

ANIMALS PROTECTION ACT

NO. 71 OF 1962

(ASSENTED TO 16 JUNE, 1962) (DATE OF COMMENCEMENT : 01 DECEMBER 1962)

(Afrikaans text signed by the State President)

as amended by

General Law Amendment Act no. 102 of 1972

(with effect from 05 July 1972 - see title GENERAL LAW AMENDMENT ACTS)

Animals Protection Amendment Act, No. 7 of 1972

Animals Protection Amendment Act, No. 54 of 1983

Animals Protection Amendment Act no. 20 of 1985

Animals Protection Second Amendment Act, No. 84 of 1985

Protection of Animals Amendment Act, No.7 of 1991

Animal Matters Amendment Act, No. 42 of 1993

ACT

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

1. DEFINITIONS

In this Act, unless the content otherwise indicates:

"animals" means any equine, bovine, sheep, goat, pig, fowl, ostrich, dog, cat, or other domestic animal or bird, or any wild animal, wild animal, wild bird or reptile which is in captivity or under control of any person.

"Minister" means the Minister of Justice.

"owner" in relation to an animal, includes any person having the possession, charge, custody or control of that animal.

"police officer" Includes a member of any force established under any law for the carrying out of police powers, duties or functions.

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

2. OFFENCES IN RESPECT OF ANIMALS - (1) Any person who:

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

(b) confines, chains, tethers or secures any animal unnecessarily or under such conditions or in such a manner or position as to cause that animal unnecessary suffering or in any place which affords inadequate space, ventilation, light protection or shelter from heat, cold or weather; or

(c) unnecessarily starves or under-feeds or denies water or food to any animal; or

(d) lays or exposes any poisoned fluid or edible matter or infectious agents except for the destruction of vermin or marauding domestic animals or without taking reasonable precautions to prevent injury or disease being caused to animals; or

(e) being the owner of any animal, deliberately or negligently keeps such animal in a dirty or parasitic condition or allows it to become infected with external parasites or fails to render or procure veterinary or other medical treatment or attention which he is able to render or procure for any such animal in need of such treatment or attention, whether through disease, injury, delivery of young or any other cause, or fails to destroy or cause to be destroyed any such animal which is so seriously injured or diseased or in such a physical condition that to prolong its life would be cruel and would cause such animal unnecessary suffering; or

(f) uses on or attaches to any animal any equipment, appliance or vehicle which causes or will cause injury to such animal or which is loaded, used or attached in such a manner as will cause such animal to be injured or become diseased or to suffer unnecessarily; or

(g) save for the purpose of training hounds maintained by a duly established and registered vermin club in the destruction of vermin, liberates any animal in such a manner or place as to expose it to immediate attack or danger of attack by other animals or by wild animals, or baits or provokes any animal or incites any animal to attack another animal; or

(h) liberates any bird in such a manner as to expose it to immediate attack or danger of attack by animals, wild animals or wild birds; or

(i) drives or uses any animal which is so diseased or so injured or in such a physical condition that it is unfit to be driven or to do any work; or

(j) lays any trap or other device for the purpose of capturing or destroying any animal, wild animal or wild bird the destruction of which is not proved to be necessary for the protection of property or for the prevention of the spread of disease; or

(k) having laid any such trap or other device fails either himself or through some competent person to inspect and clear such trap or device at least once each day; or

(l) except under the authority of a permit issued by the magistrate of the district concerned, sells any trap or other device intended for the capture of any animal, including any wild animal (not being a rodent) or wild bird, to any person who is not a bona fide farmer; or

(m) conveys, carries, confines, secures, restrains or tether any animal

(i) under such conditions or in such a manner or position or for such a period of time or over such a distance as to cause that animal unnecessary suffering; or

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

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

(n) without reasonable cause administers to any animal any poisonous or injurious drug or substance; or

(o) (Para. (o) deleted by s.2 of Act No. 42 of 1992,)

(p) being the owner of any animal, deliberately or without reasonable cause or excuse, abandons it, whether permanently or not in circumstances likely to cause that animal unnecessary suffering; or

