# POUNDS BY-LAW FOR LANGEBERG MUNICIPALITY

## CONTENTS


**CHAPTER 1**
**DEFINITIONS AND PURPOSE**

1. Definitions

**CHAPTER 2**
**POUNDS**

2. Establishment of pounds
3. Appointment of pound keeper and other employees of pound

**CHAPTER 3**
**SEIZURE, IMPOUNDMENT AND RELEASE OF ANIMALS**

4. Seizure of animals for impoundment
5. Animals too dangerous, vicious, injured, intractable or wild to be impounded
6. Animals found on land owned or occupied by pound keeper
7. Information to be provided to pound keeper
8. Received animals for impoundment
9. Issuing of receipts
10. Pound register
11. Notice of impoundment of animals
12. Release of impounded animals

**CHAPTER 4**
**HANDLING, TRANSPORTATION, TREATMENT AND CARE OF ANIMALS**

13. Code of Good Practice
14. Treatment and care of impounded animals
15. Enclosures and equipment

**CHAPTER 5**
**DESTRUCTION OF, INJURY TO AND DEATH OR THEFT OF ANIMALS**

16. Destruction of impounded animals
17. Notice of injury to and death or theft of animals

**CHAPTER 6**
**POUND SALES**

1. Application for authority to sell impounded animals
2. Notice of pound sales
3. Pound sale
4. Proceeds of pound sale
5. Persons who may not purchase animals offered for sale
6. Animals not sold at pound sale

**CHAPTER 7**
**MISCELLANEOUS**

7. Fees and reasonable expenses
8. Copies of By-law
9. Notice to owner of animals
10. Action for recovery of damages
11. Liability for death, theft or injury
12. Applications to court
13. Offences and penalties
14. Repeal of By-laws
15. Schedules
16. Transitional provisions
17. Short title

**SCHEDULE 1**
**POUND REGISTER INFORMATION**

**SCHEDULE 2**
**CODE FOR GOOD PRACTICE REGARDING THE HANDLING AND TRANSPORT OF IMPOUNDED ANIMALS**

**SCHEDULE 3**
**REPEAL OF BY-LAWS**

**SCHEDULE 3**
**THE PROCESS TO APPLY FOR AN ANIMAL IDENTIFICATION MARK IN TERMS OF THE ANIMAL IDENTIFICATION ACT, 2002 (ACT 6 OF 2002)**

The Council of the LANGEBERG MUNICIPALITY enacts as follows:

## CHAPTER 1

## PURPOSE

**To provide for the establishment of one or more pounds within the area of jurisdiction of the Langeberg Municipality; to provide for the appointment of a pound keeper and other employees of a pound, to provide for procedures, methods and practices to manage the impoundment of animals; to regulate the sale, destruction or other disposal of impounded animals; and to provide for matters connected therewith.**

## DEFINITIONS

1 In this by-law, unless the context indicates otherwise –

**"Animal"** means any –

(a) Equine (horse, donkey, mule, ass, pony or any related species and including both genders)
(b) Bovine ( cattle or any related species and including both genders)
(c) Sheep (including related species and including both genders)
(d) Goat (including related species and including both genders)
(e) Pig (including related species and including both genders)

**"Animal Identification Act"** means the Animal Identification Act, 2002 (Act 6 of 2002) and all regulations promulgated under this act.

**"Associate"** means a person who interacts regularly with another person socially or for business.

**"Days"** means calendar days

**"Identification mark"** means the identification mark on animals as set out in Regulation R1683, dated 21 November 2003 and promulgated under the Animal Identification Act, 2002 (Act 6 of 2002). Process explained in Addendum A

**"Pound"** means a pound established in terms of section 2 of this By-law

**"Pound Keeper"** means a pound keeper appointed in terms of section 3

**"Pound Register"** means the pound register contemplated in section 10

**"Province"** means the Province of the Western Cape

**"Public Place"** means any place to which the public has access, including a public square, recreation area, sports ground, open space, beach, shopping centre on municipal land, unused or vacant municipal land, cemetery or public road.

**"Public Road"** means a public road as contemplated in section 1 of the National Road Traffic Act, 1996 (Act 93 of 1996)

**"Rules of Court"** means the current rules made for magistrate's courts under section 6 of the Rules Board for Courts of Law Act, 1985 (Act 107 of 1985)

**"SANS 1469: 2014"** means the South African National Standard for the human handling and facilities for the protection of livestock at shows, auction sales, vending sites and livestock pounds.

**"Service Delivery Agreement"** means an agreement contemplated in section 2 (2)

**"Society for the Prevention of Cruelty to Animals"** means a society contemplated in the Societies for the Prevention of Cruelty to Animals Act, 1993 (Act 169 of 1993)

**"State Veterinarian:** means a veterinarian in the employ of:

(a) The National Department responsible for agricultural matters; or
(b) The department responsible for agricultural matters in the Province

**"Veterinary"** means a veterinarian as defined in section 1 of the Veterinarian and Para-Veterinarian Professions Act, 1982 (Act 19 of 1982)

# CHAPTER 2

## POUNDS

**Establishment of pounds**

**2** (1) The municipality may establish and operate a pound at any convenient place within its area of jurisdiction

(2) Despite subsection (1), the municipality may, subject to any applicable by-law, enter into a service level agreement with an external party that provides for that party to establish or operate a pound, or to do both, on behalf of the municipality.

(3) The Municipality may not close a pound unless-

(a) There are reasonable grounds that warrant the closure of the pound;
(b) The municipality has invited the local community and other interested persons to submit to the municipality comments or representations in respect of the proposed closure of the pound; and
(c) The municipality has considered and taken into account any comments or representations received in terms of paragraph (b).

(4) The municipality must ensure that, before it closes a pound, all impounded animals are delivered to and taken into the charge of one or more other pounds.

(5) The municipality must give notice of the establishment or closure of a pound in at least two newspapers circulating in the area of the municipality.

**Appointment of pound keeper and other employees of pound**

**3** (1) The municipality –

(a) May appoint a pound keeper for each pound; and
(b) May appoint any other employees of the pound

(2) In the case of a pound operated by an external party in terms of a service level agreement, the agreement may require the external party to be responsible for appointing a pound keeper and other employees.

(3) A person who is appointed in terms of subsection (1) or (2) must have suitable skills and experience.

## CHAPTER 3

## SEIZURE, IMPOUNDMENT AND RELEASE OF ANIMALS

**Seizure of animals for impoundment**

**4** (1) Subject to subsection (2) and (3), a lost, abandoned, stray or trespassing animal, or an animal that is not kept under proper control by its owner, and that is found in a public place or on private land, or has no identification mark as indicated in the Animal Identification Act, 2002 (Act 6 of 2002), may be seized and delivered to a pound for impoundment

(2) In the case of an animal that is found in a public space, the following persons may seize the animal:

(a) A member of the South African Police Service;

(b) A member of the South African Defense Force;

(c) A law enforcement officer of the provincial department responsible for road traffic matters;

(d) An authorized official of the municipality;

(e) A pound keeper or any other employee of a pound authorized by the pound keeper;

(f) An employee of any society for the Prevention of Cruelty to Animals located in the Province; or

(g) Any other person determined by the municipality from time to time.

