

Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.



# GOVERNMENT GAZETTE

OF THE REPUBLIC OF SOUTH AFRICA

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STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 665.

3 April 1985

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

■ No. 20 of 1985: Animals Protection Amendment Act, 1985.

No. 665.

3 April 1985

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 20 van 1985: Wysigingswet op Dierebeskerming, 1985.



## Act No. 20, 1985

## ANIMALS PROTECTION AMENDMENT ACT, 1985

Amendment of section 8 of Act 24 of 1935, as amended by section 5 of Act 7 of 1972 and section 2 of Act 54 of 1983.

4. Section 8 of the Performing Animals Protection Act, 1935, is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) Any person contravening the provisions of this Act or any regulation made thereunder for which a penalty has not been prescribed or any condition of a licence or certificate shall be guilty of an offence and liable on conviction to a fine not exceeding **[one thousand rand] R2 000** or to imprisonment for a period not exceeding twelve months.”

Amendment of section 2 of Act 71 of 1962, as amended by section 21 of Act 102 of 1972 and section 3 of Act 54 of 1983.

5. Section 2 of the Animals Protection Act, 1962 (hereinafter referred to as the principal Act), is hereby amended by the substitution in subsection (1) for the words following upon paragraph (s) of the following words:

“shall, subject to the provisions of this Act and any other law, be guilty of an offence and liable on conviction to a fine not exceeding **[one thousand rand] R2 000** or in default of payment to imprisonment for a period not exceeding twelve months or to such imprisonment without the option of a fine, or, where any such act or omission is of a wilful and an aggravated nature, to a whipping not exceeding six strokes or to both such a fine and such a whipping or to both such imprisonment without the option of a fine and such a whipping.”

Amendment of section 4 of Act 71 of 1962, as amended by section 9 of Act 7 of 1972.

6. Section 4 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(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 **[four hundred rand] R5 000.**”; and

(b) by the substitution for paragraph (a) of subsection (3) of the following paragraph:

“(a) any costs incurred in connection with the custody of an animal seized in terms of the Criminal Procedure Act, **[1955 (Act No. 56 of 1955)] 1977 (Act No. 51 of 1977), [or the Criminal Procedure Ordinance, 1963 (Ordinance No. 34 of 1963), of the territory of South-West Africa,]** for the purposes of a prosecution in terms of this Act; and”.

Amendment of section 8 of Act 71 of 1962.

7. Section 8 of the principal Act is hereby amended by the substitution for paragraph (c) of subsection (1) of the following paragraph:

“(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 **[before] to a [magistrate] police officer, who shall deal with it in accordance with the provisions of the Criminal Procedure Act, 1977 (Act No. 51 of 1977);**”.

**Act No. 20, 1985****ANIMALS PROTECTION AMENDMENT ACT, 1985**

Amendment of section 10 of Act 71 of 1962, as amended by section 4 of Act 54 of 1983.

**8.** Section 10 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) Such regulations may prescribe penalties for contravention thereof or failure to comply therewith not exceeding a fine of **[one thousand rand] R2 000** or imprisonment for a period of twelve months.”. 5

Short title.

**9.** This Act shall be called the Animals Protection Amendment Act, 1985.