



REPUBLIEK VAN SUID-AFRIKA

STAATSKOERANT

GOVERNMENT GAZETTE

OF THE REPUBLIC OF SOUTH AFRICA

As 'n Nuusblad by die Poskantoor Geregistreer

Registered at the Post Office as a Newspaper

R1,00 Prys • Price
R0,10 Plus 10% BTW • VAT
R1,10 Verkoopprys • Selling price
Buitelands **R1,40** Other countries
Posvry • Post free

Vol. 325

KAAPSTAD, 10 JULIE 1992

No. 14125

CAPE TOWN, 10 JULY 1992

KANTOOR VAN DIE STAATSPRESIDENT

No. 1909.

10 Julie 1992

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

No. 121 van 1992: Wet op Abattoirhigiëne, 1992.

STATE PRESIDENT'S OFFICE

No. 1909.

10 July 1992

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

No. 121 of 1992: Abattoir Hygiene Act, 1992.

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

Om voorsiening te maak vir die handhawing van behoorlike standaarde van higiëne by die slag van diere ten einde geskikte vleis vir menslike en dierlike verbruik te verkry, en by die hantering, hou en vervoer van sodanige vleis en dierlike produkte by en vanaf abattoirs; te dien einde die slag van diere op enige ander plek as 'n abattoir wat voldoen aan sekere vereistes met betrekking tot die uitleg en struktuur daarvan, en die vaste toerusting en ander fasiliteite wat daar geïnstalleer of verskaf moet word, en wat ingevolge hierdie Wet goedgekeur is, te verbied; te vereis dat sodanige vleis en dierlike produkte gehanteer of gehou moet word by en verwyder moet word vanaf abattoirs in ooreenstemming met voorgeskrewe vereistes; te bepaal dat vleis nie ingevoer mag word nie behalwe op gesag van 'n permit deur die direkteur uitgereik; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 2 Julie 1992.)*

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

Woordomskrywing

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—
 - (i) “abattoir” ’n plek waar diere geslag word of bestem is om geslag te word, met inbegrip van alle fasiliteite wat normaalweg by so ’n plek tuishoort of daaraan verbonde is, ongeag of sodanige fasiliteite op dieselfde plek as sodanige plek geleë is al dan nie; (i) 5
 - (ii) “beampte” ’n beampte soos omskryf in artikel 1(1) van die Staatsdienswet, 1984 (Wet No. 111 van 1984), wat in die departement in diens is, en ook ’n werknemer, aldus omskryf, wat aldus in diens is; (xii) 10
 - (iii) “besmet” ly aan, of in die inkubasiestadium van, of besoedel met die besmetting van, ’n besmetlike of aansteeklike siekte; (viii)
 - (iv) “departement” die Departement van Landbou; (v)
 - (v) “dier” ’n dier van ’n voorgeskrewe soort; (ii) 15
 - (vi) “dierlike produk” enige gedeelte van ’n dier behalwe die vleis daarvan, hetsy dit bestem is om deur behandeling of verwerking omgeskep te word in gebruiksartikels of nie; (iii)
 - (vii) “direkteur” daardie beampte wat in diens is by die departement en ingevolge artikel 2 as Direkteur van Vleishigiëne aangewys is; (vi) 20
 - (viii) “Direkteur-generaal” die Direkteur-generaal van die departement; (vii)
 - (ix) “eienaar”, met betrekking tot ’n abattoir, die persoon by wie die eiendomsreg van die abattoir berus, of, in die geval van ’n abattoir ten

GENERAL EXPLANATORY NOTE:

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

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

ACT

To make provision for the maintenance of proper standards of hygiene in the slaughtering of animals for the purpose of obtaining suitable meat for human and animal consumption, and in the handling, keeping and conveyance of such meat and animal products at and from abattoirs; to that end to prohibit the slaughtering of animals at any place other than an abattoir which complies with certain requirements with regard to the outlay and structure thereof, and the fixed equipment and other facilities to be installed or provided thereat, and which have been approved in terms of this Act; to require that such meat and animal products shall be handled or kept at and be removed from abattoirs in accordance with prescribed requirements; to provide that meat shall not be imported except on the authority of a permit issued by the director; and to provide for matters connected therewith.

*(Afrikaans text signed by the State President.)
(Assented to 2 July 1992.)*

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

Definitions

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

- 5 (i) "abattoir" means a place where animals are slaughtered or are intended to be slaughtered, and includes all facilities which normally appertain or are attached to such a place, whether or not such facilities are situated at the same place as such place; (i)
- (ii) "animal" means any animal of a prescribed kind; (v)
- 10 (iii) "animal product" means any portion of an animal excluding the meat thereof, whether or not it is intended to be converted by treatment or processing into articles in daily use; (vi)
- (iv) "approved abattoir" means an abattoir in respect of which a certificate of approval has been issued in terms of section 5; (x)
- 15 (v) "department" means the Department of Agriculture; (iv)
- (vi) "director" means that officer who is employed in the department and has been designated in terms of section 2 as Director of Meat Hygiene; (vii)
- (vii) "Director-General" means the Director-General of the department; 20 (viii)
- (viii) "infected" means suffering from, or in the incubation stage of, or contaminated with the infection of, any contagious or infectious disease; (iii)
- 25 (ix) "meat" means those portions of any animal which are ordinarily intended for human or animal consumption; (xvi)

- opsigte waarvan die reg op algemene beheer by 'n ander persoon berus as die persoon by wie die eiendomsreg berus, daardie ander persoon; (xiii)
- (x) "goedgekeurde abattoir" 'n abattoir ten opsigte waarvan 'n sertifikaat van goedkeuring ingevolge artikel 5 uitgereik is; (iv) 5
- (xi) "hierdie Wet" ook enige regulasie; (xvii)
- (xii) "Minister" die Minister van Landbou; (xi)
- (xiii) "regulasie" 'n regulasie kragtens artikel 24 uitgevaardig; (xv)
- (xiv) "slag", met betrekking tot 'n dier, doodmaak, afslag en die gebruikelike gepaardgaande handelinge verrig met die doel om die vleis wat van die dier verkry word vir menslike of dierlike verbruik te gebruik; (xvi) 10
- (xv) "veearts" 'n veearts soos omskryf in artikel 1 van die Wet op Veterinêre en Para-veterinêre Beroepe, 1982 (Wet No. 19 van 1982); (xviii)
- (xvi) "vleis" daardie gedeeltes van 'n dier wat normaalweg vir menslike of dierlike verbruik bestem is; (ix) 15
- (xvii) "vleisinspekteur" iemand wat oor die voorgeskrewe kwalifikasies beskik; (x)
- (xviii) "voorskryf" by regulasie voorskryf. (xiv)

Aanwysing en bevoegdheide en pligte van Direkteur van Vleishigiëne, en beheer deur Minister 20

2. (1) Die Minister moet 'n beampte in die departement wat 'n veearts is as Direkteur van Vleishigiëne aanstel.

(2) Die direkteur oefen die bevoegdheide uit, voer die pligte uit en verrig die werksaamhede wat ingevolge hierdie Wet aan die direkteur verleen, opgelê of opgedra word, onderworpe aan die beheer en voorskrifte van die Minister. 25

(3) Die direkteur kan na goedvinde enigiets wat in hierdie Wet aan 'n veearts of vleisinspekteur as 'n bevoegdheid, plig of werksaamheid verleen, opgelê of opgedra word, doen.

(4) Die direkteur kan 'n bevoegdheid, plig of werksaamheid wat ingevolge hierdie Wet aan hom verleen, opgelê of opgedra is skriftelik aan 'n beampte onder sy beheer deleger, maar die direkteur word nie ontdoen van 'n bevoegdheid, plig of werksaamheid wat aldus gedelegeer is nie, en kan enige beslissing wat gegee is deur die beampte uit hoofde van so 'n delegasie wysig of intrek, tensy die beslissing oorgedra is aan die persoon ten opsigte van wie die beslissing van toepassing is, in watter geval die beslissing gewysig of ingetrek kan word slegs indien die wysiging of intrekking tot die voordeel van die persoon sal strek of indien sodanige persoon daartoe toestem. 30 35

Verbod op slag van diere op ander plekke as goedgekeurde abattoirs

3. (1) Niemand mag—

- (a) enige dier op 'n ander plek as 'n goedgekeurde abattoir slag nie; 40
- (b) toelaat dat 'n dier op enige plek onder sy beheer geslag word nie, tensy so 'n plek 'n goedgekeurde abattoir is.

(2) Die Minister kan by regulasie alle persone wat tot 'n bepaalde kategorie behoort, op die voorgeskrewe voorwaardes van die bepalinge van subartikel (1) vrystel. 45

(3) Die Minister kan by kennisgewing in die *Staatskoerant* enige gebied wat in die kennisgewing vermeld is, of alle gebiede uitgesonderd 'n gebied wat aldus vermeld is van die bepalinge van subartikel (1) vrystel.

Goedkeuring van ontwerp-tekeninge moet van direkteur verkry word ten opsigte van oprigting van abattoirs en verandering of sloping van sekere plekke wat ontwerp en opgerig is as abattoirs 50

4. (1) Iemand wat—

- (a) 'n abattoir wil oprig; 55
- (b) die uitleg van enige plek wat voor of na die inwerkingtreding van hierdie Wet ontwerp en opgerig is as 'n abattoir, maar ten opsigte waarvan geen goedkeuring in artikel 5 bedoel, bestaan nie, wil verander;
- (c) enige gebou, struktuur of vaste toerusting wat deel uitmaak van 'n plek

- (x) "meat inspector" means any person who holds the prescribed qualifications; (xvii)
- (xi) "Minister" means the Minister of Agriculture; (xii)
- 5 (xii) "officer" means an officer as defined in section 1(1) of the Public Service Act, 1984 (Act No. 111 of 1984), who is employed in the department, and includes an employee so defined, who is so employed; (ii)
- 10 (xiii) "owner", in relation to an abattoir, means the person in whom the ownership of the abattoir is vested or, in the case of any abattoir in respect of which the right of general control is vested in a person other than the person in whom the ownership is vested, that other person; (ix)
- (xiv) "prescribe" means prescribe by regulation; (xviii)
- (xv) "regulation" means a regulation made under section 24; (xiii)
- 15 (xvi) "slaughter", in relation to an animal, means kill, skin and perform the usual accompanying acts with the intention of using the meat of the animal for consumption by human beings or animals; (xiv)
- (xvii) "this Act" includes any regulation; (xi)
- 20 (xviii) "veterinarian" means a veterinarian as defined in section 1 of the Veterinary and Para-Veterinary Professions Act, 1982 (Act No. 19 of 1982). (xv)

Designation and powers and duties of Director of Meat Hygiene, and control by Minister

25 2. (1) The Minister shall designate an officer in the department who is a veterinarian, as Director of Meat Hygiene.

(2) The director shall exercise the powers, carry out the duties and perform the functions conferred or imposed upon or assigned to the director in terms of this Act, subject to the control and directions of the Minister.

30 (3) The director may in his discretion do anything which in terms of this Act is conferred or imposed upon or assigned to a veterinarian or meat inspector as a power, duty or function.

(4) The director may in writing delegate to any officer under his control any power, duty or function conferred or imposed upon or assigned to him in terms of this Act, but the director shall not be divested of any power, duty or function
35 so delegated, and may amend or withdraw any decision given by the officer by virtue of such delegation unless such decision has been conveyed to the person in respect of whom the decision applies, in which case the decision may be amended or withdrawn only if the amendment or withdrawal will be to the benefit of such person or if such person consents thereto.

