



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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CONTENTS

	<i>Page</i>
GOVERNMENT NOTICE	
No. 136 Promulgation of Animal Disease and Parasites Amendment Act, 1996 (Act 3 of 1996), of the Parliament	1

Government Notice

OFFICE OF THE PRIME MINISTER

No. 136

1996

PROMULGATION OF ACT OF PARLIAMENT

The following Act which has been passed by the Parliament and signed by the President in terms of the Namibian Constitution is hereby published in terms of Article 56 of that Constitution.

No. 3 of 1996: Animal Disease and Parasites Amendment Act, 1996.

**ANIMAL DISEASE AND PARASITES
AMENDMENT ACT, 1996****ACT**

To amend the Animal Disease and Parasites Act, 1956 so as to adjust its provisions in view of the independence of Namibia.

(Signed by the President on 28 May 1996)

BE IT ENACTED by the Parliament of the Republic of Namibia as follows:

Amendment of section 1 of Act 13 of 1956, as amended by section 1 of Act 18 of 1967, section 1 of Act 51 of 1969, section 1 of Act 46 of 1970 and section 1 of Act 9 of 1973

1. Section 1 of the Animal Disease and Parasites Act, 1956 (hereafter referred to as the principal Act), is hereby amended -

- (a) by the deletion of the definition of "Department";
- (b) by the deletion of the definition of "local authority";
- (c) by the substitution for the definition of "Minister" of the following definition:

" 'Minister' means the Minister of Agriculture, Water and Rural Development:";

- (d) by the insertion after the definition of "Minister" of the following definition:

" 'Ministry means the Ministry of Agriculture, Water and Rural Development:";

- (e) by the substitution for the definition of "occupier" the following definition:

" 'occupier' means, in relation to -

- (a) any land used by the State, the person having the charge, control or management of such land;
- (b) any communal area as defined in the Traditional Authorities Act, 1995 (Act 17 of 1995), the chief of the traditional community inhabiting such communal area or, if there is no chief, the traditional leader of such community, by whatever title named, and if there is no such traditional leader, the person whom the Minister may designate as the occupier after consultation with the Minister of Lands, Resettlement and Rehabilitation;

Act No. 3, 1996

**ANIMAL DISEASE AND PARASITES
AMENDMENT ACT, 1996**

- (c) any commonage or outspan not controlled by a regional council established under the Regional Councils Act, 1922 (Act 22 of 1992) or by a local authority council as defined in section 1 of the Local Authorities Act 1992 (Act 23 of 1992), the person whom the Minister may designate as occupier after consultation with the Governor of the region in which such commonage or outspan is situated; and
- (d) any other land, including State land held under a lease, licence or allotment, the person resident thereon, or, if there is no such person, the person having the charge, control or management of such land, or, if there is no such person, the person designated as occupier under section 17(1);"
- (f) by the substitution for paragraph (c) of the definition of "owner" of the following paragraph:
- "(c) any land held or controlled by a local authority council as defined in section 1 of the Local Authorities Act, 1992, such local authority council;"
- (g) by the insertion after the definition of "parasite" of the following definition:
- " 'Permanent Secretary' means the Permanent Secretary: Agriculture, Water and Rural Development;"
- (h) by the substitution for the definition of "police officer" of the following definition:
- " 'police officer' means any member of the Namibian Police Force established by section 2 of the Police Act, 1990 (Act 19 of 1990);"
- (i) by the deletion of the definition of "Republic";
- (j) by the deletion of the definition of "State";
- (k) by the deletion of the definition of "State land";
- (l) by the substitution for the definition of "territorial waters of the Republic" of the following definition:
- " 'territorial sea of Namibia' means the territorial sea of Namibia as defined in section 2 of the Territorial Sea and Exclusive Economic Zone of Namibia Act, 1990 (Act 3 of 1990);" and
- (m) by the deletion of the definition of "territory".

**ANIMAL DISEASE AND PARASITES
AMENDMENT ACT, 1996****Amendment of section 13 of Act 13 of 1956**

2. Section 13 of the principal Act is amended by the substitution for subsection (6) of the following subsection:

"(6) If a veterinary fixture has been constructed wholly or partly at the expense of the State on State land occupied by any person under a lease, licence or allotment which does not contain an option to purchase such land, the minister responsible for the Ministry in which such State land is administered, may increase the rent of such land by such amount as that minister may consider equitable having regard to such expenses."

