STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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CAPE TOWN, 4 APRIL 1984

KANTOOR VAN DIE EERSTE MINISTER

No. 647. 4 April 1984

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

No. 35 van 1984: Wet op Dieresiektes, 1984.

OFFICE OF THE PRIME MINISTER

No. 647. 4 April 1984

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

No. 35 of 1984: Animal Diseases Act, 1984.

WET

Om voorsiening te maak vir beheer oor dieresiektes en -parasiete, vir maatreëls ter bevordering van dieregesondheid, en vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 20 Maart 1984.)

DAAR WORD BEPAAL deur die Staatspresident en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Woordomskrywings.

1. (1) In hierdie Wet, tensy uit die samehang anders blyk, beteken—

(i) "beampte" 'n beampte of werknemer soos omskryf in artikel 1 (1) van die Staatsdienswet, 1957 (Wet No. 54 van 1957), wat ingevolge magtiging of onder beheer van die direkteur optree; (xxi)

(ii) "beheerde dieresiekte" 'n dieresiekte met betrekking waartoe enige algemene of besondere beheermaatreël voorgeskryf is, en enige dieresiekte wat nie eie is of inheems is aan die Republiek nie; (vii)

(iii) "beheerde dier of ding" enige dier, besmetlike ding, besoedelde ding, dierlike produk of parasiet, en enige voortbrengsel of produk ten opsigte daarvan; (viii)

(iv) "beheerde doel" die voorkoming van die inbring in die Republiek, of die voorkoming of bestryding van of beheer oor 'n uitbreking of 'n verspreiding, of die uitroeiing, van 'n dieresiekte of, waar toepaslik, van 'n parasiet; (ix)

(v) "beheerde veterinêre handeling", met betrekking tot 'n dier of ding—

(a) die afsondering, aanhouding, inspektering, toetsing, immunisering, waarneming, bemonstering, merking, behandeling, versorging of vankantmaking van, of enige ander beskikking oor;

(b) die uitvoering van 'n operasie of 'n nadoodse ondersoek op; of

(c) die lewering van enige diens wat by uitstek by 'n veterinêre beroep tuishoort soos bedoel in die reëls uitgevaardig kragtens artikel 30 (1) *(a)* van die Wet op Veterinêre en Para-veterinêre Beroepe, 1982 (Wet No. 19 van 1982), ten opsigte van,

so 'n dier of ding vir enige beheerde doel; (x)

(vi) "beheermaatreël" 'n maatreël wat die Minister kragtens artikel 9 met betrekking tot 'n beheerde doel voorgeskryf het; (xi)

(vii) "besmetlike ding" 'n dier wat met 'n beheerde dieresiekte of 'n parasiet besmet is, 'n dierlike produk wat van so 'n dier afkomstig of verkry is en deur middel waarvan so 'n siekte of parasiet in die Republiek versprei kan word, en enigiets anders wat so 'n siekte kan veroorsaak, met inbegrip van 'n voorgeskrewe dierlike

ACT

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

(English text signed by the State President.)
(Assented to 20 March 1984.)

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

Definitions.

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

(i) "animal" means any mammal, bird, fish, reptile or amphibian which is a member of the phylum vertebrates, including the carcass of any such animal; (xii)

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

(iii) "animal health scheme" means any scheme referred to in section 10 (1); (xiii)

(iv) "animal product" means any part or portion of, or product derived from, any animal, including any such part, portion or product in any processed form; (xv)

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

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

(vii) "controlled animal disease" means any animal disease in respect of which any general or particular control measure has been prescribed, and any animal disease which is not indigenous or native to the Republic; (ii)

(viii) "controlled animal or thing" means any animal, infectious thing, contaminated thing, animal product or parasite, and any progeny or product in respect thereof; (iii)

(ix) "controlled purpose" means the prevention of the bringing into the Republic, or the prevention or com-

produk of ding beoog in subartikel (7) *(b)* van hierdie artikel; (xvii)

(viii) "besoedelde ding" enige ander ding as 'n dier wat 'n beheerde dieresiekte of 'n parasiet in die Republiek kan inbring of versprei, of deur middel waarvan so 'n siekte of 'n parasiet aldus ingebring of versprei kan word, met inbegrip van 'n voorgeskrewe ding beoog in subartikel (7) *(a)* van hierdie artikel; (vi)

(ix) "bestuurder", met betrekking tot—

(a) ander Staatsgrond as Staatsgrond bedoel in paragraaf *(a)* van die omskrywing van "eienaar", die persoon wat toesig hou oor sodanige grond of dit beheer of bestuur en, met betrekking tot grond in 'n gemeenskaplike weiveld soos omskryf in artikel 1 van die Wet op die Beheer van Gemeenskaplike Weiveld, 1977 (Wet No. 82 van 1977), die betrokke weidingsbeheerkomitee ingestel by artikel 4 van daardie Wet;

(b) grond in 'n raadsgebied soos omskryf in artikel 1 van die Wet op Landelike Kleurlinggebiede, 1979 (Wet No. 1 van 1979) (Verteenwoordigende Kleurlingraad), die betrokke bestuursraad of raad soos omskryf in genoemde artikel;

(c) grond wat deur Swartes bewoon word, uitgesonderd grond bedoel in paragraaf *(d)* van die omskrywing van "eienaar"—

(i) 'n kaptein of hoofman bedoel in artikel 2 van die Swart Administrasie Wet, 1927 (Wet No. 38 van 1927), ten opsigte van daardie Swartes; of

(ii) enige ander persoon wat ingevolge die bepalings van die een of ander wet toesig hou oor sodanige grond of dit beheer of bestuur;

(d) meentgrond bedoel in paragraaf *(b)* van die omskrywing van "eienaar", die betrokke huurder;

(e) meentgrond of 'n uitspanning wat nie deur 'n instelling, raad of liggaam beoog in paragraaf *(b)* van die omskrywing van "eienaar" beheer word nie, 'n persoon ooreenkomstig subartikel (2) van hierdie artikel aangewys; en

(f) enige ander grond wat nie deur 'n eienaar bewoon word nie—

(i) behoudens subartikel (3) *(a)* van hierdie artikel, indien die grond deur 'n vruggebruiker, huurder, onderhuurder of enige ander persoon bewoon word, so 'n bewoner; of

(ii) indien enige bedryf op die grond beoefen word sonder die toesig, beheer of bestuur van die eienaar, die persoon wat gewoonlik daarop teenwoordig is gedurende die normale tye waarin die bedryf beoefen word, en wat toesig hou oor die grond of so 'n bedryf of dit beheer of bestuur; of

(iii) in 'n ander geval as 'n geval beoog in subparagraaf (i) of (ii), 'n gemagtigde persoon wat gemagtig of versoek is om ten opsigte van die grond 'n bevoegdheid, plig of diens uit te oefen, uit te voer of te lewer; (xix)

(x) "bevelskrif" 'n bevelskrif bedoel in artikel 15 (1) wat aan iemand beteken is; (xxii)

(xi) "departement" die Departement van Landbou; (xiv)

(xii) "dier" 'n soogdier, voël, vis, reptiel of amfibie wat 'n lid is van die filum werweldiere, met inbegrip van die karkas van so 'n dier; (i)

(xiii) "dieregesondheidskema" 'n skema bedoel in artikel 10 (1); (iii)

(xiv) "dieresiekte" 'n siekte waaraan diere onderhewig is en waardeur die normale funksies van 'n orgaan of die liggaam van 'n dier aangetas of versteur word deur enige protosoön, bakterie, virus, swam, parasiet, ander organisme of agens; (ii)

bating of or control over an outbreak or the spreading, or the eradication, of any animal disease or, where applicable, of any parasite; (iv)

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

any such animal or thing for any controlled purpose; (v)

(xi) "control measure" means any measure prescribed by the Minister under section 9 in relation to any controlled purpose; (vi)

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

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

(xiv) "department" means the Department of Agriculture; (xi)

(xv) "director" means the officer in the department referred to in section 2 (1); (xvi)

(xvi) "Director-General" means the Director-General: Agriculture; (xvii)

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

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

(xix) "manager" means, in relation to—
  (a) State land other than State land referred to in paragraph *(a)* of the definition of "owner", the person having the charge, control or management of such land and, in relation to land in a common pasture defined in section 1 of the Common Pasture Management Act, 1977 (Act No. 82 of 1977), the relevant pasture management committee established under section 4 of that Act;
  (b) land in any board area defined in section 1 of the Rural Coloured Areas Law, 1979 (Law No. 1 of 1979) (Coloured Persons Representative Council), the relevant management board or board as defined in the said section;
  (c) land occupied by Blacks, other than land referred to in paragraph *(d)* of the definition of "owner"—
    (i) any chief or headman referred to in section 2 of the Black Administration Act, 1927 (Act No. 38 of 1927), in respect of such Blacks; or
    (ii) any other person having in terms of the provisions of any other law the charge, control or management of such land;
  (d) any commonage referred to in paragraph *(b)* of the definition of "owner", the relevant lessee;

(xv) "dierlike produk" enige deel of gedeelte, of produk afkomstig, van 'n dier, met inbegrip van so 'n deel, gedeelte of produk in verwerkte vorm; (iv)

(xvi) "direkteur" die beampte in die departement bedoel in artikel 2 (1); (xv)

(xvii) "Direkteur-generaal" die Direkteur-generaal: Landbou; (xvi)

(xviii) "doeanebeampte" 'n beampte soos omskryf in artikel 1 (1) van die Doeane- en Aksynswet, 1964 (Wet No. 91 van 1964); (xiii)

(xix) "eienaar", met betrekking tot—

(a) Staatsgrond wat besit word—

(i) ingevolge 'n huurkontrak, vergunning of toekenning wat in 'n registrasiekantoor van aktes of 'n ander registrasiekantoor geregistreer is en 'n opsie bevat om die grond te koop, die persoon wat as reghebbende ingevolge die huurkontrak, vergunning of toekenning geregistreer is;

(ii) ingevolge 'n koopakte, die koper ingevolge dié akte;

(b) grond waarvan 'n instelling, raad of liggaam beoog in artikel 84 (1) *(f)* van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961), 'n eienaar is soos in paragraaf *(e)* (i) beoog, of wat deur so 'n instelling, raad of liggaam besit of beheer word, uitgesonderd meentgrond binne die regsgebied van so 'n instelling, raad of liggaam wat vir die uitsluitlike rekening van 'n huurder aan hom as 'n boerderyeenheid verhuur word, so 'n instelling, raad of liggaam;

(c) grond waarvan die Suid-Afrikaanse Ontwikkelingstrust bedoel in artikel 4 van die Ontwikkelingstrust en Grond Wet, 1936 (Wet No. 18 van 1936), 'n eienaar is soos in paragraaf *(e)* (i) beoog, of waarvan die eiendomsreg in daardie Trust vestig of wat deur hom besit of beheer word, daardie Trust;

(d) grond wat deur Swartes bewoon word, binne die gebied van 'n Swart Sakeadministrasieraad bedoel in artikel 2 van die Wet op die Administrasie van Swart Sake, 1971 (Wet No. 45 van 1971), of 'n gemeenskapsraad bedoel in artikel 2 van die Wet op Gemeenskapsrade, 1977 (Wet No. 125 van 1977), of 'n plaaslike bestuur bedoel in artikel 1 van die Wet op Plaaslike Besture, 1982 (Wet No. 102 van 1982), so 'n raad of bestuur wat toesig hou oor sodanige grond of dit beheer of bestuur; en

(e) enige ander grond—

(i) behoudens subartikels (3) *(b)* en (4) van hierdie artikel, die geregistreerde eienaar van die grond of, indien die grond verkoop is, die koper; of

(ii) indien die eienaar of koper van die Republiek afwesig is of nie opgespoor kan word nie, of minderjarig, geestesongesteld, insolvent of andersins regtens onbevoeg is om sy sake te bestuur, of oorlede is, of 'n regspersoon is wat onder geregtelike bestuur of likwidasie is, so 'n eienaar of koper se gevolmagtigde of regsverteenwoordiger, of iemand anders wat regtens gemagtig is om sy sake te bestuur, of, in die geval van so 'n regspersoon, sy geregtelike bestuurder of likwidateur, in die Republiek;

(f) 'n beheerde dier of ding, of enige ander roerende saak, die persoon in wie die eiendomsreg ten opsigte van die dier, ding of saak gevestig is, met inbegrip van die persoon wat so 'n dier, ding of saak bestuur, bewaar of beheer, of dit vir doeleindes van enige behandeling of versorging in sy besit het of, by die toepassing van artikels 9 (2) en 11 (1)

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

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

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

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

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

(xx) "Minister" means the Minister of Agriculture; (xxv)

(xxi) "officer" means any officer or employee as defined in section 1 (1) of the Public Service Act, 1957 (Act No. 54 of 1957), acting under delegation from or control of the director; (i)

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

(xxiii) "owner" means, in relation to—

(a) State land held—

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

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

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

(c) land of which the South African Development Trust referred to in section 4 of the Development Trust and Land Act, 1936 (Act No. 18 of 1936), is an owner as contemplated in paragraph *(e)* (i), or in respect of which ownership vests in that Trust or which is controlled or managed by it, that Trust;

(d) land occupied by Blacks, within the area of any Black Administration Board referred to in section 2 of the Black Affairs Administration Act, 1971 (Act No. 45 of 1971), or any community council referred to in section 2 of the Community Councils Act, 1977 (Act No. 125 of 1977), or any local authority referred to in section 1 of the Local Authorities Act, 1982 (Act No. 102 of 1982), any such council or authority having the charge, control or management of such land; and

(e) any other land—

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

(ii) if the owner or purchaser is absent from the Republic or cannot be traced, or is a minor, mentally disordered person, insolvent or other-

(b), in die geval van wilde of vreemde diere wat gevind word op grond of tussen diere, die eienaar of bestuurder, of eienaar, onderskeidelik, ten opsigte van sodanige grond of diere; (xxiii)

(xx) "gemagtigde persoon" iemand wat kragtens artikel 3 (1) deur die direkteur gemagtig is om 'n bevoegdheid of plig uit te oefen of uit te voer, of versoek is om 'n diens te lewer; (v)

(xxi) "grond" ook 'n gebou, bouwerk, afgesluite plek, perseel, hawe, hawehoof, kaai of water en, behoudens subartikel (5) van hierdie artikel, enige aangrensende grond; (xviii)

(xxii) "hierdie Wet" ook 'n regulasie, beheermaatreël en dieregesondheidskema; (xxxiii)

(xxiii) "kwarantynstasie" enige kwarantynstasie wat kragtens artikel 5 opgerig of verklaar is; (xxix)

(xxiv) "middel" 'n veemiddel wat kragtens die Wet op Misstowwe, Veevoedsel, Landboumiddels en Veemiddels, 1947 (Wet No. 36 van 1947), geregistreer is, met inbegrip van 'n medisyne of veterinêre medisyne soos omskryf in artikel 1 van die Wet op die Beheer van Medisyne en Verwante Stowwe, 1965 (Wet No. 101 van 1965); (xxxi)

(xxv) "Minister" die Minister van Landbou; (xx)

(xxvi) "parasiet" 'n organisme wat nadelig is vir die gesondheid van 'n dier, of wat 'n dieresiekte kan veroorsaak of versprei; (xxiv)

(xxvii) "permit" 'n permit kragtens hierdie Wet uitgereik; (xxv)

(xxviii) "plek van binnekoms"—

(a) enige plek, pad of roete wat kragtens artikel 6 (1) van die Doeane- en Aksynswet, 1964 (Wet No. 91 van 1964), aangewys of voorgeskryf is en waardeur of waarlangs goedere in die Republiek ingevoer kan word of die Republiek kan binnekom; en

(b) enige plek deur die direkteur kragtens artikel 6 (2) *(a)* vir doeleindes van daardie artikel bepaal; (xxvi)

(xxix) "regulasie" 'n regulasie kragtens hierdie Wet uitgevaardig; (xxx)

(xxx) "skema" 'n dieregesondheidskema; (xxxii)

(xxxi) "veearts" iemand wat ingevolge die Wet op Veterinêre en Para-veterinêre Beroepe, 1982 (Wet No. 19 van 1982), geregistreer is of geag word geregistreer te wees om die veterinêre beroep van veearts te beoefen; (xxxiv)

(xxxii) "vervoermiddel" enige vliegtuig, skip, boot, trein, motor, vervoerwa, trok, kar of ander voertuig, of dier, of ander vervoermiddel van welke aard ook al, met inbegrip van die toebehore en toerusting en, in die geval van 'n dier, die tuie of gerei, daarvan; (xii)

(xxxiii) "voorskryf" by regulasie voorskryf; en het "voorgeskrewe" 'n ooreenstemmende betekenis; (xxvii)

(xxxiv) "voortbrengsel of produk", met betrekking tot 'n dier, 'n ander besmetlike ding as 'n dier, 'n besoedelde ding, 'n dierlike produk of 'n parasiet, enige ander dier of dierlike produk, ander sodanige besmetlike ding, of ander besoedelde ding, dierlike produk of parasiet, wat daarvan afstam of daardeur, daaruit of deur middel daarvan voortgebring is, ongeag die verband of graad van afstamming of verwantskap. (xxviii)

(2) Die direkteur kan, na oorlegpleging met die Provinsiale Sekretaris van die provinsie waarin meentgrond of 'n uitspanning bedoel in paragraaf *(e)* van die omskrywing van "bestuurder" in subartikel (1) van hierdie artikel geleë is, iemand skriftelik as bestuurder ten opsigte van die betrokke grond aanwys.

(3) Iemand wat beweer dat, of optree asof, hy—

(a) 'n vruggebruiker, huurder, onderhuurder of bewoner is van grond in paragraaf *(f)* (i) van die omskrywing van "bestuurder" in genoemde subartikel (1) bedoel; of

wise incompetent in law to administer his estate, or is deceased, or is a body corporate under judicial management or in liquidation, the agent or legal representative of such owner or purchaser, or any other person authorized in law to administer his estate, or, in the case of such body corporate, its judicial manager or liquidator, in the Republic;

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

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

(xxv) "permit" means any permit issued under this Act; (xxvii)

(xxvi) "place of entry" means—

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

(b) any place determined by the director under section 6 (2) *(a)* for purposes of that section; (xxviii)

(xxvii) "prescribe" means prescribe by regulation; (xxxiii)

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

(xxix) "quarantine station" means any quarantine station established or declared under section 5; (xxiii)

(xxx) "regulation" means any regulation made under this Act; (xxix)

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

(xxxii) "scheme" means any animal health scheme; (xxx)

(xxxiii) "this Act" includes any regulation, control measure and animal health scheme; (xxii)

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

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

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

(a) is a usufructuary, lessee, sub-lessee or occupier of land referred to in paragraph *(f)* (i) of the definition of "manager" in the said subsection (1); or

(*b*) 'n koper is van grond in paragraaf (*e*) (i) van die omskrywing van "eienaar" in genoemde subartikel (1) bedoel,

moet op versoek van die direkteur hom vir die doeleindes van hierdie Wet van skriftelike bewys van sy aanspraak, of van sy reg om aldus op te tree, voorsien.

(4) Waar grond in onverdeelde aandele deur meer as een persoon gehou word, kan die direkteur, na oorlegpleging met die houers van onverdeelde aandele wat hy na die doen van redelike stappe kan opspoor, so 'n houer skriftelik aanwys as eienaar van die grond by die toepassing van die bepalings van hierdie Wet wat die direkteur in die aanwysing vermeld.

(5) By die toepassing van hierdie Wet word, tensy uit die samehang anders blyk, 'n verwysing na grond, in die geval van grond wat as 'n afsonderlike gedeelte onder 'n aparte titelakte in 'n registrasiekantoor van aktes geregistreer is en waaraan ander grond wat afsonderlik in die naam van dieselfde eienaar geregistreer is, aangrensend is, ongeag of die onderskeie stukke grond fisies op 'n natuurlike wyse of deur paaie, spoorlyne, waterleidings of andersins geskei is, uitgelê as 'n verwysing na sodanige grond tesame met sodanige aangrensende grond as een eenheid.

