9387	072 183 9794
Germiston/Bedfordview	011 825 5033	082 675 0072
Heidelberg	016 342 4114	071 994 9960
Johannesburg	011 681 3600	083 604 1172
Kempton Park	011 975 6537/8	079 509 7859
Midrand	011 265 9935	083 441 1564/5
Nigel	084 485 7029	084 485 7020
Randburg	011 462 1610	083 381 4732
RandWest	011 4123114	078 911 0538
Roodepoort	011 672 0448	076 070 1400
Sandton & Eastern	011 444 7730	082 460 2765
Springs	082 668 5230	083 377 7029
Tshwane	012 803 5219	083 453 3863
Vanderbijlpark	016 455 1908	083 292 5862
Vereeniging	016 422 1505	083 292 5862



LIMPOPO	OFFICE No	EMERGENCY No
Lephalale	079 398 6784	084 506 8504
Letaba	015 307 2611	083 628 9257
Louis Trichardt	082 424 5712	082 965 5151
Mokopane	015 491 3661	076 538 6291
Phalaborwa	015 781 2415	082 494 2147
Polokwane	015 291 1088	082 804 0065

MPUMALANGA	OFFICE No	EMERGENCY No
Barberton	082 462 1457	082 825 1505
Bethal	017 647 5360	072 573 3122
Highveld Ridge	017 632 2654	082 222 1122
Nelspruit	013 753 3582	082 755 8687
Middelburg	013 246 1201	084 432 6278
White River	013 750 0240	082 706 1240
Witbank	013 650 2321	083 657 2421

KWAZULU NATAL	OFFICE No	EMERGENCY No
Amanzimtoti	031 904 2424/5	072 122 7288
Dundee & District	034 212 2851	072 949 6235
Durban & Coast	031 579 6500	083 212 6103
Empangeni	071 174 4746	083 482 3866
Eshowe	087 802 1737	078 306 1439
Greytown	072 096 9634	076 435 0615
Kokstad	039 727 3092	083 207 2447
Kloof & Highway	031 764 1212/3	073 335 9322
Lower S. Coast	039 312 0962/ 039 317 3362	083 222 6355
Mooi River	033 263 1526	083 385 0807
Newcastle	034 318 2346	071 476 1495
Pietermaritzburg	033 386 9267/8/9	082 627 9736
Richards Bay	035 753 2086	073 551 4564
uMngeni	033 330 4557	082 567 8297
Vryheid	034 980 8888	072 763 4768

EASTERN CAPE	OFFICE No	EMERGENCY No
Amahlathi	043 683 1414	082 568 4096
Assisi	042 295 2814	073 121 8963
East London	043 745 1441	083 446 8682
Graaff-Reinet	049 891 0256	083 641 9180
Grahamstown	046 622 3233	081 836 9590
King William's Town	043 643 6008	082 255 4991
Mthatha	047 531 0530	083 759 0576
Port Alfred	046 624 1919/5065	082 676 8605
Queenstown	045 839 2819	082 492 5588
Uitenhage & District	041 992 3016/041 922 4528	082 905 4716

NORTHERN CAPE	OFFICE No:	EMERGENCY No:
Kimberley	053 831 7625	082 376 7679

WESTERN CAPE	OFFICE No	EMERGENCY No
Beaufort West	073 438 6727	072 847 7312
Cape of Good Hope	021 700 4140	083 326 1604
Franschhoek	021 876 4808	083 745 5344
Garden Route	044 878 1990/3	082 378 7384
Paarl	021 863 2720	082 510 6387
Swartland	022 492 2781	082 414 7153
Swellendam	028 514 2083	084 737 1948
Wellington	021 864 3726	082 905 9184
Winelands	023 615 2241	083 275 8101/071 825 7805

FREE STATE	OFFICE No	EMERGENCY No
Bethlehem	058 303 3998	083 629 6403
Bloemfontein	051 447 3801	078 322 8332
Kroonstad	079 871 5947	076 817 9648
Parys	056 811 3671	072 894 4061
Virginia	079 776 1153	076 114 4788
Welkom	071 403 4876	082 375 7357

NORTH WEST	OFFICE No	EMERGENCY No
Klerksdorp	079 662 4330	079 808 4816
Mafikeng	018 381 0374	079 018 9552
Rustenburg	014 592 3181	072 933 7723

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