(q) causes, procures or assists in the commission or omission of any of the aforesaid acts or, being the owner of any animal, permits the commission or omission of any such act; or

(r) by wantonly or unreasonably or negligently doing or omitting to do any act or causing or procuring the commission or omission of any act, causes any unnecessary suffering to any animal; or

(s) kills any animal in contravention of a prohibition in terms of a notice published in the Gazette under subsection (3) of this section.

shall, subject to the provisions of this Act and any other law, be guilty of an offence and liable on conviction to a fine not exceeding R4 000 or in default of payment to imprisonment for a period not exceeding twelve months or to such imprisonment without the option of a fine, or, where any such act or omission is of a wilful and aggravated nature, to a whipping not exceeding six strokes or to both such a fine and such a whipping or to both such imprisonment without the option of a fine and such a whipping.

(2) For the purposes of sub-section (1) the owner of any animal shall be deemed to have permitted or procured the commission or omission of any act in relation to that

animal if by the exercise of reasonable care and supervision in respect of that animal he could have prevented the commission or omission of such act.

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

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

(a) possesses, keeps, imports, buys, sells, trains, breeds or has under his control an animal for the purpose of fighting any other animal;

(b) baits or provokes or incites any animal to attack another animal or to proceed with the fighting of another animal;

(c) for financial gain or as a form of amusement promotes animal fights;

(d) allows any of the acts referred to in paragraphs (a) to (c) to take place on any premises or place in his possession or under his charge or control;

(e) owns, uses or controls any place or premises or place for the purpose or partly for the purpose of presenting animal fights on any such premises or place or who acts or assists in the management of any such premises or place, or who receives any consideration for the admission of any person to any such premises or place; or

(f) is present as a spectator at any premises or place where any of the acts referred to in paragraphs (a) to (c) is taking place or where preparations are being made for such acts.

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

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

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

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

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

(b) order that the person convicted be deprived of the ownership of such an animal;

(c) declare the person convicted to be unfit to own or be in charge of any animal, or of any animal of a specified kind, for a specified period;

(d) make any order with regard to such animal as it deems fit to give effect to any order or declaration made under any of the preceding paragraphs.

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

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

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

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

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

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

5. When police officer may destroy any animal - (1) Whenever a police officer is of the opinion that any animal is so diseased or severely injured or in such a physical condition that it ought to be destroyed, he shall, if the owner be absent or refuses to consent to the destruction of the animal, at once summon a veterinarian or, if there is no veterinarian within reasonable distance, two adult persons whom he considers

to be reliable and of sound judgement, and if such veterinarian or adult person after having duly examined such an animal certify that the animal is so diseased or so severely injured or in such a physical condition that it would be cruel to keep it alive, such police officer may without the consent of the owner destroy the animal or cause it to be destroyed with such instruments or appliances and with such precautions and in such a manner as to inflict as little suffering as practicable.

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

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

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

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

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

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

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

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

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

(b) without warrant arrest any person who is suspected on reasonable grounds of having committed an offence under this Act, if there is reason to believe that the ends of justice would be defeated by the delay in obtaining a warrant;

(c) on the arrest of any person on a charge of an offence under this Act, seize any animal or thing in the possession or custody of that person at the time of the arrest and take it forthwith to a police officer, who shall deal with it in accordance with the provisions of the Criminal Procedure Act, 1977 (Act No. 51 of 1977);

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

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

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

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

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

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

(a) the method and form of confinement and accommodations for any animal or class, species or variety of animals, whether travelling or stationary;

(b) any other reasonable requirements which may be necessary to prevent cruelty to or suffering of any animal;

(c) the seizure, impounding, custody or confining of any animal due to any condition of such animal, the disposal or destruction of such animal and the recovery of expenses incurred in connection therewith from the owner of such animal; and

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

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

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

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

PERFORMING ANIMALS PROTECTION ACT NO 24 OF 1935

(ASSENTED TO 29 APRIL, 1935) (DATE OF COMENCEMENT : 8 MAY, 1935)

(Signed by the Governor-General in Afrikaans)

as amended by

General Law Amendment Act, No. 62 of 1955

(with effect from 6 July, 1955 - see title GENERAL LAW AMENDMENT ACTS)

Animals Protection Amendment Act, No. 7 of 1972

Animals Protection Amendment Act No. 54 of 1983

Animals Protection Amendment Act, No. 20 of 1985

Protection of Animals Amendment Act, No.7 of 1991

ACT

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

1.Restriction on exhibition and training of performing animals and use of dogs for safeguarding. - No person shall exhibit or train or cause or permit to be exhibited or trained for exhibition any animal of which he is the owner or has the lawful custody or use any dog for safeguarding unless such person is the holder of a licence.