(6) Die direkteur kan by kennisgewing in die *Staatskoerant* 'n bepaalde veemiddel, medisyne of veterinêre medisyne bedoel in die omskrywing van "middel" in genoemde subartikel (1) goedkeur as 'n middel wat ten opsigte van 'n bepaalde dieresiekte of parasiet in die kennisgewing omskryf, by die toepassing van die bepalings van hierdie Wet in so 'n kennisgewing vermeld, gebruik kan word.

(7) Die Minister kan by regulasie—

(*a*) ander dinge as diere, as besoedelde dinge; en

(*b*) dierlike produkte of ander dinge, as besmetlike dinge,

voorskryf vir die doeleindes van dié bepalings van hierdie Wet in sodanige regulasies vermeld.

Uitoefening van bevoegdhede en uitvoering van pligte deur direkteur.

2. (1) Die direkteur van die Afdeling Veeartsenydiens van die departement, wat 'n veearts is, oefen die bevoegdhede en voer die pligte uit wat deur of kragtens hierdie Wet aan die direkteur verleen of opgelê word.

(2) Die direkteur oefen sy bevoegdhede en voer sy pligte uit met inagneming van die opdragte wat die Minister uitreik.

(3) (*a*) 'n Bevoegdheid verleen aan die direkteur of 'n plig hom opgelê, kan deur die direkteur self of deur 'n beampte ingevolge magtiging of onder beheer van die direkteur uitgeoefen of uitgevoer word.

(*b*) 'n Beslissing gegee deur so 'n beampte kan deur die direkteur ingetrek of gewysig word, en word, totdat dit aldus ingetrek is, behalwe by die toepassing van hierdie paragraaf, geag deur die direkteur gegee te gewees het.

Gemagtigde persone.

3. (1) Die direkteur kan van tyd tot tyd—

(*a*) op die voorgeskrewe wyse bekend maak dat, behoudens artikel 21, aansoeke om die aanwysing van aansoekers as gemagtigde persone by die toepassing van hierdie Wet gedoen kan word, en kan, na oorweging van die aansoeke—

(i) 'n aansoeker, of soveel aansoekers as wat hy dienstig ag, wat na sy oordeel oor die vereiste kennis, ondervinding, kwalifikasies, toerusting en middele beskik, as 'n gemagtigde persoon of persone aanwys; en

(ii) op 'n vorm wat vir dié doel deur die Direkteur-generaal goedgekeur is, met elke sodanige persoon 'n ooreenkoms aangaan, en hom magtig, om die bevoegdhede uit te oefen en pligte uit te voer wat die direkteur op die voorgeskrewe wyse van tyd tot tyd aan hom opdra;

(*b*) enige persoon wat na sy oordeel oor die vereiste kennis, ondervinding, kwalifikasies, toerusting en middele beskik, op die voorgeskrewe wyse versoek om namens hom, in verband met die uitoefening of uitvoe-

(*b*) is a purchaser of land referred to in paragraph (*e*) (i) of the definition of "owner" in the said subsection (1),

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

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

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

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

(7) The Minister may prescribe by regulation—

(*a*) things other than animals, as contaminated things; and

(*b*) animal products or other things, as infectious things,

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

Exercising of powers and carrying out of duties by director.

2. (1) The director of the Division of Veterinary Services of the department, who shall be a veterinarian, shall exercise the powers and perform the duties conferred or imposed upon the director by or under this Act.

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

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

(*b*) Any decision made by any such officer may be withdrawn or amended by the director, and shall, until it has been so withdrawn, be deemed, except for the purposes of this paragraph, to have been made by the director.

Authorized persons.

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

(*a*) make known in the prescribed manner that, subject to section 21, applications may be made for the designation of applicants as authorized persons for the purposes of this Act, and may, after consideration of the applications—

(i) designate any applicant, or as many applicants as he may deem fit, who in his opinion have the required knowledge, experience, qualifications, equipment and means, as an authorized person or persons; and

(ii) enter into an agreement, on a form approved for this purpose by the Director-General, with any such person, and authorize him, to exercise the powers and perform the duties which the director may from time to time in the prescribed manner entrust to him;

(*b*) request any person who in his opinion has the required knowledge, experience, qualifications, equipment and means, to render on his behalf, in connection with any

ring deur die direkteur van 'n bevoegdheid of plig aan hom deur of kragtens hierdie Wet verleen of opgelê, 'n diens in die versoek aangedui, te lewer; of

(c) op enige wyse wat hy geskik ag, enige persoon in die diens van die Staat magtig of versoek om enige werksaamheid te verrig of diens te lewer soos beoog in onderskeidelik paragraaf (a) of (b).

(2) Iemand wat hom veronreg voel deur 'n beslissing of handeling van 'n gemagtigde persoon kan, binne die tydperk en op die wyse wat voorgeskryf is, die direkteur versoek om die betrokke beslissing of handeling te hersien.

(3) Die direkteur kan, nadat hy die ondersoek ingestel het wat hy nodig ag, die betrokke beslissing of handeling bekragtig, verander of tersyde stel.

(4) Die direkteur kan, na 'n ondersoek bedoel in subartikel (3), en indien hy oortuig is dat 'n beslissing of handeling wat hy tersyde gestel of verander het, voortspruit uit die veronagsaming of nie-nakoming van prosedures of praktyke wat die persoon verplig was om te volg of toe te pas, of *mala fide* was—

(a) indien dit die eerste beslissing of handeling van die persoon is wat tersyde gestel of verander word, hom skriftelik teregwys; of

(b) die betrokke ooreenkoms onverwyld beëindig; en

(c) indien 'n vrugtelose uitgawe van Staatsgeld uit so 'n beslissing of handeling voortspruit, die bedrag daarvan vasstel en verhaal, vir welke doel die bepalings van subartikels (1), (3), (4), (5), (6), (7) (uitgesonderd die verwysing na subartikel (2)) en (9) van artikel 34 van die Skatkis- en Ouditwet, 1975 (Wet No. 66 van 1975), ten opsigte van so 'n vasstelling en verhaling van toepassing is asof die direkteur 'n rekenpligtige beampte is, en die gemagtigde persoon iemand is wat in diens was van 'n Staatsdepartement, soos in genoemde artikel bedoel.

(5) 'n Gemagtigde persoon wat nie in diens van die Staat is nie, word deur die departement by die voorlegging deur hom van die voorgeskrewe verslag en eis ten opsigte van die uitvoering of lewering deur hom van die betrokke magtiging of diens, vergoed—

(a) indien 'n tarief van gelde wat ten opsigte daarvan gevorder kan word by of kragtens 'n wet of, in enige ander geval, deur die Direkteur-generaal, vasgestel is, ooreenkomstig so 'n tarief; of

(b) indien so 'n tarief nie aldus vasgestel is nie, vir alle uitgawes werklik en noodsaaklikerwys deur hom aangegaan:

Met dien verstande dat indien so 'n gemagtigde persoon 'n eienaar of bestuurder is van grond, of 'n eienaar is van enige dier of ding, met betrekking waartoe die opdrag uitgevoer of diens gelewer is, geen sodanige vergoeding aan hom betaal word nie.

Skriftelike magtiging ten opsigte van beamptes en gemagtigde persone.

4. (1) Die direkteur moet 'n beampte in artikel 2 (3) bedoel, en 'n gemagtigde persoon, van 'n skriftelike magtiging voorsien waarin verklaar word dat die beampte of persoon daarin vermeld, gemagtig is om die daarin vermelde bevoegdheid, plig of diens, in die algemeen, of in bepaalde gevalle, of in gevalle van 'n bepaalde aard, of met betrekking tot 'n vermelde soort beheerde dier of ding, of dieresiekte, of bepaalde grond, of 'n bepaalde gebied, uit te oefen, uit te voer of te lewer.

(2) 'n Beampte of gemagtigde persoon moet by die uitoefening, uitvoering of lewering van 'n bevoegdheid, plig of diens sy skriftelike magtiging op versoek van iemand wat daardeur geraak of geraak kan word, vir inspeksie toon.

(3) 'n Skriftelike magtiging moet, in die geval van—

(a) 'n beampte wat ophou om ingevolge magtiging of onder beheer van die direkteur op te tree; binne 30 dae nadat hy aldus opgehou het;

(b) 'n gemagtigde persoon bedoel in artikel 3 (1) (a), binne 30 dae nadat die betrokke ooreenkoms beëindig is; en

exercising or performing by the director of any power or duty granted to or imposed upon him by or under this Act, the service specified in the request; or

(c) in any manner deemed appropriate by him, authorize or request any person in the service of the State, to perform any function or render any service contemplated in paragraph (a) or (b), respectively.

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

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

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

(a) if it is the first decision or action of such person being set aside or varied, reprimand him in writing; or

(b) cancel the agreement concerned forthwith; and

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

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

(a) if a tariff of fees which may be claimed in respect thereof has been determined by or under any law, or in any other case, by the Director-General, in accordance with such tariff; or

(b) if such tariff has not been so determined, for all expenses actually and necessarily incurred by him:

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

Written authority in respect of officers and authorized persons.

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

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

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

(a) an officer who ceases to act under the authority or control of the director, within 30 days of so ceasing;

(b) an authorized person referred to in section 3 (1) (a), within 30 days of the determination of the agreement;

(c) 'n gemagtigde persoon bedoel in artikel 3 (1) *(b)*, saam met sy verslag en eis bedoel in artikel 3 (5),

deur so 'n beampte of persoon aan die direkteur terugbesorg word.

Kwarantynstasies.

5. (1) Die Minister kan—

(a) op enige plek in die Republiek 'n kwarantynstasie vir die akkommodasie van diere en dinge wat ingevolge hierdie Wet aangehou of afgesonder moet of kan word, oprig of laat oprig; en

(b) enige plek waar 'n dier of ding gevind word waarop kragtens hierdie Wet beslag gelê word, of wat ingevolge hierdie Wet aangehou of afgesonder moet of kan word, vir die akkommodasie van so 'n dier of ding tot 'n kwarantynstasie verklaar totdat andersins oor die dier of ding beskik word.

(2) 'n Kwarantynstasie word toegerus en gebruik vir die doeleindes van die verrigting van beheerde veterinêre handelinge ten opsigte van diere en dinge in subartikel (1) bedoel.

(3) Die direkteur stel 'n beampte aan as 'n kwarantynmeester om, onderworpe aan die opdragte van die direkteur, toesig oor 'n kwarantynstasie te hou.

(4) *(a)* Iemand wat akkommodasie vir 'n dier of ding by 'n kwarantynstasie verlang, moet by die betrokke kwarantynmeester daarom aansoek doen en, indien akkommodasie beskikbaar is, moet die kwarantynmeester 'n skriftelike bevestiging daarvan aan die aansoeker verstrek.

(b) 'n Aansoeker moet by ontvangs van die skriftelike bevestiging onverwyld die toepaslike voorgeskrewe gelde betaal.

(5) 'n Persoon wat ingevolge hierdie artikel gebruik maak van 'n kwarantynstasie moet ten opsigte van die akkommodasie van die betrokke dier of ding die toepaslike gelde teen die voorgeskrewe tariewe aan die kwarantynmeester betaal.

(6) Gelde wat iemand ingevolge subartikel (4) *(b)* betaal het, word—

(i) ter gedeeltelike vereffening van gelde wat ingevolge subartikel (5) betaalbaar is, aangewend; of

(ii) aan die persoon wat die gelde betaal het, terugbetaal, indien—

(aa) daardie persoon, minstens 30 dae voor die aanvangsdatum van die tydperk waarvoor hy akkommodasie bespreek het, 'n permit wat aan hom vir die invoer van die betrokke dier of ding uitgereik is, aan die direkteur terugbesorg het en die bespreking skriftelik gekanselleer het; of

(bb) die direkteur so 'n permit intrek; of

(iii) andersins aan die Staat verbeur.

Invoer van sekere beheerde diere of dinge.

6. (1) *(a)* Niemand mag behalwe op gesag van 'n permit en ooreenkomstig 'n voorwaarde in so 'n permit opgelê enige dier, parasiet of besoedelde of besmetlike ding in die Republiek invoer nie.

(b) 'n Permit in paragraaf *(a)* bedoel—

(i) moet deur 'n invoerder verkry word alvorens die betrokke dier of ding vanaf of uit 'n plek buite die Republiek deur middel van enige vervoermiddel verwyder word met die doel om dit in die Republiek in te voer;

(ii) word ten opsigte van 'n dier of dierlike produk bedoel in artikel 16 (1) van die Veeverbeteringswet, 1977 (Wet No. 25 van 1977), slegs uitgereik indien 'n skriftelike magtiging in daardie artikel beoog, ten opsigte daarvan verleen is; en

(iii) word, waar die direkteur vereis dat die betrokke dier of ding in 'n kwarantynstasie aangehou moet word, slegs uitgereik indien aan hom bewys word dat 'n bevestiging van akkommodasie verstrek en gelde betaal is, soos beoog in onderskeidelik paragrawe *(a)* en *(b)* van artikel 5 (4) van hierdie Wet.

(c) an authorized person referred to in section 3 (1) *(b)*, together with his report and claim referred to in section 3 (5),

be returned by such officer or person to the director.

Quarantine stations.

5. (1) The Minister may—

(a) at any place in the Republic establish, or cause to be established, a quarantine station for the accommodation of animals or things which are in terms of this Act required or permitted to be detained or isolated; and

(b) declare any place where any animal or thing which may be seized under this Act or which is in terms of this Act required or permitted to be detained or isolated, is found, to be a quarantine station for the accommodation of such animal or thing until the animal or thing is otherwise disposed of.

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

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

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

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

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

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

(i) be utilized as part payment of fees payable in terms of subsection (5); or

(ii) be refunded to the person who paid the fees, if—

(aa) such person has returned, at least 30 days before the commencement date of the period for which he has reserved accommodation, a permit issued to him for the importation of the relevant animal or thing, to the director, and has in writing cancelled the reservation; or

(bb) the director withdraws the permit; or

(iii) otherwise be forfeited to the State.

Importation of certain controlled animals or things.

6. (1) *(a)* No person shall import any animal, parasite or contaminated or infectious thing into the Republic except under the authority of a permit and in compliance with any condition imposed in such permit.

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

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

(ii) shall, in respect of any animal or animal product referred to in section 16 (1) of the Livestock Improvement Act, 1977 (Act No. 25 of 1977), only be issued if the written authority contemplated in that section has been granted in respect thereof; and

(iii) shall, where the director requires that the animal or thing be detained in a quarantine station, only be issued on proof being adduced to him that a confirmation of accommodation has been furnished and fees have been paid, as contemplated in paragraphs *(a)* and *(b)*, respectively, of section 5 (4) of this Act.

(2) 'n Dier of ding ten opsigte waarvan 'n permit uitgereik is—

(a) word slegs deur of by 'n plek van binnekoms bedoel in paragraaf *(a)* van die omskrywing van "plek van binnekoms" in artikel 1 (1), of, in die geval van 'n dier, deur of by 'n ander plek wat die direkteur, behoudens die bepalings van die Doeane- en Aksynswet, 1964 (Wet No. 91 van 1964), vir die doeleindes van hierdie paragraaf bepaal het, in die Republiek ingevoer;

(b) moet binne die tydperk in die permit vermeld, ingevoer word;

(c) moet by die betrokke plek van binnekoms op die voorgeskrewe wyse aangehou, en vir die doeleindes van die verrigting van beheerde veterinêre handelinge tot beskikking van die direkteur gestel word; en

(d) word nie sonder die skriftelike magtiging van die direkteur, of strydig met 'n voorwaarde van so 'n magtiging, bedoel in artikel 8 (1) *(a)*, vanaf so 'n plek verwyder nie.

(3) *(a)* Die direkteur kan, indien hy weet, of op redelike gronde vermoed, dat 'n dier of ding in stryd met 'n bepaling van hierdie Wet, of enige voorwaarde van 'n permit—

(i) van 'n plek buite die Republiek verwyder word, of is, met die doel om dit in die Republiek in te voer; of

(ii) deur iemand in die Republiek ingevoer staan te word; of

(iii) aanwesig is op of in 'n vervoermiddel, of deel vorm van 'n besending, wat deur iemand na die Republiek gebring of gestuur is, of word,

gelas dat die dier, ding, besending of deel daarvan deur hom bepaal, nie in die Republiek ingevoer of van die vervoermiddel afgelaai of verwyder word nie, na gelang van die geval, behalwe met sy toestemming en, indien hy voorwaardes in verband daarmee bepaal het, ooreenkomstig sodanige voorwaardes.

(b) Die direkteur kan, indien hy dit nodig ag, so 'n lasgewing by kennisgewing in die *Staatskoerant* bekend maak, en moet, afgesien daarvan of dit aldus bekend gemaak is al dan nie, die bepalings van die lasgewing so gou doenlik bekend maak aan alle persone wat, na sy kennis, by die invoer, aflaai of verwydering, na gelang van die geval, betrokke is of sal wees, of aan iemand anders in wie se diens sodanige persone is, of wat beheer oor hulle, of ten opsigte van bedoelde aflaai of verwydering, uitoefen.

(c) Die bepalings van subartikel (2) *(c)* en *(d)* is *mutatis mutandis* van toepassing ten opsigte van enige dier of ding bedoel in subartikel (3) *(a)* wat met die direkteur se toestemming ingevoer, afgelaai of verwyder is soos in laasgenoemde subartikel beoog: Met dien verstande dat by sodanige toepassing van genoemde subartikel (2) *(d)* 'n daarin beoogde verwydering nie geskied alvorens die betrokke invoerder die gelde betaal het wat kragtens hierdie Wet ten opsigte van die betrokke vereiste permit betaalbaar is nie.

Beskikking oor onwettig ingevoerde diere en dinge.

7. (1) Waar 'n dier of ding in stryd met 'n bepaling van subartikel (1) of (2) van artikel 6 in die Republiek ingevoer is, of sonder die toestemming van die direkteur bedoel in subartikel (3) *(a)* van genoemde artikel of in stryd met 'n voorwaarde van so 'n toestemming, afgelaai of verwyder is soos in laasgenoemde subartikel beoog, kan die direkteur, wanneer so 'n dier of ding deur hom gevind word, op die wyse wat hy dienstig ag daarop, en op enige voortbrengsel of produk ten opsigte daarvan, beslag lê, en daarop word, behoudens subartikels (2), (3) en (4), ooreenkomstig 'n toepaslike bepaling van artikel 17 daarmee gehandel.

(2) *(a)* So 'n dier of ding waarop 'n bepaling van artikel 17 (1) *(a)* van toepassing is op grond daarvan dat geen permit vir die invoer daarvan verkry is nie, tesame met

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

(*a*) shall only be imported into the Republic through or at a place of entry referred to in paragraph (*a*) of the definition of "place of entry" in section 1 (1), or, in the case of any animal, through or at any other place which the director has, subject to the provisions of the Customs and Excise Act, 1964 (Act No. 91 of 1964), determined for purposes of this paragraph;

(*b*) shall be imported within the period specified in the permit;

(*c*) shall be detained in the prescribed manner at the relevant place of entry, and shall be made available to the director for purposes of the performance of controlled veterinary acts; and

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

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

(i) being removed, or has been removed, from any place outside the Republic, for purposes of importing it into the Republic; or

(ii) about to be imported by any person into the Republic; or

(iii) present on or in any conveyance, or forms part of any consignment, which is being or has been brought or sent by any person to the Republic,

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

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

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

Disposal of illegally imported animals and things.

