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GOVERNMENT GAZETTE

OF THE REPUBLIC OF SOUTH AFRICA

REPUBLIEK VAN SUID-AFRIKA

STAATSKOERANT

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STATE PRESIDENT'S OFFICE

No. 665. 3 April 1985

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

No. 20 of 1985: Animals Protection Amendment Act, 1985.

KANTOOR VAN DIE STAATSPRESIDENT

No. 665. 3 April 1985

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

No. 20 van 1985: Wysigingswet op Dierebeskerming, 1985.

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GENERAL EXPLANATORY NOTE:

[ ] Words in bold type in square brackets indicate omissions from existing enactments.

________ Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Performing Animals Protection Act, 1935, so as to emend the Afrikaans text of section 3 (2) and to increase certain penalties; to amend the Animals Protection Act, 1962, so as to increase certain fines; to increase the maximum amount of compensation which can be granted to a person in respect of loss suffered or expense incurred by him as a result of an offence committed in terms of the last-mentioned Act; to substitute a reference to a repealed Act and to delete a similar reference; and to make other provision in respect of the disposal of any animal or thing seized in the course of the prevention of cruelty to animals; and to provide for matters connected therewith.

(English text signed by the State President.)
(Assented to 15 March 1985.)

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

Amendment of section 3 of Act 24 of 1935.

1. Section 3 of the Performing Animals Protection Act, 1935, is hereby amended by the substitution in the Afrikaans text of subsection (2) for the word "lisensie" of the word "sertifikaat".

Substitution of section 5 of Act 24 of 1935, as substituted by section 2 of Act 7 of 1972.

2. The following section is hereby substituted for section 5 of the Performing Animals Protection Act, 1935:

"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]** R2 000 or to imprisonment for a period not exceeding **[three]** twelve months in addition to any other penalty imposed for the contravention of any provision of this Act or any regulation made thereunder.".

Amendment of section 7 of Act 24 of 1935, as amended by section 4 of Act 7 of 1972 and section 1 of Act 54 of 1983.

3. Section 7 of the Performing Animals Protection Act, 1935, is hereby amended by the substitution for paragraph *(e)* of the following paragraph:

"*(e)* a penalty of a fine not exceeding **[one thousand rand]** R2 000 or imprisonment for a period not exceeding twelve months for a contravention of any regulation,".

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ALGEMENE VERDUIDELIKENDE NOTA:

[ ] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.

________ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Beskerming van Gedresseerde Diere Wet, 1935, ten einde die Afrikaanse teks van artikel 3 (2) te verbeter en sekere strawwe te verhoog; tot wysiging van die Dierebeskermingswet, 1962, ten einde sekere boetes te verhoog; die maksimum bedrag te verhoog van vergoeding wat aan iemand toegeken kan word ten opsigte van skade deur hom gely of onkoste deur hom aangegaan as gevolg van 'n misdryf ingevolge laasgenoemde Wet gepleeg; 'n verwysing na 'n herroepe Wet te vervang en 'n soortgelyke verwysing te skrap; en ander voorsiening te maak met betrekking tot die beskikking oor 'n dier of ding waarop beslag gelê is in die loop van die voorkoming van mishandeling van diere; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 15 Maart 1985.)

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

Wysiging van artikel 3 van Wet 24 van 1935.

1. Artikel 3 van die Beskerming van Gedresseerde Diere Wet, 1935, word hierby gewysig deur in subartikel (2) die woord "lisensie" deur die woord "sertifikaat" te vervang.

Vervanging van artikel 5 van Wet 24 van 1935, soos vervang deur artikel 2 van Wet 7 van 1972.

2. Artikel 5 van die Beskerming van Gedresseerde Diere Wet, 1935, 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]** R2 000 of met gevangenisstraf vir 'n tydperk van hoogstens **[drie]** twaalf maande bo en behalwe enige ander straf opgelê vir 'n oortreding van 'n bepaling van hierdie Wet of 'n regulasie daarkragtens gemaak.".

Wysiging van artikel 7 van Wet 24 van 1935, soos gewysig deur artikel 4 van Wet 7 van 1972 en artikel 1 van Wet 54 van 1983.

3. Artikel 7 van die Beskerming van Gedresseerde Diere Wet, 1935, word hierby gewysig deur paragraaf *(e)* deur die volgende paragraaf te vervang:

"*(e)* 'n boete van hoogstens **[duisend rand]** R2 000 of gevangenisstraf vir 'n tydperk van hoogstens twaalf maande vir 'n oortreding van 'n regulasie,".

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Amendment of section 8 of Act 24 of 1935, as amended by section 5 of Act 7 of 1972 and section 2 of Act 54 of 1983.

4. Section 8 of the Performing Animals Protection Act, 1935, 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 **[one thousand rand]** R2 000 or to imprisonment for a period not exceeding twelve months.".

Amendment of section 2 of Act 71 of 1962, as amended by section 21 of Act 102 of 1972 and section 3 of Act 54 of 1983.