2.Magistrate may issue licence for exhibiting and training of performing animals and for use of dogs for safeguarding. - Any person intending to exhibit or train for

exhibition any animal, or who uses a dog for safeguarding, may apply in writing in the prescribed form to the magistrate of the district in which such person resides, performs or carries on business, for a licence to do so, who shall grant the same:

Provided that -

(a) the magistrate is satisfied that such a person is a fit and proper person;

(b) such licence shall be granted for a calendar year and expire on the thirty-first December in every year;

(c) the magistrate may, if in his opinion there is good and sufficient reason, refuse to renew such licence; and;

(d) the Minister may by regulation prescribe the form of an application for a licence and the form of the licence, the conditions subject to which such licence shall be held, and the fee which shall be paid for such licence and for the renewal thereof.

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

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

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

(4) It shall be competent for a magistrate upon the application of the holder of a certificate to amend such certificate by either:

(a) deleting therefrom animals which are no longer in the possession or custody of the holder; or

(b) adding other animals which have since the issue or renewal of the license come into the possession or custody of the holder; or

(c) modifying the form of training, exhibition or use specified thereon, and for such amendment no charge shall be made.

4. Right of entry. - In addition to the powers conferred by any other law any police officer may:

(a) at any reasonable time enter upon any premises, place or vehicle in which animals are maintained, or kept or confined for the purpose of exhibition or of being trained or of being transported or in which dogs used for safeguarding are maintained, kept, confined or conveyed;

(b) inspect any such animals, dogs, premises, places or vehicles and may fully enquire into the measures and methods by which such animals or dogs are controlled, restrained, trained or used and the course of feeding such animals or dogs; and

(c) during any exhibition of trained animals, or during the use of dogs for safeguarding, or at any other time, enter upon any premises, place or vehicle or portion thereof used in connection with such exhibition or use in order to inspect such premises, place or vehicle, the animals or dogs present therein and the conditions under which such animals or dogs are maintained, controlled and fed during such exhibition or use and at other times.

5. Obstruction of police officer. Any person who willfully obstructs, delays or otherwise interferes with a police officer in the exercise of the powers herein granted, or who conceals any animal with intent to defeat the exercise of such powers, or otherwise hampers or impedes the exercise of such powers shall be guilty of an offence and liable on conviction to a fine not exceeding R4 000 or to imprisonment for a period not exceeding twelve months in addition to any other penalty imposed for the contravention of any provision of this Act or any regulation made thereunder.

6. Jurisdiction of magistrate's court. For the purpose of this Act a magistrate's court shall have jurisdiction and shall have the powers conferred by the Animals Protection Act, 196 (Act No. 71 of 1962).

7. Regulations. The Minister may in addition to any other power specially given herein make regulations not inconsistent with this Act for prescribing any or all of the following matters:

(a) the form of an application and information to be supplied for the granting of a license and for the renewal thereof;

(b) (i) the form of a certificate which shall be issued in respect of licensed animals or dogs and the form of amendments which may be made on such certificates;

(ii) the information to be supplied for the issuing of a certificate referred to in subparagraph (i), which includes the manner of identification of the animal or dog;

(c) the method and form of confinement and accommodation of any animal class, species or variety of animals in respect of which a certificate has been issued, whether travelling, or being transported or stationary;

(d) any other reasonable requirement which may be necessary to prevent cruelty or suffering in the exhibition, training, maintenance, use or travelling of animals in respect of which a certificate has been granted;

(e) a penalty of a fine not exceeding R4 000 or imprisonment for a period not exceeding twelve months for a contravention of any regulation.