7. (1) Where any animal or thing has been imported into the Republic contrary to any provision of subsection (1) or (2) of section 6, or has without the consent of the director referred to in subsection (3) (*a*) of the said section or contrary to any condition of such consent, been unloaded or removed as contemplated in the lastmentioned subsection, the director may, when such animal or thing is found by him, seize it, and any progeny or product in respect thereof, in any manner deemed fit by him, and, subject to subsections (2), (3) and (4), it shall thereupon be dealt with in accordance with any applicable provision of section 17.

(2) (*a*) Any such animal or thing to which any provision of section 17 (1) (*a*) applies on the ground of no permit having been obtained for the importation thereof, to-

enige voortbrengsel of produk daarvan, kan, waar die direkteur van oordeel is dat 'n permit uitgereik sou geword het indien daarom aansoek gedoen is, aan die persoon wat die dier of ding ingevoer het, teruggegee word om op sy eie koste binne die tydperk deur die direkteur bepaal, uit die Republiek verwyder te word.

(b) Indien die persoon in paragraaf *(a)* bedoel, weier om so 'n dier of ding terug te ontvang, of dit aldus uit die Republiek te verwyder, kan die direkteur daarop beslag lê en, na goeddunke, dit van kant maak, of ten behoewe van die Staat andersins daaroor beskik, of ooreenkomstig artikel 17 (2) daarmee handel.

(3) 'n Dier of ding waarop kragtens subartikel (1) of (2) beslag gelê is en wat nie meer nodig is vir enige doel beoog in subartikel (2) van artikel 17 nie, of wat uit hoofde van 'n ander bepaling van daardie artikel aan 'n eienaar terugbesorg moet word, word terugbesorg aan die direkteur, wat na goeddunke daaroor ten behoewe van die Staat beskik.

(4) 'n Eienaar of invoerder ten opsigte van 'n dier of ding in subartikel (1) bedoel, moet benewens enige uitgawes wat hy uit hoofde van artikel 17 (6) aan die Staat moet vergoed, aan die Staat alle redelike uitgawes vergoed wat verbonde is aan—

(a) die aanhouding van die betrokke dier of ding voordat daarop ingevolge subartikel (1) of (2) van hierdie artikel beslag gelê is; en

(b) enige beskikking oor die dier of ding kragtens subartikel (2) of (3) van hierdie artikel.

Verwydering en verdere aanhouding van ingevoerde diere en dinge.

8. (1) Niemand mag, sonder die skriftelike magtiging van die direkteur of in stryd met 'n voorwaarde wat hy by die verlening van die magtiging oplê, enige ingevoerde dier of ding wat aangehou word—

(a) ingevolge subartikel (2) *(c)* van artikel 6; of

(b) ingevolge genoemde subartikel (2) *(c)*, soos toegepas deur subartikel (3) *(c)* van genoemde artikel; of

(c) vir die doeleindes van 'n beskikking of verwydering deur die direkteur of iemand anders kragtens artikel 7 (2) of (3); of

(d) kragtens of uit hoofde van enige ander bepaling van hierdie Wet by 'n plek van binnekoms,

van die betrokke plek van aanhouding of, waar dit nog nie aangehou word nie maar aldus by 'n plek van binnekoms aangehou moet word, van die betrokke plek van binnekoms verwyder nie.

(2) 'n Ingevoerde dier of ding ten opsigte waarvan die direkteur kragtens of uit hoofde van 'n bepaling van hierdie Wet vereis het dat dit by 'n kwarantynstasie of ander plek of inrigting deur hom bepaal vir die doeleindes van 'n beheerde veterinêre handeling aangehou moet word, moet, behoudens die regulasies—

(i) deur of onder die toesig van die direkteur, of in 'n deur hom verseëlde vervoermiddel, na so 'n kwarantynstasie, plek of inrigting verwyder word; en

(ii) word by die kwarantynstasie, plek of inrigting aangehou vir die tydperk wat die direkteur nodig ag of bepaal.

(3) Niemand mag 'n in subartikel (2) bedoelde dier of ding of enige voortbrengsel of produk ten opsigte daarvan, sonder die skriftelike magtiging van die direkteur, of strydig met 'n voorwaarde wat hy by die verlening van so 'n magtiging oplê, uit of van 'n kwarantynstasie, plek of inrigting in genoemde subartikel bedoel, verwyder nie.

Beheermaatreëls.

9. (1) *(a)* Die Minister kan vir enige beheerde doel algemene beheermaatreëls, of besondere beheermaatreëls ten opsigte van bepaalde dieresiektes en parasiete, voorskryf.

(b) 'n Beheermaatreël kan ten opsigte van die hele Republiek, of ten opsigte van 'n bepaalde omskrewe gebied, voorgeskryf word.

(c) Indien 'n beheermaatreël vir 'n bepaalde gebied onder die beheer van 'n beampte voorgeskryf word, moet die direkteur alle eienaars en bestuurders van grond, en

gether with any progeny or product thereof, may, where the director is of the opinion that a permit would have been issued if an application had been made, be returned to the person who has imported the animal or thing to be removed at his own expense within the period determined by the director, from the Republic.

(b) If any person referred to in paragraph (a) refuses to accept any such animal or thing, or so to remove it from the Republic, the director may seize it and, at his discretion, destroy or otherwise dispose of it for the benefit of the State, or deal therewith in accordance with section 17 (2).

(3) Any animal or thing seized under subsection (1) or (2) and which is no longer required for any purpose contemplated in subsection (2) of section 17, or which is required pursuant to any other provision of that section to be returned to an owner, shall be returned to the director, who shall dispose of it at his discretion for the benefit of the State.

(4) An owner or importer in respect of any animal or thing referred to in subsection (1), shall, in addition to expenses that he is by virtue of section 17 (6) required to reimburse to the State, reimburse the State with all reasonable expenses connected with—

(a) the detention of the relevant animal or thing before seizure thereof in terms of subsection (1) or (2) of this section; and

(b) any disposal thereof under subsection (2) or (3) of this section.

Removal and further detention of imported animals or things.

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

(a) in terms of subsection (2) (c) of section 6; or

(b) in terms of the said subsection (2) (c), as applied by subsection (3) (c) of the said section; or

(c) for purposes of any disposal or removal by the director or any other person under section 7 (2) or (3); or

(d) by or by virtue of any other provision of this Act and at any place of entry,

from the relevant place of detainment or, where it is not detained but is required so to be detained at any place of entry, from the relevant place of entry.

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

(i) be removed to such quarantine station, place or institution by or under the supervision of the director, or in a conveyance sealed by him; and

(ii) shall be detained at the quarantine station, place or institution for the period deemed necessary or determined by the director.

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

Control measures.

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

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

(c) If a control measure has been prescribed for a particular area under the control of an officer, the director shall in the prescribed manner notify all owners and

eienaars van diere, in daardie gebied, op die voorgeskrewe wyse in kennis stel van die gebied waarin en, waar van toepassing, die tydperk waarbinne die beheermaatreël van toepassing is.

(d) 'n Beheermaatreël bly van krag, indien 'n tydperk vir die duur daarvan voorgeskryf is, totdat die tydperk verstryk het of, in enige ander geval, totdat dit deur die Minister ingetrek word.

(2) Beheermaatreëls kan betrekking hê op—

(a) die bevoegdhede en pligte van eienaars en bestuurders van grond, en eienaars van diere, ten opsigte van besmetlike en besoedelde dinge, of van diere of dinge wat op redelike gronde vermoed kan word met 'n beheerde dieresiekte of 'n parasiet besmet of besoedel te wees, met betrekking tot beheerde veterinêre handelinge, of enige ander ondersoeke of handelinge in verband met sodanige diere en dinge;

(b) die sertifikate of ander dokumente wat as bewys van, of in verband met, die verrigting van sodanige ondersoeke en handelinge uitgereik, gegee, verkry, gehou of getoon moet word;

(c) beperkings op en beheer oor die slag, doding, jag of vang en die beweging en verwydering van sodanige diere en dinge op, oor, vanaf of na grond waar 'n beheerde dieresiekte of parasiet voorkom of vermoedelik aanwesig is;

(d) behoudens toepaslike bepalings van enige ander wet, beperkings op en beheer oor die beweging van vervoermiddels en persone op, oor, vanaf of na grond waar enige dier of ding bedoel in paragraaf *(a)* aanwesig is of was, of vermoedelik aanwesig is of was, en die ontsmetting of enige ander wyse van behandeling van enige persoon, vervoermiddel of ander voorwerp;

(e) die bevoegdhede en pligte van eienaars ten opsigte van sodanige diere en dinge, of van die direkteur met betrekking tot die oprigting of aanbring van heinings of ander tydelike of permanente strukture en toestelle, tesame met die nodige toerusting of bybehore, op grond, en die gebruik, instandhouding en verwydering daarvan;

(f) besonderhede en inligting wat eienaars ten opsigte van sodanige diere en dinge in registers of ander dokumente moet aanteken;

(g) die bevoegdhede en pligte van die direkteur, met inbegrip van bevoegdhede en om van eienaars ten opsigte van sodanige diere en dinge, of van eienaars of bestuurders van grond, die verrigtings of nalaat van handelinge te vereis; en

(h) enige ander aangeleentheid wat die Minister ten opsigte van die betrokke beheerde doel, sodanige diere en dinge, of 'n dieresiekte of parasiet, dienstig of nodig ag, en die algemeenheid van die bevoegdhede deur hierdie paragraaf verleen, word nie deur die bepalings van die voorafgaande paragrawe beperk nie.

Dieregesondheidskemas.

10. (1) Die Minister kan by kennisgewing in die *Staatskoerant* 'n skema ten opsigte van enige beheerde doel, of vir die verbetering van dieregesondheid, instel.

(2) Die Minister kan in so 'n kennisgewing—

(a) die doelstellings van die skema uiteensit;

(b) die soorte diere en die dieresiekte of parasiet waarop die skema betrekking het, omskryf;

(c) die soorte diere spesifiseer wat vir die betrokke dieresiekte of parasiet vatbaar is, wat die draers daarvan is, of wat dit kan veroorsaak of versprei;

(d) die soorte diere omskryf ten opsigte waarvan, ter bereiking van die doelstellings van die betrokke skema, beheerde veterinêre handelinge of toetse, ondersoeke,

managers of land, or owners of animals, in that area, of the area and, where applicable, the period within which the control measure shall apply.

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

(2) Control measures may relate to—

(a) the powers and duties of owners and managers of land, and owners of animals, in respect of infectious or contaminated things, or of animals or things which can on reasonable grounds be suspected of being infected with or contaminated by any controlled animal disease or parasite, with regard to controlled veterinary acts, or any other examinations or acts in connection with such animals or things;

(b) the certificates or other documents which shall be issued, given, obtained, kept or produced as proof of, or in connection with, the performance of such examinations or acts;

(c) restrictions on and control of the slaughter, killing, hunting or catching and the movement and removal of such animals or things on, over, from or to land where a controlled animal disease or parasite occurs, or is suspected to be present;

(d) subject to applicable provisions of any other law, restrictions on and control of the movement of conveyances and persons on, over, from or to land where any animal or thing referred to in paragraph *(a)* is or was present, or is suspected to be or to have been present, and the decontamination or other manner of treatment of any person, conveyance or other object;

(e) the powers and duties of owners in respect of such animals or things, or of the director in relation to the establishment or construction of fences or other temporary or permanent structures or appliances, together with the required equipment and appurtenances, on land, and the use, maintenance and removal thereof;

(f) particulars and information which are required to be recorded by owners in respect of such animals or things in registers or other documents;

(g) the powers and duties of the director, including powers to require the performance, or the abstaining from the performance, of acts by owners in respect of such animals and things, or by owners or managers of land; and

(h) any other matter which the Minister deems expedient or necessary in respect of the relevant controlled purpose, such animals and things, or any animal disease or parasite, the generality of the powers conferred by this paragraph not being limited by the provisions of the preceding paragraphs.

Animal health schemes.

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

(2) The Minister may in any such notice—

(a) state the objects of the scheme;

(b) define the kinds of animals and the animal disease or parasite to which the scheme shall apply;

(c) specify the kinds of animals which are susceptible to the animal disease or parasite concerned, which are the carriers thereof or which may cause or spread it;

(d) define the kinds of animals in respect of which, for the achievement of the objects of the scheme concerned, controlled veterinary acts or tests, examinations, treat-

behandelings of beskikkings deur persone wat by die skema ingeskryf is, gedoen, toegepas of bewerkstellig moet word;

(e) die wyse waarop diere bedoel in paragraaf *(d)* met die betrokke dieresiekte of parasiet besmet kan raak, en die kenmerke van sodanige besmetting by elke sodanige soort dier, beskryf;

(f) die toetse waaraan die betrokke diere, en voortbrengsels of produkte daarvan, onderwerp moet word, ten einde vas te stel of hulle met die betrokke dieresiekte of parasiet besmet is, en die metodes waarvolgens sodanige toetse uitgevoer moet word, en die middels of stowwe en apparaat wat vir die sodanige toetse gebruik moet word, bepaal;

(g) die positiewe of negatiewe resultate van die toetse bedoel in paragraaf *(f)* beskryf, en die vertolking van sodanige resultate verstrek;

(h) die verdere toetse en ondersoeke bepaal waaraan die betrokke diere, en die voortbrengsels of produkte daarvan, vir die diagnose van die betrokke dieresiekte of parasiet onderwerp moet word;

(i) die wyse bepaal waarop diere wat met die betrokke dieresiekte of parasiet besmet is, en die voortbrengsels of produkte daarvan, behandel, aangehou, versorg of andersins oor beskik moet word;

(j) die maatreëls bepaal wat vir die voorkoming van die besmetting of herbesmetting van die betrokke diere, en die voortbrengsels of produkte daarvan, met die betrokke dieresiekte of parasiet, en die verspreiding daarvan, getref moet word;

(k) die vereistes vir toetrede tot die skema bepaal;

(l) die wyse waarop iemand wat voornemens is om aan die skema deel te neem, aansoek om toelating daartoe moet doen, die besonderhede wat in sodanige aansoek verstrek moet word, en die omstandighede waaronder sodanige aansoek geweier moet word, bepaal;

(m) die wyse bepaal waarop so iemand en die betrokke diere ingeskryf moet word, asook die omstandighede waaronder sodanige inskrywing verval of ingetrek moet word;

(n) die wyse waarop en die tydperke waartydens diere wat ingevolge die skema ingeskryf is, aangehou, versorg en behandel moet word, en die beheer waaraan hulle onderwerp moet word, bepaal;

(o) die inligting spesifiseer waarvan aantekeninge gehou moet word deur iemand wat by die skema ingeskryf is;

(p) die geriewe aandui wat so iemand vir die doeleindes van die verrigting van enige beheerde veterinêre handeling, of enige ander versorging, aanhouding, toetse, behandelings of ondersoeke van die betrokke diere, moet voorsien;

(q) die merke waarmee, en die wyse waarop, diere gemerk moet word wat ingevolge die skema ingeskryf is, spesifiseer;

(r) die wyse waarop diere wat aan die vereistes van die skema voldoen, gesertifiseer moet word, die beperkings op die gebruik van sodanige sertifikaat en die omstandighede waaronder sodanige sertifikaat verval, bepaal;

(s) die tariewe spesifiseer wat ten opsigte van dienste betaalbaar is wat ingevolge die skema gelewer word;

(t) ander bevoegdhede en pligte bepaal wat ingevolge die skema deur omskrewe persone of beamptes uitgeoefen en verrig moet word;

(u) die omstandighede bepaal waaronder die bepalings van die skema van toepassing sal wees op alle eienaars van diere van die betrokke soort in 'n omskrewe gebied, en die voorskrifte uiteensit wat ten opsigte van sodanige diere in so 'n gebied nagekom moet word; en

(v) in die algemeen voorsiening maak vir enige ander aangeleentheid wat, volgens sy oordeel, nodig of dienstig is ten einde die doelstellings van die skema te bevorder of beter te verwesenlik, en die algemeenheid van die be-

ments or disposals by the persons enrolled in the scheme, shall be done, applied or effected;

(*e*) describe the manner in which animals referred to in paragraph (*d*) may become infected with the animal disease or parasite concerned, and the characteristics of such infection in each such kind of animal;

(*f*) determine the tests to which the animals concerned, and the progeny or products thereof, shall be subjected, in order to ascertain whether they are infected with the animal disease or parasite concerned, and determine the methods according to which such tests shall be carried out, and the remedies or substances and equipment to be used for such tests;

(*g*) describe the positive or negative results of tests referred to in paragraph (*f*), and furnish the interpretation of such results;

(*h*) determine the further tests and examinations to which the animals concerned, and the progeny or products thereof, shall be subjected for the diagnosis of the animal disease or parasite concerned;

(*i*) determine the manner in which animals which are infected with the animal disease or parasite concerned, and the progeny or products thereof, shall be treated, kept, cared for or otherwise disposed of;

(*j*) determine the measures which shall be taken to prevent the infection or re-infection of the animals concerned, and the progeny or products thereof, with the animal disease or parasite concerned, or the spreading thereof;

(*k*) determine the requirements for joining the scheme;

(*l*) determine the manner in which a person intending to participate in such scheme shall apply for admission thereto, the particulars to be furnished in such application, and the circumstances under which such application must be refused;

(*m*) determine the manner in which such person and the animals concerned shall be enrolled, and the circumstances under which such enrolment shall lapse or be cancelled;

(*n*) determine the manner in which and the periods during which animals enrolled in terms of such scheme shall be kept, cared for and treated, and the control to which they shall be subjected;

(*o*) specify the information to be recorded by any person enrolled in such scheme;

(*p*) indicate the facilities which such person shall provide for purposes of the performance of any controlled veterinary act, or any other tending, detention, tests, treatments or examinations of the animals concerned;

(*q*) specify the marks with which, and the manner in which, animals enrolled in terms of the scheme shall be marked;

(*r*) determine the manner in which animals complying with the requirements of the scheme shall be certified, the restrictions on the use of such certificate and the circumstances under which such certificate shall lapse;

(*s*) specify the tariffs which shall be payable in respect of services rendered in terms of such scheme;

(*t*) determine other powers and duties to be exercised and performed by defined persons or officers in terms of such scheme;

(*u*) determine the circumstances under which the provisions of the scheme shall be applicable to all owners of animals of the kind concerned in a defined area, and set out the directions which are to be complied with in respect of such animals in such area; and

(*v*) provide generally for any other matter which, in his opinion, is necessary or expedient in order to further or better achieve the objects of the scheme, the generality

voegdhede by hierdie paragraaf verleen, word nie deur die bepalings van die voorafgaande paragrawe beperk nie.

(3) Ondanks die bepalings van subartikel (2) *(f)*, *(g)* en *(h)*, kan die Minister in 'n kennisgewing bedoel in subartikel (1) aan die direkteur magtiging verleen om in verband met 'n skema die toetse, ondersoeke, positiewe en negatiewe resultate en die vertolking daarvan, asook die verdere toetse en ondersoeke wat vereis word, te bepaal.

(4) Die bepalings van 'n skema is bindend vir die persoon, en die diere ten opsigte waarvan hy 'n eienaar is, wat ingevolge die skema ingeskryf is.

(5) Die Minister kan kragtens subartikel (1) verskillende skemas ter bevordering van dieregesondheid in die algemeen, of van die gesondheid van verskillende soorte diere, of met betrekking tot verskillende soorte dieresiektes of parasiete, instel.

(6) Die Minister kan te eniger tyd by kennisgewing in die *Staatskoerant* 'n skema wysig of intrek.

(7) *(a)* Die Minister kan, in 'n kennisgewing bedoel in subartikel (1), die bevoegdhede en pligte wat ingevolge die bepalings van 'n skema deur iemand anders as 'n persoon wat by die skema ingeskryf is, uitgeoefen en uitgevoer moet word, aan die direkteur of aan 'n ander persoon of liggaam verleen of oplê: Met dien verstande dat bepaalde bevoegdhede en pligte aan die direkteur en ander bevoegdhede en pligte aan sodanige ander persoon of liggaam verleen en opgelê kan word: Met dien verstande voorts dat indien die direkteur dit dienstig ag, hy enige bevoegdheid of plig wat aldus aan sodanige ander persoon of liggaam verleen en opgelê is, self kan uitoefen of verrig.

