



Republic of Namibia
Annotated Statutes

Cattle Improvement Consolidation Ordinance 14 of 1941

(OG 898)

came into force on date of publication: 22 April 1941

as amended by

Cattle Improvement Consolidation Ordinance
Amendment Proclamation 14 of 1941 (OG 905)

deemed to have come into force on 22 April 1941 (section 7 of Proc. 14 of 1941)

ORDINANCE

To amend and consolidate the law relating to the improvement of cattle.

(Assented to 21st April, 1941)

(Afrikaans text signed by the Administrator)

ARRANGEMENT OF SECTIONS

[The provisions in this Ordinance have no headings.]

BE IT ORDAINED by the Legislative Assembly for the Territory of South West Africa as follows:-

1. The Administrator may, by proclamation in the *Gazette*, declare any district or defined area a cattle improvement area within the meaning and for the purposes of this Ordinance, if the magistrate of that district or of the district in which that area is situate has transmitted to the Secretary for South West Africa a resolution recommending that such district or area be proclaimed a cattle improvement area, and a certificate that the provisions of section *two* have been complied with and that the resolution has been duly adopted in manner provided by that section.

[The word “the” appears to have been omitted before the word “manner”.]

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2. (1) The magistrate of a district shall, upon a written request signed by not less than twelve European persons who own or lease land situate in that district or in an area within that district, each of whom owns not less than fifty head of breeding stock running on that land, convene a meeting for the purpose of considering a resolution in terms of the last preceding section.

(2) Two months' notice of the meeting shall be given by advertisement in one or more newspapers circulating in the district or area.

(3) The magistrate of the district or of the district within which the area is situate, as the case may be, shall preside at the meeting, and no resolution shall be passed at the meeting except if two-thirds of the votes brought out at the meeting are in favour of the resolution.

(4) Every person who owns or leases land situate in that district or area, as the case may be, and owns not less than fifty head of breeding stock running on that land, shall have the right to vote at the meeting, and no other person shall have that right.

(5) Any person having a right to vote at the meeting may exercise that right in person.

(6) Not more than one vote shall be recorded by or on behalf of any person.

3. (1) In respect of each proclaimed cattle improvement area the Administrator shall appoint a Bull Inspection Board, hereinafter called the Board, to inspect and approve of bulls used or to be used in such area for the breeding of cattle and to perform such other duties as are imposed by this Ordinance.

(2) The Board shall consist of an officer, as hereinafter defined, and two other persons or their respective alternates duly appointed in terms of sub-section (1) hereof. Provided that notwithstanding anything contained in this Ordinance the Administrator may appoint such officer to be the sole member of the Board for such area, which officer shall thereupon exercise all the several powers and duties of such Board.

[punctuation as in *Official Gazette*]

(3) The Administrator may appoint more than one Board for any cattle improvement area.

(4) In appointing the members of the Board the Administrator shall have due regard in the case of the first appointment after the issue of any such proclamation, to any recommendation made by the persons voting at the meeting referred to in section *two* and, in the case of subsequent appointments, to the recommendation made by the magistrate of the district after consultation with such persons and bodies as he considers representative of the cattle farmers of the district or area.

(5) The members of the Board shall be appointed for periods fixed by the Administrator.

(6) Any member of the Board may resign by writing addressed to the magistrate of the district, and all members shall be subject to removal by the Administrator.

(7) Notwithstanding anything contained in this Ordinance, the Administrator may abolish the system of Boards, and in their place appoint one or more officers to carry out the functions now performed by the Boards, which officers shall thereupon exercise all the several powers and duties of such Board or Boards.

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4. (1) The Board shall make an annual inspection of all bulls of the age of twelve months and over in the cattle improvement area concerned.

(2) It shall be the duty of every owner of such bulls to report in writing during the month of February in each year to the office of the Board concerned, the number of such bulls in his possession or under his control within such area which are liable to annual inspection in terms of this Ordinance.

(3) The date or dates on which such annual inspection shall be made shall be fixed by the Board and sufficient notice thereof shall be given to all owners of such bulls within the said area.

