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# STAATSKOERANT

## VAN DIE REPUBLIEK VAN SUID-AFRIKA

## REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

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DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 401. 15 Maart 1972.

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

No. 7 van 1972: Wysigingswet op Dierebeskerming, 1972.

DEPARTMENT OF THE PRIME MINISTER.

No. 401. 15th March, 1972.

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

No. 7 of 1972: Animals Protection Amendment Act, 1972.

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Wet No. 7, 1972 WYSIGINGSWET OP DIEREBESKERMING, 1972.

# WET

**Tot wysiging van die bepalings van die Beskerming van Gedresseerde Diere Wet, 1935, en die Dierebeskermingswet, 1962, om daardie Wette in die gebied Suidwes-Afrika van toepassing te maak; tot wysiging van die bepalings van eersgenoemde Wet met betrekking tot die strawwe; en om vir bykomstige aangeleenthede voorsiening te maak.**

(*Engelse teks deur die Staatspresident geteken.*)
(*Goedgekeur op* 8 *Maart* 1972.)

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

Wysiging van artikel 2 van Wet 24 van 1935, soos gewysig deur artikel 18 van Wet 62 van 1955.

**1.** Artikel 2 van die Beskerming van Gedresseerde Diere Wet, 1935 (hieronder die Hoofwet genoem), word hierby gewysig deur paragraaf (*d*) deur die volgende paragraaf te vervang:

„(*d*) die Minister by regulasie die vorm van sodanige lisensie, die voorwaardes waarvolgens sodanige lisensie gehou word en die gelde van hoogstens tien rand wat vir sodanige lisensie betaal word, en van hoogstens twee rand vir hernuwing daarvan, kan voorskryf.".

Vervanging van artikel 5 van Wet 24 van 1935.

**2.** Artikel 5 van die Hoofwet word hierby deur die volgende artikel vervang:

„Verhindering van polisiebeampte.

**5.** Iemand wat 'n polisiebeampte by die uitoefening van die hierby verleende bevoegdhede opsetlik hinder, vertraag of andersins belemmer, of wat 'n dier wegsteek met die voorneme om die uitoefening van sodanige bevoegdhede te verydel of die uitoefening van sodanige bevoegdhede andersins bemoeilik of dwarsboom, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens eenhonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens drie maande bo en behalwe enige ander straf opgelê vir 'n oortreding van 'n bepaling van hierdie Wet of 'n regulasie daarkragtens gemaak.".

Vervanging van artikel 6 van Wet 24 van 1935.

**3.** Artikel 6 van die Hoofwet word hierby deur die volgende artikel vervang:

„Jurisdiksie van magistraatshof.

**6.** By die toepassing van hierdie Wet het 'n magistraatshof jurisdiksie en het hy die bevoegdhede by die Dierebeskermingswet, 1962 (Wet No. 71 van 1962), verleen.".

Wysiging van artikel 7 van Wet 24 van 1935.

**4.** Artikel 7 van die Hoofwet word hierby gewysig deur paragraaf (*e*) deur die volgende paragraaf te vervang:

„(*e*) 'n boete van hoogstens vyftig rand of gevangenisstraf vir 'n tydperk van hoogstens drie maande vir 'n oortreding van 'n regulasie;".

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# ACT

**To amend the provisions of the Performing Animals Protection Act, 1935, and the Animals Protection Act, 1962, in order to apply those Acts to the territory of South-West Africa; to amend the provisions of the first-mentioned Act in relation to the penalties; and to provide for incidental matters.**

(*English text signed by the State President.*)
(*Assented to 8th March*, 1972.)

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

Amendment of section 2 of Act 24 of 1935, as amended by section 18 of Act 62 of 1955.

**1.** Section 2 of the Performing Animals Protection Act, 1935 (hereinafter referred to as the principal Act), is hereby amended by the substitution for paragraph (*d*) of the proviso of the following paragraph:

"(*d*) the Minister may by regulation prescribe the form of such licence, the conditions subject to which such licence shall be held, and the fee not exceeding ten rand which shall be paid for such licence and for the renewal thereof not exceeding two rand.".

Substitution of section 5 of Act 24 of 1935.