40 **Prohibition of slaughter of animals at places other than approved abattoirs**

3. (1) No person shall—

- (a) slaughter any animal at any place other than an approved abattoir;
(b) permit the slaughter of any animal at any place under his control, unless such place is an approved abattoir.

45 (2) The Minister may by regulation exempt all persons belonging to a particular category from the provisions of subsection (1), subject to such conditions as may be prescribed.

(3) The Minister may by notice in the *Gazette* exempt from the provisions of subsection (1) any area mentioned in that notice, or all areas other than any area
50 so mentioned.

Approval of design drawings to be obtained from director in respect of erection of abattoirs and alteration or demolition of certain places designed and erected as abattoirs

4. (1) Any person who wishes—

- 55 (a) to erect an abattoir;
(b) to alter the outlay of any place which has before or after the commencement of this Act been designed and erected as an abattoir but in respect of which no approval contemplated in section 5 exists;
(c) to demolish or substantially alter any building, structure or permanent

- in paragraaf (b) vermeld ten opsigte waarvan geen sodanige goedkeuring bestaan nie, wil sloop of wesenlik verander;
- (d) enige gebou of struktuur wil oprig of vaste toerusting wil installeer by 'n plek in paragraaf (b) vermeld ten opsigte waarvan geen sodanige goedkeuring bestaan nie, 5
- en wat voornemens is om aansoek om 'n goedkeuring ingevolge artikel 5 te doen, moet, voordat hy met sodanige oprigting, verandering, sloping of installering begin, ontwerpkeuring, planne of sketse wat in ooreenstemming met die voorgeskrewe vereistes opgestel is, aan die direkteur voorlê vir goedkeuring.
- (2) Die direkteur keur nie enige ontwerpkeuring, skets of plan aan hom 10 ingevolge subartikel (1) voorgelê, goed nie tensy hy oortuig is dat, indien die oprigting, verandering, sloping of installering uitgevoer word in ooreenstemming met die ontwerpkeuring, skets of plan, of ter voldoening aan enige voorwaarde wat die direkteur goedgevind om op te lê wanneer hy die aansoek om die goedkeuring van die ontwerpkeuring, skets of plan oorweeg, die betrokke plek 15 geskik sal wees om ingevolge hierdie Wet as abattoir goedgekeur te word.
- (3) 'n Aansoek om die goedkeuring van 'n ontwerpkeuring, skets of plan in subartikel (2) vermeld, moet—
- (a) op die voorgeskrewe wyse gedoen word;
- (b) aan die direkteur voorgelê word; en 20
- (c) vergesel gaan van die voorgeskrewe geld.

Aansoeke om goedkeuring van abattoirs

5. (1) 'n Aansoek om die goedkeuring van 'n plek as 'n abattoir moet op die voorgeskrewe wyse aan die direkteur voorgelê word en moet van die voorgeskrewe geld vergesel gaan. 25
- (2) Die direkteur moet, indien hy oortuig is dat die plek waarop 'n aansoek vermeld in subartikel (1) betrekking het, opgerig is of verander is, of dat die sloping, verandering, installering of oprigting van enige gebou, struktuur of vaste toerusting by sodanige plek uitgevoer is in ooreenstemming met die ontwerpkeuring, skets of plan wat ingevolge artikel 4 goedgekeur is, die abattoir goedgekeur, 30 en moet 'n sertifikaat van goedkeuring uitreik, onderworpe aan sodanige voorwaardes as wat in die sertifikaat uiteengesit word.
- (3) Die persoon aan wie 'n sertifikaat in subartikel (2) vermeld, uitgereik is, moet op die voorgeskrewe wyse met so 'n sertifikaat handel.
- (4) 'n Sertifikaat van goedkeuring uitgereik ten opsigte van 'n abattoir kragtens 35 artikel 4 van die Wet op Higiëne by Dierslag, Vleis en Dierlike Produkte, 1967 (Wet No. 87 van 1967), en wat onmiddellik voor die inwerkingtreding van hierdie artikel van krag is, word geag 'n sertifikaat van goedkeuring te wees wat kragtens subartikel (2) ten opsigte van daardie abattoir uitgereik is.

Intrekking en verval van goedkeuring van abattoirs 40

6. (1) Die direkteur kan, behoudens subartikel (2), die goedkeuring wat kragtens artikel 5(2) ten opsigte van enige abattoir verleen is, intrek indien hy oortuig is dat—
- (a) die uitleg van 'n goedgekeurde abattoir verander is, of dat enige gebou, struktuur of vaste toerusting opgerig of geïnstalleer by so 'n abattoir, 45 gesloop, verwyder of wesenlik verander is;
- (b) die betrokke abattoir nie meer voldoen aan enige voorwaarde onderworpe waaraan die goedkeuring ingevolge artikel 5(2) verleen is nie;
- (c) die abattoir nie op die voorgeskrewe wyse bedryf word nie.
- (2) Die direkteur mag nie die goedkeuring van 'n abattoir intrek nie tensy hy die 50 eienaar van die abattoir in kennis gestel het van sy voorneme om dit te doen, en van die gronde waarop sy voorneme berus, en tensy hy die eienaar 'n redelike geleentheid gebied het om sy saak te stel of om enige aangeleentheid met betrekking tot die abattoir wat deur die direkteur aangedui is, reg te stel.
- (3) Die goedkeuring ingevolge artikel 5(2) ten opsigte van 'n abattoir verleen, 55 verval—
- (a) wanneer die persoon aan wie die goedkeuring verleen is, ophou om die eienaar van die abattoir te wees;
- (b) indien die eienaar van die abattoir die direkteur in kennis gestel het van

- equipment forming part of a place referred to in paragraph (b) in respect of which no such approval exists;
- (d) to erect any building or structure or install any permanent equipment at any place referred to in paragraph (b) in respect of which no such approval exists,
- 5 and who intends to make application for an approval in terms of section 5, shall, before commencing with such erection, alteration, demolition or installation, submit to the director for approval design drawings, plans or sketches which have been drawn up in conformity with the prescribed requirements.
- 10 (2) The director shall not approve any design drawing, sketch or plan submitted to him in terms of subsection (1) unless he is satisfied that, if the erection, alteration, demolition or installation is carried out in accordance with the design drawing, sketch or plan, or in compliance with any condition which the director may deem fit to impose when he considers the application for the
- 15 approval of the design drawing, sketch or plan, the place in question will be fit to be approved as an abattoir in terms of this Act.
- (3) An application for the approval of a design drawing, sketch or plan referred to in subsection (2) shall—
- (a) be made in the prescribed manner;
- 20 (b) be submitted to the director; and
- (c) be accompanied by the prescribed fee.

Applications for approval of abattoirs

5. (1) An application for the approval of any place as an abattoir shall be submitted to the director in the prescribed manner and shall be accompanied by
- 25 the prescribed fee.
- (2) The director shall, if he is satisfied that the place to which an application referred to in subsection (1) relates, has been erected or has been altered, or that the demolition, alteration, installation or erection of any building, structure or permanent equipment at such place, has been carried out in accordance with the
- 30 design drawing, sketch or plan approved in terms of section 4, approve the abattoir, and shall issue a certificate of approval subject to such conditions as may be stated in the certificate.
- (3) The person to whom a certificate referred to in subsection (2) has been issued, shall deal with such certificate in the prescribed manner.
- 35 (4) A certificate of approval issued in respect of an abattoir under section 4 of the Animal Slaughter, Meat and Animal Products Hygiene Act, 1967 (Act No. 87 of 1967), and which is in force immediately prior to the commencement of this section, shall be deemed to be a certificate of approval issued under subsection (2) in respect of that abattoir.

40 Withdrawal and lapse of approval of abattoirs

6. (1) Subject to subsection (2), the director may withdraw the approval granted under section 5(2) in respect of any abattoir if he is satisfied that—
- (a) the outlay of an approved abattoir has been altered, or that any
- 45 building, structure, or fixed equipment erected or installed at such abattoir, has been demolished, removed or substantially altered;
- (b) the abattoir in question no longer complies with any condition subject to which the approval was granted in terms of section 5(2); or
- (c) the abattoir is not operated in the prescribed manner.
- (2) The director shall not withdraw the approval of an abattoir unless he has
- 50 informed the owner of the abattoir of his intention to do so, and of the grounds upon which his intention is based, and unless he has afforded the owner of the abattoir a reasonable opportunity to state his case or to rectify any matter with regard to the abattoir indicated by the director.
- (3) The approval granted in terms of section 5(2) in respect of an abattoir shall
- 55 lapse—
- (a) when the person to whom the approval was granted ceases to be the owner of the abattoir;
- (b) if the owner of the abattoir has informed the director of his intention to

sy voorneme om alle bedrywighede met betrekking tot die slag van diere te staak, met ingang van die dag wat volg op die dag waarop sodanige bedrywighede gestaak word.

(4) Indien die eienaar van 'n goedgekeurde abattoir die abattoir van die hand sit, of alle bedrywighede met betrekking tot die slag van diere by so 'n abattoir staak met die voorneme om nie die bedrywighede te hervat nie, moet hy so gou doenlik na die vandiehandsetting of staking die direkteur van dié feit in kennis stel en die sertifikaat van goedkeuring aan die direkteur terugstuur.

Grade ten opsigte van goedgekeurde abattoirs

7. (1) Die Minister moet die grade ten opsigte van goedgekeurde abattoirs voorskryf en by regulasie die vereistes bepaal waaraan 'n goedgekeurde abattoir moet voldoen ten einde vir 'n bepaalde graad in aanmerking te kom.

(2) Wanneer die direkteur kragtens artikel 5(2) 'n sertifikaat van goedkeuring ten opsigte van 'n abattoir uitreik, moet hy—

(a) die graad van daardie abattoir, aan die hand van die vereistes bedoel in subartikel (1) bepaal; en

(b) sodanige graad op die sertifikaat van goedkeuring aandui.

(3) Die direkteur kan, hetsy uit eie beweging hetsy na die oorweging van 'n aansoek, die graad van 'n goedgekeurde abattoir, bepaal ingevolge subartikel (2), verander.

(4) 'n Verandering ten opsigte van die graad van 'n goedgekeurde abattoir word uit eie beweging deur die direkteur gedoen slegs—

(a) indien hy oortuig is dat voldoende gronde daarvoor bestaan; en

(b) nadat hy die houer van die betrokke sertifikaat van goedkeuring die geleentheid gebied het om verhoër oor die voorgenome verandering te rig.

(5) 'n Aansoek om die graad van 'n goedgekeurde abattoir te verander—

(a) word op die voorgeskrewe wyse gedoen; en

(b) gaan vergesel van die voorgeskrewe geld.

Veeartse en vleisinspekteurs moet by goedgekeurde abattoirs in diens geneem en gehou word

8. (1) Die eienaar van 'n goedgekeurde abattoir moet, tensy sodanige abattoir een is ten opsigte waarvan vrystelling ingevolge subartikel (3) verleen is, ten opsigte van daardie abattoir 'n veearts wat deur die direkteur ten opsigte van daardie abattoir aangewys is asook 'n vleisinspekteur wat aldus aangewys is in diens neem en hou.

(2) Die direkteur kan te eniger tyd 'n aanwysing kragtens subartikel (1) sonder opgaaf van redes intrek.

(3) (a) Die Minister kan by regulasie in die algemeen vrystelling verleen van die bepalings van subartikel (1), onderworpe aan die voorwaardes wat in daardie regulasie uiteengesit word.

