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KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 647.

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

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

—No. 35 van 1984: Wet op Dieriesiektes, 1984.

No. 35 of 1984: Animal Diseases Act, 1984.

ANIMAL DISEASES ACT, 1984

Act No. 35, 1984

ACT

To provide for the control of animal diseases and parasites, for measures to promote animal health, and for matters connected therewith.

*(English text signed by the State President.)
(Assented to 20 March 1984.)*

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

1. (1) In this Act, unless the context otherwise indicates— Definitions.

- 5 (i) "animal" means any mammal, bird, fish, reptile or amphibian which is a member of the phylum vertebrates, including the carcass of any such animal; (xii)
- 10 (ii) "animal disease" means a disease to which animals are liable and whereby the normal functions of any organ or the body of an animal is impaired or disturbed by any protozoon, bacterium, virus, fungus, parasite, other organism or agent; (xiv)
- 15 (iii) "animal health scheme" means any scheme referred to in section 10 (1); (xiii)
- (iv) "animal product" means any part or portion of, or product derived from, any animal, including any such part, portion or product in any processed form; (xv)
- 20 (v) "authorized person" means any person authorized to exercise or perform any power or duty, or requested to render any service, by the director under section 3 (1); (xx)
- (vi) "contaminated thing" means any thing other than an animal which is capable of introducing into, or spreading in, the Republic, any controlled animal disease or parasite, or by means of which any such disease or any parasite can so be introduced or spread, including any prescribed thing contemplated in subsection (7) (a) of this section; (viii)
- 25 (vii) "controlled animal disease" means any animal disease in respect of which any general or particular control measure has been prescribed, and any animal disease which is not indigenous or native to the Republic; (ii)
- 30 (viii) "controlled animal or thing" means any animal, infectious thing, contaminated thing, animal product or parasite, and any progeny or product in respect thereof; (iii)
- 35 (ix) "controlled purpose" means the prevention of the bringing into the Republic, or the prevention or com-

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- bating of or control over an outbreak or the spreading, or the eradication, of any animal disease or, where applicable, of any parasite; (iv)
- 5 (x) "controlled veterinary act", in relation to any animal or thing, means—
- (a) the isolation, detention, inspection, testing, immunization, observation, sampling, marking, treatment, care, destruction or any other disposal of;
- 10 (b) the carrying out of any operation or of any post-mortem examination on; or
- (c) the rendering of any service pertaining specially to the veterinary profession referred to in the rules made under section 30 (1) (a) of the Veterinary and Para-Veterinary Professions Act, 1982 (Act
- 15 No. 19 of 1982), in respect of, any such animal or thing for any controlled purpose;
- (v)
- (xi) "control measure" means any measure prescribed by the Minister under section 9 in relation to any controlled purpose; (vi)
- 20 (xii) "conveyance" means any aircraft, ship, boat, train, motor car, van, truck, cart or other vehicle, or animal, or other conveyance of whatever kind, including the fittings and equipment and, in the case of an animal, the harness and tackle, thereof; (xxxii)
- 25 (xiii) "customs officer" means any officer as defined in section 1 (1) of the Customs and Excise Act, 1964 (Act No. 91 of 1964); (xviii)
- (xiv) "department" means the Department of Agriculture;
- 30 (xi)
- (xv) "director" means the officer in the department referred to in section 2 (1); (xvi)
- (xvi) "Director-General" means the Director-General: Agriculture; (xvii)
- 35 (xvii) "infectious thing" means any animal which is infected with a controlled animal disease or parasite, any animal product derived or obtained from such animal by means of which such disease or parasite can be spread in the Republic, and any other thing which is capable
- 40 of causing any such disease, including any prescribed animal product or thing contemplated in subsection (7) (b) of this section; (vii)
- (xviii) "land" includes any building, structure, enclosure, premises, harbour, jetty, wharf or water and, subject to subsection (5) of this section, any adjoining land; (xxi)
- 45 (xix) "manager" means, in relation to—
- (a) State land other than State land referred to in paragraph (a) of the definition of "owner", the person having the charge, control or management of such land and, in relation to land in a common pasture defined in section 1 of the Common Pasture Management Act, 1977 (Act No. 82 of 1977), the relevant pasture management committee established under section 4 of that Act;
- 50 (b) land in any board area defined in section 1 of the Rural Coloured Areas Law, 1979 (Law No. 1 of 1979) (Coloured Persons Representative Council), the relevant management board or board as defined in the said section;
- 55 (c) land occupied by Blacks, other than land referred to in paragraph (d) of the definition of "owner"—
- (i) any chief or headman referred to in section 2 of the Black Administration Act, 1927 (Act No. 38 of 1927), in respect of such Blacks; or
- 60 (ii) any other person having in terms of the provisions of any other law the charge, control or management of such land;
- 65 (d) any commonage referred to in paragraph (b) of the definition of "owner", the relevant lessee;