5. Section 2 of the Animals Protection Act, 1962 (hereinafter referred to as the principal Act), is hereby amended by the substitution in subsection (1) for the words following upon paragraph *(s)* of the following words:

"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 **[one thousand rand]** R2 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 an 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.".

Amendment of section 4 of Act 71 of 1962, as amended by section 9 of Act 7 of 1972.

6. Section 4 of the principal Act is hereby amended—

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

"(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 judgment against the person convicted and in favour of such other person for the amount so determined, but not exceeding an amount of **[four hundred rand]** R5 000."; and

(b) by the substitution for paragraph *(a)* of subsection (3) 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)]** 1977 (Act No. 51 of 1977), **[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 8 of Act 71 of 1962.

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

"*(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 **[before]** to a **[magistrate]** police officer, who shall deal with it in accordance with the provisions of the Criminal Procedure Act, 1977 (Act No. 51 of 1977);".

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Wysiging van artikel 8 van Wet 24 van 1935, soos gewysig deur artikel 5 van Wet 7 van 1972 en artikel 2 van Wet 54 van 1983.

4. Artikel 8 van die Beskerming van Gedresseerde Diere Wet, 1935, 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 **[duisend rand]** R2 000 of met gevangenisstraf vir 'n tydperk van hoogstens twaalf maande.".

Wysiging van artikel 2 van Wet 71 van 1962, soos gewysig deur artikel 21 van Wet 102 van 1972 en artikel 3 van Wet 54 van 1983.

5. Artikel 2 van die Dierebeskermingswet, 1962 (hieronder die Hoofwet genoem), word hierby gewysig deur in subartikel (1) die woorde wat op paragraaf *(s)* volg deur die volgende woorde te vervang:

"is, behoudens die bepalings van hierdie Wet en enige ander wetsbepalings, aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens **[duisend rand]** R2 000 of, by wanbetaling, met gevangenisstraf vir 'n tydperk van hoogstens twaalf maande of met daardie gevangenisstraf sonder die keuse van 'n boete of, ingeval so 'n handeling of versuim van 'n opsetlike en verswarende aard is, met lyfstraf van hoogstens ses houe of met so 'n boete en sodanige lyfstraf of met sodanige gevangenisstraf sonder die keuse van 'n boete sowel as sodanige lyfstraf.".

Wysiging van artikel 4 van Wet 71 van 1962, soos gewysig deur artikel 9 van Wet 7 van 1972.

6. Artikel 4 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

"(1) Wanneer iemand deur 'n landdroshof veroordeel word weens 'n misdryf ingevolge hierdie Wet en daar bewys word dat so iemand deur daardie misdryf te pleeg skade aan 'n ander persoon veroorsaak het of dat 'n ander persoon as gevolg van daardie misdryf onkoste aangegaan het deur noodsaaklike veeartsenykundige aandag of behandeling, voedsel of huisvesting te verskaf vir 'n dier ten opsigte waarvan die misdryf gepleeg is of deur die dier in afwagting van 'n bevel van die hof met betrekking tot die beskikking daaroor te versorg, kan die hof op aansoek van daardie ander persoon of van die persoon belas met die vervolging handelende in opdrag van daardie ander persoon summier ondersoek instel na die skade aldus veroorsaak of die onkoste aldus aangegaan en dit bepaal en 'n vonnis vir die bedrag aldus bepaal, maar hoogstens **[vierhonderd rand]** R5 000, teen die veroordeelde en ten gunste van daardie ander persoon gee."; en

(b) deur paragraaf *(a)* van subartikel (3) 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)]** 1977 (Wet No. 51 van 1977), **[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 8 van Wet 71 van 1962.

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

"*(c)* by die inhegtenisneming van enige persoon weens 'n aanklag van 'n oortreding ingevolge die bepalings van hierdie Wet, enige dier of ding wat ten tyde van die inhegtenisneming in die besit of bewaring van daardie persoon is, in beslag neem en dit onverwyld na 'n **[landdros]** polisiebeampte neem, wat daarmee handel ooreenkomstig die bepalings van die Strafproseswet, 1977 (Wet No. 51 van 1977);".

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Amendment of section 10 of Act 71 of 1962, as amended by section 4 of Act 54 of 1983.

8. Section 10 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) Such regulations may prescribe penalties for contravention thereof or failure to comply therewith not exceeding a fine of **[one thousand rand]** R2 000 or imprisonment for a period of twelve months.".

Short title.

9. This Act shall be called the Animals Protection Amendment Act, 1985.

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Wysiging van artikel 10 van Wet 71 van 1962, soos gewysig deur artikel 4 van Wet 54 van 1983.

8. Artikel 10 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

"(2) Sodanige regulasies kan vir oortreding daarvan of versuim om daaraan te voldoen strawwe voorskryf wat 'n boete van **[duisend rand]** R2 000 of gevangenisstraf vir 'n tydperk van twaalf maande nie te bowe gaan nie.".

Kort titel.

9. Hierdie Wet heet die Wysigingwet op Dierebeskerming, 1985.