(b) Die direkteur kan op aansoek op die voorgeskrewe wyse aan enige persoon vrystelling verleen van die bepalings van subartikel (1), onderworpe aan sodanige voorwaardes as wat in die geskrif wat sodanige vrystelling bevat, uiteengesit word.

(4) Die veearts en vleisinspekteur in subartikel (1) bedoel, moet ten opsigte van daardie abattoir die bevoegdheide en pligte van 'n veearts en 'n vleisinspekteur uitoefen en uitvoer met betrekking tot die inspeksie van diere wat bestem is om by daardie abattoir geslag te word, die inspeksie van die vleis en dierlike produkte wat verkry word van diere wat by die abattoir geslag word, die verlening van goedkeuring vir die verwydering vanaf die abattoir van vleis wat bestem is vir menslike verbruik, en met enige aangeleentheid by sodanige abattoir handel wat die aandag en kundigheid van 'n veearts of vleisinspekteur vereis.

(5) Die veearts wat ingevolge subartikel (1) ten opsigte van 'n goedgekeurde abattoir aangestel en aangewys is, kan enige beslissing wat deur 'n vleisinspekteur wat ingevolge daardie subartikel ten opsigte van daardie abattoir aangestel en aangewys is, gegee is met betrekking tot diere wat bestem is om by daardie abattoir geslag te word, die inspeksie van die vleis van en dierlike produkte afkomstig van diere wat by daardie abattoir geslag word, die verlening van goedkeuring vir die wegneem van die abattoir van enige vleis wat vir menslike

discontinue all activities relating to the slaughter of animals, with effect from the date following the date upon which such activities are discontinued.

- (4) If the owner of an approved abattoir disposes of the abattoir, or discontinues all activities with regard to the slaughtering of animals at such abattoir with the intention not to resume such activities, he shall as soon as possible after such disposal or discontinuance notify the director of the fact and shall return the certificate of approval to the director.

Grades in respect of approved abattoirs

- 10 7. (1) The Minister shall prescribe the grades in respect of approved abattoirs and determine by regulation the requirements with which an approved abattoir shall comply in order to qualify for a particular grade.
- (2) When the director issues a certificate of approval in respect of an abattoir under section 5(2), he shall—
- 15 (a) determine the grade of that abattoir according to the requirements referred to in subsection (1); and
- (b) indicate such grade on the certificate of approval.
- (3) The director may, either of his own accord or after the consideration of an application, change the grade of an approved abattoir determined in terms of
- 20 subsection (2).
- (4) A change in respect of the grade of an approved abattoir shall be made by the director of his own accord only—
- (a) if he is satisfied that sufficient grounds exist therefore; and
- 25 (b) after he has afforded the holder of the certificate of approval concerned the opportunity to make representations in respect of the intended change.
- (5) An application to change the grade of an approved abattoir shall—
- (a) be made in the prescribed manner; and
- (b) be accompanied by the prescribed fee.

30 Veterinarians and meat inspectors to be employed at approved abattoirs

8. (1) The owner of an approved abattoir shall, unless such abattoir is one in respect of which exemption has been granted in terms of subsection (3), employ in respect of that abattoir a veterinarian who has been designated by the director in respect of that abattoir, as well as a meat inspector who has been so
- 35 designated.
- (2) The director may at any time, without furnishing reasons, withdraw any such designation under subsection (1).
- (3) (a) The Minister may by regulation generally grant exemption from the provisions of subsection (1), subject to such conditions as may be set out in that
- 40 regulation.
- (b) The director may on application in the prescribed manner grant to any person exemption from the provisions of subsection (1), subject to such conditions as may be set out in the document containing such exemption.
- (4) The veterinarian and meat inspector referred to in subsection (1) shall in
- 45 respect of that abattoir exercise and carry out the powers and duties of a veterinarian and a meat inspector with regard to the inspection of animals intended to be slaughtered at that abattoir, the inspection of the meat and animal products derived from animals slaughtered at the abattoir, the granting of approval for the removal from the abattoir of meat intended for human
- 50 consumption, and deal with any matter at such abattoir which requires the attention and expertise of a veterinarian or meat inspector.
- (5) The veterinarian appointed and designated in respect of any approved abattoir in terms of subsection (1) may amend or withdraw or substitute his own decision for any decision of a meat inspector designated and appointed in terms
- 55 of that subsection in respect of that abattoir given with regard to animals intended to be slaughtered at that abattoir, the inspection of the meat and animal products derived from animals slaughtered at the abattoir, the granting of approval for the removal from that abattoir of any meat which is intended for

verbruik bestem is, enige lasgewing met betrekking tot die wyse waarop met vleis wat ongeskik vir menslike verbruik bevind is, gehandel moet word of enige ander beslissing wat so 'n veearts ingevolge hierdie Wet bevoeg is om te gee, wysig of intrek of deur sy eie beslissing vervang, tensy die persoon wat uit hoofde van so 'n beslissing verplig of bevoeg is om enige handeling te verrig, met die verrigting van sodanige handeling begin het, in watter geval die beslissing van die vleisinspekteur slegs met die instemming van sodanige persoon gewysig, ingetrek of vervang kan word, tensy sodanige wysiging, intrekking of vervanging tot die voordeel van sodanige persoon strek. 5

Verbod op slag van diere by goedgekeurde abattoirs tensy geïnspekteer en goedgekeur 10

9. (1) Niemand mag 'n dier by 'n goedgekeurde abattoir slag of toelaat dat dit daar geslag word nie, tensy die dier deur 'n veearts of vleisinspekteur geïnspekteer is en vir slagdoeleindes goedgekeur is.

(2) (a) Die Minister kan by regulasie in die algemeen vrystelling verleen van die bepalings van subartikel (1), onderworpe aan die voorwaardes wat in daardie regulasie uiteengesit word. 15

(b) Die direkteur kan op aansoek op die voorgeskrewe wyse aan enige persoon vrystelling verleen van die bepalings van subartikel (1), onderworpe aan sodanige voorwaardes as wat in die geskrif wat sodanige vrystelling bevat, uiteengesit word. 20

Verbod op wegneem van vleis van diere wat by goedgekeurde abattoirs geslag is tensy vleis geïnspekteer en goedgekeur is

10. (1) Niemand mag enige vleis van 'n dier wat by 'n goedgekeurde abattoir geslag is van sodanige abattoir wegneem nie tensy die vleis deur 'n veearts of vleisinspekteur geïnspekteer is en deur hom goedgekeur is as geskik vir menslike verbruik en tensy dit op die voorgeskrewe wyse gemerk is. 25

(2) (a) Die Minister kan by regulasie in die algemeen vrystelling verleen van die bepalings van subartikel (1), onderworpe aan die voorwaardes wat in daardie regulasie uiteengesit word.

(b) Die direkteur kan op aansoek op die voorgeskrewe wyse aan enige persoon vrystelling verleen van die bepalings van subartikel (1), onderworpe aan sodanige voorwaardes as wat in die geskrif wat sodanige vrystelling bevat, uiteengesit word. 30

Verbod op wegneem van dierlike produkte van goedgekeurde abattoirs

11. Niemand mag enige dierlike produk wat verkry is van 'n dier wat by 'n goedgekeurde abattoir geslag is, van die abattoir wegneem nie tensy sodanige produk deur 'n veearts of vleisinspekteur geïnspekteer is en daar bevind is dat die dierlike produk nie besmet is nie. 35

Hou of merk van of ander stappe wat gedoen moet word ten opsigte van sekere diere, vleis of dierlike produkte

12. Enige dier, vleis of dierlike produk wat toe dit ingevolge artikel 9, 10 of 11 geïnspekteer is, bevind is nie geskik te wees vir slagdoeleindes of vir menslike verbruik nie, of bevind is besmet te wees, moet op die voorgeskrewe wyse gehou, gemerk, vernietig of mee gehandel word. 40

Toelaatbare metodes en prosedures vir die slag van diere

13. (1) (a) Niemand mag 'n dier by 'n goedgekeurde abattoir slag nie behalwe op 'n humane wyse en in ooreenstemming met die toepaslike voorgeskrewe metodes en prosedures. 45

(b) Die direkteur kan ondanks die bepalings van paragraaf (a) op aansoek op die voorgeskrewe wyse gedoen, skriftelik vrystelling verleen van die bepalings van daardie paragraaf in die mate en onderworpe aan die voorwaardes wat hy bepaal en in die betrokke skriftelike vrystelling uiteensit. 50

(2) Die eienaar van 'n goedgekeurde abattoir moet—

(a) die voorgeskrewe higiëne-praktyke toepas wanneer 'n dier ooreenkomstig die bepalings van subartikel (1) geslag word; en

human consumption, any direction with regard to the manner in which meat which has been found to be unfit for human consumption shall be dealt with or any other decision which such veterinarian is in terms of this Act authorized to give, unless the person who is by virtue of such decision obliged or competent to perform any act has commenced with the performance of such act, in which case the decision of the meat inspector may be amended, withdrawn or substituted only with the consent of such person, unless such amendment, withdrawal or substitution is to the benefit of such person.

10 Prohibition of slaughter of animals at approved abattoirs unless inspected and approved

9. (1) No person shall slaughter or permit the slaughter of any animal at an approved abattoir unless the animal has been inspected by a veterinarian or meat inspector and has been passed as fit for slaughter purposes.

15. (2) (a) The Minister may by regulation generally grant exemption from the provisions of subsection (1), subject to such conditions as may be set out in the regulation.

(b) The director may on application in the prescribed manner, grant to any person exemption from the provisions of subsection (1), subject to such conditions as may be set out in the writing containing such exemption.

20 Prohibition of removal of meat of animals slaughtered at approved abattoir unless meat has been inspected and approved

10. (1) No person shall remove from any approved abattoir any meat of any animal slaughtered at such abattoir unless the meat has been inspected by a veterinarian or meat inspector and has been approved by him as fit for human consumption and unless it has been marked in the prescribed manner.

25. (2) (a) The Minister may by regulation generally grant exemption from the provisions of subsection (1), subject to such conditions as may be set out in the regulation.

30. (b) The director may on application in the prescribed manner, grant to any person exemption from the provisions of subsection (1), subject to such conditions as may be set out in the writing containing such exemption.

Prohibition of removal of animal products from approved abattoirs

11. No person shall remove any animal product derived from any animal slaughtered at an approved abattoir, from that abattoir unless such product has been inspected by a veterinarian or meat inspector and it has been found that the animal product is not infected.

Detention or marking of or other steps to be taken in respect of certain animals, meat or animal products

12. Any animal, meat or animal product which, when inspected in terms of section 9, 10 or 11, has been found not to be fit for slaughter purposes or for human consumption, or has been found to be infected, shall in the prescribed manner be detained, marked, destroyed or dealt with.

Permissible methods and procedures for slaughter of animals

13. (1) (a) No person shall slaughter an animal at an approved abattoir otherwise than in a humane manner and in accordance with the applicable prescribed methods and procedures.

50. (b) Notwithstanding the provisions of paragraph (a), the director may, on application made in the prescribed manner, grant exemption in writing from the provisions of that paragraph to the extent and subject to such conditions as he may determine and set out in the written exemption concerned.

(2) The owner of an approved abattoir shall—

(a) apply the prescribed hygienic practices when an animal is slaughtered in accordance with the provisions of subsection (1); and

- (b) die voorgeskrewe middele beskikbaar stel wat vir die toepassing van sodanige praktyke nodig is, en verseker dat daardie middele vir dié doel benut word.

Beperking op invoer van vars vleis

14. (1) (a) Niemand mag enige vars vleis in die Republiek invoer nie, behalwe 5
uit hoofde van 'n invoerpermit deur die direkteur uitgereik.