(4) Additional inspections may be made by the Board on special written application being made to it by the owner of any bull in the said area, provided that the applicant shall be responsible for the subsistence and travelling expenses involved, and shall deposit for this purpose the sum of £10 or a suitable bank guarantee for such sum with the Board, a proper adjustment of the account being made after the inspection has been concluded.

[The sum of £10 is equivalent to N\$20.]

(5) At such annual or additional inspection the Board after careful examination shall either approve, provisionally approve or disapprove every bull liable to and submitted for inspection.

(6) The Board may recommend that the owner of any bull which is disapproved at such inspection should receive assistance from the Administration of the Territory by loan or otherwise, if satisfied that the said owner is not financially in a position to purchase another suitable bull. Such owner may then be assisted in terms of the Board's recommendation.

5. (1) There shall be a right of appeal from any decision of the Board, whereby any bull is disapproved, to a court nominated by the Administrator and consisting of the Chief Veterinary Officer to the Administrator and two recognised cattle farmers, not being members of the said Board who are resident in the district in which the appellant is carrying on farming operations, on condition that such appeal is noted in writing to the said Chief Veterinary Officer within fourteen days after such decision is notified to the owner of the said bull, and that the appellant deposits (in respect of each and every bull concerned) the sum of £10 (ten pounds) or a suitable bank guarantee for such sum at the office of the Board concerned in order to cover the cost of any inspection that may have to be made by the Court of Appeal.

[The sum of £10 is equivalent to N\$20.]

(2) The time and place of such inspection shall be decided by the Chief Veterinary Officer, and the appellant shall at his own expense convey such bull to the appointed place at the appointed time, provided that the Chief Veterinary Officer shall, as far as possible, meet the convenience of the appellant in his requirements.

(3) If such appeal is decided against the appellant a refund shall be made to the appellant of any balance available out of the aforesaid sum after deduction of all necessary expenses incurred by the Court of Appeal in deciding the appeal. If the appeal is upheld, the deposit shall be refunded to the appellant and the expenses incurred shall be a charge upon the Territory Revenue Fund.

(4) The Court of Appeal shall adjudicate on any appeal as soon as possible, but in any event not more than three months after such appeal is noted. If during such period it is found to be impossible to obtain the services of two suitable cattle farmers to serve as members of the

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Court of Appeal the Administrator may appoint the Chief Veterinary Officer as sole member of the Court of Appeal, and the said officer shall thereupon proceed to adjudicate accordingly.

6. From and after the date fixed by the Proclamation declaring any district or area a cattle improvement area, such date being not less than twelve months and not more than eighteen months later than the date on which that Proclamation takes effect, (except in regard to any portion of such district or area which has previously been declared a cattle improvement area, in which said portion the date originally fixed by Proclamation shall continue to be the determining date) it shall not be lawful:-

[punctuation as in *Official Gazette*]

- (a) to keep in such area any bull over twelve months of age, which has not previously been approved or provisionally approved by a Board at an annual or additional inspection in terms of section *four*; provided that any bull calf which is under such age at the time of such annual inspection may lawfully be kept in such area until the time of the next following annual inspection;
- (b) to introduce into such area any bull over twelve months of age, which has not previously been approved by a Board at an annual or additional inspection in terms of section *four*; provided that -
 - (i) where an unapproved bull is purchased or acquired in an area which is not a cattle improvement area, its introduction into a cattle improvement area may be authorised in writing under the hand of an officer appointed for such cattle improvement area, on application being made in the manner prescribed by regulation and on deposit of the sum of £5, or suitable bank guarantee for such sum. Such bull shall be inspected within seven days, or as soon as possible thereafter, of entering such area by the officer or a person designated by him. After such inspection such bull shall for all purposes be dealt with in terms of the next succeeding section, except that it shall be subject to the next annual inspection even though it may have been approved by the officer or person designated by him. The expenses incurred for such inspection shall be borne by the owner of such bull but any balance available out of the aforesaid deposit after deduction of such expenses shall be refunded to the owner;

[The sum of £5 is equivalent to N\$10.]