(3) In the case of an animal found on private land, the animal may be seized by the owner or occupier of that land or a person contemplated in subsection (2).

(4) An animal that is seized in terms of subsection (1) must be delivered to the nearest accessible pound, or other pound or similar facility as determined by the municipality, by the shortest practical route and within the shortest practical time.

(5) A person who seizes an animal in terms of subsection (1) –

(a) may, despite subsection (1), (2), (3) and (4), release the animal into the care of the owner of the animal; and

(b) may not keep the animal for more than six hours without providing the animal with sufficient and suitable food and fresh water.

(6) No person may work, ill-treat or furiously drive an animal that has been seized in terms of subsection (1), is in the process of being transported to a pound, or is impounded.

**Animals too dangerous, vicious, injured, intractable or wild to be impounded**

**5 (**1) If an animal that has been seized in terms of section 4(1) displays signs of being too dangerous, vicious, injured, intractable or wild to be impounded, the person who seized the animal must –

(a) If he or she is a person referred to in section 4(2) (d), request a state veterinarian, or if a state veterinarian is not available, a private veterinarian, to assess the animal and to provide a written recommendation, and reasons for the recommendation, as to whether the animal is capable of being impounded or should be destroyed or otherwise disposed of; or

(b) If he or she is any other person contemplated in section 4(2) or 4(3), inform the municipality.

(2) When the municipality is informed in terms of subsection 1(b), it must make a request contemplated in subsection (1) (a).

(3)The municipality may recover from the owner of the animal any cost incurred by the municipality in terms of subsection (1) or (2).

(4) If the veterinarian who assessed an animal in terms of subsection (1) (a) recommends that the animal be destroyed or otherwise be disposed of, the municipality must notify the owner of the animal of the proposed destruction or disposal of the animal and request the owner to consent, in writing, to the destruction or disposal of the animal, or to provide reasons, in writing, within a period stipulated in the notice, as to why the animal should not be destroyed or otherwise be disposed of.

(5) If the owner of the animal provides reasons, in writing, as to why the animal should not be destroyed or otherwise be disposed of and the municipality does not agree with those reasons, or if the owner fails to respond in writing to the request contemplated in subsection (4) within the period stipulated in the notice, the municipality must apply to a magistrate's court for an order authorizing the municipality to destroy or otherwise dispose of the animal.

(6) If the veterinarian who assessed an animal in terms of subsection (1) (a) recommends that the animal be destroyed or otherwise disposed of and –

(a) The delay in obtaining a court order or the consent of the owner is likely to cause suffering to the animal; or

(b) The animal poses a serious imminent threat to the life, health or safety of any person or any other animal,

the municipality may destroy or otherwise dispose of the animal, in a humane manner, under the supervision of a State Veterinarian or a private veterinarian, if a State Veterinarian is not available.

(7) If a magistrate's court authorizes the destruction or disposal of an animal, the municipality must notify the owner and, where the identity and whereabouts of the owner are known, provide him or her with a copy of the court order.

(8) If an animal is destroyed or otherwise disposed of in terms of this section, the municipality must notify the owner of the animal.

**Animals found on land owned or occupied by pound keeper**

**6** (1) If an animal contemplated in section 4(1) is seized in terms of section 4(3) on land owned or occupied by a pound keeper, the animal must be -

(a) Delivered to a pound that is not operated by the pound keeper; or
(b) Release into the care of the owner of that animal.

(2) A pound keeper must record in the pound register the number and description of animal's delivered to another pound in terms of subsection 1(a).

**Information to be provided to pound keeper**

**7** (1) A person who delivers an animal to a pound must provide the pound keeper with the information contemplated in Part I of Schedule 1, where that information is within his or her knowledge.

(2) When a person who delivers an animal to a pound does not provide the pound keeper with the information contemplated in Part I of Schedule 1, the pound keeper must take reasonable steps to ascertain the information.

**Receiving animals for impoundment**

**8** (1) A pound keeper must receive into his or her charge, for impoundment, any animal that is delivered to the pound and that may be impounded in terms of this By-law.

(2) A pound keeper may refuse to receive an animal if he or she reasonably believes that the animal was not lawfully seized.

(3) An animal may be delivered to a pound for impoundment only during the hours determined by the municipality.

(4) A pound keeper who unreasonably refuses or unreasonably fails to accept an animal for impoundment –

(a) Commits an offence; and
(b) Is liable for any damages caused to the owner of the animal, or to any other person, by reason of such refusal or failure.

**Issuing of receipt**

**9** (1) Subject to subsection (3), a pound keeper must issue written receipt to a person who delivers an animal to the pound for impoundment.

(2) The receipt must contain at least the following information:

(a) The name and address of the person who seized the animal;
(b) The name and address of the person who delivered the animal to the pound, if he or she differs from the person who seized the animal;
(c) The designation of the person who seized the animal, if he or she is a person contemplated in section 4(2);
(d) The designation of the person who delivered the animal to the pound, if he or she is a person contemplated in section 4(2) and differs from the person who seized the animal;
(e) A description of each animal delivered to the pound;
(f) The date and time of receipt of the animal at the pound; and
(g) The number of animals delivered to the pound at that time by the person who delivered the animal or animals to the pound.

(3) A pound keeper is not required to issue a receipt to a person who delivers an animal to the pound in his or her capacity as an employee of the pound.

(4) A pound keeper must keep a copy of a receipt issued in terms of subsection (1).

**Pound register**

**10** (1) A pound keeper must maintain a pound register that contains at least the applicable information referred to in subsection (5) in respect of every impounded animal, and any other information that the municipality requires the pound keeper to ascertain and record.

(2) Subject to subsection (3), the pound register must be kept at the pound or at any other location designated by the municipality and must be available for public inspection, free of charge, at all reasonable times.

(3) Where an impounded animal is offered for sale at a pound sale, the pound keeper or a person authorized by the pound keeper must make the pound register available for public inspection, free of charge, at the place of sale.

(4) Subject to any applicable law, a pound keeper may provide any person with a copy of any entry in the pound register, at a fee determined by the municipality.

(5) A pound keeper must record in the pound register the information contemplated in Part I of Schedule 1, –

(a) Immediately upon receiving an animal into the pound, subject to subsection (6); or
(b) Within two days of the information being available to the pound keeper.

(6) If any information contemplated in subsection (5) (a) is not available at the time of receipt of an animal into the pound, the pound keeper must record that information within two days of the information being available to the pound keeper.

(7) Despite subsection (5), a pound keeper may not record information in the pound register if that information is placed in dispute by any person.

(8) A pound keeper must, within 14 days of the sale of an impounded animal at a pound sale, submit to the municipality a copy of all entries in the pound register in respect of that animal, and the municipality must preserve those copies for public inspection.

(9) A pound keeper commits an offence if he or she –

(a) Neglects or refuses to comply with subsection (1);
(b) Knowingly makes a false entry in the pound register;
(c) Fraudulently destroys or fraudulently erases any entry in the pound register; or
(d) Wilfully provides a false copy of an entry in the pound register to any person.