**2.** The following section is hereby substituted for section 5 of the principal Act:

"Obstruction of police officer.

**5.** Any person who wilfully 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 one hundred rand or to imprisonment for a period not exceeding three months in addition to any other penalty imposed for the contravention of any provision of this Act or any regulation made thereunder.".

Substitution of section 6 of Act 24 of 1935.

**3.** The following section is hereby substituted for section 6 of the principal Act:

"Jurisdiction of magistrate's court.

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

Amendment of section 7 of Act 24 of 1935.

**4.** Section 7 of the principal Act is hereby amended by the substitution for paragraph (*e*) of the following paragraph:

"(*e*) a penalty of a fine not exceeding fifty rand or imprisonment for a period not exceeding three months for a contravention of any regulation;".

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Wet No. 7, 1972 WYSIGINGSWET OP DIEREBESKERMING, 1972.

Wysiging van artikel 8 van Wet 24 van 1935.

**5.** Artikel 8 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Iemand wat die bepalings van hierdie Wet of 'n regulasie daarkragtens gemaak waarvoor 'n straf nie voorgeskryf is nie of 'n voorwaarde van 'n lisensie of sertifikaat oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens drie maande vir 'n eerste oortreding en van hoogstens vierhonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande vir enige verdere oortreding.".

Vervanging van artikel 10 van Wet 24 van 1935.

**6.** Artikel 10 van die Hoofwet word hierby deur die volgende artikel vervang:

„Wet word met Wet 71 van 1962 saamgelees.

**10.** Hierdie Wet maak een geheel uit met die Dierebeskermingswet, 1962 (Wet No. 71 van 1962), en tensy die teendeel blyk, word die hierin verleende bevoegdhede uitgeoefen benewens enige bevoegdhede deur daardie Wet verleen.".

Wysiging van artikel 11 van Wet 24 van 1935.

**7.** Artikel 11 van die Hoofwet word hierby gewysig—

(*a*) deur die omskrywing van „dier" deur die volgende omskrywing te vervang:

„'dier' het die betekenis daaraan deur die Dierebeskermingswet, 1962 (Wet No. 71 van 1962), toegewys, maar sluit nie 'n reptiel in nie;"; en

(*b*) deur die omskrywing van „polisiebeampte" deur die volgende omskrywing te vervang:

„'polisiebeampte' het die betekenis daaraan deur die Dierebeskermingswet, 1962, toegewys, en omvat 'n persoon kragtens artikel 8 van gemelde Wet gemagtig.".

Invoeging van artikel 11A in Wet 24 van 1935.

**8.** Die volgende artikel word hierby in die Hoofwet na artikel 11 ingevoeg:

„Toepassing van Wet in Suidwes-Afrika.

**11A.** Hierdie Wet en 'n wysiging daarvan is ook in die gebied Suidwes-Afrika, met inbegrip van die Oostelike Caprivi Zipfel, van toepassing.".

Wysiging van artikel 4 van Wet 71 van 1962.

**9.** Artikel 4 (3) van die Dierebeskermingswet, 1962, word hierby gewysig deur paragraaf (*a*) deur die volgende paragraaf te vervang:

„(*a*) enige onkoste aangegaan in verband met die bewaring van 'n dier waarop kragtens die Strafproseswet, 1955 (Wet No. 56 van 1955), of die Strafprosesordonnansie, 1963 (Ordonnansie No. 34 van 1963), van die gebied Suidwes-Afrika, beslag gelê is vir die doeleindes van 'n vervolging ingevolge hierdie Wet; en".

Wysiging van artikel 5 van Wet 71 van 1962.

**10.** Artikel 5 van die Dierebeskermingswet, 1962, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

„(2) 'n Polisiebeampte wat 'n dier in afwesigheid van die eienaar afmaak of laat afmaak, moet, indien bedoelde eienaar se naam en adres bekend is, hom van die afmaking in kennis stel, en moet, maar onderworpe aan die bepalings van die Wet op Dieresiektes en -parasiete, 1956 (Wet No. 13 van 1956), of die Ordonnansie op Dieresiektes en -parasiete, 1959 (Ordonnansie No. 34 van 1959), van die gebied Suidwes-Afrika, na gelang van die geval, waar 'n dier op 'n openbare plek of openbare pad afgemaak word, die karkas vandaar verwyder of laat verwyder.".

