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STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 564.

16 April 1993

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

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

No. 42 of 1993: Animal Matters Amendment Act, 1993

No. 42 van 1993: Wysigingswet op Diere-aangeleenthede, 1993.

GENERAL EXPLANATORY NOTE:

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

ACT

To provide for directions in respect of injuries caused by animals; to amend the Animals Protection Act, 1962, so as to further regulate the prohibition of animal fights; and to provide for matters connected therewith.

(Afrikaans text signed by the State President.)
(Assented to 25 March 1993.)

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

Directions in respect of injuries caused by animals

1. (1) Any person as a result of whose negligence an animal causes injury to another person, shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding two years. 5
- (2) Whenever a person is convicted of an offence in terms of subsection (1), the court convicting him may in addition to any punishment imposed upon him in respect of that offence—
 - (a) make any order relating to the removal, custody, disposal or destruction of the animal concerned and the recovery of any costs incurred in connection therewith; 10
 - (b) declare the person convicted to be unfit, for a specified period, to own a certain kind of animal or an animal of a specific breed or to have it under his control or in his custody. 15
- (3) Subsection (2) shall *mutatis mutandis* apply if any person —
 - (a) as a result of whose negligence an animal causes the death of another person is found guilty of an offence with regard to such negligence;
 - (b) as a result of whose deliberate action an animal causes the death of or injury to another person is found guilty of an offence with regard to such action. 20
- (4) The Minister of Justice may from time to time, with the concurrence of the Minister of State Expenditure, appropriate funds to a society for costs incurred relating to the removal, custody, disposal or destruction of an animal.
- (5) (a) A person who has in terms of subsection (2)(b) been declared unfit, for a specified period, to own a certain kind of animal or an animal of a specific breed or to have it under his control or in his custody, shall, if at the time of the declaration he owns or has under his control or in his custody such an animal and such animal is not destroyed in terms of subsection (2)(a), within 14 days from the date on which such declaration was made, make alternative arrangements for the caring of the animal for the period for which he is declared unfit to own such an animal or to have it under his control or in his custody. 30
- (b) Subject to the provisions of paragraph (a), any person who owns or has under his control or in his custody an animal in contravention of a declaration made in terms of subsection (2)(b), shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding one year. 35

(6) Notwithstanding anything to the contrary contained in any law, a magistrate's court shall have jurisdiction to impose any penalty which is provided for in this section.

Amendment of section 2 of Act 71 of 1962, as amended by section 21 of Act 102 of 1972, section 3 of Act 54 of 1983, section 5 of Act 20 of 1985 and section 13 of Act 7 of 1991 5

2. Section 2 of the Animals Protection Act, 1962, is hereby amended by the deletion of paragraph (o) of subsection (1).

Insertion of section 2A in Act 71 of 1962

3. The following section is hereby inserted after section 2 of the Animals Protection Act, 1962: 10

"Animal fights

2A. (1) Any person who—

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| (a) | possesses, keeps, imports, buys, sells, trains, breeds or has under his control an animal for the purpose of fighting any other animal; | 15 |
| (b) | baits or provokes or incites any animal to attack another animal or to proceed with the fighting of another animal; | |
| (c) | for financial gain or as a form of amusement promotes animal fights; | |
| (d) | allows any of the acts referred to in paragraphs (a) to (c) to take place on any premises or place in his possession or under his charge or control; | 20 |
| (e) | owns, uses or controls any premises or place for the purpose or partly for the purpose of presenting animal fights on any such premises or place or who acts or assists in the management of any such premises or place, or who receives any consideration for the admission of any person to any such premises or place; or | 25 |
| (f) | is present as a spectator at any premises or place where any of the acts referred to in paragraphs (a) to (c) is taking place or where preparations are being made for such acts, | 30 |
- shall be guilty of an offence and liable on conviction to a fine or imprisonment for a period not exceeding two years.

(2) In any prosecution in terms of subsection (1) it shall be presumed, unless the contrary is proved, that an animal which is found at any premises or place is the property or under the control of the owner of that premises or place, or is the property or under the control of the person who uses or is in control of the premises or place. 35

(3) Notwithstanding anything to the contrary contained in any law, a magistrate's court shall have jurisdiction to impose any penalty provided for in this section." 40

Short title

4. This Act shall be called the Animal Matters Amendment Act, 1993.