Amendment of section 18A of Act 13 of 1956, as inserted by section 2 of Act 9 of 1973

3. Section 18A of the principal Act is amended by the substitution for subsection (1) of the following subsection:

"(1) Any person [including an officer or any department of State, provincial administration or divisional council] duly authorized thereto by the Minister, may construct, reconstruct, repair or maintain such roads as the Minister may deem necessary, on or giving access to any land on which any veterinary fixture in terms of section 13 or any fence in terms of section 16 has been or is to be erected or on which any cordon in terms of section 18(1)(e) has been or is to be established."

Amendment of section 25 of Act 13 of 1956

4. Section 25 of the principal Act is amended by the substitution in subsection (2) for the words preceding paragraph (a) of the following words:

"The Minister shall, within 21 days after the close of each year ending on 31 March, if the National Assembly is then in session, or, if the National Assembly is not then in session, within 21 days after the commencement of its next ensuing session, lay before the National Assembly a return showing in respect of such year - "

Amendment of section 27 of Act 13 of 1956, as amended by section 11 of Act 15 of 1969

5. Section 27 of the principal Act is amended -

(a) by the substitution for subsection (5) of the following subsection:

"(5) Any regulation made under subsection (1) shall be laid on the Table of the National Assembly within 14 days after promulgation thereof, if the National Assembly is then in ordinary session or, if the National Assembly is not then in ordinary session, within 14 days after the commencement of its next ensuing session"; and

**ANIMAL DISEASE AND PARASITES
AMENDMENT ACT, 1996**

- (b) by the substitution for paragraph (a) of subsection (6) of the following paragraph:

"(a) A regulation made under this Act shall be in force unless, and until the National Assembly, by resolution, disapproves of the regulation, in which event the regulation shall lapse with effect from a date to be specified in the resolution."

Amendment of section 32 of Act 13 of 1956, as amended by section 4 of Act 9 of 1973

6. Section 32 of the principal Act is amended -

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

"(d) in such other manner as the Minister may prescribe"; and

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

"(3) In any prosecution for an offence under this Act a document purporting to be an affidavit made by a person who therein alleges that, acting upon authority conferred upon him or her under this Act, he or she served upon the accused in accordance with the provisions of subsection (1) a notice or other instrument, and sets forth the particulars of such notice or instrument, and the time, place and manner of service, shall upon its mere production, but subject, *mutatis mutandis*, to the provisions of subsection (12) of section 212 of the Criminal Procedure Act, 1977 (Act 51 of 1977), be *prima facie* proof that such notice or instrument was duly served upon the accused and received by him or her."

Amendment of section 34 of Act 13 of 1956

7. The following section is substituted for section 34 of the Principal Act:

"Limitation of actions against carriers

34. No action shall lie against Transnamib Limited, referred to in section 2 of the National Transport Corporation Act, 1987 (Act 21 of 1987), or against any other carrier engaged in the carriage of goods, by reason of -

- (a) its refusal to transport any animal or thing for the reason that -
- (i) the removal thereof was prohibited under this Act; or
 - (ii) for the removal thereof a permit was required under this Act, and the consignor failed to produce such permit; or

Act No. 3, 1996

**ANIMAL DISEASE AND PARASITES
AMENDMENT ACT, 1996**

- (b) its detention or disposal of any animal or thing in accordance with an order issued by the director or the Minsiter under this Act."

Repeal of section 35A of Act 13 of 1956, as inserted by section 5 of Act 9 of 1973

8. Section 35A of the principal Act is hereby repealed.

Substitution of certain words and expressions in Act 13 of 1956

9. The principal Act is amended by the substitution -
- (a) for the word "Department", wherever it occurs, of the word "Ministry";
 - (b) for the expression "the Republic", wherever it occurs, of the word "Namibia";
 - (c) for the expression "territorial waters of the Republic", wherever it occurs, of the expression "territorial sea of Namibia; and
 - (d) for the expression "Secretary of the Department", wherever it occurs, of the expression "Permanent Secretary".

Short title

10. This Act shall be called the Animal Disease and Paraistes Amendment Act, 1996.
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