**Notice of impoundment of animals**

**11** (1) A pound keeper must, within 7 days of the impoundment of an animal, notify the owner of the animal of the impoundment of the animal.

(2) A notice contemplated in subsection (1) must contain at least the following information:

(a) A description of each animal impounded;
(b) The number of animals impounded;
(c) The street address of the pound;
(d) The date on which the notice is issued;

(e) The fees and reasonable expenses due to the pound;

(f) A statement that the owner has seven days, calculated from a date stipulated in the notice, to dispute those fees and reasonable expenses;

(g) A statement that if the owner –

  i. Disputes those fees and reasonable expenses; or

  ii. Does nor dispute those fees and reasonable expenses, but fails to pay the fees and reasonable expenses by a date stipulated in the notice, the pound keeper will apply to a magistrate's court for an order authorizing the pound keeper to sell the animal.

(3) Where a notice contemplated in subsection (1) is published in terms of section 26 (3), the notice must contain, in addition to the information required by subsection (2), a statement that if the owner of the animal does not inform the pound keeper of his or her identity and whereabouts by a date stipulated in the notice and the pound keeper is unable to establish the identity or whereabouts of the owner by that date, despite taking reasonable and diligent steps, the pound keeper will apply t o a magistrate's court for an order authorizing the pound keeper to sell the animal.

(4) If an animal bearing an identification mark contemplated in the Animal Identification Act, 2002 (Act 6 of 2002) is impounded, the pound keeper must follow the procedure prescribed under section 14 of that Act.

**Release of impounded animals**

**12** (1) A pound keeper must immediately release an impounded animal to its owner, upon the owner –

(a) Providing satisfactory proof of ownership of the animal; and

(b) Paying the fees and reasonable expenses due to the pound.

(2) A pound keeper may not release an impounded animal to its owner until the owner has paid the fees and reasonable expenses due to the pound.

(3) Despite subsection (2), if a pound keeper has impounded more than one of the owner's animals and the total value of the animals exceeds the total amount due to the pound, the pound keeper may retain only the number of animals that is reasonable necessary to secure that amount, and must release the remainder of the animals to the owner.

(4) A pound keeper who retains an animal in terms of subsection (3) must apply to the magistrate's court in the manner contemplated in section 18 for authority to sell the animal.

(5) A pound keeper who retains more animals than the number contemplated in subsection (3) is liable to the owner for any damages sustained by the owner on account of that retention.

(6) A pound keeper may release an impounded animal to its owner if the pound keeper reasonably believes that the animal was not lawfully seized or impounded.

# CHAPTER 4

## HANDLING, TRANSPORTATION, TREATMENT AND CARE OF ANIMALS

### Code of Good Practice

**13** A person who

(a) Seizes or impounds an animal in terms of this by-law; or
(b) Handles or transports an animal during the course of its seizure, delivery to a pound or impoundment, or for the purpose of a pound sale

must comply with the applicable provisions of the Code of Good Practice for the Handling and Transportation of Impounded Animals as set out in Schedule 2

### Treatment and care of impounded animals

**14** (1) A pound keeper must ensure that impounded animals are properly cared for, which includes that –

(a) Sufficient and suitable food and fresh water are available to the animals al all times;
(b) The animals are kept clean;
(c) The animals are provided with appropriate shelter; and
(d) Veterinarian treatment is provided to the animals when needed.

(2) A pound keeper who fails to comply with subsection (1) commits an offence.

(3) a pound keeper must take all reasonable steps tp prevent fighting amongst impounded animals.

### Enclosures and equipment

**15** A pound keeper must ensure that –

(a) The enclosures in which impounded animals are kept are maintained in good order and, as far as practical, free from infection, pests and vermin;
(b) Different species of impounded animals are kept in separate enclosures;
(c) Impounded male animals and impounded female animals are kept in separate enclosures; and
(d) Equipment used in the pound in connection with the handling, treatment or care of animals are at all times kept in a clean condition and free from pests and vermin.

## CHAPTER 5

## DESTRUCTION OF, INJURY TO AND DEATH OT THEFT OF ANIMALS

### Destruction of impounded animals

**16** (1) If an impounded animal displays signs of being dangerously vicious, seriously injured or seriously sick, or suffering from any other condition that causes it suffering, the pound keeper may request a State Veterinarian, or a private veterinarian if a State Veterinarian is not available, to assess the animal and to provide a recommendation, in writing, as to whether the animal should be destroyed and to give reasons for the recommendation.

(2) If the veterinarian recommends that the animals be destroyed, the pound keeper must, as soon as possible, but not later than two days after receiving the recommendation and the reasons for the recommendation, notify the owner of the animal of the recommendation and the reasons for the recommendation and request the owner to consent to the destruction of the animal or to provide reasons in writing, by a date stipulated in the notice, as to why the animal should not be destroyed.

(3) If the owner of the animal –

(a) Does not respond to the request for consent contemplated in subsection (2) by the date stipulated in the notice; or
(b) Provides reasons, in writing, as to why the animal should not be destroyed and the municipality does not agree with those reasons,

the pound keeper must apply to a magistrate's court having jurisdiction over the area where the pound is situated for an order authorizing the pound keeper to destroy the animal.

(4) If a magistrate's court authorizes the destruction of the animal and the owner of the animal is unaware of the order, the pound keeper must notify the owner of the order and, where the identity and whereabouts of the owner are known, provide the owner with a copy of the order.

(5) Despite subsection (2), (3) and (4), if the delay in obtaining the consent of the owner or a court order will cause suffering to the animal, or the animal poses a serious imminent threat to the life, health or safety of any person or any other animal, the pound keeper or a person authorized by the pound keeper may destroy the animal, in a humane manner, under the supervision of a State Veterinarian or a private veterinarian , if a State Veterinarian is not available.

(6) If an animal is destroyed in terms of this section, the pound keeper must notify the municipality and the owner of the animal in terms of section 17.

### Notice of injury to and death or theft of animals

**17** If an animal is injured, dies or is stolen while being transported to a pound for impoundment or during its impoundment, the pound keeper must notify the municipality and the owner of the animal of the injury to or death or theft of an animal and, in the case of the death of the animal, the method of disposal of the carcass

## CHAPTER 6

## POUND SALES

**Application for authority to sell impounded animals**

**18** (1) A pound keeper may not sell an impounded animal unless authorized to do so by an order of a magistrate's court.

(2) If the owner of an impounded animal –

(a) Disputes the fees and reasonable expenses contemplated in section 11 (2) (e);
(b) Does not dispute those fees and expenses, but fails to pay the fees and reasonable expenses by the date contemplated in section 11 (2) (g) (ii); or
(c) Does not inform the pound keeper of his or her identity and whereabouts by the date contemplated in section 11(3) and the pound keeper is unable to ascertain the identity or whereabouts of the owner by that date, despite taking reasonable and diligent steps,

the pound keeper must apply to a magistrate's court having jurisdiction over the area where the pound is situated for an order authorizing the pound keeper to sell the animal.