(b) By die toepassing van hierdie artikel beteken "vars vleis" vleis wat geen prosessering anders as dressing, ontbening, verkoeling of bevriesing ondergaan het nie.

(c) Die bepalings van paragraaf (a) is nie van toepassing nie op vars vleis wat vir 10
'n voorgeskrewe doel ingevoer word of indien die betrokke besending nie die voorgeskrewe massa oorskry nie.

(2) 'n Aansoek om 'n invoerpermit bedoel in subartikel (1)(a) word op die voorgeskrewe wyse gedoen en gaan vergesel van die voorgeskrewe aansoekgeld.

(3) 'n Invoerpermit bedoel in subartikel (1)(a) word slegs uitgereik ten opsigte 15
van vars vleis wat verkry is van diere wat by 'n abattoir geslag is wat vir die invoer van vars vleis deur die direkteur goedgekeur is.

(4) 'n Invoerpermit bedoel in subartikel (1)(a) word uitgereik op die voorwaardes wat die direkteur bepaal en in die betrokke sertifikaat uiteensit.

(5) (a) Vars vleis wat in stryd met die bepalings van subartikel (1) of 'n 20
voorwaarde bepaal kragtens subartikel (4) in die Republiek ingevoer is—

(i) word, indien die invoerder dit verkies, op eie koste deur sodanige invoerder uit die Republiek verwyder binne 'n tydperk deur die direkteur bepaal; of

(ii) word andersins mee gehandel op die voorwaardes en wyse deur die 25
direkteur bepaal.

(b) Indien die betrokke vars vleis nie binne die tydperk bedoel in paragraaf (a)(i) uit die Republiek verwyder word nie, of 'n voorwaarde bedoel in paragraaf (a)(ii) nie nagekom word nie, word daardie vleis aan die Staat verbeur en beskik 30
die direkteur daarvoor na goeddunke.

(c) Die Staat kan enige koste aangegaan in verband met die beskikking bedoel in paragraaf (b) op die betrokke invoerder verhaal.

(6) 'n Permit uitgereik vir die invoer van vleis ingevolge die regulasies uitgevaardig kragtens die Wet op Higiëne by Diereslag, Vleis en Dierlike 35
Produkte, 1967 (Wet No. 87 van 1967), en wat onmiddellik voor die inwerking-treding van hierdie artikel van krag is, word geag 'n invoerpermit te wees wat kragtens subartikel (1)(a) uitgereik is.

Betredings- en ondersoekbevoegdhede

15. (1) (a) Die direkteur of 'n beampte wat kragtens 'n delegasie of lasgewing van die direkteur optree, kan, wanneer hy dit nodig ag by die uitvoering of 40
verrigting deur hom van enige bevoegdheid of plig wat aan die direkteur by of kragtens hierdie Wet verleen of opgedra is, te eniger redelike tyd en sonder voorafgaande kennisgewing enige plek, perseel of vervoermiddel betree.

(b) Die bepalings van paragraaf (a) is *mutatis mutandis* van toepassing op 'n veearts of 'n vleisinspekteur vir sover dit betrekking het op die uitvoering van 'n 45
bevoegdheid en die verrigting van 'n plig by of in verband met die abattoir ten opsigte waarvan daardie veearts of vleisinspekteur ingevolge hierdie Wet aangestel en aangewys is.

(c) Iemand wat 'n plek, perseel of vervoermiddel ingevolge hierdie subartikel betree, moet bewys van sy identiteit en magtiging toon wanneer hy deur die 50
persoon in beheer van die betrokke plek, perseel of vervoermiddel daartoe versoek word.

(2) Iemand wat 'n plek, perseel of vervoermiddel betree ingevolge die bevoegdheid kragtens subartikel (1) verleen, kan—

(a) die helpers, toestelle, instrumente, gereedskap of ander goed wat hy vir 55
die doeleindes van hierdie subartikel nodig ag, met hom saamneem;

(b) van die eienaar of persoon in beheer van die betrokke plek, perseel of vervoermiddel alle redelike bystand eis wat so iemand nodig ag ten einde hom in staat te stel om sy bevoegdhede en pligte ten opsigte van daardie 60
plek, perseel of vervoermiddel uit te oefen of te verrig;

- (b) provide the prescribed means necessary for the application of such practices, and ensure that such means are utilized for that purpose.

Restriction on importation of fresh meat

14. (1) (a) No person shall import any fresh meat into the Republic except on the authority of an import permit issued by the director.

(b) For the purposes of this section "fresh meat" means meat which has not undergone any processing except dressing, deboning, cooling or freezing.

(c) The provisions of paragraph (a) shall not apply to fresh meat imported for a prescribed purpose or if the consignment in question does not exceed the prescribed mass.

(2) An application for an import permit referred to in subsection (1)(a) shall be made in the prescribed manner and shall be accompanied by the prescribed fee.

(3) An import permit referred to in subsection (1)(a) shall be issued only in respect of fresh meat derived from animals slaughtered at an abattoir which has for the purposes of the importation of fresh meat been approved by the director.

(4) An import permit referred to in subsection (1)(a) shall be issued subject to such conditions as the director may determine and set out in the certificate concerned.

(5) (a) Fresh meat imported into the Republic contrary to the provisions of subsection (1) or in conflict with a condition determined under subsection (4) shall—

(i) if the importer so prefers, be removed at his own cost by such importer from the Republic within a period determined by the director; or

(ii) otherwise be dealt with on such conditions and in such manner as the director may determine.

(b) If the fresh meat concerned is not removed from the Republic within the period referred to in paragraph (a)(i), or if a condition referred to in paragraph (a)(ii) is not complied with, that meat shall be forfeited to the State and the director may dispose thereof at his discretion.

(c) The State may recover any expenses incurred in connection with the disposal referred to in paragraph (b) from the importer concerned.

(6) A permit issued for the importation of meat in terms of the regulations made under the Animal Slaughter, Meat and Animal Products Hygiene Act, 1967 (Act No. 87 of 1967), and in force immediately prior to the commencement of this section shall be deemed to be an import permit issued under subsection (1)(a).

Powers of entry and investigation

15. (1) (a) The director or any officer acting under a delegation or direction of the director may, whenever he deems it necessary in the exercise or carrying out by him of any power or duty conferred or imposed upon the director in terms of this Act, at any reasonable time and without prior notice enter upon any place, premises or conveyance.

(b) The provisions of paragraph (a) shall apply *mutatis mutandis* to a veterinarian or a meat inspector in so far as they relate to the exercising of a power and the carrying out of a duty at or in connection with the abattoir in respect of which such veterinarian or meat inspector has been appointed and designated in terms of this Act.

(c) Any person who enters upon any place, premises or conveyance in terms of this subsection shall show proof of his identity and authority when requested thereto by the person in charge of the place, premises or conveyance concerned.

(2) A person entering upon a place, premises or conveyance in terms of the power conferred under subsection (1) may—

(a) take with him such assistants, appliances, instruments, tools or other things as he may deem necessary for the purposes of this subsection;

(b) demand from the owner or person in charge of the place, premises or conveyance concerned, all reasonable assistance which such person may deem necessary in order to enable him to exercise his powers and perform his duties in connection with that place, premises or conveyance;

- (c) enige dier, vleis, dierlike produk of ander artikel ten opsigte waarvan hierdie Wet van toepassing is en wat inderdaad of na vermoede daar geslag, verwerk, behandel, berei, gegradeer, geklassifiseer, verpak, gemerk, geëtiketteer, gehou, verwyder, vervoer, uitgestal of verkoop word, ondersoek of laat ondersoek; 5
- (d) die werksaamhede of prosesse in verband met enige handeling in paragraaf (c) bedoel, ondersoek, en van die eienaar van die betrokke dier, vleis, dierlike produk of ander artikel, of van die persoon wat dit in sy bewaring het, of wat oor sodanige werksaamhede of prosesse toesig hou, inligting of 'n verduideliking betreffende die betrokke werksaamheid, proses, dier, vleis, dierlike produk of ander artikel eis: Met dien verstande dat sodanige inligting of verduideliking slegs as getuienis in 'n geregshof teen daardie eienaar of persoon toelaatbaar is op 'n aanklag in artikel 20(1)(g) bedoel; 10
- (e) die monsters van die betrokke dier, vleis, dierlike produk of ander betrokke artikel neem wat hy nodig ag, en vir dié doel enige houer oopmaak waarin daardie vleis, dierlike produk of ander artikel bevat is, en so 'n monster toets, ondersoek of ontleed of dit laat toets, ondersoek of ontleed; en 15
- (f) enige boek of stuk ten opsigte waarvan hy op redelike gronde vermoed dat dit op so 'n dier, vleis, dierlike produk of ander artikel betrekking het, nagaan en afskrifte daarvan of uittreksels daaruit maak, ongeag of dit op of by die betrokke plek, perseel of vervoermiddel of by 'n ander plek gehou word, en van die eienaar van daardie boek of stuk of die persoon wat dit in sy bewaring het, 'n verduideliking betreffende enige aantekening of inskrywing daarin eis: Met dien verstande dat sodanige verduideliking slegs as getuienis in 'n geregshof teen daardie eienaar of persoon toelaatbaar is op 'n aanklag in artikel 20(1)(g) bedoel. 20 25

Beslagleggings

16. (1) 'n Persoon bedoel in artikel 15(1) kan, te eniger redelike tyd en op enige wyse wat hy geskik ag, sonder voorafgaande kennisgewing aan enige persoon, beslag lê op enige dier, vleis, dierlike produk of ander artikel, of op enige boek of stuk, wat— 30

- (a) betrokke is of op redelike gronde deur hom vermoed word betrokke te wees by die pleging of vermeende pleging van 'n misdryf ingevolge hierdie Wet; 35
 - (b) tot bewys kan strek van die pleging of vermeende pleging van so 'n misdryf; of
 - (c) bestem is of op redelike gronde deur hom vermoed word bestem te wees om by die pleging van so 'n misdryf gebruik te word. 40
- (2) Die betrokke persoon—
- (a) kan enigiets waarop aldus beslag gelê is, van die plek, perseel of vervoermiddel waar hy beslag daarop gelê het, verwyder of dit daarop laat en, indien hy dit nodig ag, enige identifikasiemerk of seël daarop, of op die houer daarvan, aanbring; en 45
 - (b) moet 'n polisiebeampte soos omskryf in artikel 1(1) van die Strafproseswet, 1977 (Wet No. 51 van 1977), onverwyld, vir die doeleindes van 'n vervolging kragtens hierdie Wet, van sodanige beslaglegging in kennis stel.