(b) 'n Bevoegdheid en plig wat kragtens paragraaf *(a)* aan die direkteur of 'n persoon of liggaam verleen en opgelê is, kan—

(i) in die geval van die direkteur, deur die direkteur self of deur 'n beampte uitgeoefen of verrig word; of

(ii) in die geval van sodanige persoon of liggaam, deur sodanige persoon of liggaam self, of deur 'n werknemer of ander persoon onder beheer of op las van die betrokke persoon of liggaam, uitgeoefen of verrig word.

(8) Aan 'n persoon aan wie of liggaam waaraan bevoegdhede en pligte kragtens subartikel (7) *(a)* verleen en opgelê is, kan, ten opsigte van die uitoefening van daardie bevoegdhede en die verrigting van daardie pligte, die toelaes en ander vergoeding betaal word wat die Minister bepaal.

Verpligtinge van eienaars en bestuurders betreffende gesondheid van diere.

11. (1) 'n Eienaar of bestuurder van grond waarop daar diere is, en 'n eienaar ten opsigte van diere, moet, hetsy so 'n eienaar of bestuurder advies betreffende die gesondheid, of 'n sertifikaat van geskiktheid of gesondheid van die diere ingevolge artikel 13 (1) *(c)* van die direkteur verkry het, al dan nie—

(a) met inagneming van die bepalings van hierdie Wet, alle redelike stappe doen om die besmetting van die diere met dieresiektes en parasiete en die verspreiding daarvan vanaf die betrokke grond of diere te voorkom, of wat nodig is om dieresiektes en parasiete op die grond of ten opsigte van die diere uit te roei; en

(b) wanneer sodanige diere—

(i) met 'n dieresiekte of parasiet besmet is of redelikerwys vermoed kan word besmet te wees, ten opsigte van dié diere die voorgeskrewe behandeling of enige ander behandeling wat onder die bepaalde omstandighede as geskik en gebruiklik geag kan word, toepas; en

(ii) met 'n beheerde dieresiekte besmet is of redelikerwys vermoed kan word besmet te wees, sodanige voorkoms van die dieresiekte onverwyld op die voorgeskrewe wyse by die direkteur aanmeld.

of the powers conferred by this paragraph not being limited by the provisions of the preceeding paragraphs.

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

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

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

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

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

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

(i) in the case of the director, be exercised and performed by the director personally or by any officer; or

(ii) in the case of such person or body, be exercised and performed by such person himself or body itself, or by an employee or other person under the control or direction of the person or body concerned.

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

Duties of owners and managers regarding health of animals.

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

(a) take, with due observance of the provisions of this Act, all reasonable steps to prevent the infection of the animals with any animal disease or parasite and the spreading thereof from the relevant land or animals, or which are necessary for the eradication of animal diseases and parasites on the land or in respect of the animals; and

(b) whenever such animals—

(i) have become or can reasonably be suspected of having become infected with any animal disease or parasite, apply in respect of such animals the prescribed treatment or any other treatment which may be deemed suitable and customary in the particular circumstances; and

(ii) have become or can reasonably be suspected of having become infected with any controlled animal disease, immediately report such incidence in the prescribed manner to the director.

(2) 'n Veearts wat die voorkoms of vermoedelike voorkoms van enige beheerde dieresiekte by enige dier of voortbrengsel of produk daarvan aantref, moet die voorkoms onverwyld by die direkteur aanmeld.

Beskikking oor diere wat afdwaal.

12. (1) Wanneer 'n eienaar of bestuurder van grond op die grond, of wanneer 'n eienaar van diere tussen sy diere, 'n dier vind ten opsigte waarvan hy weet, of daar redelikerwys vermoed kan word, dat dit daarheen vanaf 'n plek buite die Republiek afgedwaal het of onwettig verwyder is, moet hy—

(a) onverwyld dié dier afsonder en die vind van die dier op die voorgeskrewe wyse by die direkteur aanmeld; en

(b) die dier, en enige voortbrengsel of produk daarvan, in afsondering aanhou, hangende die direkteur se beslissing betreffende beskikking daaroor.

(2) Die direkteur kan, nadat 'n vreemde dier se aanwesigheid by hom aangemeld is ingevolge paragraaf *(a)* van subartikel (1)—

(a) indien—

(i) iemand wat beweer en bewys dat hy die eienaar van die dier is, binne twee dae na sodanige aanmelding by die direkteur, 'n skriftelike versoek om teruggawe van die dier aan hom tot die direkteur gerig het, en binne sewe dae nadat hy versoek is om dit te doen, die Staat vergoed het vir enige uitgawes in verband met die dier aangegaan; en

(ii) die direkteur van oordeel is dat geen bepaling van subartikel (1) van artikel 17 ten opsigte van die dier, of enige voortbrengsel of produk daarvan, van toepassing is nie, en dat die omstandighede waaronder die dier gevind is, so 'n teruggawe regverdig,

gelas dat die dier, en enige sodanige voortbrengsel of produk daarvan, aan die eienaar teruggegee word; of

(b) gelas dat die persoon wat die dier gevind het die dier, en enige sodanige voortbrengsel of produk daarvan, onverwyld verwyder na 'n plek wat die direkteur aandui vir doeleindes van die verrigting van beheerde veterinêre handelinge ten opsigte daarvan deur die direkteur, of van kant maak of andersins daaroor beskik ooreenkomstig die opdragte van die direkteur; of

(c) self met die dier, en enige sodanige voortbrengsel of produk daarvan, ooreenkomstig 'n toepaslike bepaling van artikel 17 handel; of

(d) op die dier, en enige sodanige voortbrengsel of produk daarvan, beslag lê, en dit na goeddunke van kant maak, of daaroor ten behoewe van die Staat beskik.

(3) Die bepalings van subartikel (1) *(a)* en *(b)*, (2) *(c)* en (4) *(a)* is *mutatis mutandis* ook van toepassing ten opsigte van 'n dier, en enige voortbrengsel of produk daarvan, wat deur die eienaar of bestuurder van grond, of 'n eienaar van diere daarop, op die grond gevind word, indien so 'n persoon weet, of daar redelikerwys vermoed kan word, dat dit vanaf 'n ander plek in die Republiek daarheen afgedwaal het, of onwettig verwyder is, en weet, of daar redelikerwys vermoed kan word, dat enige omstandigheid bedoel in subartikel (1) *(b)* van artikel 17 ten opsigte daarvan aanwesig is.

(4) Niemand mag, behalwe uit hoofde van 'n bepaling van subartikel (2) of kragtens 'n magtiging van die direkteur—

(a) 'n dier, of enige voortbrengsel of produk daarvan in subartikel (1) of (3) bedoel, van 'n plek waar dit ingevolge 'n bepaling van hierdie artikel in afsondering aangehou word, verwyder nie; of

(b) 'n bepaling van 'n lasgewing van die direkteur bedoel in subartikel (2) *(b)* wat aan hom gerig is, oortree of versuim om daaraan te voldoen nie.

Lewering van sekere dienste deur direkteur.

13. (1) Die direkteur kan, behoudens subartikels (2) en (3), wanneer 'n eienaar van 'n beheerde dier of ding, of 'n eienaar of bestuurder ten opsigte van grond, vrywillig op die voorgeskrewe wyse by hom aansoek doen—

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

Disposal of straying animals.

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

(a) forthwith isolate such animal and report the finding of the animal in the prescribed manner to the director; and

(b) detain the animal, and any progeny or product thereof, in isolation, pending the decision of the director as to its disposal.

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

(a) if—

(i) any person who alleges and proves that he is the owner of the animal submits, within two days after such report to the director, a written request to the director for the restoration to him of the animal, and reimburses the State for any expenses incurred in connection with the animal within seven days after having been requested to do so; and

(ii) the director is of the opinion that no provision of subsection (1) of section 17 is applicable in respect of the animal, or any progeny or product thereof, and that the circumstances under which the animal has been found justifies such a restoration,

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

(b) direct that the person who found the animal shall forthwith remove the animal, and any such progeny or product thereof, to a place indicated by the director for purposes of the performance of controlled veterinary acts in respect thereof by the director, or destroy it, or otherwise dispose of it, in accordance with the instructions of the director; or

(c) himself deal with the animal, and any such progeny or product thereof, in accordance with any applicable provision of section 17; or

(d) seize the animal, and any such progeny or product thereof, and in his discretion destroy it, or dispose thereof for the benefit of the State.

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

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

(a) remove any animal, or any progeny or product thereof, referred to in subsection (1) or (3) from any place where it is being detained in isolation in terms of any provision of this section; or

(b) contravene, or fail to comply with, any provision of a direction of the director referred to in subsection (2) *(b)* which has been addressed to him.

Rendering of certain services by director.

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

(a) om die lewering van advies deur hom aan so 'n persoon betreffende die geskiktheid of gesondheid van;
(b) om die uitvoering of verrigting deur hom van enige beheerde veterinêre handeling of van enige ander handeling wat verband hou met 'n beheerde doel, ten opsigte van; of
(c) om 'n voorgeskrewe sertifikaat van geskiktheid of gesondheid ten opsigte van,

daardie dier of ding, of daardie grond, na gelang van die geval, sodanige advies lewer, ondersoek of handeling doen of verrig, of sertifikaat uitreik of weier om dit uit te reik, na gelang van die geval.

(2) Die direkteur is nie verplig om 'n diens in subartikel (1) bedoel, in 'n bepaalde geval te lewer nie, indien—
(a) die vereiste toerusting, middele of beamptes; of
(b) die vereiste akkommodasie vir die dier of ding by 'n plek, sentrum, inrigting of kwarantynstasie wat hy vir die betrokke doel geskik ag,

nie vir hom beskikbaar is nie.

(3) (a) Die eienaar of bestuurder aan wie 'n diens ingevolge hierdie artikel gelewer word, moet gelde teen die voorgeskrewe tariewe ten opsigte van die diens wat gelewer is, aan die direkteur betaal.
(b) Die direkteur kan enige eienaar of bestuurder van die betaling van gelde vrystel indien hy van oordeel is dat die lewering van die betrokke diens—
(i) in ooreenstemming is met die beleidsdoelwitte van die departement betreffende die bevordering van dieregesondheid;
(ii) in belang is van die veebedryf in die Republiek;
(iii) nodig is weens abnormale mortaliteit van diere; of
(iv) nodig is as gevolg van 'n ongewone dieresiekte wat 'n aanmerklike getal diere aantas of kan aantas.

Oorname van beheer oor grond deur direkteur.

14. (1) Die direkteur kan, wanneer hy dit vir enige beheerde doel nodig ag, by skriftelike kennisgewing aan 'n eienaar of bestuurder van grond op die voorgeskrewe wyse beteken, verklaar dat hy vanaf 'n vermelde datum beheer oor grond in die kennisgewing omskryf, met inbegrip van alle heinings, strukture, geriewe of verbeterings op die grond, of slegs van dié heinings, strukture, geriewe of verbeterings daarin vermeld, oorneem vir 'n tydperk in die kennisgewing vermeld of vir die tydperk wat die direkteur nodig ag.

(2) Die direkteur kan te eniger tyd na die betekening van 'n kennisgewing, en vanaf die datum daarin vermeld—
(a) die grond betree en okkupeer, en die helpers, beamptes, vervoermiddels, toestelle, instrumente, gereedskap, middels en ander goed wat hy vir sy doel nodig ag, met hom saamneem;
(b) 'n kamp met die nodige toebehoorsels en toerusting op die grond oprig, en 'n pad wat toegang daartoe verleen, aanlê;
(c) enige plantegroei op die grond verwyder;
(d) enige heining of hek daarop oprig, of 'n bestaande heining of hek verander of verwyder;
(e) 'n geskikte plek op die grond vir die vankantmaking of ander beskikking oor enige beheerde voorwerp of ding, ongeag of dit van die grond afkomstig is of daarop gevind is of nie, gebruik;
(f) van weiding, vuurmaakgoed en water gebruik maak;
(g) enige handeling op die grond verrig wat 'n eienaar of bestuurder van die grond ingevolge hierdie Wet daarop moet verrig of moes verrig het, en die uitgawes daaraan verbonde op die eienaar of bestuurder verhaal; en
(h) die ander handelinge wat hy vir die betrokke beheerde doel nodig ag, op of ten opsigte van die grond verrig.

(3) Die direkteur—
(a) bring geen strukturele veranderings aan nie; of
(b) rig geen permanente strukture, uitgesonderd heinings, op nie,

op enige grond waaroor hy kragtens hierdie artikel beheer geneem het, tensy die Minister vooraf toestemming daartoe verleen het.

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

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

(2) The director shall not be obliged to render any service referred to in subsection (1), if, in a particular case—
(*a*) the required equipment, means or officers are; or
(*b*) the required accommodation for the animal or thing at a place, centre, institution or quarantine station deemed suitable by him for the purpose, is,

not available to him.

(3) (*a*) The owner or manager to whom a service is rendered under this section, shall pay fees at the prescribed rate in respect of the service rendered, to the director.
(*b*) The director may exempt any owner or manager from the payment of fees if he is of opinion that the rendering of the relevant service—
(i) is in accordance with the policy aims of the department regarding the promotion of animal health;
(ii) is in the interest of the livestock industry in the Republic;
(iii) is necessary due to an abnormal mortality of animals; or
(iv) is necessary as a result of an unusual animal disease afflicting, or which can afflict, an appreciable number of animals.

Assumption of control over land by director.

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

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

(3) The director shall not—
(*a*) effect any structural alterations; or
(*b*) erect any permanent structures, except fences,

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

Bevelskrifte.

15. (1) Die direkteur kan, ten einde 'n beheerde doel te bereik, 'n bevelskrif op die voorgeskrewe wyse aan enige eienaar van diere of dinge, of eienaar of bestuurder van grond, beteken waarin hy gelas word om, met betrekking tot—

(a) 'n vermelde beheerde dier of ding; of

(b) grond daarin omskryf; of

(c) so 'n dier of ding en sodanige grond,

'n vermelde bepaling van hierdie Wet na te kom, of 'n ander omskrewe handeling te verrig, of nie te verrig nie.

(2) 'n Bevelskrif is, behoudens subartikels (3) en (4), bindend vir die betrokke persoon en enige ander persoon wat ten opsigte van die betrokke diere, dinge of grond sy regsopvolger is.

(3) Ondanks 'n andersluidende bepaling van 'n bevelskrif aangaande die beweging of verwydering van 'n beheerde dier of ding, kan die direkteur te eniger tyd op skriftelike aansoek van 'n betrokke persoon skriftelike magtiging aan hom verleen om ooreenkomstig die voorwaardes van die magtiging (as daar is) so 'n dier of ding te beweeg of te verwyder.

(4) Die direkteur kan by 'n skriftelike kennisgewing op die voorgeskrewe wyse aan 'n eienaar of 'n bestuurder, of sy regsopvolger, beteken, 'n bevelskrif—

(a) wysig; of

(b) indien die direkteur na die inspeksies of ondersoeke wat hy nodig ag, tevrede is dat die bepalings van die bevelskrif behoorlik nagekom is en dat die oogmerke daarvan verwesenlik is, intrek.

(5) 'n Dokument wat heet onderteken te wees deur die direkteur en heet opgestel te wees op die wyse wat ten opsigte van die betekening van bevelskrifte en kennisgewings vir die doeleindes van hierdie subartikel voorgeskryf is, is afdoende bewys dat 'n bevelskrif ingevolge subartikel (1), of 'n kennisgewing ingevolge subartikel (4), aan 'n persoon beteken is.

Betredings- en ondersoekbevoegdhede van direkteur.

16. (1) *(a)* Die direkteur kan te eniger tyd, sonder vooraf kennisgewing aan enige eienaar of bestuurder of enige ander persoon, wanneer hy dit nodig ag vir enige beheerde doel, of by die uitoefening of uitvoering deur hom van enige bevoegdheid of plig deur of kragtens hierdie Wet verleen of opgelê—

(i) enige grond betree; of

(ii) enige vervoermiddel in die territoriale waters, soos omskryf in die Wet op Territoriale Waters, 1963 (Wet No. 87 van 1963), van, of op enige ander plek in, die Republiek, laat stilhou en betree, of onder sy beheer neem of aan boord daarvan gaan.

(b) Die direkteur kan, wanneer hy kragtens paragraaf *(a)* optree—

(i) die helpers, beamptes, vervoermiddels, toestelle, instrumente, gereedskap, middels of ander goed wat hy vir sy doel nodig ag, met hom saamneem;

(ii) alle redelike bystand eis van 'n eienaar of bestuurder van grond waarvan die betrokke grond deel uitmaak, of van iemand wat die eienaar is ten opsigte van die betrokke vervoermiddel, of van enige beheerde dier of ding wat op die grond of in of op die vervoermiddel is of was, om hom in staat te stel om sy bevoegdhede en pligte ten opsigte van elke deel of gedeelte van die grond of vervoermiddel uit te oefen en uit te voer.

(2) Die direkteur kan op die betrokke grond of ten opsigte van die betrokke vervoermiddel—

(a) (i) soek na enige beheerde dier of ding en, indien hy redelike gronde het om te vermoed dat so iets daarop of daarin is, eis dat die eienaar of bestuurder dit aan hom toon;

(ii) ondersoek instel na die aanwesigheid of voorkoms van 'n dieresiekte of parasiet;

(iii) bakens oprig of merke of seëls aanbring;

(iv) enige toestel of toerusting wat beskikbaar is vir gebruik in verband met enige beheerde doel, ondersoek of toets;

Orders.

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

(a) any specified controlled animal or thing; or

(b) land defined therein; or

(c) any such animal or thing and such land,

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

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

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

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

(a) amend any order; or

(b) if the director is satisfied after such inspections or examinations as he may deem necessary that the provisions of the order have been properly complied with and that the objects thereof have been achieved, withdraw any order.

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

Powers of entry and inspection of director.

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

(i) enter upon any land; or

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

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

(i) take with him such assistants or officers and conveyances, appliances, instruments, tools, remedies or other things as he may deem necessary for his purpose;

(ii) require all reasonable assistance from an owner or manager of land of which the relevant land forms part, or from a person who is the owner in respect of the relevant conveyance or of any controlled animal or thing which is or has been on the land, or in or on the conveyance, in order to enable him to exercise and perform his powers and duties in respect of any part or portion of the land or conveyance.

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

(a) (i) search for any controlled animal or thing and, if he on reasonable grounds suspects it to be thereon or therein, require the owner or manager to produce it to him;

(ii) make investigations regarding the presence or incidence of any animal disease or parasite;

(iii) install beacons or affix marks or seals;

(iv) inspect or test any appliance or equipment which is available for use in connection with any controlled purpose;

(v) monsters neem van enige middel, of 'n finale mengsel daarvan, wat vir gebruik ten opsigte van enige toepaslike beheerde doel bestem is, en dit ontleed of toets;

(vi) vasstel of iets wat ingevolge hierdie Wet gedoen moet word, gedoen is of word;

(vii) die doen van enigiets wat ingevolge hierdie Wet van iemand vereis word, inspekteer of toesig daaroor hou;

(viii) enige beheerde diere of dinge wat hy vind, nagaan, tel, en die identiteit, oorsprong of afkoms daarvan vasstel, teen enige dieresiekte of parasiet behandel, en enige beheerde veterinêre handeling ten opsigte daarvan verrig, en voorgeskrewe tydelike of permanente merke op die voorgeskrewe wyse aanbring; en

(ix) in die algemeen, die verdere ondersoeke en handelinge wat hy nodig ag, instel of verrig;

(b) eis dat enige persoon in surbartikel (1) *(b)* (ii) bedoel, sonder versuim of op die tyd en plek deur die direkteur bepaal—

(i) 'n register, boek, aantekening of ander dokument wat so 'n persoon ingevolge 'n bepaling van hierdie Wet, of, ten opsigte van enige dier, ding of vervoermiddel in genoemde subartikel bedoel, ingevolge 'n bepaling van enige ander wet, moet hou of toon, aan hom vir inspeksie moet toon, of 'n afskrif daarvan aan hom moet verstrek, en die direkteur kan in so 'n dokument die aantekeninge maak wat hy dienstig ag ten opsigte van enige inskrywing wat daarin voorkom of moes voorgekom het, of wat na sy oordeel verkeerd of vals is;

(ii) enige inskrywing, skrapping, wysiging, weglating of aantekening in die dokument verduidelik; en

(iii) enige ander inligting wat hy vereis, aan hom verstrek.

