

ANIMALS

Performing Animals Protection Act 24 of 1935, as amended in South Africa prior to Namibian independence.

Summary: This Act regulates the exhibition and training of performing animals.

Applicability to SWA: Section 11A states “This Act and any amendment thereof shall apply also in the territory of South West Africa, including the Eastern Caprivi Zipfel.”

Transfer of administration to SWA: Section 11 of the Act defines “Minister” as “the Minister to whom the administration of this Act has been assigned”. Therefore, it is not clear if there was an applicable transfer proclamation.

Trespass of Animals Ordinance 16 of 1939.

Summary: The Ordinance regulates trespass by animals, provides for the recovery of fees and damages and establishes pounds.

Amendments: This Ordinance is amended by Proc. 21/1943 and Ord. 9/1944.

Trespass of Donkeys Proclamation 18 of 1941.

Summary: This Proclamation regulates trespass by donkeys.

Animal Diseases and Parasites Act 13 of 1956, as amended in South Africa to February 1978.

Summary: The Act establishes control mechanisms for dealing with animal diseases and parasites.

Applicability to SWA: Section 35A states “This Act and any amendment thereof shall also apply in the territory, including the Eastern Caprivi Zipfel.”

Transfer of administration to SWA: The administration of this Act was transferred to SWA by the Executive Powers (Agricultural Technical Services) Transfer Proclamation (AG 11/78), dated 24 February 1978, gazetted on 2 March 1978. The Act was repealed in South Africa by the *Animal Diseases Act 35 of 1984*, which was not made expressly applicable to SWA.

Amendments: Act 3/1996 amends the Act to make it consistent with an independent Namibia. Act 10/2005 (GN 111/2005, GG 3496) redefines certain expressions in section 1, amends section 19 to prohibit searches of the homes of individuals without a warrant and amends the penalties in section 28.

Regulations: Regulations are contained in RSA GN R.1531 of 4 October 1963, as amended by-

RSA GN R. 428 of 26 March 1965

RSA GN R.1688 of 29 October 1965
RSA GN R. 957 of 24 June 1966
RSA GN R. 702 of 26 April 1968
RSA GN R.1116 of 28 June 1968
RSA GN R. 55 of 17 January 1969
RSA GN R. 947 of 13 June 1969
RSA GN R.1924 of 25 October 1974
RSA GN R.1389 of 25 July 1975
RSA GN R.2028 of 14 September 1979
RSA GN R.1684 of 15 August 1980
AG GN 90 of 14 June 1982
AG GN 179 of 15 December 1982
GN 22 of 1 February 1986
GN 155 of 15 September 1987
GN 114/1995 (GG 1103).

Animal Identification Regulations are contained in GN 29/2009 (GG 4217), as amended by GN 201/2009 (GG 4350) (Regs 3 and 16).

Cases: *S v Lofty-Eaton & Others (1)* 1993 NR 370 (HC).

Animals Protection Act 71 of 1962, as amended in South Africa to November 1979.

Summary: This Act is concerned with the prevention of cruelty to animals.

Applicability to SWA: Section 10A states “This Act and any amendment thereof shall apply also in the territory of South West Africa, including the Eastern Caprivi Zipfel.”

Transfer of administration to SWA: The administration of this Act was transferred to SWA by the Executive Powers (Justice) Transfer Proclamation (AG 33/1979, as amended), dated 12 November 1979. None of the amendments to the Act in South Africa after that date were made expressly applicable to SWA.

Cases: *Ex Parte Attorney-General, Namibia: In Re Corporal Punishment by Organs of State*, 1991 NR 178 (SC) (section 2(1) on penalties).

Municipal Dog Tax Ordinance 13 of 1967.

Summary: The Ordinance provides for the control and taxation of the keeping of dogs within municipal areas.

Amendments: This Ordinance is amended by Ord. 41/1967, Ord. 12/1973, Ord. 8/1978, Ord. 1/1979, Ord. 2/1980, Ord. 15/1980, AG 19/1983, GN 4/85, AG 8/1986, Act 14/1987, Act 30/1987 and GN 15/87. Act 23/1992 repeals section 18.

Regulations: Model Regulations for the Control of Dogs in Local Authority Areas are contained in GN 166/2008 (GG 4077). (Note that there is a corrected version of GG 4077.)

Veterinary and Para-Veterinary Professions Proclamation 14 of 1984.

Summary: This Proclamation establishes a Veterinary Council and governs the registration of persons in veterinary professions. It was brought into operation by AG 23/1984.

Regulations: Regulations are contained in AG GN 76/1985, as amended by GN 96/1997 (GG 1557), GN 133/2002 (GG 2776) and GN 57/2008 (GG 4005).

Appointments/elections: The results of elections to the Veterinary Council are announced in General Notice 132/1990 (GG 81), General Notice 130/1993 (GG 657), General Notice 250/1996 (GG 1395), General Notice 294/1999 (GG 2204) and General Notice 380/2002 (GG 2867).

See also **AGRICULTURE**.

See also Stock Theft Act 12 of 1990 (**CRIMINAL LAW AND PROCEDURE**).

See also Importation of Exotic Mammals and Birds Proclamation 11 of 1928 (**IMPORT AND EXPORT**).

See also **MARINE AND FRESHWATER RESOURCES**.

See also Controlled Game Products Proclamation 42 of 1980 (**TRADE AND INDUSTRY**).