(3) Voorwerpe waarop aldus beslag gelê is, word oor beskik ooreenkomstig die toepaslike bepalings bedoel in Hoofstuk 2 van die Strafproseswet, 1977: Met dien verstande dat in die geval van vleis wat ongeskik vir menslike verbruik is, of 'n dierlike produk wat besmet is, die direkteur kan gelas dat sodanige vleis of dierlike produk aan die Staat verbeur word om vernietig te word. 50

Lasgewings

17. (1) Indien 'n persoon in artikel 15(1) bedoel van oordeel is dat—
- (a) 'n goedgekeurde abattoir of 'n gedeelte daarvan of 'n toestel daarin, in 'n vuil of onhygiëniese toestand is, of opknapping, herstel of verandering nodig het of nie in alle opsigte aan die vereistes van hierdie Wet voldoen nie; 60

- (c) examine or cause to be examined any animal, meat, animal product or other article in respect of which this Act applies and that was in fact or is suspected of having been slaughtered, dressed, treated, prepared, graded, classified, packed, marked, labelled, kept, removed, transported, exhibited or sold there;
- (d) inspect the operations or processes in connection with any action referred to in paragraph (c), and demand from the owner or custodian of the animal, meat, animal product or other article concerned, or from the person supervising such operations or processes, any information or an explanation regarding the operation, process, animal, meat, animal product or other article concerned: Provided that such information or explanation shall only be admissible as evidence in a court of law against such owner, custodian or person on a charge referred to in section 20(1)(g);
- (e) take such samples of the animal, meat, animal product or other article concerned as he may deem necessary, and for such purpose open any container in which that meat, animal product or other article is contained, and test, examine or analyze such sample or cause it to be tested, examined or analyzed;
- (f) examine and make copies of or take extracts from any book or document in respect of which he on reasonable grounds suspects that it relates to such animal, meat, animal product or other article, irrespective of whether or not it is kept on or at the place, premises or conveyance concerned or any other place, and demand from the owner or custodian of that book or document an explanation regarding any record or entry therein: Provided that such explanation shall be admissible in evidence in a court of law against that owner or person only on a charge referred to in section 20(1)(g).

Seizures

16. (1) A person referred to in section 15(1) may at any reasonable time and in any manner deemed fit by him, without prior notice to any person, seize any animal, meat, animal product or other article, or any book or document, which—
- (a) is connected or is on reasonable grounds believed by him to be connected with the commission or suspected commission of any offence under this Act;
- (b) may afford evidence of the commission or suspected commission of any such offence; or
- (c) is intended or is on reasonable grounds suspected by him to be intended to be used in the commission of any such offence.
- (2) The person concerned—
- (a) may remove anything thus seized, from the place, premises or conveyance where he has seized it, or leave it thereon and, if he deems it necessary, attach any identification mark or seal thereto, or to the container thereof; and
- (b) shall notify a police officer as defined in section 1(1) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), forthwith, for the purposes of a prosecution under this Act, of such seizure.
- (3) Anything thus seized, shall be disposed of in accordance with the applicable provisions referred to in Chapter 2 of the Criminal Procedure Act, 1977: Provided that in the case of meat that is unfit for human consumption, or an animal product that is infected, the director may direct that such meat or animal product be forfeited to the State to be destroyed.

Directives

17. (1) If a person referred to in section 15(1) is of the opinion that—
- (a) any approved abattoir or any part thereof or an appliance therein is in a dirty or unhygienic condition, or needs renovation, repair or alteration or does not in all respects comply with any requirement of this Act;

- (b) enige water wat verskaf, gebruik of vermoedelik gebruik word vir die doeleindes van sodanige abattoir of in verband daarmee, onsuiver, onhigiënies of nie vir dié doel geskik is nie;
- (c) 'n vervoermiddel waarmee vleis of 'n dierlike produk vanaf sodanige abattoir verwyder of vermoedelik verwyder word in 'n vuil of onhigiëniese toestand is, of opknapping, herstel of verandering nodig het; 5
- (d) iemand by sodanige abattoir siektebesmet of vuil is, of hom op 'n wyse gedra wat nadelig vir die handhawing van higiëne is;
- (e) iemand wat 'n handeling by sodanige abattoir verrig of versuim om dit te verrig wat die bereiking van die oogmerke van hierdie Wet kan verydel, 10 kan hy—
- (i) die eienaar van sodanige abattoir skriftelik gelas om daardie abattoir, gedeelte daarvan of toestel daarin onverwyld skoon te maak, te ontsmet of in 'n higiëniese toestand te bring of dit op te knap, te herstel of te verander of te verseker dat dit in alle opsigte aan die vereistes van hierdie Wet voldoen; 15
- (ii) die eienaar van sodanige abattoir skriftelik gelas om die gebruik van daardie water te staak totdat dit in alle opsigte geskik is om te gebruik;
- (iii) die eienaar van sodanige abattoir skriftelik gelas om daardie vervoermiddel onverwyld skoon te maak, te ontsmet of in 'n higiëniese toestand te bring of dit op te knap, te herstel of te verander; 20
- (iv) sodanige persoon skriftelik gelas om daardie abattoir onverwyld te verlaat en weg te bly totdat sy terugkeer daarheen deur 'n persoon bedoel in artikel 15(1) gemagtig is;
- (v) sodanige persoon skriftelik gelas om die verrigting van so 'n handeling te staak of om dit te verrig. 25
- (2) 'n Afskrif van elke lasgewing bedoel in subartikel (1) wat nie deur die direkteur persoonlik uitgereik is nie, moet sonder versuim aan die direkteur voorgelê word.

Geheimhouding

30

18. Niemand mag inligting wat hy by die uitoefening van sy bevoegdhede of die verrigting van sy pligte ingevolge hierdie Wet verkry het, openbaar nie behalwe—

- (a) vir sover dit vir die behoorlike toepassing van die bepalings van hierdie Wet nodig mag wees;
- (b) vir die doeleindes van geregtelike verrigtinge kragtens hierdie Wet; 35
- (c) wanneer dit deur 'n bevoegde hof van hom vereis word; of
- (d) indien hy deur die Minister daartoe gemagtig word.

Appèlle

19. (1) Iemand wie se belange geraak word deur 'n beslissing of lasgewing van die direkteur of 'n ander beampte kragtens hierdie Wet, kan teen sodanige beslissing of lasgewing na die Minister appelleer. 40

(2) 'n Appèl bedoel in subartikel (1) word binne die voorgeskrewe tydperk en op die voorgeskrewe wyse by die Direkteur-generaal aangeteken en die voorgeskrewe gelde is ten opsigte daarvan betaalbaar.

(3) (a) Die Direkteur-generaal verwys die betrokke appèl vir ondersoek en verslag na 'n beampte van die departement wat nie die direkteur of 'n beampte onder die beheer van die direkteur is nie. 45

(b) Na die ontvangs van die verslag en aanbeveling van die beampte bedoel in paragraaf (a) lê die Direkteur-generaal alle tersaaklike stukke met betrekking tot die appèl aan die Minister voor. 50

(4) (a) 'n Appellant kan versoek, of deur die beampte bedoel in subartikel (3)(a) versoek word, om by 'n ondersoek voor daardie beampte te verskyn ten einde aangehoor of ondervra te word.

(b) 'n Appellant wat by sodanige ondersoek verskyn, is op regsverteenvoerdiging geregtig. 55

(5) Die Minister kan, na oorweging van die stukke wat ingevolge subartikel (3)(b) aan hom voorgelê is, die beslissing of lasgewing waarteen geappelleer word, bekragtig, tersyde stel of wysig, of dié bevel in verband daarmee uitreik wat hy dienstig ag.

- (b) any water supplied to, used or suspected of being used for the purposes of such abattoir or in connection therewith, is impure, unhygienic or not fit for this purpose;
- 5 (c) a conveyance which is used or apparently being used to convey or remove meat or any animal product from such abattoir is in a dirty or unhygienic condition, or requires renovation, repair or alteration;
- (d) any person at such abattoir is infected with disease or is dirty, or behaves in any manner detrimental to the maintenance of hygiene;
- 10 (e) any person who performs or omits to perform any act at such abattoir which may defeat the achievement of the objects of this Act,
- he may—
- (i) direct the owner of such abattoir in writing to forthwith clean, disinfect or bring such abattoir, portion thereof or appliance therein into a hygienic condition, or to renovate, repair or alter it or to ensure that it
- 15 (ii) direct the owner of such abattoir in writing to discontinue the use of such water until it is in all respects fit to be used;
- (iii) direct the owner of such abattoir in writing to clean, disinfect or bring such conveyance into a hygienic condition or to renovate, repair or
- 20 (iv) direct such person in writing to leave such abattoir at once and remain absent until his return thereto is authorized by a person referred to in section 15(1);
- (v) direct such person in writing to cease to perform such action or to
- 25 perform it.
- (2) A copy of each directive referred to in subsection (1) not issued by the director personally shall forthwith be submitted to the director.

Secrecy

18. No person shall disclose any information acquired by him through the
- 30 exercising of his powers or the performing of his duties in terms of this Act, except—
- (a) as far as it is necessary for the proper application of the provisions of this Act;
- (b) for the purposes of any legal proceedings under this Act;
- 35 (c) when required to do so by any competent court; or
- (d) if he is authorized thereto by the Minister.

Appeals

19. (1) Any person whose interests are affected by any decision or direction of the director or any other officer under this Act, may appeal against such decision
- 40 or direction to the Minister.
- (2) An appeal referred to in subsection (1) shall be lodged with the Director-General within the prescribed period and in the prescribed manner and the prescribed fee shall be payable in respect thereof.
- (3) (a) The Director-General shall refer the appeal concerned for enquiry and
- 45 report to an officer of the department other than the director or an officer under the control of the director.
- (b) After the receipt of the report and recommendation of the officer referred to in paragraph (a), the Director-General shall submit all the relevant documents relating to the appeal to the Minister.
- 50 (4) (a) An appellant may request or be requested by the officer referred to in subsection (3)(a), to appear at an inquiry before such officer so as to be heard or questioned.
- (b) An appellant appearing at such inquiry shall be entitled to legal representation.
- 55 (5) The Minister may, after consideration of the documents submitted to him in terms of subsection (3)(b), confirm, set aside or amend the decision or direction which is the subject of the appeal, or issue such order in connection therewith as he may deem fit.

(6) Indien die Minister 'n beslissing of lasgewing waarteen geappelleer word tersyde stel of wysig, is die bedrag in subartikel (2) bedoel, of die gedeelte daarvan deur die Minister bepaal, aan die betrokke appellant terugbetaalbaar.

Misdrywe en strawwe

20. (1) Iemand wat— 5
- (a) 'n bepaling van artikel 3(1), 4, 9(1), 10(1), 11, 12, 13(1)(a) of (2), 14(1) of 18 oortree of versuim om daaraan te voldoen;
 - (b) 'n bepaling van artikel 5(3), 6(4) of 8(1) oortree of versuim om daaraan te voldoen;
 - (c) 'n voorwaarde kragtens artikel 3(2), 5(2), 8(3), 10(2), 13(1)(b) of 14(4) of (5) opgelê, oortree of versuim om daaraan te voldoen; 10
 - (d) 'n lasgewing kragtens artikel 17(1) uitgereik, oortree of versuim om daaraan te voldoen;
 - (e) 'n persoon bedoel in artikel 15(1) by die uitoefening van sy bevoegdhede of die verrigting van sy pligte kragtens hierdie Wet dwarsboom of 15 hinder;
 - (f) weier of versuim om die bystand bedoel in artikel 15(2)(b) te verleen;
 - (g) weier of versuim om inligting te verstrek of 'n verduideliking te gee of na sy beste vermoë te antwoord op 'n vraag wat regtens deur 'n persoon in artikel 15(2)(d) bedoel, by die uitvoering van sy bevoegdhede of die 20 verrigting van sy pligte kragtens hierdie Wet van hom vereis of aan hom gestel word, of aan so 'n persoon inligting, 'n verduideliking of 'n antwoord verstrek wat vals of misleidend is wetende dat dit vals of misleidend is;
 - (h) 'n dier, vleis, dierlike produk of ander artikel, of 'n boek of stuk, waarop 25 ingevolge artikel 16 beslag gelê is, verkoop, verwyder of daarmee peuter, of met 'n identifikasiemerk of ander seël wat ingevolge daardie artikel daarop, of op die houer daarvan, aangebring is, peuter;
 - (i) valslik vir die doeleindes van hierdie Wet voorgee dat hy 'n veearts of 'n vleisinspekteur is wat ingevolge hierdie Wet aangewys is; of 30
 - (j) met die opset om te bedrieg—
 - (i) 'n merk van 'n veearts of 'n vleisinspekteur wat kragtens hierdie Wet aangebring is, uitwis, verander of onleesbaar maak; of
 - (ii) so 'n merk of 'n namaaksel daarvan op enige dier, vleis of dierlike 35 produk aanbring,

is aan 'n misdryf skuldig.