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- (e) any commonage or outspan not controlled by any institution, council or body contemplated in paragraph (b) of the definition of "owner", any person designated in accordance with subsection (2) of this section; and
- (f) any other land not occupied by an owner—
- (i) subject to subsection (3) (a) of this section, if the land is occupied by any usufructuary, lessee, sub-lessee or any other person, such occupier; or
 - (ii) if any business is carried on on such land without the charge, control or management of the owner, any person ordinarily present thereon during the normal hours during which the business is carried on, and having the charge, control or management of the land; or
 - (iii) in any case other than a case contemplated in subparagraph (i) or (ii), any authorized person who has been authorized or requested to exercise or perform any power or duty or to render any service in respect of the land; (ix)
- (xx) "Minister" means the Minister of Agriculture; (xxv)
- (xxi) "officer" means any officer or employee as defined in section 1 (1) of the Public Service Act, 1957 (Act No. 54 of 1957), acting under delegation from or control of the director; (i)
- (xxii) "order" means any order referred to in section 15 (1) which has been served on any person; (x)
- (xxiii) "owner" means, in relation to—
- (a) State land held—
 - (i) under a lease, licence or allotment registered in a deeds registry or other registration office and containing an option to purchase such land, the person registered as the holder of such lease, licence or allotment;
 - (ii) under a deed of sale, the purchaser under such deed;
 - (b) land of which any institution, council or body contemplated in section 84 (1) (f) of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961); is an owner as contemplated in paragraph (e) (i), or which is held or controlled by such institution, council or body, excluding any commonage within the area of jurisdiction of such institution, council or body which is leased as an agricultural unit for the sole account of a lessee, any such institution, council or body;
 - (c) land of which the South African Development Trust referred to in section 4 of the Development Trust and Land Act, 1936 (Act No. 18 of 1936), is an owner as contemplated in paragraph (e) (i), or in respect of which ownership vests in that Trust or which is controlled or managed by it, that Trust;
 - (d) land occupied by Blacks, within the area of any Black Administration Board referred to in section 2 of the Black Affairs Administration Act, 1971 (Act No. 45 of 1971), or any community council referred to in section 2 of the Community Councils Act, 1977 (Act No. 125 of 1977), or any local authority referred to in section 1 of the Local Authorities Act, 1982 (Act No. 102 of 1982), any such council or authority having the charge, control or management of such land; and
 - (e) any other land—
 - (i) subject to subsections (3) (b) and (4) of this section, the registered owner of the land or, if the land has been sold, the purchaser; or
 - (ii) if the owner or purchaser is absent from the Republic or cannot be traced, or is a minor, mentally disordered person, insolvent or other-

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wise incompetent in law to administer his estate, or is deceased, or is a body corporate under judicial management or in liquidation, the agent or legal representative of such owner or purchaser, or any other person authorized in law to administer his estate; or, in the case of such body corporate, its judicial manager or liquidator, in the Republic;

(f) any controlled animal or thing, or any other moveable property, the person in whom the ownership in respect of such animal, thing or property is vested, including the person having the management, custody or control of such animal, thing or property, or having it in his possession for purposes of any treatment or care or, for the purposes of sections 9 (2) and 11 (1) (b), in the case of wild or foreign animals found on land or among animals, the owner or manager, or owner, respectively, in respect of such land or animals; (xix)

(xxiv) "parasite" means any organism which is detrimental to the health of any animal, or which is capable of causing or spreading any animal disease; (xxvi)

(xxv) "permit" means any permit issued under this Act; (xxvii)

(xxvi) "place of entry" means—

(a) any place, road or route designated or prescribed under section 6 (1) of the Customs and Excise Act, 1964 (Act No. 91 of 1964), through or along which goods may be imported or enter into the Republic; and

(b) any place determined by the director under section 6 (2) (a) for purposes of that section; (xxviii)

(xxvii) "prescribe" means prescribe by regulation; (xxxiii)

(xxviii) "progeny or product", in relation to any animal, infectious thing other than an animal, contaminated thing, animal product or parasite, means any other animal or animal product, other such infectious thing, or other contaminated thing, animal product or parasite, obtained or derived therefrom, or descended or produced by, from or by means thereof, whatever the connection or degree of descent or relationship; (xxxiv)

(xxix) "quarantine station" means any quarantine station established or declared under section 5; (xxiii)

(xxx) "regulation" means any regulation made under this Act; (xxix)

(xxxi) "remedy" means any stock remedy which has been registered under the Fertilizers, Farm Feed, Agricultural Remedies and Stock Remedies Act, 1947 (Act No. 36 of 1947), including any medicine or veterinary medicine as defined in section 1 of the Medicines and Related Substances Control Act, 1965 (Act No. 101 of 1965); (xxiv)

(xxxii) "scheme" means any animal health scheme; (xxx)

(xxxiii) "this Act" includes any regulation, control measure and animal health scheme; (xxii)

(xxxiv) "veterinarian" means any person who is registered or deemed to be registered in terms of the Veterinary and Para-Veterinary Professions Act, 1982 (Act No. 19 of 1982), to practise the veterinary profession of veterinarian. (xxxi)

(2) The director may, after consultation with the Provincial Secretary of a province wherein any commonage or outspan referred to in paragraph (e) of the definition of "manager" in subsection (1) of this section is situate, designate any person in writing as manager in respect of the relevant land.

(3) Any person who alleges that, or who acts as if, he—

(a) is a usufructuary, lessee, sub-lessee or occupier of land referred to in paragraph (f) (i) of the definition of "manager" in the said subsection (1); or