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STATE PRESIDENT'S OFFICE

No. 660.

28 March 1991

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

■o. 7 of 1991: Protection of Animals Amendment Act, 1991.

KANTOOR VAN DIE STAATSPRESIDENT

No. 660.

28 Maart 1991

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

No. 7 van 1991: Wysigingswet op die Beskerming van Diere, 1991.

Act No. 7, 1991

PROTECTION OF ANIMALS AMENDMENT ACT, 1991

- (b) such licence shall be granted for a calendar year and expire on the thirty-first December in every year;
- (c) the magistrate may, if in his opinion there is good and sufficient reason, refuse to renew such licence; and
- (d) the Minister may by regulation prescribe the form of **[such]** an application for a licence and the form of the 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]**.”

Substitution of section 3 of Act 24 of 1935, as amended by section 1 of Act 20 of 1985 10

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

“Certificate in respect of licensed animals

3. (1) **[With such licence shall be issued a certificate for]** The holder of a licence referred to in section 2 shall not exhibit or train any animal or cause it to be exhibited or trained for exhibition or use any dog for safeguarding unless he is in possession of a certificate authorizing such exhibition, training or use of all animals in respect of which such licence is held. 15

(2) The certificate referred to in subsection (1) shall be issued by the magistrate in the prescribed form after submission to him of the prescribed information by the licenceholder. 20

[(2)] (3) Upon such certificate shall be specified the form of training, **[and form of]** exhibition and use, as the case may be, of the animal or animals in respect of which it is issued.

[(3)] (4) It shall be competent for a magistrate upon the application of the holder of a certificate to amend such certificate by either— 25

- (a) deleting therefrom animals which are no longer in the possession or custody of the holder; or
 - (b) adding other animals which have since the issue or renewal of the licence come into the possession or custody of the holder; or 30
 - (c) modifying the form of training **[or]**, exhibition or use specified thereon, 30
- and for such amendment no charge shall be made.”.

Substitution of section 4 of Act 24 of 1935

4. The following section is hereby substituted for section 4 of the principal Act: 35

“Right of entry

4. In addition to the powers conferred by any other law any police officer may—

- (a) at any reasonable time enter upon any premises **[or]**, place or vehicle in which animals are maintained, or kept or confined for the purposes of exhibition or of being trained or of being transported or in which dogs used for safeguarding are maintained, kept, confined or conveyed; 40
- (b) inspect any such animals, dogs, premises **[or]**, places or vehicles and may fully enquire into the measures and methods by which such animals or dogs are controlled, restrained **[and]**, trained or used and the course of feeding such animals or dogs; and 45
- (c) during any exhibition of trained animals, or during the use of dogs for safeguarding, or at any other time, enter upon any premises **[or]**, place or vehicle or portion thereof used in connection with such exhibition or use in order to inspect such premises **[or]**, place or vehicle, the animals or dogs present therein and the conditions under which such animals or dogs are maintained, controlled and fed during such exhibition or use and at other times.”. 50

Amendment of section 5 of Act 24 of 1935, as substituted by section 2 of Act 20 of 1985 55

5. Section 5 of the principal Act is hereby amended by the substitution for the expression “R2 000” of the expression “R4 000”.

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PROTECTION OF ANIMALS AMENDMENT ACT, 1991

Amendment of section 7 of Act 24 of 1935, as amended by section 4 of Act 7 of 1972, section 1 of Act 54 of 1983 and section 3 of Act 20 of 1985

6. Section 7 of the principal Act is hereby amended—

- (a) by the substitution for paragraph (b) of the following paragraph:
- “(b) (i) the form of certificate which shall be issued **[with a licence]** in respect of licensed animals or dogs and the form of amendments which may be made on such certificates; 5
- (ii) the information to be supplied for the issuing of a certificate referred to in subparagraph (i), which includes the manner of identification of an animal or dog;” and 10
- (b) by the substitution for paragraphs (d) and (e) of the following paragraphs, respectively:
- “(d) any other reasonable requirement which may be necessary to prevent cruelty or suffering in the exhibition, training, maintenance, use or travelling of animals in respect of which a certificate has been granted; 15 and
- (e) a penalty of a fine not exceeding **[R2 000]** R4 000 or imprisonment for a period not exceeding twelve months for a contravention of any regulation.”.