(3) Die direkteur kan, wanneer hy iemand kragtens hierdie artikel spreek of ondervra, na gelang hy dit dienstig ag en vereis so 'n persoon òf alleen òf in die teenwoordigheid van iemand anders spreek of ondervra.

Beslagleggings deur direkteur.

17. (1) Die direkteur kan te eniger tyd op enige wyse wat hy geskik ag en sonder voorafgaande kennisgewing aan enige persoon, beslag lê—

(a) op enige dier, vervoermiddel, dokument bedoel in artikel 16 (2) *(b)* (i), of ander ding—

(i) wat betrokke is, of op redelike gronde deur hom vermoed word betrokke te wees, by die pleging of vermeende pleging van 'n misdryf ingevolge hierdie Wet; of

(ii) wat tot bewys kan strek van die pleging of vermeende pleging van so 'n misdryf; of

(iii) wat bestem is, of op redelike gronde deur hom vermoed word bestem te wees, om by die pleging van so 'n misdryf gebruik te word;

(b) behoudens artikel 19, op enige besmetlike of besoedelde ding, of op enige dier of ding wat hy op redelike gronde vermoed 'n besmetlike of besoedelde ding te wees, of op enige dier wat hy vind en ten opsigte waarvan hy weet, of op redelike gronde vermoed, dat dit na die plek waar hy dit vind vanaf 'n plek buite die Republiek afgedwaal het.

(2) Die direkteur moet iets waarop hy kragtens subartikel (1) *(a)* beslag gelê het sonder versuim aan 'n polisiebeampte soos omskryf in artikel 1 (1) van die Strafproseswet, 1977 (Wet No. 51 van 1977), oorhandig, en daaroor word beskik ooreenkomstig die toepaslike bepalings van daardie Wet betreffende beslagleggings op voorwerpe deur die Staat.

(3) Enige dier of ding waarop die direkteur kragtens subartikel (1) *(b)* beslag gelê het, kan deur hom—

(v) take and analyse or test samples of any remedy, or the final mixture thereof, which is intended for use in respect of any applicable controlled purpose;

(vi) ascertain whether anything required to be done in terms of this Act has been or is being done;

(vii) inspect and supervise the doing of anything which any person is in terms of this Act required to do;

(viii) check, count, and establish the identity, origin and descent of, treat against any animal disease or parasite, and effect any controlled veterinary act in respect of, any controlled animals or things found by him, and make in the prescribed manner any temporary or permanent marks; and

(ix) in general, make such further investigations and perform such other acts as he may deem necessary;

(b) require that a person referred to in subsection (1) *(b)* (ii), forthwith or at the time and place fixed by the director—

(i) produce to him for inspection, or provide him with, a copy of any register, book, record or other document which such person is required in terms of this Act, or, in respect of any animal, thing or conveyance referred to in the said subsection, in terms of the provisions of any other law, to keep or produce, and the director may make in such document such notes as he may deem expedient in respect of any entry appearing therein or which is required to appear therein, or which in his opinion is inaccurate or false;

(ii) explain any entry, deletion, alteration, omission or note in such document; and

(iii) furnish him with any other information required by him.

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

Seizures by director.

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

(a) any animal, conveyance, document referred to in section 16 (2) *(b)* (i), or other thing—

(i) which is concerned, or is on reasonable grounds believed by him to be concerned, in the commission or suspected commission of any offence under this Act; or

(ii) which may afford evidence of the commission or suspected commission of any such offence; or

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

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

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

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

(*a*) na enige plek wat hy geskik ag, verwyder word, en hy kan die beheerde veterinêre handelinge wat hy ten opsigte daarvan nodig of dienstig ag, verrig;

(*b*) indien dit 'n lewende dier is en die direkteur 'n nadoodse ondersoek nodig ag, geslag word;

(*c*) indien hy van oordeel is dat die eienaar ten opsigte van die betrokke dier of ding ten tyde van die beslaglegging oor die vereiste toerusting en middele beskik om so 'n dier of ding en, waar van toepassing, enige voortbrengsel of produk daarvan, aan te hou of te versorg op 'n wyse wat sal verseker dat 'n betrokke dieresiekte of parasiet nie sal versprei nie, ooreenkomstig voorwaardes waarop met so 'n persoon deur die direkteur ooreengekom word, in so 'n persoon se bewaring geplaas word; of

(*d*) indien hy van oordeel is—

(i) dat 'n afsondering of behandeling daarvan geen betrokke beheerde doel sal bevorder nie; of

(ii) dat die berekende koste van die verrigting ten opsigte daarvan van enige handeling bedoel in paragrawe (*a*), (*b*) of (*c*) die beraamde waarde daarvan oorskry; of

(iii) dat geen middele of toerusting beskikbaar is om ooreenkomstig paragrawe (*a*) of (*b*) ten opsigte daarvan te handel nie;

van kant gemaak of andersins oor beskik word, of die betrokke eienaar kan gelas word om dit aldus van kant te maak of daaroor te beskik.

(4) Die direkteur moet enige dier of ding waarop hy kragtens subartikel (1) (*b*) beslag gelê het en ten opsigte waarvan ooreenkomstig subartikel (3) (*a*) of (*c*) opgetree is, sodra die direkteur oortuig is dat die aanhouding daarvan nie meer vir enige beheerde doel nodig is nie, aan die betrokke eienaar terugbesorg, of toestem dat dit in volle besit van die betrokke eienaar herstel word, na gelang van die geval.

(5) Die karkas van 'n dier waarop kragtens subartikel (1) (*b*) beslag gelê is, of wat uit hoofde van subartikel (3) (*b*) geslag, of van subartikel (3) (*d*) van kant gemaak of oor beskik is, word aan die Staat verbeur, en die direkteur kan—

(*a*) indien hy oor die karkas op 'n wyse wat vir die Staat voordelig is, kan beskik, aldus daaroor beskik, in welke geval uitgawes wat daaruit voortspruit uit enige inkomste wat daaruit verkry kan word, verhaal word; of

(*b*) waar paragraaf (*a*) nie van toepassing is nie, na goeddunke daaroor beskik.

(6) 'n Eienaar ten opsigte van enige dier of ding waarop kragtens subartikel (1) (*b*) beslag gelê is, moet die redelike uitgawes wat die direkteur in verband met die verrigting deur hom van enige handeling ten opsigte daarvan kragtens 'n bepaling van subartikel (3), (4) of (5) aangegaan het, en wat nie uit inkomste bedoel in subartikel (5) (*a*) verhaal kan word nie, aan die Staat vergoed: Met dien verstande dat die voorgaande bepalings van hierdie subartikel nie van toepassing is nie ten opsigte van enige dier waarop 'n bepaling van 'n dieregesondheidskema van toepassing is.

Heinings.

18. (1) (*a*) Die direkteur kan, vir enige beheerde doel of ten einde in verband daarmee die beweging, verwydering of vervoer van diere te beheer, permanente heinings langs, op of oor openbare of private paaie of langs die grense van enige grond, en tydelike heinings op of oor enige grond, oprig, en hekke, motorhekke of ander deurgange in enige sodanige heining aanbring.

(*b*) Die direkteur kan heinings opgerig en deurgange aangebring kragtens paragraaf (*a*) in stand hou, en kan van tyd tot tyd die veranderinge daaraan wat hy nodig ag, aanbring.

(2) Die direkteur kan op grond, paaie wat toegang verleen tot, of wat nodig is in verband met die oprigting, instandhouding of verandering van, enige heining bedoel in subartikel (1), bou,

(a) be removed to any place deemed suitable by him, and he may perform such controlled veterinary acts in respect thereof as he may deem necessary or expedient;

(b) if it is a living animal and the director considers a post-mortem examination necessary, be slaughtered;

(c) if he is of opinion that the owner in respect of the relevant animal or thing at the time of the seizure possesses the necessary equipment and means to detain and care for such animal or thing and, where applicable, any progeny or product thereof, in a manner which will ensure that the relevant controlled animal disease or parasite will not spread, be placed in the care of such person in accordance with conditions agreed upon by the director with such person; or

(d) if he is of the opinion—

(i) that any isolation or treatment thereof will not promote the relevant controlled purpose; or

(ii) that the calculated cost of the performance in respect thereof of any act referred to in paragraphs *(a)*, *(b)* or *(c)* exceeds the estimated value thereof; or

(iii) that no remedies or equipment is available to act in accordance with paragraph *(a)* or *(b)* in respect thereof,

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

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

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

(a) if he is able to dispose of the carcass in a manner beneficial to the State, so dispose of it, in which case any expenditure resulting therefrom shall be defrayed from the income obtained therefrom; or

(b) where paragraph *(a)* is not applicable, dispose of the carcass at his discretion.

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

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

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

(2) The director may on any land build, rebuild, repair and maintain roads giving access to, or which are necessary in connection with the erection, maintenance and alteration of, any

herbou, herstel en in stand hou, en kan enige brug, spoelbrug, duiksloot of drif wat vir die gebruik of instandhouding van so 'n pad nodig is, daarop aanbring.

(3) Die direkteur kan vir die doeleindes beoog in subartikels (1), (2) en (6), na kennisgewing aan 'n eienaar of bestuurder van betrokke grond—

(a) die grond betree en okkupeer, en die helpers of beamptes en vervoermiddels, tente, materiaal, gereedskap en ander goed met hom saamneem wat hy nodig ag;

(b) 'n tydelike kamp op 'n geskikte plek op die grond opslaan; en

(c) behoudens subartikel (4), sand, grond, klei, gruis, klip, water, hout of ander materiaal wat hy nodig het, vanaf enige plek op die betrokke grond, of op enige ander nabygeleë grond waarop dit beskikbaar is, uitgrawe of neem en verwyder.

(4) Die direkteur kan aan 'n betrokke eienaar of bestuurder, by die voorlegging aan hom van 'n skriftelike aansoek, op die grondslag wat die direkteur bepaal 'n billike vergoeding betaal vir die gebruik van enige grond of materiaal bedoel in subartikel (3) *(c)*, of kan, waar hy van oordeel is dat so 'n betaling onder die besondere omstandighede nie geregverdig is nie, so 'n aansoek weier.

(5) *(a)* Waar die direkteur van oordeel is dat die oprigting van 'n heining of die bou van 'n pad bedoel in onderskeidelik subartikel (1) en (2), of enige deurgang ten opsigte van so 'n heining of brug, spoelbrug, duiksloot of drif, ten opsigte van so 'n pad, of enige verandering, herstel of instandhouding daarvan, tot voordeel is van 'n eienaar of bestuurder van betrokke grond, kan die direkteur die gedeelte van die betrokke koste wat hy, behoudens paragraaf *(b)*, bepaal, op die eienaar of bestuurder verhaal.

(b) 'n Bedrag wat ingevolge paragraaf *(a)* verhaalbaar is, word op die grondslag wat die direkteur goedvind deur hom bepaal, en die direkteur moet die betrokke eienaar of bestuurder skriftelik in kennis stel van die bedrag wat aldus verhaalbaar is en van die grondslag waarop dit bereken is.

(6) Die direkteur kan, met die instemming van die Minister van Finansies, 'n heining kragtens subartikel (1) *(a)* opgerig wat nie meer vir die doeleindes waarvoor dit opgerig is, gebruik word of geskik is nie, in die geheel of gedeeltelik verwyder, en op die voorwaardes wat hy bepaal en ten behoewe van die Staat verkoop of daaroor op die ander wyse wat hy dienstig ag, beskik.

(7) Niemand mag—

(a) 'n heining wat kragtens subartikel (1) opgerig is of enige hek, motorhek of deurgang daarin aangebring, sonder die skrifelike magtiging van die direkteur verwyder, verander of in doelmatigheid verminder nie; of

(b) 'n pad wat kragtens subartikel (2) gebou is, of enige brug, spoelbrug, duiksloot of drif daarop aangebring, verander, versper of beskadig nie.

(8) By die toepassing van die bepalings van subartikel (1) *(a)* en *(b)* betreffende die aanbring van hekke, motorhekke en deurgange in en veranderinge aan heinings, en die bepalings van subartikels (3), (4), (5) en (7) *(a)* vir sover hulle ten opsigte van heinings van toepassing is, word 'n heining wat op die internasionale grense van die Republiek opgerig is, geag 'n heining te wees wat kragtens subartikel (1) *(a)* opgerig is vir 'n beheerde doel.

Vergoeding.

19. (1) Die eienaar van enige dier of ander ding wat kragtens of uit hoofde van 'n beheermaatreël, of 'n bepaling van artikel 17 (3) of (5), of enige ander bepaling van hierdie Wet, deur die direkteur of op sy lasgewing van kant gemaak, vernietig of andersins oor beskik is, kan 'n aansoek om vergoeding vir die verlies van die dier of ding by die direkteur indien.

(2) Die direkteur kan, met inagneming van—

(a) die toepaslike vergoeding, gebaseer op die billike markwaarde van die dier of ding, wat vir die doeleindes

fence referred to in subsection (1), and may construct thereon any bridge, causeway, culvert or drift which is necessary for the use or maintenance of any such road.

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

(a) enter upon and occupy the land, and take with him such assistants or officers and conveyances, tents, material, tools and other things as he considers necessary;

(b) pitch a temporary camp on any suitable place on the land; and

(c) subject to subsection (4), dig out or take and remove sand, soil, clay, gravel, stone, water, wood or other material which he requires from any place on the relevant land or on any nearby land on which it is available.

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

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

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

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

(7) No person shall—

(a) without the written authority of the director, remove, alter or impair in efficacy any fence which has been erected under subsection (1), or any gate, grid or passage installed therein; or

(b) alter, obstruct or damage any road which has been built under subsection (2), or any bridge, causeway, culvert or drift constructed thereon.

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

Compensation.

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

(2) The director may, taking into consideration—

(a) the applicable compensation, based on a fair market value of the animal or thing, which has been prescribed

van hierdie artikel voorgeskryf is of, waar geen vergoeding aldus voorgeskryf is nie, enige bedrag wat hy vasstel aan die hand van enige maatstaf wat hy toepaslik ag;

(b) die waarde van enigiets wat in verband met die dier of ding aan die eienaar terugbesorg is;

(c) enige bedrag wat die eienaar ten opsigte van die dier of ding uit hoofde van 'n bepaling van hierdie Wet aan die Staat verskuldig is; en

(d) enige bedrag wat aan die eienaar toeval voortspruitend uit versekering daarvan,

'n billike bedrag as vergoeding vasstel.

(3) Ondanks die bepalings van subartikel (2) moet die direkteur, in die geval waar oor 'n karkas ingevolge artikel 17 (5) beskik is, die netto inkomste uit so 'n beskikking verkry, waarteen enige bedrag wat die betrokke eienaar uit hoofde van 'n bepaling van hierdie Wet ten opsigte van die karkas verskuldig is aan die Staat, verreken word, as vergoeding ten opsigte van die karkas vasstel, indien—

(a) die eienaar andersins ingevolge hierdie artikel op vergoeding geregtig is; en

(b) daardie netto inkomste die bedrag oorskry wat ten opsigte van so 'n karkas as vergoeding voorgeskryf is.

Beperkings op ondersoeke, proewe en navorsing met, en vervaardiging en evaluering van, sekere produkte.

20. Niemand mag, behalwe kragtens 'n permit en ooreenkomstig die voorgeskrewe voorwaardes, of die voorwaardes wat die direkteur in 'n besondere geval bepaal—

(a) enige ondersoek, proef of navorsing met enige entstof, serum, toksien, anti-toksien, antigeen of ander biologiese produk wat geheel of gedeeltelik bestaan uit of afkomstig is van 'n mikro-organisme, of uit of van die kliere, organe, vloeistowwe, of enige ander deel, van 'n dier of parasiet, onderneem of doen nie: Met dien verstande dat die voorgaande bepalings van hierdie paragraaf nie van toepassing is nie op 'n stof vir sover dit beheer word ingevolge die Wet op die Beheer van Medisyne en Verwante Stowwe, 1965 (Wet No. 101 van 1965);

(b) vir die vervaardiging of evaluering van 'n produk of middel wat gebruik word of bedoel is om gebruik te word by of vir die toetsing, diagnosering, voorkoming, behandeling of genesing van 'n dieresiekte of parasiet, of vir die instandhouding of verbetering van die gesondheid, groei of produksie- of werksvermoë van 'n dier, enige entstof, serum, toksien, anti-toksien, antigeen of ander biologiese produk bedoel in paragraaf (a), gebruik nie; of

(c) vir die doeleindes van enige ondersoek, proef of navorsing bedoel in paragraaf (a), of van die vervaardiging of evaluering van 'n produk of middel bedoel in paragraaf (b)—

(i) 'n dier of enigiets anders met 'n dieresiekte of parasiet besmet of besoedel nie; of

(ii) 'n beheerde dier of ding, of 'n protosoön, bakterie, virus, swam, parasiet, ander organisme of agens waardeur 'n dieresiekte of parasiet versprei kan word, in die Republiek inbring of versamel nie, of dit in sy besit hê, of vanaf die plek waar dit normaalweg voorkom of gehou word, verwyder of vervoer nie.

Algemene bepalings betreffende aansoeke, eise en versoeke.

21. (1) Behoudens die bepalings van hierdie Wet betreffende 'n bepaalde aansoek, eis of versoek, moet 'n aansoek, eis of versoek wat ingevolge hierdie Wet by die direkteur ingedien of aan hom gerig moet of kan word—

(a) op die voorgeskrewe wyse gedoen of ingedien word;

(b) die voorgeskrewe besonderhede en inligting bevat;

(c) binne die voorgeskrewe tyd gedoen of ingedien word; en

for purposes of this section or, where no compensation has been so prescribed, any amount fixed by him in accordance with any criterion deemed applicable by him;

(*b*) the value of any thing which has in connection with the animal or thing been returned to the owner;

(*c*) any amount which is due by the owner pursuant to any provision of this Act in respect of the animal or thing to the State; and

(*d*) any amount which may accrue to the owner from any insurance thereof,

fix a fair amount as compensation.

(3) Notwithstanding the provisions of subsection (2), the director shall, in the case where a carcass has been disposed of in terms of section 17 (5), fix the nett income accruing from such disposal, against which any amount payable by the owner concerned by virtue of any provision of this Act in respect of the carcass to the State is to be set off, as compensation in respect of the carcass, if—

(*a*) the owner is otherwise entitled in terms of this section to compensation; and

(*b*) that nett income exceeds the amount prescribed in respect of any such carcass.

Limitations on investigations, experiments and research with, and manufacture and evaluation of, certain products.

