

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 uneven numbered pages as the other language is printed on even numbered pages.



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

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DEPARTEMENT VAN DIE EERSTE MINISTER.

DEPARTMENT OF THE PRIME MINISTER.

No. 401.

15 Maart 1972.

No. 401.

15th March, 1972.

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

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

No. 7 van 1972: Wysigingswet op Dierbeskerming, 1972.

No. 7 of 1972: Animals Protection Amendment Act, 1972.

ANIMALS PROTECTION AMENDMENT ACT, 1972.

Act No. 7, 1972

ACT

To amend the provisions of the Performing Animals Protection Act, 1935, and the Animals Protection Act, 1962, in order to apply those Acts to the territory of South-West Africa; to amend the provisions of the first-mentioned Act in relation to the penalties; and to provide for incidental matters.

*(English text signed by the State President.)
(Assented to 8th March, 1972.)*

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

1. Section 2 of the Performing Animals Protection Act, 1935 (hereinafter referred to as the principal Act), is hereby amended by the substitution for paragraph (d) of the proviso of the following paragraph:

Amendment of section 2 of Act 24 of 1935, as amended by section 18 of Act 62 of 1955.

“(d) the Minister may by regulation prescribe the form of such licence, the conditions subject to which such licence shall be held, and the fee not exceeding ten rand which shall be paid for such licence and for the renewal thereof not exceeding two rand.”.

2. The following section is hereby substituted for section 5 of the principal Act:

Substitution of section 5 of Act 24 of 1935.

“Obstruction of police officer.

5. Any person who wilfully obstructs, delays or otherwise interferes with a police officer in the exercise of the powers herein granted or who conceals any animal with intent to defeat the exercise of such powers, or otherwise hampers or impedes the exercise of such powers shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred rand or to imprisonment for a period not exceeding three months in addition to any other penalty imposed for the contravention of any provision of this Act or any regulation made thereunder.”.

3. The following section is hereby substituted for section 6 of the principal Act:

Substitution of section 6 of Act 24 of 1935.

“Jurisdiction of magistrate's court.

6. For the purpose of this Act a magistrate's court shall have jurisdiction and shall have the powers conferred by the Animals Protection Act, 1962 (Act No. 71 of 1962).”.

4. Section 7 of the principal Act is hereby amended by the substitution for paragraph (e) of the following paragraph:

Amendment of section 7 of Act 24 of 1935.

“(e) a penalty of a fine not exceeding fifty rand or imprisonment for a period not exceeding three months for a contravention of any regulation;”.

ANIMALS PROTECTION AMENDMENT ACT, 1972.

Act No. 7, 1972.

5. Section 8 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection: Amendment of section 8 of Act 24 of 1935.

“(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 two hundred rand or to imprisonment for a period not exceeding three months for a first offence and to a fine not exceeding four hundred rand or to imprisonment for a period not exceeding six months for any subsequent offence.”

6. The following section is hereby substituted for section 10 of the principal Act: Substitution of section 10 of Act 24 of 1935.

“Act to be read with Act 71 of 1962.

10. This Act shall be read as one with the Animals Protection Act, 1962 (Act No. 71 of 1962), and the powers herein granted unless the contrary intention appears shall be in addition to any powers granted by that Act.”

7. Section 11 of the principal Act is hereby amended— Amendment of section 11 of Act 24 of 1935.

(a) by the substitution for the definition of “animal” of the following definition:

“‘animal’ has the meaning assigned to it by the Animals Protection Act, 1962 (Act No. 71 of 1962), but does not include any reptile;” and

(b) by the substitution for the definition of “police officer” of the following definition:

“‘police officer’ has the meaning assigned to it by the Animals Protection Act, 1962, and includes a person authorized under section 8 of the said Act.”

8. The following section is hereby inserted in the principal Act after section 11: Insertion of section 11A in Act 24 of 1935.

“Applica-
tion of
Act in
South-
West
Africa.

11A. This Act and any amendment thereof shall apply also in the territory of South-West Africa, including the Eastern Caprivi Zipfel.”

9. Section 4 (3) of the Animals Protection Act, 1962, is hereby amended by the substitution for paragraph (a) of the following paragraph: Amendment of section 4 of Act 71 of 1962.

“(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), 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”

10. Section 5 of the Animals Protection Act, 1962, is hereby amended by the substitution for subsection (2) of the following subsection: Amendment of section 5 of Act 71 of 1962.

“(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 and Parasites Act, 1956 (Act No. 13 of 1956), or the Animal Diseases and Parasites Ordinance, 1959 (Ordinance No. 34 of 1959), of the territory of South-West Africa, as the case may be, remove the carcass or cause it to be removed therefrom.”

ANIMALS PROTECTION AMENDMENT ACT, 1972.

Act No. 7, 1972

11. The following section is hereby inserted in the Animals Protection Act, 1962, after section 10: Insertion of section 10A in Act 71 of 1962.
- “Applica- 10A. This Act and any amendment thereof shall
tion of Act in apply also in the territory of South-West Africa,
South- including the Eastern Caprivi Zipfel.”
West
Africa.
12. The Prevention of Cruelty to Animals Proclamation, 1919 (Proclamation No. 17 of 1919), the Prevention of Cruelty to Animals Amendment Proclamation, 1938 (Proclamation No. 24 of 1938), and the Prevention of Cruelty to Animals Amendment Proclamation, 1950 (Proclamation No. 42 of 1950), of the territory of South-West Africa, are hereby repealed. Repeal of laws.
13. This Act shall be called the Animals Protection Amend- Short title and
ment Act, 1972, and shall come into operation on a date fixed commencement.
by the State President by proclamation in the *Gazette*.