(2) Iemand wat aan 'n misdryf kragtens hierdie Wet skuldig bevind word, is strafbaar—

- (a) in die geval van 'n eerste skuldigbevinding aan 'n misdryf in subartikel (1)(a), (c), (d), (e), (g), (h), (i) of (j) bedoel, met 'n boete van hoogstens 40 R8 000 of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar of met daardie boete sowel as daardie gevangenisstraf;
- (b) in die geval van 'n tweede of daaropvolgende skuldigbevinding aan 'n misdryf in paragraaf (a) vermeld, hetsy aan dieselfde of aan enige ander misdryf in daardie paragraaf vermeld, met 'n boete van hoogstens 45 R16 000 of met gevangenisstraf vir 'n tydperk van hoogstens vier jaar of met daardie boete sowel as daardie gevangenisstraf;
- (c) in die geval van 'n eerste skuldigbevinding aan 'n misdryf in subartikel (1)(b) of (f) bedoel, met 'n boete van hoogstens R2 000 of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met daardie 50 boete sowel as daardie gevangenisstraf;
- (d) in die geval van 'n tweede of daaropvolgende skuldigbevinding aan 'n misdryf in paragraaf (c) vermeld, hetsy aan dieselfde misdryf of aan enige ander misdryf in daardie paragraaf vermeld, met 'n boete van 55 hoogstens R4 000 of met gevangenisstraf vir 'n tydperk van hoogstens een jaar of met daardie boete sowel as daardie gevangenisstraf.

(3) Ondanks andersluidende bepalings in die een of ander wet, is 'n landdroshof bevoeg om enige straf op te lê waarvoor hierdie Wet voorsiening maak.

Vermoedens en bewys

21. By 'n vervolging kragtens hierdie Wet—

(6) If the Minister sets aside or amends a decision or direction which is the subject of the appeal, the fee referred to in subsection (2), or such portion thereof as the Minister may determine, shall be refunded to the appellant concerned.

5 Offences and penalties

20. (1) Any person who—

- (a) contravenes or fails to comply with a provision of section 3(1), 4, 9(1), 10(1), 11, 12, 13(1)(a) or (2), 14(1) or 18;
- (b) contravenes or fails to comply with a provision of section 5(3), 6(4) or 8(1);
- (c) contravenes or fails to comply with a condition imposed under section 3(2), 5(2), 8(3), 10(2), 13(1)(b) or 14(4) or (5);
- (d) contravenes or fails to comply with a direction issued under section 17(1);
- (e) obstructs or hinders a person referred to in section 15(1) in the exercise of his powers or the performance of his duties under this Act;
- (f) refuses or fails to render the assistance referred to in section 15(2)(b);
- (g) refuses or fails to furnish information or give an explanation or to answer to the best of his ability to a question lawfully demanded from or put to him by a person referred to in section 15(2)(d) in the exercise of his powers or the carrying out of his duties in terms of this Act, or furnishes information, an explanation or an answer to such person which is false or misleading, knowing that it is false or misleading;
- (h) sells, removes or tampers with any animal, meat, animal product or other article, or a book or document, seized in terms of section 16, or tampers with an identification mark or other seal attached thereto or to the container thereof in terms of that section;
- (i) falsely holds himself out to be a veterinarian or a meat inspector designated in terms of this Act; or
- (j) with the intent to defraud—
 - (i) deletes, alters or renders illegible any mark of a veterinarian or a meat inspector effected under this Act on any animal, meat or animal product; or
 - (ii) effects such mark or imitation thereof on any animal, meat or animal product,

shall be guilty of an offence.

(2) Any person who is convicted of an offence under this Act shall—

- (a) in the case of a first conviction of an offence referred to in subsection (1)(a), (c), (d), (e), (g), (h), (i) or (j), be liable to a fine not exceeding R8 000 or to imprisonment for a period not exceeding two years or to both that fine and that imprisonment;
- (b) in the case of a second or subsequent conviction of an offence mentioned in paragraph (a), whether it be the same or some other offence mentioned in that paragraph, be liable to a fine not exceeding R16 000 or to imprisonment for a period not exceeding four years or to both that fine and that imprisonment;
- (c) in the case of a first conviction of an offence referred to in subsection (1)(b) or (f), be liable to a fine not exceeding R2 000 or to imprisonment for a period not exceeding six months or to both that fine and that imprisonment;
- (d) in the case of a second or subsequent conviction of an offence mentioned in paragraph (c), whether it be the same or some other offence mentioned in that paragraph, be liable to a fine not exceeding R4 000 or to imprisonment for a period not exceeding one year or to both that fine and that imprisonment.

(3) Notwithstanding anything to the contrary in any other law contained, a magistrate's court shall be competent to impose any penalty provided for in this Act.

Presumptions and evidence

21. In any prosecution for any offence under this Act—

- (a) word daar vermoed, tensy die teendeel bewys word, dat die toepaslike bepalings van hierdie Wet van toepassing is op die dier, vleis of dierlike produk ten opsigte waarvan die betrokke misdryf na bewering gepleeg is;
- (b) indien daar beweer word dat 'n dier op 'n ander plek as 'n goedgekeurde abattoir geslag is, word daar vermoed, tensy die teendeel bewys word, dat sodanige dier wel aldus geslag is; 5
- (c) indien daar bewys word dat 'n dier op 'n ander plek as 'n goedgekeurde abattoir geslag is, word daar vermoed, tensy die teendeel bewys word, dat die persoon in beheer van daardie plek die slag van daardie dier toegelaat het; 10
- (d) indien daar beweer word dat 'n dier wat geslag is nie ingevolge hierdie Wet vir slagdoeleindes goedgekeur is nie, word daar vermoed, tensy die teendeel bewys word, dat sodanige dier nie vir die betrokke doeleindes goedgekeur is nie; 15
- (e) word daar vermoed, tensy die teendeel bewys word, dat vleis wat by 'n ander plek as 'n goedgekeurde abattoir gevind word en wat nie op die voorgeskrewe wyse gemerk is nie, nie ingevolge hierdie Wet vir menslike verbruik goedgekeur is nie;
- (f) word daar vermoed, tensy die teendeel bewys word, dat enige dier, vleis of dierlike produk waarvan 'n monster ooreenkomstig die bepalings van hierdie Wet geneem is dieselfde eienskappe as daardie monster besit; 20
- (g) indien daar bewys word dat iemand 'n valse verklaring gedoen of valse inligting verstrek het, word daar vermoed, tensy die teendeel bewys word, dat so iemand daardie verklaring gedoen het of daardie inligting verstrek het met die wete dat dit vals is; 25
- (h) word daar vermoed, tensy die teendeel bewys word, dat geen permit, goedkeuring, vrystelling, sertifikaat of ander stuk uitgereik, gegee of verleen is nie aan iemand van wie daar ingevolge hierdie Wet vereis word om in besit daarvan te wees en wat nie sodanige permit, goedkeuring, vrystelling sertifikaat of ander stuk op versoek van die direkteur of 'n beampte deur die direkteur daartoe gemagtig, kan toon nie; 30
- (i) is 'n verklaring of inskrywing wat bevat is in 'n boek of stuk wat deur iemand of die bestuurder, agent of werknemer van so iemand, gehou word, of wat gevind word op of in 'n plek of perseel geokkupeer deur, of 'n vervoermiddel gebruik in verband met die besigheid van, so iemand, toelaatbaar as getuienis teen so iemand as 'n erkenning van die feite uiteengesit in daardie verklaring of inskrywing, tensy daar bewys word dat so 'n verklaring of inskrywing nie deur so iemand of deur die bestuurder, agent of werknemer van so iemand in die loop van sy werk as bestuurder of in die loop van sy agentskap of diens gemaak is nie; 40
- (j) word 'n stuk wat deur die direkteur gesertifiseer heet te wees ten effekte dat dit 'n ware afskrif is van die lasgewing waarop die verrigtinge betrekking het, sonder verdere bewys of oorlegging van die oorspronklike lasgewing, as getuienis in 'n hof toegelaat; en 45
- (k) indien 'n afskrif van 'n lasgewing bedoel in paragraaf (j) deur die direkteur geëndosseer heet te wees ten effekte dat die betrokke lasgewing op 'n sekere wyse aan iemand daarin genoem, beteken is, word daar vermoed, tensy die teendeel bewys word, dat sodanige lasgewing op sodanige wyse aan sodanige persoon beteken is. 50

Middellike aanspreeklikheid

22. (1) Wanneer 'n bestuurder, verteenwoordiger, agent, werknemer of lid van die gesin van iemand (in hierdie artikel die prinsipaal genoem) enige handeling verrig of versuim om dit te verrig, en dit 'n misdryf kragtens hierdie Wet sou wees indien die prinsipaal self so 'n handeling sou verrig of versuim om dit te verrig, word daardie prinsipaal geag self die handeling te verrig het of te versuim het om dit te verrig, tensy hy die hof oortuig dat— 55

- (a) hy die handeling of versuim van die betrokke bestuurder, verteenwoordiger, agent, werknemer of lid nóg veroorloof nóg oogluikend toegelaat het; 60
- (b) hy alle redelike stappe gedoen het om die handeling of versuim te voorkom; en

- (a) it shall be presumed, unless the contrary is proved, that the applicable provisions of this Act apply to the animal, meat or animal product in respect of which the offence concerned has allegedly been committed;
- 5 (b) if it is alleged that an animal was slaughtered at a place other than an approved abattoir, it shall be presumed, unless the contrary is proved, that such animal was thus slaughtered;
- (c) if it is proved that an animal was slaughtered at a place other than an approved abattoir, it shall be presumed, unless the contrary is proved, that the person in control of that place has permitted the slaughter of such animal;
- 10 (d) if it is alleged that an animal which was slaughtered, has not been approved for slaughter purposes in terms of this Act, it shall be presumed, unless the contrary is proved, that such animal has not been approved for the purposes concerned;
- 15 (e) it shall be presumed, unless the contrary is proved, that meat which was found at any place other than an approved abattoir and which has not been marked in the prescribed manner, has not been approved for human consumption in terms of this Act;
- (f) it shall be presumed, unless the contrary is proved, that any animal, meat or animal product of which a sample has been taken in accordance with the provisions of this Act, possesses the same properties as that sample;
- 20 (g) if it is proved that any person made a false statement or furnished false information, it shall be presumed, unless the contrary is proved, that such person has made that statement or furnished that information knowing it to be false;
- 25 (h) it shall be presumed, unless the contrary is proved, that no permit, approval, exemption, certificate or other document has been issued, given or granted to any person who in terms of this Act is required to be in possession thereof and who cannot produce such permit, approval, exemption, certificate or other document at the request of the director or an officer authorized thereto by the director;
- 30 (i) any statement or entry contained in any book or document kept by any person or the manager, agent or employee of such person, or found in or upon any place or premises occupied by, or any conveyance used in connection with the business of such person, shall be admissible in evidence against him as an admission of the facts set forth in that statement or entry, unless it is proved that such statement or entry was not made by such person, or by the manager, agent or employee of such person in the course of his work as manager or in the course of his agency or employment;
- 35 (j) a document purporting to have been certified by the director to the effect that it is a true copy of the directive to which the proceedings relate, shall be received as evidence in any court without any further proof or the production of the original directive; and
- 40 (k) if a copy of a directive referred to in paragraph (j) purporting to have been endorsed by the director to the effect that the directive concerned has been served on the person named in that order in a certain manner, it shall be presumed, unless the contrary is proved, that such order has
- 45
- 50 been served on such person in such manner.