(3) The application contemplated in subsection (2) must be launched within 30 days of, as the case may be –

(a) The date on which the pound keeper was informed of the dispute contemplated in subsection 2(a); or
(b) The expiry of the date contemplated in subsection 2(b) or (c).

(4) The application must contain a statement under oath that includes at least –

(a) A copy of each page of the pound register on which there is a relevant entry regarding the animal concerned;
(b) A copy of the notice contemplated in section 11:
(c) Where the identity and whereabouts of the owner were known, proof of service of the notice on the owner;
(d) Where the identity or whereabouts of the owner are unknown, a statement under oath regarding the steps that were taken to ascertain the identity or whereabouts of the owner and proof that the notice was published in the manner contemplated in section 26 (3);
(e) The fees and reasonable expenses due to the pound; and
(f) The value of each animal concerned, as determined by an independent valuator.

(5) The court may, whether or not the amounts contemplated in subsection (4) (e) are disputed –

(a) Summarily enquire into the matter; and
(b) Make the order it considers just and equitable, including an order –
    i. as to fees and costs; and
    ii. on the process to be followed by the pound keeper if an order authorizing the sale of the animal is not granted

.

**Notice of pound sale**

**19** (1) If a magistrate's court has authorized the sale of an animal, the pound keeper must, at least five days before the pound sale, notify the municipality and the owner of the date, time and venue of the sale and the species, colours, marks, other distinguishing features as well as the number of all animals to be offered for sale on that date

(2) A notice of the pound sale published in terms of section 26(3) must remain so published until the pound sale has ended.

**Pound sale**

**20** (1) A pound sale must –

(a) be conducted by the pound keeper or a person designated by the pound keeper or the municipality; and
(b) start at the time mentioned in the notice contemplated in section 19(1).

(2) An animal sold at a pound sale must be paid for in the manner determined by the municipality.

(3) All animals, except sheep and goats, must be sold individually.

(4) Sheep and goats must be sold in lots of not more than 10

(5) Sheep or goats, or sheep and goats, with different marks or brands, may not be sold in the same lot.

(6) The municipality may fix a reserve price for any animal that is offered for sale.

(7) The reserve price must be reasonable and must be fixed, taking into account the value of the animal as determined by an independent valuator.

(8) The person who conducts a pound sale may withdraw any animal from the sale if the highest bid received is not satisfactory, irrespective of whether a reserve price has been fixed by the municipality.

**Proceeds of pound sale**

**21** (1) Subject to subsection (2), the proceeds of a pound sale must be applied to the fees and reasonable expenses due to the pound in respect of the animals concerned

(2) If the proceeds of a pound sale of an animal exceed the fees and reasonable expenses due to the pound in respect of that animal –

(a) the pound keeper must pay the excess amount to the municipality; and
(b) the municipality must, within 30 days of the pound sale, pay that amount to the person who owned the animal at the time of its impoundment, subject to subsection (3).

(3) If the identity or whereabouts of the person contemplated in subsection (2) (b) cannot be ascertained, despite the municipality taking reasonable and diligent steps to ascertain it, the municipality must publish the following information in the manner contemplated in section 26 (3);

(a) the date, time and venue of the pound sale at which the animal was sold;
(b) the amount due to the person concerned; and that,
(c) should that person fail to claim the proceeds due to him or her within three years of the sale of the animal, the proceeds will accrue to the municipality.

(4) If the identity or whereabouts of the person contemplated in subsection (2) (b) cannot be ascertained, despite the municipality taking the steps contemplated in subsection (3), and the person does not claim the proceeds due to him or her within three years of the sale of the animal, the proceeds accrue to the municipality.

(5) If the proceeds of the sale of an animal are less than the fees and reasonable expenses due to the pound, the pound keeper may recover the deficit from the person who owned the animal at the time of its impoundment, unless otherwise directed in terms of the court order contemplated in section 18 (5).

**Persons who may not purchase animals offered for sale**

**22** The following persons may not directly or indirectly purchase an animal that is offered for sale at a pound sale;:

(a) The pound keeper of the pound;
(b) An employee of the pound;
(c) An official of the municipality;
(d) A member of the council of the municipality;
(e) A person other than the pound keeper who conducts the pound sale; or
(f) A family member, including a life partner, or an associate of a person contemplated in paragraph (a), )b), (c), (d) or (e).

**Animals not sold at pound sale**

**23** A pound keeper may approach a magistrate's court having jurisdiction over the area where the pound is situated for appropriate relief in respect of an animal that was offered for sale at a pound sale, but was not sold.

## CHAPTER 7

## MISCELLANEOUS

**Fees and reasonable expenses**

**24** (1) The municipality may from time to time set fees for the keeping of animals in a pound and may distinguish between different kinds of animals when setting fees.

(2) The fees must be displayed at the pound in a manner which is easily visible to the public.

(3) A pound keeper must –

(a) Charge the owner of an impounded animal the fees set by the municipality in terms of subsection (1); and

(b) Recover from the owner of an impounded animal any reasonable expenses incurred as a result of the impoundment of the animal, including but not limited to the following:

  i. The cost of any dipping, veterinarian treatment, inoculation or other treatment that may be necessary or that is required in terms of this By-law or any other law;
  ii. The costs of issuing or publishing any notice to the owner in terms of this By-law;
  iii. The costs of having the animal valuated, as contemplated in section 18(4)(f); and
  iv. Any other incidental costs.

(4) A pound keeper must pay all fees that he or she receives from animal owners to the municipality.

(5) If an external party operates a pound on behalf of a municipality in terms of a service level agreement, the agreement must regulate the remuneration of the external party for operating the pound and the reimbursement of expenses incurred by the external party in operating the pound.

**Copies of the By-law**

**25** A pound keeper must ensure that copies of this By-law are available at the pound for public perusal.

**Notice to owner of an animal**

**26** (1) Where this By-law requires a person to notify the owner of an animal of anything, the notice must be in writing and must be served on the owner in any appropriate manner, including by means of personal service.

(2) If the identity or whereabouts of the owner is unknown, the person contemplated in subsection (1) must take reasonable and diligent steps to ascertain it.

(3) If, despite taking such steps, the identity or whereabouts of the owner remains unknown, the person contemplated in subsection (1) must publish the notice in, at least, the following manner:

(a) On the notice board of –

  i. The municipality, at the main municipal office;
  ii. The pound;
  iii. The South African Police Service station that is nearest to the pound; and
  iv. One library in the vicinity of the pound; and

(b) On two consecutive days, in at least one newspaper of general circulation in the area of the municipality.

**Action for recovery of damages**

**27** Nothing in this by-law prevents any person, including the owner or occupier of the land on which the animal was seized in terms of this By-law, from instituting action against the owner of the animal in a court of competent jurisdiction for the recovery of damages suffered by that person as a result of the animal trespassing or being at large.

**Liability for death, theft or injury**

**28** The Municipality, a pound keeper or any officer, employee or agent of the municipality or of the pound acting reasonably and in accordance with this By-law is not liable for the death or theft of or injury to any animal arising in any way from, or occurring during the course of, its seizure, impoundment, release or sale at a pound sale.