20. No person shall, except under a permit and in compliance with the conditions which are prescribed or, in any particular case, determined by the director—

(*a*) conduct any investigation, experiment or research with any vaccine, serum, toxin, anti-toxin, antigen or other biological product which consists or originates wholly or partially of, or from, any micro-organism, or of or from the glands, organs, fluids, or any other part, of an animal or parasite: Provided that the foregoing provisions of this paragraph shall not apply to any substance in so far as it is controlled under the Medicines and Related Substances Control Act, 1965 (Act No. 101 of 1965);

(*b*) for the manufacture or evaluation of a product or remedy used for or intended to be used at or for the testing, diagnosis, prevention, treatment or cure of any animal disease or parasite, or for the maintenance or improvement of the health, growth, production or working capacity of an animal, use any vaccine, serum, toxin, anti-toxin, antigen or other biological product referred to in paragraph *(a)*; or

(*c*) for the purposes of any investigation, experiment or research referred to in paragraph *(a)*, or for the manufacture or evaluation of a product or remedy referred to in paragraph *(b)*—

(i) infect or contaminate any animal or any other thing with any animal disease or parasite; or

(ii) introduce into or collect in the Republic, or have in his possession, or remove or transport from the place where it is normally found or kept, any controlled animal or thing, or any protozoon, bacterium, virus, fungus, parasite, other organism or agent which is capable of spreading any animal disease or parasite.

General provisions regarding applications, claims and requests.

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

(*a*) be made or submitted in the prescribed manner;

(*b*) contain the prescribed particulars and information;

(*c*) be made or submitted within the prescribed time; and

(d) vergesel wees van die voorgeskrewe stukke en die vereiste voorgeskrewe aansoek- of ander gelde of bedrae:

Met dien verstande dat—

(i) 'n aansoeker of eiser die verdere besonderhede, inligting of stukke wat die direkteur mag vereis op sy versoek aan hom moet verstrek of voorsien;

(ii) die direkteur in 'n bepaalde geval na goeddunke 'n afwyking van, of 'n nie-voldoening aan, enige bepaling van paragraaf (a), (b) of (c), of betreffende stukke bedoel in paragraaf (d), kan kondoneer.

(2) Behoudens andersluidende bepalings van hierdie Wet, is geen voorgeskrewe aansoek- of ander gelde of bedrae aan 'n aansoeker of eiser terugbetaalbaar nie.

(3) Die direkteur—

(a) oorweeg enige aansoek, eis of versoek wat ingevolge hierdie Wet by hom ingedien of aan hom gerig word, en kan in verband daarmee die verdere ondersoeke of navrae doen wat hy nodig ag;

(b) kan so 'n aansoek, eis of versoek na goeddunke, maar behoudens die bepalings van hierdie Wet, weier of toestaan, mits, in laasbedoelde geval, alle verskuldigde gelde of bedrae bedoel in subartikel (1) (d) betaal is, en kan, waar hy dit toestaan, ten opsigte daarvan die voorwaardes oplê wat voorgeskryf is en voorwaardes wat hy met inagneming van die aard en doel van die betrokke aansoek, eis of versoek en, waar toepaslik, ter bevordering van die betrokke beheerde doel, nodig ag;

(c) moet—

(i) waar die aansoek, eis of versoek geweier word, die betrokke aansoeker of eiser skriftelik van die weiering, en van die gronde waarop die weiering gebaseer is, in kennis stel; of

(ii) waar die aansoek, eis of versoek toegestaan word, die vereiste permit, magtiging, toestemming of ander bewys van instemming of goedkeuring, na gelang van die geval, skriftelik aan die aansoeker of eiser gee of uitreik; en

(d) kan, waar dit nog moontlik is, enige sodanige permit, magtiging, toestemming of ander bewys van instemming of goedkeuring, na gelang van die geval, te eniger tyd wanneer dit vir hom nodig voorkom, by skriftelike kennisgewing aan die betrokke persoon intrek.

Bepaling en betaling van gelde en ander bedrae.

22. (1) Alle gelde of ander bedrae wat deur iemand ingevolge 'n bepaling van hierdie Wet betaalbaar is, uitgesonderd bedrae wat kragtens so 'n bepaling deur die direkteur of iemand anders vasgestel word, word deur die Minister, met die instemming van die Minister van Finansies, bepaal.

(2) Gelde of bedrae in subartikel (1) bedoel—

(a) wat bepaal is en vermeld word in 'n regulasie of lasgewing kragtens hierdie Wet uitgevaardig of gegee, moet binne 60 dae nadat dit opeisbaar is; en

(b) wat bepaal is maar nie aldus vermeld word nie, of wat vasgestel is soos in subartikel (1) beoog, moet binne 60 dae nadat die betrokke skuldenaar op die voorgeskrewe wyse in kennis gestel is van die verskuldigde bedrag,

op die voorgeskrewe wyse betaal word.

(3) Rente, bereken teen die standaardrentekoers wat ingevolge artikel 26 (1) van die Skatkis- en Ouditwet, 1975 (Wet No. 66 van 1975), bepaal is, is vanaf die datum van verstryking van die toepaslike tydperk van 60 dae in paragraaf (a) of (b) van subartikel (2) bedoel, ten opsigte van verskuldigde gelde of bedrae betaalbaar.

(4) (a) 'n Bedrag wat ingevolge artikel 18 (5) (a) of (6), of voortspruitend uit die oprigting deur die direkteur van 'n permanente struktuur kragtens 'n beheermaatreël, betaalbaar word, word vir die doeleindes van die verhaling daarvan geag bystand bedoel in artikel 10 (1)

(*d*) be accompanied by the prescribed documents and the required prescribed application, or other, fees or amounts:

Provided that—

(i) the applicant or claimant shall furnish to or supply the director with such further particulars, information and documents which he may require, at his request;

(ii) the director may in any particular case in his discretion condone any deviation from, or non-compliance with, any provision of paragraph (*a*), (*b*) or (*c*), or regarding documents referred to in paragraph (*d*).

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

(3) The director—

(*a*) shall consider any application, claim or request lodged with or directed to him under this Act, and may in connection therewith make such further investigations or enquiries as he may deem necessary;

(*b*) may in his discretion refuse or grant, subject to the provisions of this Act, any such application, claim or request, provided that, in the lastmentioned case, all due fees or moneys referred to in subsection (1) (*d*) have been paid, and may, where he grants it, impose such conditions in respect thereof as may be prescribed, and conditions which he may deem necessary, taking into consideration the nature and purpose of the relevant application, claim or request and, where applicable, the promotion of the relevant controlled purpose;

(*c*) shall—

(i) where the application, claim or request is refused, notify the applicant or claimant in writing thereof and of the grounds on which the refusal is based; or

(ii) where the application, claim or request is granted or acceded to, issue in writing the required permit, authority, consent or other proof of assent or approval, as the case may be, to the applicant or claimant; and

(*d*) may, where it is still possible, at any time when it is deemed necessary by him, withdraw any such permit, authority, consent or other proof of assent or approval, as the case may be, by written notice to the person concerned.

Determination and payment of fees and other amounts.

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

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

(*a*) which have been determined and are mentioned in any regulation or direction made or given under this Act, shall within 60 days after having become recoverable; and

(*b*) which have been determined but are not so mentioned, or which have been fixed as contemplated in subsection (1), shall within 60 days after the debtor concerned has in the prescribed manner been notified of the amount due,

be paid in the prescribed manner.

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

(4) (*a*) Any amount which becomes payable in terms of section 18 (5) (*a*) or (6), or as a result of the erection by the director of a permanent structure under a control measure, shall, for the purposes of the recovery thereof,

van die Wet op Landboukrediet, 1966 (Wet No. 28 van 1966), te wees wat aan die eienaar of bestuurder van die grond waarop die betrokke heining of struktuur opgerig is, verleen is, op voorwaarde dat—

(i) die verskuldigde bedrag terugbetaal moet word binne 60 dae na die datum waarop die direkteur die betrokke eienaar of bestuurder skriftelik van sodanige bedrag in kennis gestel het, in welke geval geen rente op daardie bedrag betaalbaar is nie; en

(ii) indien sodanige bedrag nie aldus betaal word nie, rente bereken vanaf die datum van sodanige kennisgewing en teen die toepaslike koers bedoel in artikel 15 van genoemde Wet, op daardie bedrag betaalbaar is.

(b) Ondanks die bepalings van paragraaf *(a)* (i), kan die Minister na oorweging van vertoë van 'n eienaar of bestuurder bedoel in daardie paragraaf wat binne 60 dae na die datum van 'n kennisgewing daarin bedoel, ingedien is, op die voorwaardes en bedinge wat die Minister goedvind, met inbegrip van 'n voorwaarde dat 'n verband beoog in artikel 34 van die Wet op Landboukrediet, 1966, *mutatis mutandis* ooreenkomstig daardie artikel ten gunste van die Staat geregistreer word, goedkeur dat—

(i) betaling van die verskuldigde bedrag vir 'n bepaalde tydperk uitgestel word; of

(ii) die verskuldigde bedrag in bepaalde paaiemente op bepaalde tye betaal kan word.

(c) Wanneer daar kragtens paragraaf *(b)* 'n voorwaarde gestel word dat grond ten gunste van die Staat met 'n verband beswaar word as sekuriteit of gedeeltelike sekuriteit vir die verskuldigde bedrag in daardie paragraaf bedoel, is die bepalings van artikel 35 van die Wet op Landboukrediet, 1966, *mutatis mutandis* van toepassing ten opsigte van die registrasie van sodanige verband.

Besware teen beslissings van of stappe gedoen deur direkteur en sekere ander persone en liggame.

23. (1) Iemand wat hom veronreg voel deur 'n beslissing van of stappe gedoen deur die direkteur, of deur 'n ander persoon of liggaam bedoel in artikel 10 (7) *(a)*, of deur 'n werknemer of ander persoon onder die beheer of op las van so 'n persoon of liggaam, ingevolge hierdie Wet, kan ooreenkomstig die bepalings van hierdie artikel binne die tydperk, en by betaling van die bedrag, wat voorgeskryf is, beswaar teen die betrokke beslissing of stappe by die Minister aanteken.

(2) 'n Beswaar moet op die voorgeskrewe wyse aan die Direkteur-generaal voorgelê word, wat dit tesame met sy aanbeveling aan die Minister vir 'n finale beslissing moet voorlê.

(3) *(a)* Vir die doeleindes van sy aanbeveling in subartikel (2) beoog, kan die Direkteur-generaal, indien hy dit dienstig ag, een of meer senior beamptes in die departement aanwys om 'n ondersoek na die redes vir die beswaar en die omstandighede wat tot die beswaar aanleiding gegee het, in te stel, en 'n skriftelike verslag daaroor aan hom voor te lê.

(b) Die direkteur en enige ander beampte wat by die beslissing of stappe betrokke was, mag nie ingevolge paragraaf *(a)* aangewys word nie.

(c) Die persoon wat die beswaar aangeteken het, of 'n verteenwoordiger skriftelik deur hom gemagtig, en die direkteur of ander beampte, persoon of liggaam wat by die beslissing of stappe betrokke was, kan op eie versoek of op versoek van die betrokke beampte of beamptes in paragraaf *(a)* bedoel, mondelinge of skriftelike vertoë aan daardie beampte of beamptes voorlê, en ondervra word.

(4) *(a)* Die Minister kan, na oorweging van die beswaar en die aanbeveling van die Direkteur-generaal, die betrokke beslissing of stappe bekragtig, wysig of tersyde stel, en

be deemed to be assistance referred to in section 10 (1) of the Agricultural Credit Act, 1966 (Act No. 28 of 1966), which has been rendered to the owner or manager of the land on which the fence or structure concerned was erected, on condition that—

(i) the amount due shall be repayable within 60 days of the date on which the director notified in writing the owner or manager concerned of such amount, in which case no interest shall be payable on that amount; and

(ii) if such amount is not so paid, interest calculated from the date of such notice and at the applicable rate referred to in section 15 of the said Act, shall be payable on that amount.

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

(i) payment of the amount due may be postponed for a specified period; or

(ii) the amount due may be paid in specified instalments at specified times.

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

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

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

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

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

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

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

(4) *(a)* The Minister may, after consideration of the objection and the recommendation of the Director-General, confirm, vary or set aside the relevant decision or steps,

kan ter afhandeling van die aangeleentheid, behoudens die bepalings van hierdie Wet, die opdragte aan die direkteur uitreik wat hy nodig ag.

(b) Die Direkteur-generaal stel die persoon wat beswaar aangeteken het en die direkteur skriftelik in kennis van die Minister se beslissing.

(c) Indien die Minister die betrokke beslissing of stappe wysig of tersyde stel, is die bedrag in subartikel (1) bedoel, of die gedeelte daarvan deur die Minister bepaal, terugbetaalbaar aan die persoon wat beswaar aangeteken het.

(d) 'n Beslissing van die Minister in paragraaf *(a)* of *(c)* bedoel, is afdoende.

Bewaring en toon van dokumente.

24. (1) 'n Afskrif van 'n permit, magtiging, bevelskrif of ander stuk wat kragtens hierdie Wet deur die direkteur aan iemand uitgereik, verleen, beteken of gegee is en, in die geval van 'n bevelskrif, die voorgeskrewe stukke wat in verband met die betekening daarvan verkry is, asook enige aansoek, korrespondensie of ander stuk wat voortspruitend uit die adminstrasie en toepassing van hierdie Wet aan die direkteur gerig is, moet deur hom veilig bewaar word vir die tydperke wat ten opsigte daarvan deur of uit hoofde van 'n bepaling van die Argiefwet, 1962 (Wet No. 6 van 1962), vasgestel is.

(2) Iemand van wie daar kragtens hierdie Wet vereis word om in besit van 'n permit, magtiging of ander stuk te wees, of aan wie 'n permit, magtiging, bevelskrif, sertifikaat of ander stuk ingevolge hierdie Wet uitgereik, verleen, beteken of gegee is, moet die betrokke permit, magtiging, bevelskrif, sertifikaat of stuk onmiddellik op versoek aan die direkteur of 'n gemagtigde persoon of doeanebeampte toon.

(3) 'n Permit, magtiging, bevelskrif, sertifikaat of ander stuk wat kragtens hierdie Wet deur die direkteur aan iemand uitgereik, verleen, beteken of gegee is, moet vir die geldigheidsduur daarvan veilig bewaar word deur die persoon aan wie dit uitgereik, verleen, beteken of gegee is.

(4) 'n Sertifikaat of ander stuk wat heet aan te dui dat 'n handeling wat ingevolge hierdie Wet met betrekking tot 'n beheerde dier of ding, of grond, of enigiets anders wat op sodanige sertifikaat of stuk gespesifiseer is, verrig moet word, inderdaad verrig is, moet vir die geldigheidsduur daarvan veilig bewaar word deur die persoon van wie daar ingevolge hierdie Wet vereis word om sodanige stuk in sy besit te hê.

Geheimhouding.

25. (1) Niemand mag, behalwe vir die doeleindes van die verrigting van sy werksaamhede kragtens hierdie Wet, of vir die doeleindes van geregtelike verrigtinge daarkragtens, of wanneer dit deur 'n bevoegde hof, uitgesonderd 'n siviele hof, of kragtens 'n wet, van hom vereis word, of met die skriftelike toestemming van die Minister, inligting wat deur hom by die verrigting van sy werksaamhede kragtens hierdie Wet verkry is, en wat op die besigheid of sake van 'n persoon betrekking het, aan iemand anders openbaar nie.

(2) Niemand mag, behalwe met die skriftelike toestemming van die Minister, aan iemand anders as die direkteur, 'n beampte, of 'n ander persoon wat ingevolge die een of ander wet daartoe geregtig is, insae in enige aantekeninge of registers wat ingevolge hierdie Wet gehou word, verleen nie.

Beperking op aanspreeklikheid van Suid-Afrikaanse Vervoerdienste en lewendehawe-afslaers.

26. (1) Die Suid-Afrikaanse Vervoerdienste is nie aanspreeklik nie—

(a) op grond van sy weiering om enige dier of ding te vervoer—

(i) wanneer hy weet, of daar op redelike gronde vermoed kan word, dat so 'n dier of ding 'n besmetlike of besoedelde ding is;

(ii) indien 'n permit of ander dokument vir die vervoer of verwydering van so 'n dier of ding deur hierdie Wet vereis word, en die afsender nie in staat is nie of versuim om daardie permit of dokument, of 'n afskrif of kopie daarvan, aan hom te verstrek; of

and may for the disposal of the matter, issue, subject to the provisions of this Act, such orders to the director as he may deem necessary.

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

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

(*d*) A decision by the Minister referred to in paragraph *(a)* or *(c)* shall be final.

Keeping and production of documents.

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

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

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

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

Secrecy.

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

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

Limitation on liability of South African Transport Services and livestock auctioneers.

26. (1) The South African Transport Services shall not be liable—

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

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

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

(iii) op grond van 'n verbod kragtens hierdie Wet op die verwydering of vervoer van so 'n dier of ding vanaf die grond waarop dit gehou word of aanwesig is; of

(b) op grond van sy aanhouding van of beskikking oor so 'n dier of ding ooreenkomstig 'n skriftelike lasgewing van die direkteur wat kragtens hierdie Wet uitgereik is.

(2) 'n Lewendehawe-afslaer soos omskryf in artikel 1 (1) van die Wet op Agentskapsverkoping van Landbouprodukte, 1975 (Wet No. 12 van 1975), is nie aanspreeklik nie indien hy weier om 'n dier ten opsigte waarvan hy weet, of op redelike gronde vermoed, dat dit met 'n beheerde dieresiekte of parasiet besmet is, of ten opsigte waarvan enige omstandigheid beoog in subparagraaf (ii) of (iii) van subartikel (1) *(a)* van toepassing is, en wat aan hom vir verkoop toevertrou is, te verkoop, of indien die direkteur hom skriftelik gelas het om 'n dier aan te hou of oor 'n dier te beskik.

(3) Die afsender of eienaar van 'n dier of ding wat ingevolge subartikel (1) *(b)* of (2) aangehou of oor beskik is, is teenoor die Suid-Afrikaanse Vervoerdienste of die betrokke lewendehawe-afslaer, na gelang van die geval, aanspreeklik vir enige uitgawes wat in verband met sodanige aanhouding of beskikking aangegaan is.

Beperking van aanspreeklikheid.

27. Behalwe vir sover anders in hierdie Wet bepaal word, is niemand, met inbegrip van die Staat, ten opsigte van enigiets wat te goeder trou by die uitoefening van 'n bevoegdheid of die uitvoering van 'n plig kragtens of uit hoofde van hierdie Wet, of by die lewering van 'n diens ingevolge hierdie Wet, gedoen of gelaat is, of ten opsigte van enigiets wat daaruit mag voortspruit, aanspreeklik nie.

Toepassing van Wet ten opsigte van Staat.

28. Hierdie Wet, uitgesonderd—

(a) die bepalings van enige artikel vir sover dit—

(i) 'n verpligting oplê om gelde te betaal; of

(ii) 'n reg verleen om aansoek te doen om enige vergoeding; en

(b) die strafbepalings,

bind die Staat.

Vormgebreke.

29. 'n Vormgebrek in 'n dokument wat, ingevolge die een of ander wet, op 'n besondere wyse verly moet word, of in 'n dokument wat ingevolge hierdie Wet uitgereik is, maak, indien die dokument wesentlik aan die toepaslike regsvereistes voldoen, nie 'n administratiewe handeling wat ingevolge hierdie Wet verrig word ten opsigte van die aangeleentheid waarop sodanige dokument betrekking het, ongeldig nie, en is nie 'n grond vir eksepsie teen enige regsprosedure wat ten opsigte van so 'n aangeleentheid ingestel word nie.

Bestryding van uitgawes.

30. Alle uitgawes verbonde aan die uitoefening van 'n bevoegdheid of uitvoering van 'n plig deur of kragtens hierdie Wet aan die Minister of die direkteur verleen of opgelê, of wat andersins by die uitvoering of toepassing van 'n bepaling van hierdie Wet aangegaan is, word behoudens die bepalings van hierdie Wet bestry uit gelde vir dié doel deur die Parlement bewillig of, ten opsigte van sodanige uitgawe vir die bestryding waarvan gelde aan die departement toeval uit 'n aanwending van gelde in die Landbounavorsingsrekening bedoel in artikel 2 van die Wet op die Landbounavorsingsrekening, 1964 (Wet No. 37 van 1964), ingevolge die bepalings van artikel 3 (2) van genoemde Wet, uit sodanige gelde.