Vicarious liability

22. (1) When a manager, representative, agent, employee or member of the family of a person (in this section referred to as the principal) performs or omits to perform any act, and it would be an offence under this Act for the principal to perform or omit to perform such act himself, that principal shall be deemed

55 himself to have performed or omitted to perform the act, unless he satisfies the court that—

- (a) he neither connived at nor permitted the act or omission by the manager, representative, agent, employee or member concerned;
- 60 (b) he took all reasonable steps to prevent the act or omission; and

- (c) 'n handeling of versuim, hetsy wettig of onwettig, van die ten laste gelegde aard op geen voorwaarde of onder geen omstandigheid binne die bestek van die bevoegdheid of diens van die betrokke bestuurder, verteenwoordiger, agent, werknemer of lid geval het nie.
- (2) By die toepassing van subartikel (1)(b) word die feit dat sodanige prinsipaal opdragte uitgereik het waarvolgens 'n handeling of versuim van daardie aard verbied word, nie op sigself as voldoende bewys beskou dat hy alle redelike stappe gedoen het om die handeling of versuim te voorkom nie.
- (3) Wanneer 'n prinsipaal uit hoofde van subartikel (1) aanspreeklik is vir 'n handeling of versuim van 'n bestuurder, verteenwoordiger, agent, werknemer of lid van sy gesin, is daardie bestuurder, verteenwoordiger, agent, werknemer of lid ook daarvoor aanspreeklik asof hy die betrokke prinsipaal is.
- (4) Subartikel (3) onthef nie 'n bestuurder, verteenwoordiger, agent, werknemer of lid in daardie subartikel beoog, van enige ander aanspreeklikheid wat hy opgeloop het afgesien van die aanspreeklikheid wat hy met die betrokke prinsipaal deel nie.

Abattoirbedryffonds

23. (1) Daar word hierby 'n fonds ingestel wat die Abattoirbedryffonds heet.
- (2) Die fonds bestaan uit—
- (a) die bedrag wat onmiddellik voor die inwerkingtreding van hierdie artikel in die spesiale rekening bedoel in artikel 29 van die Wet op die Abattoirbedryf, 1976 (Wet No. 54 van 1976), is;
- (b) die inkomste wat van tyd tot tyd verkry word uit die belegging van die geld in die fonds; en
- (c) geld wat die fonds uit 'n ander bron toeval.
- (3) (a) Die Direkteur-generaal laat 'n rekening vir die fonds by die Suid-Afrikaanse Reserwebank open wat met alle gelde bedoel in subartikel (2) gekrediteer word, en waaruit alle betalings gemagtig kragtens subartikel (5), gedoen word.
- (b) Die Direkteur-generaal is by die toepassing van die Skatkiswet, 1975 (Wet No. 66 van 1975), die rekenpligtige beampte en hy moet behoorlik boekhou van alle gelde deur die fonds ontvang en uit die fonds bestee.
- (4) Die fonds word jaarliks deur die Ouditeur-generaal geouditeer.
- (5) Die gelde in die fonds word aangewend vir die bestryding van—
- (a) dié uitgawes wat die Minister goedkeur, in verband met—
- (i) die opleiding van persone ter bevordering van die oogmerke van hierdie Wet;
- (ii) adviesdienste betreffende die ontwerp, beplanning, konstruksie, toerusting en bedryf van abattoirs, en die voorbereiding van spesifikasies en kodes van higiëne-praktyke vir abattoirs; en
- (iii) enige ander doel wat die Minister as bevorderlik ter bereiking van die oogmerke van hierdie Wet beskou; en
- (b) die koste om die fonds te administreer.
- (6) Gelde waarmee die fonds gekrediteer is en wat nie vir onmiddellike gebruik ingevolge subartikel (5) nodig is nie, moet belê word—
- (a) by die Korporasie vir Openbare Deposito's ingestel kragtens artikel 2 van die Wet op die Korporasie vir Openbare Deposito's, 1984 (Wet No. 46 van 1984); of
- (b) op die ander wyse wat die Minister met die instemming van die Minister van Finansies bepaal.

Regulasies

24. (1) Die Minister kan regulasies uitvaardig betreffende—
- (a) enige aangeleentheid wat ingevolge hierdie Wet voorgeskryf moet of kan word;
- (b) die gelde wat betaalbaar is indien 'n dier, vleis of dierlike produk deur 'n beampte ingevolge artikel 9, 10 of 11 ondersoek word of ten opsigte van enige ander diens wat ingevolge die bepalings van hierdie Wet deur 'n beampte gelewer word;
- (c) die hou van aantekeninge en die verstrekking van opgawes in verband

- (c) an act or omission, whether lawful or unlawful, of the nature charged, on no condition or under no circumstance came within the scope of the authority or employment of the manager, representative, agent, employee or member concerned.
- 5 (2) In the application of subsection (1)(b) the fact that such principal issued instructions whereby an act or omission of that nature is prohibited, shall not in itself be regarded as sufficient proof that he took all reasonable steps to prevent the act or omission.
- 10 (3) When a principal is by virtue of subsection (1) liable for an act or omission by a manager, representative, agent, employee or member of his family, that manager, representative, agent, employee or member shall also be liable therefor as if he is the principal concerned.
- 15 (4) Subsection (3) shall not release a manager, representative, agent, employee or member contemplated in that subsection from any other liability which he may have incurred apart from the liability which he shares with the principal concerned.

Abattoir Industry Fund

23. (1) There is hereby established a fund to be known as the Abattoir Industry Fund.
- 20 (2) The fund shall consist of—
- (a) the amount which immediately prior to the commencement of this section is in the special account referred to in section 29 of the Abattoir Industry Act, 1976 (Act No. 54 of 1976);
 - 25 (b) the income obtained from time to time from the investment of the money in the fund; and
 - (c) money which may accrue to the fund from any other source.
- (3) (a) The Director-General shall cause an account for the fund to be opened with the South African Reserve Bank to which all moneys referred to in subsection (2) shall be credited, and from which all payments authorized under
- 30 subsection (5) shall be made.
- (b) The Director-General shall for the purposes of the Exchequer Act, 1975 (Act No. 66 of 1975), be the accounting officer and he shall keep proper records of all money received by the fund and expended from the fund.
- (4) The fund shall be audited annually by the Auditor-General.
- 35 (5) The moneys in the fund shall be utilized to defray—
- (a) such expenses as the Minister may approve, in connection with—
 - (i) the training of persons for the advancement of the objects of this Act;
 - 40 (ii) advisory services relating to the design, planning, construction, equipment and operation of abattoirs, and the preparation of specifications and codes of hygienic practice for abattoirs; and
 - (iii) any other purpose which the Minister may regard as beneficial for the attainment of the objects of this Act; and
 - (b) the costs of administering the fund.
- 45 (6) Moneys standing to the credit of the fund which are not required for immediate use in terms of subsection (5) shall be invested—
- (a) with the Corporation for Public Deposits established under section 2 of the Corporation for Public Deposits Act, 1984 (Act No. 46 of 1984); or
 - 50 (b) in such other manner as the Minister may with the concurrence of the Minister of Finance determine.

Regulations

24. (1) The Minister may make regulations regarding—
- (a) any matter which in terms of this Act is required or permitted to be prescribed;
 - 55 (b) the fees payable if an animal, meat or animal product is examined by an officer in terms of section 9, 10 or 11 or in respect of any other service rendered by an officer in terms of the provisions of this Act;
 - (c) the keeping of records and the furnishing of returns in connection with

- met enige aangeleentheid betreffende goedgekeurde abattoirs, diere wat na sodanige abattoirs gebring word om daar geslag te word, en die vleis en dierlike produkte wat van sodanige diere verkry is;
- (d) die standaarde en prosedures vir die ondersoek van diere, vleis en dierlike produkte ingevolge hierdie Wet; 5
- (e) die neem van monsters vir die doeleindes van hierdie Wet en vir die toets van sodanige monsters;
- (f) die toegang van persone tot 'n goedgekeurde abattoir, of gedeeltes daarvan, of die beweging van persone binne so 'n abattoir;
- (g) die metodes en prosedures wat gevolg moet word in verband met die merk, hantering, verkoeling, opberging, dressing, ontbening, voorbereiding, verpakking, bevriesing, behandeling en preservering van en beskikking oor diere, vleis en dierlike produkte by 'n goedgekeurde abattoir; 10
- (h) die vereistes vir laboratoriums wat dienste lewer vir die doeleindes van hierdie Wet; 15
- (i) die beskikking oor of verwydering van oorskiet en vullis by of vanaf 'n goedgekeurde abattoir;
- (j) die verwydering van vleis en dierlike produkte vanaf 'n goedgekeurde abattoir; 20
- (k) die ontvangs, huisvesting, onderhoud, behandeling en hantering van diere by 'n goedgekeurde abattoir;
- (l) die standaarde vir die kleding, persoonlike sielikhed en gesondheid van persone wat by 'n goedgekeurde abattoir in diens is of pligte kragtens hierdie Wet daar verrig; 25
- (m) die gebruik, aanwending en teenwoordigheid van bepaalde stowwe aan of in diere wat bestem is om by 'n goedgekeurde abattoir geslag te word, en ten opsigte van die vleis en dierlike produkte wat van sodanige diere verkry is;
- (n) die behandeling van vleis by 'n goedgekeurde abattoir; 30
- (o) die teenwoordigheid en die slag van 'n dier van 'n bepaalde soort by 'n goedgekeurde abattoir;
- (p) die aanmelding van die teenwoordigheid by 'n goedgekeurde abattoir van 'n dier wat met 'n beheerde dieresiekte soos omskryf in die Wet op Dieresiektes, 1984 (Wet No. 35 van 1984), besmet is of wat vermoedelik sodanig besmet is; 35
- (q) aangeleenthede in verband met die invoer van vleis, en, in die algemeen, met betrekking tot enige ander aangeleentheid wat hy nodig of dienstig ag om voor te skryf ten einde die oogmerke van hierdie Wet te bereik of te bevorder, en die algemeenheid van hierdie bepaling word nie deur die voorafgaande paragrawe van hierdie subartikel beperk nie. 40
- (2) Verskillende regulasies wat in die opsigte verskil wat die Minister dienstig ag, kan, behoudens die bepalinge van hierdie Wet, kragtens subartikel (1) uitgevaardig word ten opsigte van verskillende gebiede in die Republiek, verskillende abattoirs of grade abattoirs, verskillende eienaars, of klasse of groepe eienaars, of verskillende soorte diere. 45
- (3) 'n Regulasie kan ten opsigte van enige oortreding daarvan of versuim om daaraan te voldoen, 'n straf voorskryf wat 'n boete van R2 000 of gevangenisstraf van ses maande of daardie boete sowel as daardie gevangenisstraf nie te bowe gaan nie. 50
- (4) 'n Regulasie waarby gelde voorgeskryf word, word met die instemming van die Minister van Finansies uitgevaardig.