8. Penalty. (1) Any person contravening the provisions of this Act or any regulation made thereunder for which a penalty has not been prescribed or any condition of a license or certificate shall be guilty of an offence and liable on conviction to a fine not exceeding R4 000 or to imprisonment for a period not exceeding twelve months.

(2) In addition to the penalty provided for in subsection (1) it shall be lawful for a magistrate to suspend for such period as he may determine not exceeding one year, the license of any person convicted of a second or subsequent offence under this Act or any other law relating to the prevention of cruelty to animals.

(3) Every magistrate shall endorse upon the license of every holder the particulars of every offence of which such holder has been convicted and the penalty imposed.

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

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

11. Interpretation of terms. For the purposes of this Act and any regulations made thereunder, unless the contrary intention appears the following terms have the meaning respectively assigned to them:

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

"certificate" means a certificate issued and in force under this Act together with a license and any amendment thereof;

"exhibit" means to expose for show at any entertainment to which the public are admitted whether for payment of money or otherwise;

"license" means a license granted and in force under this Act;

"licenseholder or licensee" means the person to whom a license has been granted;

"Minister" means the Minister to whom the administration of this Act has been assigned;

"police officer" has the meaning assigned to it by the Animals Protection Act, 1962, and includes a person authorised under section 8 of the said Act;

"train" means train for the purpose of exhibiting or of use for safeguarding;

"use for safeguarding" means the training, use or placing at disposal for gain, or the letting, of a dog with a view to or for the protection of persons and property.

12. Short title. This Act may be cited as the Performing Animals Protection Act, 1935.

DEPARTMENT OF JUSTICE

NO. R. 1672

1 September 1993

PERFORMING ANIMALS PROTECTION ACT, 1935

REGULATIONS

The Deputy Minister of Justice has under sections 2 (d) and 7 of the Performing Animals Protection Act, 1935 (Act No. 24 of 1935), made the regulations in the schedule.

SCHEDULE

Definitions

1. In these regulations and the accompanying Schedules, unless the content otherwise indicates, any word or expression to which a meaning has been assigned in the Act shall bear that meaning, and

"the Act" means the Performing Animals Protection Act, 1935 (Act No. 24 of 1935)

Application for the granting or renewal of a license

2. (1) Every application for the granting of or renewal of a license under the Act shall be made in writing in the form of Schedule 1 and shall contain the information required by that Schedule.

(2) Such application shall be accompanied by:

(a) a report from the district commissioner of the police district in which the applicant resides regarding fitness to be a licensee; and

(b) R50 in the case of an application for the granting of a license and R30 in the case of an application for the renewal of a license: Provided that the applicant shall be entitled to the repayment of half the fee if the application is refused.

(3) The magistrate may, before considering an application for the granting or renewal of a license, request all available information regarding the applicant from the records of a local animal welfare organisation and such other information as he may require from any such organisation regarding the type of animal concerned in order to decide whether to grant the license applied for.

(4) Every application for the renewal of a license shall be made on or before the 31st day of December of the year preceding the year in respect of which the license is required, and every application received by the magistrate after the said date shall in all respects be treated as an application for the granting of a new license.

(5) The magistrate shall issue to the applicant a license in the form of Schedule 2, together with a certificate in the form of Schedule 3.

(6) If the licensee desires any alteration of the particulars contained in the certificate referred to in subregulation (5), the magistrate to whom he made the application, or his successor in office, shall amend the certificate by effecting in ink the desired amendment to the certificate and shall thereafter place his signature and the official date stamp thereon.

Conditions subject to which a license is held

3. (1) The licensee shall on demand produce to a police officer his license and certificate.

(2) When animals that are trained or exhibited or dogs that are used for safeguarding are wild by nature or otherwise of a vicious propensity, the licensee shall take such steps as are necessary to ensure that the animals so trained or exhibited or the dogs so used for safeguarding cannot escape from control.

(3) No licensee shall train, exhibit or cause to be exhibited any animal which is suffering from any injury or disease, unless a veterinarian has certified that such animal is fit to be exhibited or trained, or that such dog is fit to be used for safeguarding.