Regulasies.

31. (1) Die Minister kan regulasies uitvaardig—

(a) wat die wyse voorskryf waarop enige beheerde dier of ding wat ingevolge hierdie Wet deur enige eienaar ten opsigte van diere, of deur enige eienaar of bestuurder van grond op daardie grond, afgesonder kan of moet word, afgesonder en in afsondering versorg en behandel moet word;

(b) wat die wyse voorskryf waarop enige besmetlike of besoedelde ding, of enigiets wat vermoed kan word 'n besmetlike of besoedelde ding te wees, deur enige eienaar daarvan, of deur enige eienaar of bestuurder van grond waarop enige sodanige ding aanwesig is, versorg, be-

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

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

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

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

Limitation of liability.

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

Application of Act in respect of State.

28. This Act, excluding—

(a) the provisions of any section in so far as it—

(i) imposes a duty to pay any fees; or

(ii) grants a right to claim any compensation; and

(b) the penal provisions,

shall bind the State.

Defects in form.

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

Defrayal of expenses.

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

Regulations.

31. (1) The Minister may make regulations—

(a) prescribing the manner in which any controlled animal or thing which is required or permitted to be isolated under this Act by any owner in respect of animals, or by any owner or manager of land on that land, shall be isolated and cared for and treated in isolation;

(b) prescribing the manner in which any infectious or contaminated thing, or anything which can be suspected of being an infected or contaminated thing, shall be cared for, treated, disinfected, destroyed or disposed of by

handel, ontsmet, van kant gemaak of oor beskik moet word;

(c) wat enige aangeleentheid voorskryf wat ingevolge hierdie Wet voorgeskryf moet of kan word; en

(d) wat, oor die algemeen, enige ander aangeleentheid voorskryf wat die Minister wenslik of nodig ag ter verwesenliking van die doeleindes van hierdie Wet, en die algemeenheid van hierdie paragraaf word nie beperk deur die bepalings van die ander paragrawe van hierdie subartikel nie.

(2) Verskillende regulasies wat in die opsigte verskil wat die Minister dienstig ag, kan ingevolge hierdie artikel, behoudens die bepalings van hierdie Wet, uitgevaardig word met betrekking tot verskillende gebiede in die Republiek, verskillende soorte beheerde diere en dinge of dieresiektes of parasiete.

Misdrywe en strawwe.

32. (1) Iemand wat—

(a) met die doel om 'n dieresiekte of parasiet in die Republiek in te bring of te versprei, 'n bepaling van artikel 20, of van 'n voorwaarde van 'n permit in daardie artikel bedoel, oortree, of versuim om aan 'n bepaling van so 'n voorwaarde te voldoen;

(b) (i) met die doel om enige dieresiekte of parasiet in die Republiek te versprei, 'n bepaling van artikel 8 (1) of (3) of artikel 12 (4) *(a)* oortree; of

(ii) met so 'n doel 'n dier of ding wat kragtens of uit hoofde van enige ander bepaling van hierdie Wet afgesonder is of aangehou word, sonder die skriftelike magtiging van die direkteur, of in stryd met 'n voorwaarde van so 'n magtiging, uit sodanige afsondering of aanhouding verwyder; of

(iii) 'n dier of ding wat kragtens of uit hoofde van 'n bepaling van hierdie Wet afgesonder is of aangehou word, sonder die skriftelike magtiging van die direkteur, of in stryd met 'n voorwaarde van so 'n magtiging, uit sodanige afsondering of aanhouding verwyder, welke verwydering nie deur 'n ander bepaling van hierdie subartikel strafbaar gestel word nie;

(c) die direkteur, 'n beampte, 'n gemagtigde persoon of enige ander persoon by die uitoefening van 'n bevoegdheid of die uitvoering van 'n plig ingevolge hierdie Wet, belemmer of hinder;

(d) 'n vervoermiddel, toestel, instrument, gereedskap, toerusting, middel of enige ander voorwerp behorende aan, of onder die toesig of bewaring van, die direkteur, 'n beampte, gemagtigde persoon of ander persoon wat 'n bevoegdheid of plig ingevolge hierdie Wet met, of in verband met, enige sodanige voorwerp uitoefen of uitvoer, of moet uitoefen of uitvoer, beskadig, of sonder die toestemming van so iemand verwyder of hom andersins daarmee bemoei of, in die geval van so 'n dier, dit beseer, sonder die toestemming van so iemand verwyder, of hom andersins daarmee bemoei;

(e) ten einde die direkteur, 'n beampte, 'n gemagtigde persoon of enige ander persoon te dwing om 'n handeling met betrekking tot die uitoefening van 'n bevoegdheid of die uitvoering van 'n plig ingevolge hierdie Wet te verrig of na te laat, of omdat die direkteur, beampte, gemagtigde persoon of ander sodanige persoon so 'n handeling verrig of nagelaat het, dreig om geweld of dwang te gebruik, of die gebruik van geweld of dwang teen so iemand voorstel;

(f) 'n permit, toestemming of magtiging van die direkteur wat ingevolge 'n bepaling van hierdie Wet verleen of gegee word, of enige ander beslissing van die direkteur wat ingevolge so 'n bepaling gegee moet of kan word, deur valse voorwendsels verkry;

(g) 'n permit, toestemming, magtiging of enige ander stuk wat ingevolge 'n bepaling van hierdie Wet uitgereik, gegee of verleen is, in enige opsig verander of vervals;

any owner thereof, or by any owner or manager of land on which any such thing is present;

(*c*) prescribing any matter which is required or permitted to be prescribed in terms of this Act; and

(*d*) prescribing, in general, any matter which the Minister deems expedient or necessary for the achievement of the purposes of this Act, the generality of this paragraph not being restricted by the provisions of the other paragraphs of this subsection.

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

Offences and penalties.

32. (1) Any person who—

(*a*) with the object of introducing or spreading any animal disease or parasite in the Republic, contravenes any provision of section 20, or of a condition of a permit referred to in that section, or fails to comply with any provision of such condition;

(*b*) (i) with the object of spreading any animal disease or parasite in the Republic, contravenes any provision of section 8 (1) or (3) or section 12 (4) (*a*); or

(ii) with such object removes any animal or thing which has been isolated or is being detained under or pursuant to any other provision of this Act, without the written authority of the director, or contrary to any condition of such authority, from such isolation or detention; or

(iii) removes any animal or thing which has been isolated or is being detained under or pursuant to any provision of this Act, without the written authority of the director, or contrary to any condition of such authority, from such isolation or detention, such removal not being penalized by any other provision of this subsection;

(*c*) obstructs or hinders the director, an officer, an authorized person or any other person in the exercise of any power or the performance of any duty under this Act;

(*d*) damages, removes without the consent of any such person or otherwise tampers with any conveyance, appliance, instrument, tool, equipment, remedy or any other object belonging to, or under the supervision or custody of, the director, an officer, an authorized person or any other person who is exercising or performing, or is required to exercise or perform, any power or duty in terms of this Act, with, or in connection with any such object, or, in the case of any such animal, injures it, or removes it without the consent of any such person, or otherwise interferes with it;

(*e*) in order to compel the director, an officer, an authorized person or any other person to perform or to abstain from performing any act in respect of the exercise of any power or the performance of any duty under this Act, or on account of the director, any officer, any authorized person or any such person having performed or abstained from the performance of such act, threatens the use of violence or force, or suggests the use of violence or force, upon any such person;

(*f*) obtains by false representations any permit, consent or authority issued or given under any provision of this Act, from the director, or any other decision from the director which is under any such provision required or permitted to be given;

(*g*) alters in any particular or forges any permit, consent, authority or any other document issued, given or granted under any provision of this Act;

(h) met die opset om 'n bepaling van hierdie Wet te ontduik, 'n veranderde of vervalste permit, toestemming, magtiging of ander stuk in paragraaf *(g)* bedoel, gebruik;

(i) 'n baken, merk of seël wat ingevolge 'n bepaling van hierdie Wet op of in verband met enige grond, beheerde dier of ding of enigiets anders, opgerig of aangebring is, beskadig, vernietig, verskuif, verwyder, uitwis, verander of andersins daarmee peuter;

(j) 'n handeling verrig, of versuim om 'n handeling te verrig, waarvoor 'n permit, magtiging of toestemming of ander skriftelike stuk ingevolge hierdie Wet vereis word, sonder dat so 'n permit, magtiging, toestemming of stuk ten opsigte daarvan aan hom uitgereik, verleen of gegee is, welke verrigting of versuim nie deur 'n ander bepaling van hierdie subartikel strafbaar gestel word nie;

(k) deur middel van valse voorwendsels enige vergoeding kragtens hierdie Wet verkry, of aan iemand anders hulp en bystand verleen om dit deur middel van valse voorwendsels te verkry;

(l) enige monster wat ingevolge hierdie Wet geneem is, of enige voorwerp waarop aldus beslag gelê is, beskadig, vernietig, andersins daarmee peuter of, in die geval van 'n dier, dit beseer, uit die besit of beheer van die direkteur verwyder, of van kant maak;

(m) (i) 'n dier of ding vir die invoer waarvan 'n permit bedoel in artikel 6 (1) *(a)* verkry moet word, vanaf of uit 'n plek buite die Republiek verwyder of laat verwyder, en dit op 'n vervoermiddel plaas, of laat plaas, met die doel om dit deur middel van daardie vervoermiddel in die Republiek in te voer, sonder dat so 'n permit aan hom uitgereik is; of

(ii) 'n bepaling van artikel 6 (2) *(a)* of *(b)* oortree;

(n) (i) weier of versuim om 'n vervoermiddel tot stilstand te bring, of toe te laat dat die direkteur dit onder sy beheer neem of aan boord daarvan gaan, soos in artikel 16 (1) *(a)* (ii) beoog, wanneer hy vir daardie doel deur die direkteur gelas of versoek is;

(ii) weier of versuim om redelike bystand te verleen wanneer dit van hom deur die direkteur kragtens artikel 16 (1) *(b)* (ii) geëis word; of

(iii) weier of versuim om aan 'n eis van die direkteur beoog in artikel 16 (2) *(b)* te voldoen;

(o) as 'n eienaar van diere vir wie 'n bepaling van 'n dieregesondheidskema bindend is, so 'n bepaling oortree, of versuim om daaraan te voldoen;

(p) 'n bepaling van 'n beheermaatreël oortree, of versuim om daaraan te voldoen;

(q) weier of versuim om 'n bevelskrif of ander dokument wat ingevolge hierdie Wet aan hom beteken word, in ontvangs te neem;

(r) (i) 'n bepaling van 'n bevelskrif oortree, of versuim om daaraan te voldoen; of

(ii) as 'n regsopvolger van iemand in subparagraaf (i) bedoel, 'n bepaling van 'n bevelskrif in daardie subparagraaf bedoel, oortree, of versuim om daaraan te voldoen;

(s) weier of versuim om aan 'n bepaling van artikel 11 te voldoen;

(t) 'n bepaling van artikel 18 (7) *(a)* of *(b)* oortree;

(u) 'n bepaling van artikel 4 (3), 12 (1) *(a)* of *(b)* of (4) *(b)* of 24 oortree, of versuim om daaraan te voldoen;

(v) 'n bepaling van artikel 25 oortree;

(h) with intent to evade any provision of this Act, uses any altered or forged permit, consent, authority or other document referred to in paragraph *(g)*;

(i) damages, destroys, moves, removes, erases, alters or otherwise tampers with any beacon, mark or seal which has under any provision of this Act been installed or affixed on, or in connection with, any land, controlled animal or thing or any other thing;

(j) performs, or abstains from performing, any act for which a permit, consent or authority or other document is required under this Act, without such permit, consent, authority or document having been issued, granted or given in respect thereof to him, such performance or abstention not being penalized by any other provision of this subsection;

(k) obtains, or aids and abets any other person to obtain, by means of false representations, any compensation under this Act;

(l) damages, destroys or otherwise tampers with any sample taken under this Act, or any object so seized, or, in the case of an animal, injures it, or removes it out of the possession or control of the director, or destroys it;

(m) (i) removes, or causes to be removed, any animal or thing for the importation of which a permit referred to in section 6 (1) *(a)* is required to be obtained, from or out of any place outside the Republic, and places it on any conveyance, or causes it to be so placed, with the object of importing it by means of such conveyance into the Republic, without such permit having been issued to him; or

(ii) contravenes any provision of section 6 (2) *(a)* or *(b)*;

(n) (i) refuses or fails to stop any conveyance, or to permit the director to take it under his control or to board it, as contemplated in section 16 (1) *(a)* (ii), whenever he is for that purpose directed or requested by the director;

(ii) refuses or fails to render reasonable assistance whenever it is demanded from him by the director under section 16 (1) *(b)* (ii); or

(iii) refuses or fails to comply with any requirement of the director contemplated in section 16 (2) *(b)*;

(o) as an owner of animals for whom a provision of an animal health scheme is binding, contravenes any such provision, or fails to comply therewith;

(p) contravenes any provision of a control measure, or fails to comply therewith;

(q) refuses or fails to receive any order or other document served on him in terms of this Act;

(r) (i) contravenes, or fails to comply with, any provision of an order; or

(ii) as a legal successor to any person referred to in subparagraph (i), contravenes any provision of an order referred to in that subparagraph, or fails to comply therewith;

(s) refuses or fails to comply with any provision of section 11;

(t) contravenes any provision of section 18 (7) *(a)* or *(b)*;

(u) contravenes any provision of section 4 (3), 12 (1) *(a)* or *(b)*, or (4) *(b)*, or 24, or fails to comply therewith;

(v) contravenes any provision of section 25;

(w) 'n bepaling van enige voorgeskrewe of ander voorwaarde wat deur die direkteur ingevolge hierdie Wet ten opsigte van enige permit, toekenning of magtiging opgelê is, of van 'n lasgewing aldus deur die direkteur, 'n beampte, of enige ander persoon of liggaam, gegee of uitgereik, oortree of versuim om daaraan te voldoen, waar so 'n oortreding of versuim nie deur 'n ander bepaling van hierdie subartikel strafbaar gestel word nie; en

(x) 'n bepaling van 'n regulasie oortree, of versuim om daaraan te voldoen, waar so 'n oortreding of versuim nie deur 'n ander bepaling van hierdie subartikel strafbaar gestel word nie,

is aan 'n misdryf skuldig, en—

(aa) by 'n skuldigbevinding aan 'n misdryf bedoel in paragraaf *(a)*, of *(b)* (i) of (ii), strafbaar met gevangenisstraf vir 'n tydperk van hoogstens sewe jaar;

(bb) by 'n eerste skuldigbevinding aan 'n misdryf bedoel in paragraaf *(b)* (iii), *(e)*, *(f)*, *(g)*, *(j)*, *(n)* (i), *(q)*, *(r)* (i) of (ii), *(s)* of *(t)*, strafbaar met 'n boete van hoogstens R5 000 of met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar, of met daardie boete sowel as daardie gevangenisstraf;

(cc) by 'n tweede skuldigbevinding aan 'n misdryf bedoel in item *(bb)*, strafbaar met 'n boete van hoogstens R10 000 of met gevangenisstraf vir 'n tydperk van hoogstens tien jaar, of met daardie boete sowel as daardie gevangenisstraf;

(dd) by 'n eerste skuldigbevinding aan 'n misdryf bedoel in enige ander paragraaf van hierdie subartikel as 'n paragraaf in item *(aa)* en *(bb)* genoem, strafbaar met 'n boete van hoogstens R2 000 of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar, of met daardie boete sowel as daardie gevangenisstraf;

(ee) by 'n tweede skuldigbevinding aan 'n misdryf bedoel in item *(dd)*, strafbaar met 'n boete van hoogstens R4 000 of met gevangenisstraf vir 'n tydperk van hoogstens vier jaar, of met daardie boete sowel as daardie gevangenisstraf; en

(ff) by 'n derde of daaropvolgende skuldigbevinding aan 'n misdryf onderskeidelik in item *(bb)* of *(dd)* bedoel, strafbaar met gevangenisstraf vir hoogstens die tydperke onderskeidelik in item *(cc)* of *(ee)* bedoel, sonder die keuse van 'n boete.

(2) 'n Lewendehawe-afslaer bedoel in subartikel (2) van artikel 26 deur bemiddeling van wie 'n dier bedoel in daardie subartikel verkoop word, of wat 'n lasgewing van die direkteur daarin bedoel, oortree, of versuim om daaraan te voldoen, is aan 'n misdryf skuldig, en is by 'n eerste, tweede of daaropvolgende skuldigbevinding strafbaar ooreenkomstig die bepalings van onderskeidelik items *(bb)*, *(cc)* en *(ff)* vir sover dit betrekking het op 'n tydperk van gevangenisstraf bedoel in genoemde item *(cc)*, van subartikel (1) van hierdie artikel.

(3) 'n Misdryf bedoel in subartikel (1) *(m)* (i) word, vir doeleindes betreffende regsbevoegdheid van 'n hof om die misdryf te verhoor, geag gepleeg te wees op enige plek waar die beskuldigde hom bevind.

(4) By 'n veroordeling weens 'n misdryf ingevolge hierdie Wet, word 'n veroordeling weens 'n oortreding van 'n ooreenstemmende bepaling van, of 'n ooreenstemmende misdryf ingevolge, 'n Wet wat deur artikel 35 (1) van hierdie Wet herroep word, of enige wet daarkragtens uitgevaardig, geag 'n vorige veroordeling ingevolge hierdie Wet te wees.

Vermoedens en bewys.

33. (1) Wanneer dit in 'n vervolging weens 'n misdryf ingevolge hierdie Wet nodig is om ter stawing van die aanklag te bewys dat—

(a) die beskuldigde iets gedoen of gelaat het met die doel om 'n dieresiekte of 'n parasiet in die Republiek in te bring of te versprei, word, by bewys daarvan dat hy—

(w) contravenes, or fails to comply with, any prescribed or other condition imposed by the director under this Act in respect of any permit, consent or authority, or any direction so given or issued by the director, an officer, or any other person or body, such contravention or failure not being penalized by any other provision of this subsection; and

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

shall be guilty of an offence, and—

(aa) on conviction of an offence referred to in paragraph *(a)* or *(b)* (i) or (ii), be liable to imprisonment for a period not exceeding seven years;

(bb) on a first conviction of an offence referred to in paragraph *(b)* (iii), *(e)*, *(f)*, *(g)*, *(j)*, *(n)* (i), *(q)*, *(r)* (i) or (ii), *(s)* or *(t)*, be liable to a fine not exceeding R5 000 or to imprisonment for a period not exceeding five years, or to both such fine and such imprisonment;

(cc) on a second conviction of an offence referred to in item *(bb)*, be liable to a fine not exceeding R10 000 or to imprisonment for a period not exceeding ten years, or to both such fine and such imprisonment;

(dd) on a first conviction of an offence referred to in any paragraph of this subsection other than a paragraph mentioned in item *(aa)* and *(bb)*, be liable to a fine not exceeding R2 000 or to imprisonment for a period not exceeding two years, or to both such fine and such imprisonment;

(ee) on a second conviction of an offence referred to in item *(dd)*, be liable to a fine not exceeding R4 000 or to imprisonment for a period not exceeding four years, or to both such fine and such imprisonment; and

(ff) on a third or subsequent conviction of an offence referred to in items *(bb)* or *(dd)*, respectively, liable to imprisonment for a period not exceeding the periods referred to in item *(cc)* or *(ee)*, respectively, without the option of a fine.

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

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

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

Presumptions and proof.