**Applications to court**

**29** An application to a magistrate's court in terms of this By-law must comply with the relevant procedures set out in the Magistrates' Courts Act, 1944 (Act 32 of 1944) and the Rules of Court.

**Offences and penalties**

**30** (1) A person commits an offence, when he or she –

(a) Unlawfully releases or attempts to release an animal that was lawfully seized for the purpose of being impounded or that has been lawfully impounded;
(b) Unlawfully seizes an animal for the purpose of impounding it;
(c) Unlawfully impounds an animal;
(d) Deliberately obstructs or interferes with any person in the exercise of any power or the performance of any duty in terms of this By-law; or
(e) Furnishes information required in terms of this By-law that is false, incorrect or misleading in a material respect.

(2) A person who is convicted of an offence contemplated in subsection (1) or any other provision of this By-law is liable to a fine or imprisonment for a period not exceeding five years, or to both the fine and the imprisonment.

**Repeal of By-laws**

**31** The By-laws set out in Schedule 3 are repealed in so far as they apply in the area of the municipality.

**Schedules**

**32** Schedules 1, 2 and 3 form part of this By-law

**Transitional provisions**

**33** (1) A pound keeper who, immediately before the commencement of this By-law, operated a pound in the area of the municipality-

(a) Is regarded to have been appointed under section 3; and
(b) Must ensure that the practices and procedures of the pound comply with this By-law within one year of the commencement of this By-law.

**Short title**

**34** This By-law is called the Langeberg Municipal Pound By-Law.

**SCHEDULE 1**

**POUND REGISTER INFORMATION**

**(Section 10)**

**PART I**

1. Date of receipt of animal
2. Breed, sex, colour and estimated age of the animal
3. Brands or markings on the animal
4. Details of any diseases that the animal is suffering from or injuries that the animal has sustained
5. Name, designation, work address, telephone number and e-mail address of the person who seized the animal in terms of section 4
6. Name, designation, work address, telephone number and e-mail address of the person who delivered the animal to the pound, if different from the person who seized the animal in terms of section 4
7. Name address or whereabouts, telephone number and e-mail address of the owner of the animal
8. Description of the place where the animal was found
9. Description of the place where the animal was seized, if that place differs from the place where the animal was found
10. Reason for impounding the animal
11. Distance between the pound and where the animal was seized.

**PART II**

1. Ear tag numbers assigned by the pound keeper, where applicable
2. Transport fees payable
3. Description and amount of pound fees
4. Details of whether the animal was released, destroyed or otherwise disposed of, or sold
5. Cause of death of the animal
6. Date of death of the animal
7. Cause of injury to the animal
8. Details of the theft of the animal
9. If applicable, details of all the precautionary measures put in place to prevent injury to or death or theft of the animal
10. If applicable, details of the steps that were taken to assist the animal before it died or when it was injured
11. In the case of the death of an animal, the method of disposal of the carcass
12. Date of release of the animal
13. Details of an order of the court, pertaining to the animal, including any order regarding fees and costs
14. Proceeds of sale of the animal
15. Name and address of the purchaser
16. Proceeds due to the owner of the animal
17. Receipt number
18. Details of the State Veterinarian or private veterinarian who recommended that the animal be destroyed or otherwise disposed of and the reasons for the recommendation
19. Details of any notices to the owner of the animal
20. Number and description of animals seized on land owned or occupied by a pound keeper and delivered to another pound

## SCHEDULE 2

## CODE OF GOOD PRACTICE FOR THE HANDLING AND TRANSPORTATION OF IMPOUNDED ANIMALS

**(Section 13)**

### PART 1: PADDOCK REQUIREMENTS

1. Different species of animals must be kept in separate paddocks.
2. Animals may not be penned in overcrowded paddocks, and penning space provided for in each paddock must be sufficient to permit all animals to lie down at the same time and must not be less than 1.5$m^2$ of floor area for each animal.
3. Fractious animals may not be kept with other animals.
4. Young, weaned juvenile animals may not be penned with adult animals, except in the case of mother and offspring
5. Provision must be made in paddocks for-
    a. Facilities such as racks, mangers or other suitable feeding containers that are easy to clean, which will allow the feeding of an animal off the floor, and which can be serviced without disturbing the animals;
    b. Water troughs with an adequate supply of suitable fresh water at all times;
    c. Sufficient facilities for the adequate cleaning of paddocks; and
    d. Facilities for the safe handling of animals.
6. a) The paddocks must at all times be maintained in a good state of repair.
   b) Sharp points such as wire ends, broken boards, jagged ends or protruding hinges or bolts, which could cause injury to animals, must be removed or otherwise suitably covered.

7. The floor of the entire paddock, including the offloading banks, races and passages, must be constructed as to provide adequate non-slip surfaces that can be efficiently and suitably cleaned and kept dry and in a condition fit for the holding of animals.

### PART 2: HANDLING OF ANIMALS

8. Animals must at all times be handled humanely and with patience and tolerance.
9. The following must be kept in mind when handling animals-
    a. Animals respond more readily to being driven when the driver stands behind the animal but within its field of vision, and
    b. Herd animals respond more readily to being driven when in a group rather than singly.
10. Animals may not be dragged by their legs, or carried by their heads, ears or tails.
11. Young calves must be carried, if they cannot walk with ease, by lifting the calf around the chest and hindquarters. Alternatively, they must be guided with one hand on the hindquarters and the other near the shoulder or neck, and walked in the required direction at an appropriate and comfortable pace.
12. Only sticks with canvas or belting flaps may be used when driving animals and it is preferable to strike the ground behind the animal, rather than to hit the animal.
13. Electric prodders, sticks or goads may not be used on young calves
14. Electric prodders may not be used excessively or indiscriminately or applied to the face, anal or genital areas of animals.

## PART 3: MOVEMENT OF ANIMALS

15. Animals driven on the hoof must at all times be under proper and competent supervision.
16. Animals on the hoof must be driven in a calm manner at a gait that is relaxed and comfortable, natural to that animal, and not faster than the pace of the slowest animal.
17. Animals may not be driven for periods in excess of eight hours, without being given rest of at least one hour and provided with sufficient fresh water that is available to all the animals.
18. No animal on the hoof may be moved in excess of the following distances-
    a. During a journey of not more than one day's duration-
        i. 20 kilometers for sheep and goats, and
        ii. 30 kilometers for cattle; and
    b. During a journey of more than one day's duration-
        i. 20 kilometers during the first day and 15 kilometers during each subsequent day for sheep and goats, and
        ii. 25 kilometers during the first day and 20 kilometers during each subsequent day for cattle.
19. Animals must be watered and fed immediately on reaching their night camp or final destination, with sufficient food of quality and of a type compatible with the species
20. Animals may not be moved in the dark.
21. No sick, injured or disabled animal may be moved on the hoof