Diskresionêre bevoegdhede van direkteur

25. (1) Wanneer die direkteur enige aansoek of versoek wat ingevolge hierdie Wet gedoen is, oorweeg, kan hy enige ondersoek of navraag in verband daarmee doen wat hy nodig ag, en vir die doeleindes van sodanige ondersoek of navraag vereis dat die tersaaklike stukke of inligting aan hom voorgelê word. 55

(2) Wanneer 'n regulasie 'n tydperk vermeld waarin iets gedoen of verrig moet word, kan die direkteur die betrokke tydperk verleng, hetsy voordat of nadat die tydperk verstryk het. 60

(3) 'n Goedkeuring, vrystelling of sertifikaat verleen, gegee of uitgereik ingevolge hierdie Wet kan, tensy uitdruklik anders bepaal—

- any matter relating to approved abattoirs, animals brought to such abattoirs to be slaughtered there, and the meat and animal products derived from such animals;
- 5 (d) the standards and procedures for the examination of animals, meat and animal products in terms of this Act;
- (e) the taking of samples for the purposes of this Act and for the testing of such samples;
- (f) the entry of persons to an approved abattoir, or portions thereof, or the movement of persons in such abattoir;
- 10 (g) the methods and procedures to be followed in connection with the marking, handling, cooling, storing, dressing, deboning, preparing, packing, freezing, treating, preserving and disposal of animals, meat and animal products at an approved abattoir;
- (h) the requirements for laboratories rendering services for the purposes of this Act;
- 15 (i) the disposal or removal of remains and refuse at or from an approved abattoir;
- (j) the removal of meat and animal products from an approved abattoir;
- (k) the receipt, housing, sustenance, treatment and management of animals at an approved abattoir;
- 20 (l) the standards for the clothing, personal cleanliness and health of persons employed, or performing any duties under this Act, at an approved abattoir;
- (m) the use, application and presence of specified substances to or in animals intended to be slaughtered at an approved abattoir, and in respect of the meat and animal products derived from such animals;
- 25 (n) the treatment of meat at an approved abattoir;
- (o) the presence and the slaughter of an animal of a specified kind at an approved abattoir;
- 30 (p) the reporting of the presence at an approved abattoir of any animal infected with a controlled animal disease as defined in the Animal Diseases Act, 1984 (Act No. 35 of 1984), or which is suspected to be so infected;
- (q) matters pertaining to the importation of meat,
- 35 and, generally, with regard to any other matter which he considers necessary or expedient to prescribe in order to achieve or promote the objects of this Act, and the generality of this provision shall not be limited by the preceding paragraphs of this subsection.
- (2) Different regulations which differ in the respects deemed expedient by the
- 40 Minister may, subject to the provisions of this Act, be made under subsection (1) in respect of different areas in the Republic, different abattoirs or grades of abattoirs; different owners or classes or groups of owners, or different kinds of animals.
- (3) A regulation may for any contravention thereof or failure to comply
- 45 therewith, prescribe a penalty which shall not exceed a fine of R2 000 or imprisonment for a period of six months or both that fine and that imprisonment.
- (4) A regulation prescribing fees shall be made with the concurrence of the Minister of Finance.

50 Discretionary powers of director

25. (1) When the director considers any application or request made in terms of this Act, he may make any investigation or inquiry in connection therewith which he may deem necessary, and for the purposes of such investigation or inquiry demand that the relevant documents or information be submitted to him.
- 55 (2) Whenever a regulation specifies any period within which anything is to be done or performed, the director may extend the period concerned, either before or after the period has expired.
- (3) Any approval, exemption, certificate or document given, granted or issued in terms of this Act may, unless expressly provided otherwise—

- (a) onderworpe gemaak word aan die voorwaardes wat die direkteur in elke geval bepaal; en
- (b) deur die direkteur gewysig of ingetrek word indien hy dit dienstig ag.
- (4) Indien die direkteur uit hoofde van 'n bevoegdheid hom by of kragtens hierdie Wet verleen— 5
 - (a) weier om 'n aansoek of versoek wat skriftelik voorgelê is, goed te keur; of
 - (b) 'n goedkeuring, vrystelling of sertifikaat ingevolge subartikel (3)(b) wysig of intrek,
 stel hy die betrokke persoon skriftelik van sy beslissing en van die gronde waarop dit gebaseer is, in kennis. 10

Delegering van bevoegdhede

26. Die Minister kan, onderworpe aan die voorwaardes wat hy bepaal, 'n bevoegdheid by hierdie Wet aan hom verleen, uitgesonderd 'n bevoegdheid bedoel in artikels 19 en 24, skriftelik aan 'n beampte in diens van die departement delegeer, maar is nie ontdoen van 'n bevoegdheid aldus gedelegeer nie en kan 'n beslissing van die gedelegeerde geneem by die uitoefening van so 'n bevoegdheid, wysig of tersyde stel. 15

Vormgebreke

27. 'n Vormgebrek in 'n dokument wat ingevolge die een of ander wet op 'n besondere wyse verly moet word, of in 'n dokument wat ingevolge hierdie Wet uitgereik is, maak, indien die dokument wesentlik aan die toepaslike regsvereistes voldoen, nie 'n administratiewe handeling wat ingevolge hierdie Wet verrig word ten opsigte van die aangeleentheid waarop sodanige dokument betrekking het, ongeldig nie, en is nie 'n grond vir eksepsie teen enige regsprosedure wat ten opsigte van so 'n aangeleentheid ingestel word nie. 20 25

Beperking van aanspreeklikheid

28. Niemand, met inbegrip van die Staat, is aanspreeklik nie ten opsigte van enigiets wat te goeder trou gedoen of gelaat is by die uitoefening van 'n bevoegdheid of die verrigting van 'n plig kragtens of uit hoofde van hierdie Wet, of by die lewering van 'n diens ingevolge hierdie Wet, of ten opsigte van enigiets wat daaruit mag voortspruit. 30

Herroeping van wette, en voorbehoude

29. (1) Behoudens die bepalings van subartikel (2) word die wette in die Bylae uiteengesit, hierby herroep of gewysig in die mate in die derde kolom daarvan aangedui. 35

(2) 'n Regulasie wat kragtens artikel 38 van die Wet op Higiëne by Diereslag, Vleis en Dierlike Produkte, 1967 (Wet No. 87 van 1967), uitgevaardig is en 'n kennisgewing wat ingevolge artikel 6 van genoemde Wet gepubliseer is, bly van krag en word geag 'n regulasie te wees wat kragtens artikel 24 van hierdie Wet uitgevaardig is vir sover dit kragtens 'n ooreenstemmende bepaling van hierdie Wet uitgevaardig kon word. 40

Kort titel

30. Hierdie Wet heet die Wet op Abattoirhigiëne, 1992.

- (a) be made subject to such conditions as the director may in each case determine; and
(b) be amended or withdrawn by the director if he deems it expedient.
(4) If the director by virtue of a power vested in him by or under this Act—
5 (a) refuses to approve an application or a request which was submitted in writing; or
(b) amends or withdraws an approval, exemption or certificate in terms of subsection (3)(b),
he shall notify the person concerned in writing of his decision and of the grounds
10 on which it is based.

Delegation of powers

26. The Minister may, subject to such conditions as he may determine, in writing delegate any power conferred on him by this Act, excluding a power referred to in sections 19 and 24, to an officer employed by the department, but
15 shall not be divested of any power so delegated and may amend or set aside any decision of the delegate made in the exercise of such power.

Defects in form

27. A defect in the form of any document which in terms of any law is required to be executed in a particular manner, or in a document issued in terms of this
20 Act, shall, if the document substantially complies with the applicable legal requirements, not render unlawful any administrative act performed in terms of this Act in respect of the matter to which such document relates, and shall not be a ground for exception to any legal procedure which may be taken in respect of such matter.

25 Limitation of liability

28. No person, including the State, shall be liable in respect of anything done or omitted in good faith in the exercise of a power or the performance of a duty under or by virtue of this Act, or in the rendering of any service in terms of this Act, or in respect of anything that may result therefrom.

30 Repeal of laws, and savings

29. (1) Subject to the provisions of subsection (2), the laws specified in the Schedule are hereby repealed or amended to the extent indicated in the third column thereof.

- (2) A regulation made under section 38 of the Animal Slaughter, Meat and
35 Animal Products Hygiene Act, 1967 (Act No. 87 of 1967), and a notice published under section 6 of the said Act shall remain in force and shall be deemed to be a regulation made under section 24 of this Act in so far as it could have been made under a corresponding provision of this Act.

Short title

- 40 30. This Act shall be called the Abattoir Hygiene Act, 1992.

Bylae

WETTE HERROEP OF GEWYSIG

No. en jaar van wet	Kort titel	Omvang van herroeping of wysiging
Wet No. 87 van 1967	Wet op Higiëne by Diereslag, Vleis en Dierlike Produkte, 1967	Die herroeping van die geheel.
Wet No. 36 van 1972	Wysigingswet op Higiëne by Diereslag, Vleis en Dierlike Produkte, 1972	Die herroeping van die geheel.
Wet No. 13 van 1975	Wysigingswet op Higiëne by Diereslag, Vleis en Dierlike Produkte, 1975	Die herroeping van die geheel.
Wet No. 54 van 1976	Wet op die Abattoirbedryf, 1976	Die herroeping van artikels 28 en 29
Wet No. 63 van 1977	Wet op Gesondheid, 1977	Die wysiging van artikel 55 deur paragraaf (a) van subartikel (2) deur die volgende paragraaf te vervang: “(a) Die bepalings van hierdie Wet geld benewens en nie ter vervanging nie van enige bepalings van die Wet op Diersiektes [en parasiete , 1956 (Wet No. 13 van 1956)] 1984 (Wet No. 35 van 1984), die Waterwet, 1956 (Wet No. 54 van 1956), en die [Wet op Higiëne by Diereslag, Vleis en Dierlike Produkte, 1967 (Wet No. 87 van 1967)] <u>Wet op Abattoirhigiëne, 1992</u> , wat nie in stryd of onbestaanbaar met die bepalings van hierdie Wet is nie.”.
Wet No. 4 van 1980	Wysigingswet op Misstawwe, Veevoedsel, Landboumiddels en Vee-middels, 1980.	Die herroeping van artikel 11.

ABATTOIR HYGIENE ACT, 1992

Act No. 121, 1992

Schedule
LAWS REPEALED OR AMENDED

No. and year of law	Short title	Extent of repeal or amendment
Act No. 87 of 1967	Animal Slaughter, Meat and Animal Products Hygiene Act, 1967	Repeal of the whole.
Act No. 36 of 1972	Animal Slaughter, Meat and Animal Products Hygiene Amendment Act, 1972	Repeal of the whole.
Act No. 13 of 1975	Animal Slaughter, Meat and Animal Products Hygiene Amendment Act, 1975	Repeal of the whole.
Act No. 54 of 1976	Abattoir Industry Act, 1976	Repeal of sections 28 and 29.
Act No. 63 of 1977	Health Act, 1977	The amendment of section 55 by the substitution for paragraph (a) of subsection (2) of the following paragraph: “(a) The provisions of this Act shall be in addition to and not in substitution for any provision of the Animal Diseases [and Parasites Act, 1956 (Act No. 13 of 1956)] Act, 1984 (Act No. 35 of 1984), and the [Animal Slaughter, Meat and Animal Products Hygiene Act, 1967 (Act No. 87 of 1967)] Abattoir Hygiene Act, 1992, which is not in conflict or inconsistent with the provisions of this Act.”.
Act No. 4 of 1980	Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Amendment Act, 1980	Repeal of section 11.