- (ii) if a bull is imported from the Union of South Africa it may be introduced into such cattle improvement area if it has previously been approved in terms of section *twenty-six* of the Livestock and Meat Industries Act, 1934, of the Parliament of the Union of South Africa, and where such bull comes from a district or area which has not been declared a cattle improvement area in terms of section *twenty-four* of the said Act, if it has previously been inspected and approved by a Union Government Veterinary Officer. Such approval by such Government Veterinary Officer shall be subject to the next following annual inspection by the Board;

[The Livestock and Meat Industries Act 48 of 1934 was repealed in South Africa by the Marketing Amendment Act 79 of 1987, which was repealed in turn by the Marketing of Agricultural Products Act 47 of 1996.]

- (iii) on written permission being granted thereto by an officer and subject to such conditions as may be stipulated by him it shall be lawful to convey or

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despatch a disapproved or unapproved bull through a cattle improvement area.

7. (1) All bulls which have been approved by a Board in terms of section *four* shall forthwith be branded and suitably marked by the owner in a manner prescribed by regulation and to the satisfaction of the Board. Thereafter such bulls shall be deemed to be approved bulls throughout the Territory and shall not be subject to further inspection in terms of section *four*.

(2) All bulls which have been provisionally approved by a Board in terms of section *four* shall forthwith be branded and suitably marked by the owner in a manner prescribed by regulation and to the satisfaction of the Board. Thereafter such bulls shall be deemed to be provisionally approved bulls within such cattle improvement area and shall be subject to further annual inspections in terms of section *four*.

(3) All bulls which have been disapproved by a Board in terms of section *four* shall forthwith be branded by the owner in a manner prescribed by regulation and to the satisfaction of the Board. Thereafter such bulls shall be castrated or removed from such cattle improvement area within fourteen days after the decision of disapproval is conveyed to the owner; provided that -

- (a) where the owner is agreeable to the immediate castration of any such bull under the supervision of the Board, it shall not be branded as aforesaid; and
- (b) where the owner of such bull immediately notifies his intention to appeal, such bull shall not be branded as aforesaid unless and until the owner fails to prosecute the appeal in terms of section *five*, or the appeal is dismissed, whereupon such bull shall be castrated or removed from such cattle improvement area within one week after the decision of the Court of Appeal has been conveyed to the owner, or, where such owner has failed to prosecute the appeal, within one week of such failure. Any expenses incurred in connection with such subsequent branding as aforesaid shall be met by the owner of such bull.

(4) Full particulars of each bull dealt with by the Board in terms of sub-section (1), (2) or (3) shall be recorded by the officer appointed for that cattle improvement area in a register to be kept by him.

[section 7 amended by Proc. 14 of 1941]

8. (1) Whenever an owner of land situate within a cattle improvement area finds on such land any stray bull over twelve months of age which does not bear brand or mark of an approved, provisionally approved or registered bull, he shall -

- (a) without unreasonable delay remove or cause to be removed such bull to the nearest pound and upon receipt of such bull into the pound report the finding of such bull to the poundmaster, who in turn shall forthwith report the fact to the officer appointed for the area; or
- (b) without unreasonable delay report the fact to an officer, member of the Police Force or Magistrate and immediately take steps to secure and isolate such bull until the arrival of an officer who shall deal with the bull as hereinafter provided.

(2) Upon receiving such report the officer for the area shall as soon as may be convenient inspect the bull, and if in his opinion the bull is not suitable for the purposes of the breeding of cattle, he shall castrate the bull or cause him to be castrated.

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[subsection (2) amended by Proc. 14 of 1941]

(3) The poundmaster shall not release or sell any such bull until it has been inspected by an officer and if such officer is of opinion that the bull is not suitable for the purposes of the breeding of cattle, until the bull has been castrated.

(4) The owner of land upon which such bull is found shall be entitled to recover the reasonable cost of securing feeding, watering and tending of such bull from the owner thereof.

(5) The provisions of this section shall be additional to the provisions of, and shall be of force and effect notwithstanding anything contained in, the Trespass of Animals Ordinance, 1939 (Ordinance No. 16 of 1939).

9. The provisions of sections *four, five, six, seven* and *eight* shall not apply in respect of any bull the pedigree of which has been registered with a society approved by the Administrator, and which in accordance with regulations made under section *thirteen* bears a brand or other mark which indicates that its pedigree has been so registered.

10. (1) The Board or an officer may in writing require any owner of land or cattle, as the case may be, to collect or cause to be collected and to have available for inspection, branding, marking or castration, all bulls over the age of twelve months running on the land described in such writing.