## PART 4: VEHICLES USED IN TRANSPORTING ANIMALS

22. Vehicles and all trailers used in the transport of hoofed animals must be suitable for the transport of such animals and in a roadworthy condition.
23. All vehicles and trailers referred to in item 22 must be such as to ensure-
    a. A suitable non-slip floor, adequate ventilation and light and adequate protection from exhaust gasses.
    b. Sidewalls high enough to prevent animals from escaping or falling out of the vehicle in multi-tier vehicles, and heights between decks are adequate and floors are solid and impervious;
    c. Gates, with or without partitions-
        i. Of a design and construction strong enough and suitable for the conveyance of the intended consignment, and
        ii. That open and close freely and are able to be well secured.
24. The density of animals packed into any given space must be such as to ensure the safety and comfort of the animals during transportation, and the recommended floor space per animal is-
    a. 1.4m² per large animal; and
    b. 0.5m² per small animal

## PART 5: WATERING AND FEEDING OF LIVE ANIMALS PRIOR TO LOADING

25. Animals must be provided with sufficient and suitable food and fresh water until the commencement of the journey

**PART 6: LOADING AND OFF-LOADING PROCEDURE**

26. Loading and off-loading into or out of a vehicle must be accomplished as quietly and calmly as possible, with patience and tolerance and without undue harassment, terrifying the animals, bruising, injury, suffering or undue stress.
27. No animal may be loaded or off-loaded by lifting by its head, fleece, skin, ears, tails, horns or legs.
28. Ramps must be correctly adjusted to the exact height of the vehicle's floor.
29. Journeys must commence as soon as possible after the live animals have been loaded and the animals must be promptly off-loaded upon arrival at the destination.
30. When there is reason to believe that an animal is likely to give birth in the course of a proposed journey, the animal may not be loaded onto a vehicle.
31. In the case of an animal giving birth during transport, the necessary measures must be taken to ensure the protection of the mother and offspring from being trampled or otherwise injured or harassed by other animals.
32. In the event of-
    a. A breakdown of the transport vehicle;
    b. An accident or collision in which the transport vehicle is involved; or
    c. Injury to, or death of, any animal in transit, the carrier must immediately report the details to, and request assistance from-
        i. In the case of paragraph a, a breakdown service
        ii. In the case of paragraph b, the South African Police Service and the traffic authorities, or
        iii. In the case of paragraph c, a veterinarian

**PART 7: RESTRAINING OF ANIMALS DURING TRANSPORTATION**

33. Where the transport of any animal may cause injury to itself or any other animal, it must be restrained in such a manner as to prevent such injury.
34. No animal may be kept in restraint for more than four hours in any 24 hour period.
35. No wire or bailing twine may be used for tying the animal's legs or feet.
36. To avoid strangulation or neck break, a slipknot may not be used where animals are secured to the vehicle by its horns or neck and the rope must be attached to the vehicle at the level of the animals knees so that in the event of the animal falling, the possibility of serious injury or death is reduced, with the rope being long enough to allow the animal to lie comfortably in a natural position with its head upright.

## SCHEDULE 3

## REPEAL OF BY-LAWS

## (SECTION 31)

| Provincial Gazette | Title | Extent of Repeal |
|---|---|---|
| Province of Western Cape: Provincial Gazette 6030, dated 13 June 2003 | Breede River / Winelands Municipality<br><br>By-law relating to the Impoundment of Animals. | Entire By-law |

## SCHEDULE 4

## THE PROCESS TO APPLY FOR AN ANIMAL IDENTIFICATION MARK IN TERMS OF THE ANIMAL IDENTIFICATION ACT, 2002 (ACT 6 OF 2002)

- Complete the application form for the registration of an identification mark
- Pay the applicable fee of R165.00 (R135.00 registration fee and R30.00 postage) into the following bank account
  - Account Name: Department: Agriculture, Forestry and Fisheries
  - Bank: Standard Bank
  - Account Number: 011252871
  - Branch Number: 010845 (Arcadia)
- Make copies of all documentation and keep for personal records
- Submit the following documentation to MoseboM@daff.gov.za (confirm 012 319 7431) or fax to 012 319 7551 (confirm 012 319 7637)
  - Completed application form
  - Bank deposit slip (proof of payment) with ID number as reference
  - Certified copy of Identity Document (ID)
  - Proof of postal address (not older than 3 months)
- You should receive a response from the Department: Agriculture, Forestry and Fisheries within 30 days
- Application forms can be downloaded from Department: Agriculture, Forestry and Fisheries website or obtained from any Department: Agriculture, Forestry and Fisheries office

**SKUT-VERORDENING VAN DIE LANGEBERG MUNISIPALITEIT**

**INHOUD**

**HOOFSTUK 1**
**DOEL EN OMSKRYWINGS**

1. Omskrywings

**HOOFSTUK 2**
**SKUTTE**

2. Vestiging van ‘n skut
3. Aanstelling van ‘n skutopsigter en ander werknemers van ‘n skut

**HOOFSTUK 3**
**BESLAGLEGGING, SKUT EN VRYLATING VAN DIERE**

4. Beslaglegging van diere vir skutting
5. Diere wat te gevaarlik, verwoed, beseer, onbeheersd of wild is om geskut te word
6. Diere gevind op grond wat deur die skutopsigter besit of beset word
7. Inligting wat aan die skutopsigter verstrek moet word
8. Die ontvangs van diere vir skutting
9. Uitreiking van ontvangsbewyse
10. Skutregister
11. Kennisgewing van geskutte diere
12. Vrylating van geskutte diere

**HOOFSTUK 4**
**HANTEERING, VERVOER, BEHANDELING EN VERSORGING VAN DIERE**

13. Kode vir Goeie Praktyke
14. Behandeling en versorging van geskutte diere
15. Skutkampe/-hokke en toerusting

**HOOFSTUK 5**
**VERNIETIGING VAN, BESERINGS AAN EN VREKTES OF DIEFSTAL VAN DIERE**

16. Afmaak van geskutte diere
17. Kennisgewing van beseerde, gevrekte of gesteelde diere

**HOOFSTUK 6**
**SKUTVERKOPE**

18. Aansoek vir magtiging om geskutte diere te verkoop
19. Kennisgewing van skutverkope
20. Skutverkope
21. Opbrengste uit skutverkope
22. Persone wat nie diere, wat te koop aangebied word, mag koop nie
23. Diere wat nie tydens ‘n skutverkope verkoop is nie

**HOOFSTUK 7**
**ALLERLEI**

24. Fooie en redelike uitgawes
25. Afskrifte van Verordening
26. Kennisgewing aan die eienaar van diere
27. Aksie vir skadevergoeding
28. Aanspreeklikheid vir vrektes, diefstal of beserings
29. Hofaansoeke
30. Oortredings en strawwe
31. Herroeping van Verordeninge
32. Skedules
33. Oorgangsbepalings
34. Kort titel

**SKEDULE 1**
**SKUTREGISTER-INLIGTING**

**SKEDULE 2**
**KODE VIR GOEIE PRAKTYK TEN OPSIGTE VAN DIE HANTERING EN VERVOER VAN GESKUTTE DIERE**

**SKEDULE 3**
**HERROEPING VAN VERORDENINGE**

**SKEDULE 4**
**DIE PROSES OM VIR 'N DIERE-IDENTIFIKASIEMERK AANSOEK TE DOEN, INGEVOLGE DIE WET OP DIE IDENTIFISERING VAN DIERE, 2002 (WET 6 VAN 2002)**