(4) A license shall be issued subject to the provisions of the Act and these regulations and the provisions of the Animals Protection Act, 1962 (Act No. 71 of 1962), and any regulations made thereunder.

Offences and penalties

4. Any person who:

(a) contravenes a provision of regulation 3 or fails to comply therewith; or

(b) in or in connection with the written application referred to in regulation 2 (1) willfully furnishes information or makes a statement which is false or misleading,

shall be guilty of an offence and liable on conviction to a fine not exceeding R4 000 or imprisonment for a period not exceeding twelve months.

Repeal

5. The regulations published under Government Notice No. R. 1914 of 27 October 1972 are hereby repealed.

DEPARTMENT OF JUSTICE

NO. R. 468 14 March 1986

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

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

SCHEDULE

Definition

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

"officer" means an officer of a society;

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

"society" means a society for the prevention of cruelty to animals as intended in section 8(1) of the Act.

Seizure and reporting

2. (1) If authorised thereto in writing under the hand of the magistrate of a district, any officer of any society may in that district if it appears that there are reasonable

grounds to believe that an animal found in that district needs immediate care or if it is reasonably necessary to prevent cruelty to or suffering of such an animal, seize such animal and take it into the custody of the society.

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

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

Notice

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

(a) if the name and address of the owner of the animal are known to the society, forthwith give notice of the seizure to the owner in the manner best suited under the circumstances; or

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

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

(a) sent to a police station, police office or police post intended in regulation 2(2);

(b) sent to every other society for the prevention of cruelty to animals in the same district as the society concerned; and

(c) affixed to a notice board at the office of the society.

Disposal

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

Expenses

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

Offences

6. (1) No person shall:

(a) unless authorised thereto in accordance with provision in the Act, remove an animal that was seized by an officer or that is in the custody of a society in accordance with the provisions of these regulations from the possession or custody of such an officer or society; or

(b) willfully obstruct, hinder or resist an officer or a society in the exercise of a power conferred on an officer or society in terms of these regulations.

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

ANIMAL MATTERS AMENDMENT ACT, 1993

(Assented to 25 March 1993) (Government Gazette 16 April 1993)

Afrikaans text signed by the State President)

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

Be it enacted by the State President and the Parliament of the Republic of South Africa as follows:

Directions in respect of injuries caused by animals

1.(1) Any person as a result of whose negligence an animal causes injury to another person, shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding two years.

(2) Whenever a person is convicted of an offence in terms of subsection (1), the court convicting him may in addition to any punishment imposed upon him in respect of that offence -

(a) make any order relating to the removal, custody, disposal or destruction of the animal concerned and the recovery of any costs incurred in connection therewith:

(b) declare the person convicted to be unfit, for a specified period, to own a certain kind of animal or an animal of a specific breed or to have it under his control or in his custody;

(3) Subsection (2) shall mutatis mutandis apply if any person -

(a) as a result of whose negligence an animal causes the death of another person is found guilty of an offence with regard to such negligence;

(b) as a result of whose deliberate action an animal causes the death of or injury to another person is found guilty of an offence with regard to such action.

(4) The Minister of Justice may from time to time, with the concurrence of the Minister of State Expenditure, appropriate funds to a society for costs incurred relating to the removal, custody, disposal or destruction of an animal.

(5) (a) A person who has in terms of subsection (2)(b) been declared unfit, for a specified period, to own a certain kind of animal or an animal of a specific breed or to have it under his control or in his custody, shall, if at the time of the declaration he owns or has under his control or in his custody such an animal and such animal is not destroyed in terms of subsection (2)(a), within 14 days from the date on which such declaration was made, make alternative arrangements for the caring of the animal for the period for which he is declared unfit to own such an animal or to have under his control or in his custody.

(b) Subject to the provisions of paragraph (a), any person who owns or has under his control or in his custody an animal in contravention of a declaration made in terms of subsection (2)(b), shall be guilty of an offence and liable on conviction to a fine or imprisonment for a period not exceeding one year.

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

Short Title

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