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

(a) the accused did or omitted to do anything with the object of bringing into the Republic or of spreading any animal disease or parasite, it shall, on proof that he—

(i) enige besmetlike of besoedelde ding, of enige voortbrengsel of produk daarvan, in stryd met 'n bepaling van hierdie Wet of met 'n voorwaarde uit hoofde van so bepaling opgelê, in die Republiek ingebring het, of uit enige afsondering of aanhouding verwyder het; of

(ii) in stryd met 'n bepaling van hierdie Wet of met 'n voorwaarde uit hoofde daarvan opgelê—

(aa) enige dier, dierlike produk of enigiets anders opsetlik met 'n dieresiekte of parasiet besmet of besoedel het; of

(bb) enige protosoön, bakterie, virus, swam, parasiet, ander organisme of agens wat 'n dieresiekte kan veroorsaak of 'n dieresiekte of parasiet kan verspei, in die Republiek ingebring het, of versamel, besit, vervoer of van enige plek verwyder het,

vermoed, tensy en totdat die teendeel tot bevrediging van die hof bewys word, dat hy die opset gehad het om 'n dieresiekte of parasiet in die Republiek in te bring of te versprei;

(b) 'n permit, magtiging, toestemming, sertifikaat of ander stuk nie uitgereik, gegee of verleen, na gelang van die geval, is nie aan iemand van wie daar ingevolge hierdie Wet vereis word om in besit daarvan te wees, word, by bewys daarvan dat so 'n persoon geweier of versuim het, of nie in staat was nie, om die betrokke stuk op versoek te vertoon soos beoog in artikel 24 (2), vermoed, tensy en totdat die teendeel tot bevrediging van die hof bewys word, dat so 'n stuk nie aan hom uitgereik, gegee of verleen is nie;

(c) die beskuldigde enige dier of ding in stryd met 'n bepaling van hierdie Wet of met 'n voorwaarde uit hoofde van so 'n bepaling opgelê, in die Republiek ingevoer of ingebring het, word, by bewys dat so 'n dier of ding in die Republiek gevind is onder omstandighede wat 'n redelike afleiding regverdig dat dit deur die beskuldigde, en in stryd met so 'n bepaling of voorwaarde, in die Republiek ingevoer of ingebring is, vermoed dat hy dit aldus ingevoer of ingebring het, tensy en totdat hy tot bevrediging van die hof bewys dat—

(i) hy dit nie aldus ingevoer of ingebring het nie; of

(ii) hy dit aldus wettiglik ingevoer of ingebring het; of

(iii) hy voor die beweerde oortreding wettiglik 'n eienaar ten opsigte daarvan was en dat dit nie deur homself, of op sy gesag, van 'n plek waar dit aanwesig of aangehou was, verwyder is nie;

(d) die beskuldigde—

(i) kennis van 'n feit, aangeleentheid of saak gedra het, word daar vermoed dat hy sodanige kennis gehad het, tensy en totdat hy tot bevrediging van die hof bewys dat hy nie sodanige kennis gedra het nie, en dat hy nie deur die uitoefening van redelike ywer en versigtigheid sodanige kennis kon verwerf het nie; of

(ii) vermoed het, of dat daar redelike gronde was vir hom om te vermoed, dat 'n feit bestaan, word daar vermoed dat hy aldus vermoed het of, na gelang van die geval, dat daar redelike gronde was om aldus te vermoed, tensy en totdat hy tot bevrediging van die hof bewys van die teendeel lewer;

(e) die beskuldigde diere van 'n bepaalde soort na grond geneem of vanaf grond verwyder het, of toegelaat het dat dit gedoen word, en daar bewys word dat hy op 'n tydstip wat sover dit die aanklag betref ter sake is, 'n bepaalde getal diere van die soort wat na bewering geneem of verwyder is op daardie grond gehad het, en dat hy daarna, op 'n tydstip wat aldus ter sake is, 'n groter of kleiner aantal sulke diere, na gelang van die geval daarop gehad het, word daar sonder die nodigheid

(i) contrary to any provision of this Act or of any condition imposed by virtue thereof, brought any infectious or contaminated thing, or any progeny or product thereof, into the Republic, or removed it from any isolation or detention; or

(ii) contrary to any provision of this Act or of any condition imposed by virtue thereof—

(aa) intentionally infected or contaminated any animal, animal product or any other thing with any animal disease of parasite; or

(bb) brought into the Republic, collected, possessed, transported or removed from any place any protozoon, bacterium, virus, fungus, parasite, other organism or agent which is capable of causing or spreading any animal disease or parasite,

be presumed, unless and until the contrary is proved to the satisfaction of the court, that he entertained the object of bringing into the Republic or of spreading any animal disease or parasite;

(b) any permit, authority, consent, certificate or other document has not been issued, given or granted, as the case may be, to any person who in terms of this Act is required to be in possession thereof, it shall, on proof that such person refused or failed, or was unable, to produce the relevant document on request as contemplated in section 24 (2), be presumed, unless and until the contrary is proved to the satisfaction of the court, that such document has not been issued, given or granted to him;

(c) the accused imported or brought into the Republic any animal or thing contrary to any provision of this Act or any condition imposed by virtue thereof, it shall, on proof that such animal or thing was found in the Republic under circumstances giving rise to a reasonable inference that it was imported or brought into the Republic by him contrary to any such provision or condition, be presumed that he so imported or brought it in, unless and until it is proved to the satisfaction of the court that—

(i) he did not so import it or bring it in; or

(ii) he so imported it or brought it in lawfully; or

(iii) he, before the alleged contravention, had been an owner in respect thereof, and that it had not been removed from any place where it had been present or detained, by himself or on his authority;

(d) the accused—

(i) had knowledge of any fact, matter or thing, it shall be presumed that he had such knowledge, unless and until he proves to the satisfaction of the court that he had no such knowledge, and that he could not by the exercise of reasonable diligence and vigilance have gained such knowledge; or

(ii) suspected, or that there were reasonable grounds for him to suspect, the existence of a fact, it shall be presumed that he did so suspect or, as the case may be, that there were reasonable grounds so to suspect, unless and until he proves the contrary to the satisfaction of the court;

(e) the accused moved to land or removed from land animals of a particular kind, or permitted it to be done, and it is proved that he at a time relevant to the charge had a particular number of animals of the kind allegedly moved or removed on that land, and that he later, at a time so relevant, had a greater or smaller number of such animals, as the case may be, thereon, it shall without the necessity of proving that he moved or re-

om te bewys dat hy 'n besondere dier geneem of verwyder het of toegelaat het dat dit gedoen word, vermoed dat hy diere van die betrokke soort na of vanaf die betrokke grond, na gelang van die geval, geneem of verwyder het, of toegelaat het dat dit gedoen word, tensy en totdat hy tot bevrediging van die hof bewys dat hy nie daardie diere of enige daarvan aldus geneem of verwyder het of toegelaat het dat dit gedoen word nie, en dat hy alle redelike maatreëls getref het om te verhoed dat hulle verwyder word of afdwaal;

(f) 'n dier in stryd met 'n bepaling van hierdie Wet of van 'n voorwaarde uit hoofde daarvan opgelê, op grond gebring is, word by bewys daarvan dat, binne die tydperk waarop die aanklag betrekking het—

(i) die betrokke dier met enige ander merke of brandmerke gemerk of gebrand is as dié waarmee 'n eienaar ten opsigte van diere op dié grond normaalweg sy diere merk of brandmerk, of as dié waarmee hy ingevolge die Wet op Veebrandmerke, 1962 (Wet No. 87 van 1962), geregtig is om sy diere te brandmerk; of

(ii) 'n vorige brandmerk op die betrokke dier uitgewis, verander of onherkenbaar gemaak is,

vermoed, tensy en totdat die teendeel tot bevrediging van die hof bewys word, dat die dier aldus op die grond gebring is; en

(g) die beskuldigde versuim het om redelike ywer aan die dag te lê en redelike voorsorgmaatreëls te tref om te voorkom dat 'n dier van 'n plek waar dit aanwesig of afgesonder of aangehou was, afdwaal, word, by bewys daarvan dat die dier—

(i) op 'n ander plek gevind is waar dit ingevolge hierdie Wet nie veroorloof is om te wees nie; of

(ii) op 'n ander plek gevind is terwyl dit nie onder die toesig of beheer van iemand is nie,

vermoed, tensy en totdat die teendeel tot bevrediging van die hof bewys word, dat hy aldus versuim het om redelike ywer aan die dag te lê of om aldus redelike voorsorgmaatreëls te tref.

(2) By 'n vervolging weens 'n misdryf ingevolge hierdie Wet—

(a) word 'n stuk wat heet deur die direkteur gesertifiseer te wees ten effekte dat dit 'n ware afskrif is van 'n permit, magtiging, bevelskrif, sertifikaat of ander stuk wat ingevolge hierdie Wet uitgereik, verleen, beteken, gegee of verkry is, sonder verdere bewys of oorlegging van die oorspronklike daarvan as getuienis in 'n hof toegelaat;

(b) is besonderhede van 'n gebeurtenis, handeling of feite wat ingevolge 'n beheermaatreël deur die direkteur of 'n gemagtigde persoon aangeteken is, *prima facie*-bewys van die betrokke gebeurtenis, handeling of feite, en word dit as getuienis in 'n hof toegelaat;

(c) is 'n verklaring of ander stuk wat heet uitgereik te wees deur die regering van, of 'n ander bevoegde gesag in, 'n vreemde Staat, *prima facie*-bewys van die gebeurtenis, handeling of feite daarin vermeld, en word dit as getuienis in 'n hof toegelaat; en

(d) is die oorlegging van die voorgeskrewe stukke wat die direkteur in verband met die betekening van 'n bevelskrif of 'n kennisgewing betreffende 'n beheermaatreël bedoel in artikel 9 (1) *(c)* verkry het, *prima facie*-bewys van die feit dat die betrokke bevelskrif deur die persoon aan wie dit beteken is, ontvang is, of dat die eienaars van diere in kennis gestel is soos in genoemde artikel beoog, en word dit as getuienis in 'n hof toegelaat.

Middellike aanspreeklikheid.

34. (1) Wanneer iets deur 'n bestuurder, verteenwoordiger, agent, werknemer of lid van die gesin van iemand (in hierdie artikel die prinsipaal genoem) gedoen of gelaat is wat so 'n prinsipaal aan 'n misdryf ingevolge hierdie Wet skuldig sou maak indien dit

moved any particular animal or permitted it to be done, be presumed that he moved or removed animals of the kind in question to or from the relevant land, as the case may be, or permitted it to be done, unless and until it is proved to the satisfaction of the court that he did not so move or remove those animals or permit it to be done, and that he took all reasonable precautionary measures to prevent them from being moved or removed or from straying;

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

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

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

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

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

(i) has been found on any other place where it, in terms of this Act, is not permitted to be; or

(ii) has been found on any other place, no person having the supervision or control of it,

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

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

(a) a document which purports to be certified by the director to the effect that it is a true copy of a permit, authority, order, certificate or other document issued, granted, served, given or obtained in terms of this Act, shall be admitted in evidence in any court without further proof or production of the original thereof;

(b) particulars of any event, action or facts which have been recorded in terms of a control measure by the director or any authorised person, shall be *prima facie* evidence of the event, action or facts in question, and shall be admitted in evidence in any court;

(c) a declaration or other document which purports to have been issued by the government of, or any competent authority in, any foreign State, shall be *prima facie* evidence of the event, action or facts stated therein, and shall be admitted in evidence in any court; and

(d) the production of the prescribed documents which the director has in connection with the serving of an order or any notice regarding a control measure referred to in section 9 (1) *(c)* obtained, shall be *prima facie* evidence of the fact that the relevant order has been received by the person on whom it was served, or that owners of animals have been notified as contemplated in the said section, and shall be admitted in evidence in any court.

Vicarious liability.

34. (1) Whenever any manager, representative, agent, employee or member of the household of any person (in this section called a principal) does or omits to do any act which it would be an offence under this Act for such principal to do or

deur hom gedoen of gelaat word, word dit geag deur die prinsipaal self gedoen of gelaat te gewees het en kan die prinsipaal ten opsigte daarvan skuldig bevind en gevonnis word, tensy daar bewys word dat—

(a) die doen of late van die bestuurder, verteenwoordiger, agent, werknemer of gesinslid nie deur die prinsipaal veroorloof of oogluikend toegelaat is nie; en

(b) die prinsipaal alle redelike stappe gedoen het om so 'n doen of late te voorkom; en

(c) 'n doen of late, hetsy wettig of onwettig, van die ten laste gelegde aard, onder geen voorwaarde of omstandigheid binne die bevoegdheidsbestek of die diensverband van die bestuurder, verteenwoordiger, agent, werknemer of gesinslid geval het nie,

en die feit dat die prinsipaal 'n doen of late van die betrokke aard verbied het, strek, op sigself, nie tot voldoende bewys dat hy alle redelike stappe gedoen het om die ten laste gelegde doen of late te voorkom nie.

(2) Wanneer 'n bestuurder, verteenwoordiger, agent, werknemer of gesinslid van so 'n prinsipaal iets gedoen of gelaat het wat, indien dit deur die prinsipaal gedoen of gelaat word, die prinsipaal skuldig sou maak aan 'n misdryf ingevolge hierdie Wet, kan dié bestuurder, verteenwoordiger, agent, werknemer of gesinslid, sonder afbreuk aan enige ander aanspreeklikheid wat hy op grond van die betrokke doen of late opgeloop het, ten opsigte daarvan skuldig bevind en gevonnis word asof hy daardie prinsipaal was.

(3) So 'n bestuurder, verteenwoordiger, agent, werknemer of gesinslid kan benewens die betrokke prinsipaal aldus skuldig bevind en gevonnis word.

(4) By die toepassing van hierdie artikel in enige vervolging, is getuienis dat enige grond, dier, ding of vervoermiddel op die tydstip van die ten laste gelegde doen of late in besit of onder bewaring, toesig, beheer of versorging was van 'n bestuurder, verteenwoordiger, agent, werknemer of lid van die gesin van 'n prinsipaal, *prima facie*-bewys dat die betrokke prinsipaal 'n eienaar ten opsigte van die betrokke grond, dier, ding of vervoermiddel is.

(5) By die toepassing van hierdie artikel beteken bestuurder, verteenwoordiger, agent of werknemer, met betrekking tot 'n prinsipaal, ook iemand wat onder die beheer van daardie prinsipaal diens doen.

Herroeping, voorbehoude en oorgangsbepalings.

35. (1) Die Wette in die Bylae vermeld, word hierby, behoudens die bepalings van hierdie artikel, herroep vir sover in die derde kolom daarvan aangedui.

(2) Ondanks die herroeping van die Wet op Dieresiektes en -parasiete, 1956 (Wet No. 13 van 1956), deur subartikel (1)—

(a) bly, behoudens subartikel (3), 'n permit uitgereik kragtens artikel 2 (1), 7, 9 (1) of 12, 'n magtiging gegee kragtens artikel 3 *(c)*, 5A of 18A (1), 'n toestemming verleen kragtens artikel 4 (3) *(c)*, 13 (8) of 16 (6), en, vir sover dit op so 'n magtiging of toestemming betrekking het, 'n oordrag van bevoegdhede kragtens artikel 18 (1) *(a)*, van genoemde Wet by bedoelde herroeping van krag, vir 'n tydperk van drie jaar na die datum van die inwerkingtreding van hierdie Wet, of die tydperk van die geldigheidsduur daarvan, welke tydperk ook al die kortste is, van krag; en

(b) bly enige ander bepaling van genoemde Wet, met inbegrip van 'n regulasie of kennisgewing daarkragtens uitgevaardig of gepubliseer, vir sover so 'n bepaling ten opsigte van so 'n permit, magtiging, toestemming of oordrag van toepassing is, behoudens subartikel (3) tot die datum van verstryking van die kortste tydperk in paragraaf *(a)* bedoel, van krag.

(3) Ondanks die bepalings van subartikel (2), kan die Minister te eniger tyd 'n magtiging kragtens artikel 18A (1) en 'n toestemming kragtens artikel 4 (3) *(c)*, 13 (8) of 16 (6) van die Wet op Dieresiektes en -parasiete, 1956, in subartikel (2) genoem, en

omit to do, that principal shall be deemed himself to have done or omitted to do that act, and be liable to be convicted and sentenced in respect thereof, unless it is proved that—

(*a*) in doing or omitting to do that act the manager, representative, agent, employee or member of the household was acting without the connivance or the permission of such principal; and

(*b*) all reasonable steps were taken by such principal to prevent any act or omission of the kind in question; and

(*c*) it was not under any condition or circumstance within the scope of the authority or in the course of the employment of such manager, representative, agent, employee or member of the household to do or to omit to do acts, whether lawful or unlawful, of the character of the act or omission charged,

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

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

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

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

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

Repeal, savings and transitional provisions.

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

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

(*a*) any permit issued under section 2 (1), 7, 9 (1) or 12, authority given under section 3 *(c)*, 5A or 18A (1), consent granted under section 4 (3) *(c)*, 13 (8) or 16 (6), and, in so far as it relates to any such consent or authority, any delegation of powers under section 18 (1) *(a)*, of the said Act, in force at such repeal, shall, subject to subsection (3), remain in force for a period of three years after the date of commencement of this Act, or for its period of validity, whichever period is the shorter; and

(*b*) any other provision of the said Act, including a regulation or notice made or published thereunder, shall, in so far as such provision applies in respect of any such permit, authority, consent or delegation, subject to subsection (3), remain in force until the date of expiry of the shorter period referred to in paragraph *(a)*.

(3) Notwithstanding the provisions of subsection (2), the Minister may at any time withdraw any authority under section 18A (1) and any consent under section 4 (3) *(c)*, 13 (8) or 16 (6) of the Animal Diseases and Parasites Act, 1956, mentioned in sub-

kan die direkteur te eniger tyd 'n ander magtiging of permit in daardie subartikel bedoel, intrek.

(4) By die inwerkingtreding van hierdie Wet word 'n aansoek wat ingevolge die voorbehoudsbepaling by subartikel (2) van artikel 20 van die Wet op Dieresiektes en -parasiete, 1956, toegestaan is, geag 'n goedkeuring bedoel in artikel 22 (4) *(b)* (ii) van hierdie Wet te wees, en word 'n aantekening wat ingevolge subartikel (3) van genoemde artikel 20 deur 'n registrateur van aktes ten opsigte van die betrokke skuld aangebring is, en 'n las op grond bedoel in subartikel (4) *(a)* van genoemde artikel 20, onderskeidelik geag 'n registrasie van 'n verband, en 'n verband, beoog in subartikel (4) *(c)* van genoemde artikel 22 van hierdie Wet, te wees.

(5) Behoudens die bepalings van subartikels (2) en (4), word enigiets gedoen kragtens 'n bepaling van 'n Wet deur subartikel (1) herroep, geag kragtens die ooreenstemmende bepaling van hierdie Wet gedoen te wees.

Kort titel en inwerkingtreding.

36. Hierdie Wet heet die Wet op Dieresiektes, 1984, en tree in werking op 'n datum deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

section (2), and the director may at any time withdraw any other authority or permit referred to in that subsection.

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

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

Short title and commencement.

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

Bylae

WETTE HERROEP

Nommer en jaar	Kort titel	Omvang van herroeping
Wet No. 13 van 1956	Wet op Dieresiektes en -parasiete, 1956	Die geheel
Wet No. 18 van 1967	Wysigingswet op Dieresiektes en -parasiete, 1967 ...	Die geheel
Wet No. 70 van 1968	Algemene Regswysigingswet, 1968	Artikel 42
Wet No. 51 van 1969	Wysigingswet op Dieresiektes en -parasiete, 1969 ...	Die geheel
Wet No. 46 van 1970	Wysigingswet op Dieresiektes en -parasiete, 1970 ...	Die geheel
Wet No. 9 van 1973	Wysigingswet op Dieresiektes en -parasiete, 1973 ...	Die geheel

Schedule

ACTS REPEALED

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