Die Raad van LANGEBERG MUNISIPALITEIT verorden as volg:

## HOOFSTUK 1

## DOEL

**Om vir die oprigting van een of meer skutte in die regsgebied van Langeberg Munisipaliteit te voorsien; om vir die aanstelling van 'n skutopsigter en ander amptenare van 'n skut te voorsien; om vir prosedures, metodes en praktyke om die skut van diere te bestuur, te voorsien; om die verkoop, vernietiging of ander wegdoening van geskutte diere te reguleer; en om vir sake wat hieraan verwant is, te voorsien.**

## OMSKRYWINGS

1. In hierdie Verordening, tensy die konteks anders aandui, bedoel –

"**Dae**", kalender-dae

"**Diensleweringsooreenkoms**", 'n ooreenkoms soos uiteengesit in Artikel 2 (2) van hierdie Verordening

**"Dier",** enige -

(a) Ekwides (perd, donkie, muil, esel, ponie en verwante spesies en beide geslagte ingesluit)

(b) Rund (bees en verwante spesies en beide geslagte ingesluit)

(c) Skaap (en verwante spesies en beide geslagte ingesluit)

(d) Bok (en verwante spesies en beide geslagte ingesluit)

(e) Vark (en verwante spesies en beide geslagte ingesluit)

"**Dierebeskermingsvereniging**", 'n vereniging soos uiteengesit in die Wet op Dierebeskermingsverenigings, 1993 (Wet 169 van 1993)

"**Identifikasiemerk**", 'n voorgeskrewe merk op 'n dier, soos uiteengesit in Regulasie R1683, gedateer 21 November 2003 en uitgevaardig onder die Wet op die Identifisering van Diere, 2002 (Wet 6 van 2002)

"**Openbare pad**", 'n openbare pad soos omskryf in Artikel 1 van die Nasionale Padverkeerwet, 1996 (Wet 93 van 1996)

"**Openbare plek**", enige plek waartoe die publiek toegang het, insluitende enige plein, ontspanningsgebied, sportgronde, oop ruimte, strand, winkelkompleks op munisipale eiendom, ongebruikte en onbeboude munisipale eiendom, begraafplaas of openbare pad

"**Provinsie**", die Provinsie van die Wes-Kaap

**"Reëls van die Hof"**, die huidige reëls gemaak vir Landdroshowe kragtens Artikel 6 van die Wet op die Regsraad vir Regshowe, 1985 (Wet 107 van 1985)

**"SANS 1469:2014",** die Suid-Afrikaanse Nasionale Standaard vir die menslike hantering, fasiliteite en beskerming van diere by skoue, veilings, verkoopspersele en dierskutte

**"Skut"**, 'n skut gevestig ingevolge Artikel 2 van hierdie Verordening

"**Skutopsigter**", 'n skutopsigter aangestel ingevolge Artikel 3 van hierdie Verordening

"**Skutregister**", 'n skutregister soos uiteengesit in Artikel 10 van hierdie Verordening

**"Staatsveearts"**, 'n veearts in die diens van

(a) Die Nasionale Department verantwoordelik vir landbou sake; of

(b) Die department verantwoordelik vir landbou sake in die Provinsie

**"Veearts"**, 'n veearts soos omskryf in die Wet op Veterinêre en Para-Veterinêre Beroepe, 1982 (Wet 19 van 1982

**"Vennoot"**, 'n persoon wie n wisselwerking op 'n sosiale- of sakevlak met 'n ander persoon het

**"Wet op die Identifisering van Diere",** Wet op die Identifisering van Diere, 2002 (Wet 6 van 2002)

## HOOFSTUK 2

## SKUTTE

### Vestiging van skutte

2. (1) ‘n Munisipaliteit mag ‘n skut vestig en bedryf, op enige geskikte plek binne die munisipale regsgebied.

(2) Ongeag sub-artikel (1), mag die munisipalteit, onderworpe aan enige toepaslike verordening, ‘n diensleweringsooreenkoms met ‘n eksterne organisasie sluit wat voorsiening maak vir sodanige ekterne organisasie om namens die munisipaliteit ‘n skut te vestig of te bedryf, of beide.

(3) ‘n munisipaliteit mag nie ‘n skut sluit nie, tensy-

a) Daar redelike gronde is, wat die sluiting van die skut regverdig
b) Die munisipaliteit die plaaslike gemeenskap en ander belandhebbende persone uitgenooi het om kommentaar en voorstelle oor die voorgenome sluiting van die skut aan die munisipaliteit te lewer, en
c) Die munisipaliteit die kommentaar en voorstelle, soos ontvang ingevolge paragraaf (b), oorweeg en in aggeneem het.

(4) Die munisipaliteit moet, voordat dit ‘n skut sluit, verseker dat alle geskutte diere, afgelewer en ingeneem word by een of meer ander skutte.

(5) Die munisipaliteit moet kennis gee van die vestiging of sluiting van ‘n skut in minstens twee koerante wat in die munisipale gebied versprei word.

### Aanstelling van ‘n skutopsigter en ander werknemers van ‘n skut

3. (1) Die munisipaliteit –

a. Mag ‘n skutopsigter vir elke skut aanstel; en
b. Mag enige ander werknemers van die skut aanstel

(2) In geval van ‘n skut wat ingevolge ‘n diensleweringsooreenkoms deur ‘n eksterne persoon bedryf word, mag die diensleweringsooreenkoms vereis dat die eksterne persoon verantwoordelik is vir die aanstelling van die skutopsigter en ander werknemers.

(3) ‘n Persoon, aangestel ingevolge sub-artikel (1) of (2), moet oor geskikte vaardighede en ervaring beskik.

## HOOFSTUK 3

## BESLAGLEGGING, SKUT EN VRYLATING VAN DIERE

**Beslaglegging op diere vir skutting**

4. (1) ‘n Verlore, verlate, verdwaalde of oortredende dier, of enige dier wat nie onder die beheer van sy eienaar gehou word nie, of wat gevind is op ‘n openbare plek of op privaat eiendom, of wat, ingevolge die Wet op die Identifisering van Diere, 2002 (Wet 6 van 2002), nie ‘n identifikasiemerk het nie, mag, onderworpe aan sub-artikel (2) en (3), in beslag geneem en by ‘n skut afgelewer word vir skutting.

(2) In die geval van ‘n dier wat in openbare plek gevind word, mag die volgende persone die dier in beslag neem:

a. ‘n lid van die Suid-Afrikaanse Polisiediens; of
b. ‘n lid van die Suid-Afrikaanse Weermag; of
c. ‘n lid van die Provinsiale Verkeer; of
d. ‘n gemagtigde munisipale beampte
e. ‘n Skutopsigter of enige ander skut-werknemer deur die skutopsigter gemagtig
f. ‘n lid van enige dierebeskermingsorganisasie in die Provinsie; of
g. Enige ander persoon van tyd-tot-tyd deur die munisipaliteit gemagtig

(3) In die geval van ‘n dier wat op privaat eiendom gevind is, mag die dier deur die grondeienaar of okkupeerder, of deur ‘n persoon uiteengesit in sub-artikel (2), in beslag geneem word

(4) ‘n Dier wat ingevolge sub-artikel (1) in beslag geneem is, moet op die kortste roete en binne die kortste praktiese tyd by die naaste beskikbare skut afgelewer word, of ‘n ander skut of soortgelyke fasiliteit, soos bepaal deur die munisipaliteit.