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Amendment of section 8 of Act 24 of 1935.

**5.** Section 8 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(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 licence or certificate shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding three months for a first offence and to a fine not exceeding four hundred rand or to imprisonment for a period not exceeding six months for any subsequent offence.".

Substitution of section 10 of Act 24 of 1935.

**6.** The following section is hereby substituted for section 10 of the principal Act:

"Act to be read with Act 71 of 1962.

**10.** 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.".

Amendment of section 11 of Act 24 of 1935.

**7.** Section 11 of the principal Act is hereby amended—

(*a*) by the substitution for the definition of "animal" of the following definition:

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

(*b*) by the substitution for the definition of "police officer" of the following definition:

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

Insertion of section 11A in Act 24 of 1935.

**8.** The following section is hereby inserted in the principal Act after section 11:

"Application of Act in South-West Africa.

**11A.** This Act and any amendment thereof shall apply also in the territory of South-West Africa, including the Eastern Caprivi Zipfel.".

Amendment of section 4 of Act 71 of 1962.

**9.** Section 4 (3) of the Animals Protection Act, 1962, is hereby amended by the substitution for paragraph (*a*) of the following paragraph:

"(*a*) any costs incurred in connection with the custody of an animal seized in terms of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), or the Criminal Procedure Ordinance, 1963 (Ordinance No. 34 of 1963), of the territory of South-West Africa, for the purposes of a prosecution in terms of this Act; and".

Amendment of section 5 of Act 71 of 1962.

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

"(2) Any police officer who destroys any animal or causes it to be destroyed in the absence of the owner shall, if such owner's name and address are known, advise him of the destruction, and where the destruction of any animal takes place on any public place or public road shall, subject to the provisions of the Animal Diseases and Parasites Act, 1956 (Act No. 13 of 1956), or the Animal Diseases and Parasites Ordinance, 1959 (Ordinance No. 34 of 1959), of the territory of South-West Africa, as the case may be, remove the carcass or cause it to be removed therefrom.".

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Wet No. 7, 1972 WYSIGINGSWET OP DIEREBESKERMING, 1972.

Invoeging van artikel 10A in Wet 71 van 1962.

**11.** Die volgende artikel word hierby in die Dierebeskermingswet, 1962, na artikel 10 ingevoeg:

„Toepassing van Wet in Suidwes-Afrika.

**10A.** Hierdie Wet en 'n wysiging daarvan is ook in die gebied Suidwes-Afrika, met inbegrip van die Oostelike Caprivi Zipfel, van toepassing.".

Herroeping van wette.

**12.** Die „Proclamatie op het Tegengaan van Wreedheid tegen Dieren, 1919" (Proklamasie No. 17 van 1919), die Wysigingsproklamasie op die Voorkoming van Mishandeling van Diere, 1938 (Proklamasie No. 24 van 1938) en die Wysigingsproklamasie op die Voorkoming van Dieremishandeling, 1950 (Proklamasie No. 42 van 1950), van die gebied Suidwes-Afrika, word hierby herroep.

Kort titel en inwerkingtreding.

**13.** Hierdie Wet heet die Wysigingswet op Dierebeskerming, 1972, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

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Insertion of section 10A in Act 71 of 1962.

**11.** The following section is hereby inserted in the Animals Protection Act, 1962, after section 10:

"Application of Act in South-West Africa.

**10A.** This Act and any amendment thereof shall apply also in the territory of South-West Africa, including the Eastern Caprivi Zipfel.".

Repeal of laws.

**12.** The Prevention of Cruelty to Animals Proclamation, 1919 (Proclamation No. 17 of 1919), the Prevention of Cruelty to Animals Amendment Proclamation, 1938 (Proclamation No. 24 of 1938), and the Prevention of Cruelty to Animals Amendment Proclamation, 1950 (Proclamation No. 42 of 1950), of the territory of South-West Africa, are hereby repealed.

Short title and commencement.

**13.** This Act shall be called the Animals Protection Amendment Act, 1972, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.