Amendment of section 8 of Act 24 of 1935, as amended by section 5 of Act 7 of 1972, section 2 of Act 54 of 1983 and section 4 of Act 20 of 1985

7. Section 8 of the principal Act is hereby amended by the substitution in subsection (1) for the expression “R2 000” of the expression “R4 000”.

Substitution of section 9 of Act 24 of 1935

8. The following section is hereby substituted for section 9 of the principal Act: 25

“Saving

9. Nothing in this Act shall apply to the confinement or training of animals for military, police or sporting purposes or the purpose of an agricultural show, horse show, dog show, caged bird show or any public zoological gardens, or to the exhibition of animals at a military or police tournament or a gymkhana, or at any such show or in any such gardens or to the use of a dog for safeguarding by the South African Defence Force, the South African Police or the Prisons Service.”. 30

Amendment of section 11 of Act 24 of 1935, as amended by section 7 of Act 7 of 1972

9. Section 11 of the principal Act is hereby amended— 35

- (a) by the substitution for the definition of “train” of the following definition: “‘train’ means train for the purpose of exhibiting or of use for safeguarding;” and
- (b) by the addition of the following definition: “‘use for safeguarding’ means the training, use or placing at disposal for gain, or the letting, of a dog, with a view to or for the protection of persons and property.”. 40

Repeal of section 11A of Act 24 of 1935, as inserted by section 8 of Act 7 of 1972

10. Section 11A of the principal Act is hereby repealed.

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Substitution of long title of Act 24 of 1935

11. The following long title is hereby substituted for the long title of the principal Act:

“ACT

To regulate the exhibition and training of performing animals and the use of dogs for safeguarding.” 5

Amendment of section 1 of Act 71 of 1962

12. Section 1 of the Animals Protection Act, 1962, is hereby amended by the substitution for the definition of “veterinarian” of the following definition:

“‘veterinarian’ means a person registered as such under the **[Veterinary Act, 1933 (Act No. 16 of 1933)]** Veterinary and Para-Veterinary Professions Act, 1982 (Act No. 19 of 1982).” 10

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 and section 5 of Act 20 of 1985

13. Section 2 of the Animals Protection Act, 1962, is hereby amended— 15

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

“(a) **[cruelly]** overloads, overdrives, overrides, **[beats, kicks, goads]** ill-treats, neglects, infuriates, **[terrifies]** tortures or maims or cruelly beats, kicks, goads or terrifies any animal; or;” 20

(b) by the substitution for paragraph (m) of subsection (1) of the following paragraph:

“(m) conveys, **[or]** 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 25

(ii) in conditions affording inadequate shelter, light or ventilation or in which such animal is excessively exposed to heat, cold, weather, sun, rain, **[or]** dust, exhaust gases or noxious fumes; or 30

(iii) without making adequate provision for suitable food, potable water and rest for such animal in circumstances where it is necessary; or; and 30

(c) by the substitution in subsection (1) in the words following upon paragraph (s), for the expression “R2 000” of the expression “R4 000”. 35

Amendment of section 5 of Act 71 of 1962, as amended by section 10 of Act 7 of 1972

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

“(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)]** Animal Diseases Act, 1984 (Act No. 35 of 1984) [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.” 45

Amendment of section 10 of Act 71 of 1962, as amended by section 4 of Act 54 of 1983, section 1 of Act 84 of 1985 and section 8 of Act 20 of 1985

15. Section 10 of the Animals Protection Act, 1962, is hereby amended by the substitution in subsection (2) for the expression “R2 000” of the expression “R4 000”. 50

Repeal of section 10A of Act 71 of 1962, as inserted by section 11 of Act 7 of 1972

16. Section 10A of the Animals Protection Act, 1962, is hereby repealed.

Act No. 7, 1991

PROTECTION OF ANIMALS AMENDMENT ACT, 1991

Short title and commencement

17. (1) This Act shall be called the Protection of Animals Amendment Act, 1991, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

(2) Different dates may be so fixed in respect of different provisions of this Act. 5