(2) The Board or an officer may state in such writing at which place or places on the land aforesaid such bulls shall be confined and at what time or within which periods of time such bulls shall be held available for the purposes set out above.

(3) It shall be the duty of the owner of the land or cattle to render all reasonable assistance in the confining, controlling, catching and handling of such bulls and to provide such fuel, labour, crushpens, ropes and riems as may be required by the Board or officer to carry out the provisions of this Ordinance.

11. (1) An officer may at any time enter upon any land or premises or vehicle within a cattle improvement area on which there are, or on which it is suspected there are any bulls over the age of twelve months for the purpose of carrying out the provisions of this Ordinance or of the regulations framed thereunder and may take with him upon such land, premises or vehicle, such assistants as will enable him more effectively to carry out such provisions.

(2) Any person who obstructs or hinders or restricts an officer in the exercise of any power or duty under this Ordinance shall be guilty of an offence.

12. Any person contravening the provisions of section *six, seven, ten* or *eleven* shall be guilty of an offence and shall be liable on conviction for an offence under section *six, seven* or *eleven* a fine not exceeding fifty pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding three months, and for an offence under section *ten* to a fine not exceeding twenty pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding one month.

**[A fine not exceeding fifty pounds is equivalent to a fine not exceeding N\$100.
A fine not exceeding twenty pounds is equivalent to a fine not exceeding N\$40.]**

13. The Administrator may make regulations -

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- (a) for the branding or marking of bulls approved, provisionally approved or disapproved by a Board; and for the branding or marking of bulls the pedigrees of which have been registered with a society approved by the Administrator;
- (b) for the payment of allowances to members of a Board who are not public servants;
- (c) prescribing the procedure to be followed by a Board, and, generally, for the improvement of cattle and the elimination of undesirable bulls in any cattle improvement area and the carrying out of the purposes of this Ordinance;
- (d) prescribing penalties for the contravention of any such regulation.

14. In this Ordinance, unless inconsistent with the context:-

“Administrator” shall mean the Administrator of South West Africa;

“Office of the Board” shall mean the office of the officer appointed for such cattle improvement area;

“Officer” shall mean a Government Veterinary Surgeon or Animal Husbandry Officer appointed by the Administrator;

“Owner” when used in relation to land, shall mean the registered owner of such land when he is in actual occupation thereof, and when the owner is not in occupation of his own land, the expression when so used shall mean any person, who, whether as lessee, licensee or otherwise entitled has, for the time being, the charge, control and management of that land;

“Owner” when used in relation to stock, shall mean -

- (a) every person who is the sole or part owner thereof; or
- (b) if the sole or part owner has not for the time being the control of the stock, the person who has such control;

“Unapproved Bull” shall mean a bull over the age of twelve months which has not been inspected by a Board in terms of section *four*.

15. The provisions of this Ordinance may, at the discretion of the Administrator, be extended and applied by Proclamation, *mutatis mutandis*, to horses, asses, sheep, goats, swine and ostriches.

16. The Cattle Improvement Ordinance, 1930 (Ordinance No. 10 of 1930) as amended from time to time together with any regulations framed thereunder, is hereby repealed.

17. This Ordinance may be cited for all purposes as the Cattle Improvement Consolidation Ordinance, 1941.

[Proc. 14 of 1941 provides the following transitional provisions:

2. Notwithstanding anything contained in the principal law [Ordinance 14 of 1941] it is hereby provided that any district or defined area, which was duly declared by Proclamation to be a cattle improvement area in terms of the Cattle Improvement Ordinance, 1930 (Ordinance No. 10 of 1930), as amended from time to time, shall be deemed to be a cattle improvement area within the meaning and for the purposes of the principal law.

3. Notwithstanding anything contained in the principal law [Ordinance 14 of 1941] it is hereby provided that any board duly appointed by the Administrator to inspect and approve bulls for the purposes

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of the breeding of cattle under the provisions of the Cattle Improvement Ordinance, 1930 (Ordinance No. 10 of 1930), as amended from time to time, shall be deemed to be a Bull Inspection Board duly appointed in accordance with the provisions of the principal law.”]