(5) ‘n Persoon wat ‘n dier ingevolge sub-artikel (1) in beslag neem –

a) Mag, ten spyte van sub-artikel (1), (2), (3) en (4), ‘n dier vrylaat in die sorg van die eienaar; en
b) Mag nie die dier vir ‘n tydperk van meer as ses-ure aahou, sonder om die dier van genoegsame en geskikte voer en vars water te voorsien nie.

(6) Geen persoon mag ‘n dier wat in gevolge sub-artikel (1) in beslaggeneem is, wat in die proses is om na ‘n skut vervoer te word of alreeds geskut is, laat werk, mishandel of met woede aandryf nie.

**Diere wat te gevaarlik, verwoed, beseer, onbeheerbaar of wild is om geskut te word**

5 (1) Indien ‘n dier wat ingevolge sub-artikel 4 (1) in beslaggeneem is om geskut te word, tekens toon van gevaarlikheid, verwoedheid, besering, onbeheerbaarheid of wildheid, moet die persoon wat die dier in beslaggeneem het –

a) Indien hy of sy ‘n persoon is wat in artikel 4(2) na verwys word, versoek dat ‘n staatsveearts, of indien ‘n staatveearts nie beskikbaar is nie, ‘n privaat veearts, die dier evalueer en ‘n geskrewe aanbeveling maak en redes vir die aanbeveling voorsien, oor of die dier in ‘n toestand is om geskut te word of van kant gemaak moet word of op ‘n ander wyse weggedoen moet word; of

b) Indien hy of sy enige persoon anders as uiteengesit in artikel 4(2) of 4(3) is, die munisipaliteit in kennis stel.

(2) Wanneer die munisipaliteit ingelig is ingevolge sub –artikel 1 (b) moet die munisipaliteit 'n versoek rig soos uiteengesit in sub-artikel 1 (a)

(3) Die munisipaliteit mag enige kostes aangegaan ingevolge sub-artikel (1) en (2) van die eienaar verhaal,

(4) Indien die veearts wat, ingevolge sub-artkel (1)(a), 'n dier ge-evalueer het, voorstel dat die dier van kant gemaak moet word of op 'n ander wyse mee weggedoen moet word, moet die munisipaliteit die eienaar in kennis stel van die voorgestelde vankantmaking of wegdoening van die dier en versoek dat die eienaar skriftelike toestemming verleen vir die vankantmaking of wegdoening van die dier, of om binne 'n tydperk in die kennisgewing neergelé, skriftelike redes te voorsien waarom die dier nie van kant gemaak of mee weggedoen moet word nie.

(5) Indien die eienaar van die dier skriftelike redes voorsien waarom die dier nie van kant gemaak of mee weggedoen moet word nie en die munisipaliteit nie daarmee saamstem nie, of indien die eienaar versuim om binne die voorgeskrewe tydperk, skriftelik te reageer op die versoek, soos uiteengesit in sub-artikel (4), moet die munisipaliteit by die landroshof aansoek doen vir 'n bevel wat die munisipaliteit magtig om die dier van kant te maak of mee weg te doen.

(6) Indien 'n veearts wie die dier in gevolge sub-artikel (1) (a) ge-evalueer het, voorstel dat die dier van kant gemaak of op 'n ander wyse mee weggedoen moet word en-

a) Die vertraging om 'n hofbevel of die toestemming van die eienaar te bekom waarskynlik lyding van die dier sal veroorsaak; of

b) Die dier 'n ernstige en dreigende gevaar inhou vir die lewe, gesondheid of veligheid van enige persoon of enige ander dier,

mag die munisipaliteit, onder toesig van 'n staatveearts of 'n privaal veearts, indien 'n staatsveearts nie beskikbaar is nie, die dier op 'n menslike manier van kant maak of op 'n ander wyse mee wegdoen.

(7) Indien die Landroshof die vankantmaking of wegdoening van die dier magtig, moet die munisipaliteit die eienaar in kennis stel en, waar die identiteit en blyfplek van die eienaar bekend is, hom of haar van 'n afskrif van die hofbevel voorsien.

(8) Indien 'n dier ingevolge hierdie artikel van kant gemaak of op 'n ander wyse mee weggedoen is, moet die munisipaliteit die eienaar van die dier in kennis stel.

**Diere gevind op grond wat deur die skutopsigter besit of beset word**

6 (1) Indien 'n dier, soos uiteengesit in artikel 4(1), ingevolge artikel 4(3) in beslaggeneem is op grond in besit van, of beset deur, 'n skutopsigter, moet die dier-

a) Na 'n skut geneem word wat nie in beheer van die skutopsigter is nie; of
b) In die sorg van die eienaar van die dier vrygelaat word

(2) 'n Skutopsigter moet die getal en 'n beskrywing van diere wat, ingevolge sub-artikel 1(a), na ander skutte geneem is, in die skutregister aanteken

**Inligting wat aan die skutopsigter verstrek moet word**

7 (1) 'n Persoon wat 'n dier by 'n skut aflewer, moet die skutopsigter van die inligting voorsien, soos uiteengesit in Gedeelte I van Skedule 1, indien sodanige inligting aan hom of haar bekend is.

(2) Wanneer 'n persoon 'n dier by 'n skut aflewer en nie die skutopsigeter van die inligting, soos uiteengesit in Gedeelte I van Skedule 1, voorsien nie, moet die skutopsigter redelike stappe neem om die inligting te verseker.

**Die ontvangs van diere vir skutting**

8 (1) 'n Skutopsigter moet enige dier wat vir skutting by die skut afgelewer word en wat ingevolge hierdie Verordening geskut mag word, ontvang en onder sy of haar beheer neem.

(2) 'n Skutopsigter mag weier om 'n dier in ontvangs te neem, indien hy of sy rede het om te glo dat die dier nie wettig in beslag geneem is nie.

(3) 'n Dier mag slegs tydens die ure soos deur die munisipaliteit bepaal, vir skutting by 'n skut afgelewer word.

(4) 'n Skutopsigter wat onredelik weier of onredelik versuim om 'n dier vir skutting te ontvang-

a) Pleeg 'n misdryf; en

b) is verantwoordelik vir enige skade berokken aan die eienaar van die dier, of aan enige ander persoon, as gevolg van sodanige weiering of versuim.

**Uitreiking van ontvangsbewyse**

9 (1) Ingevolge sub-artikel (3), moet 'n skutopsigter 'n ontvangbewys aan 'n persoon uitreik wat 'n dier vir skutting by 'n skut aflewer.

(2) Die ontvangsbewys moet minstens die volgende inligting vervat:

a) Die naam en adres van die persoon wie die dier in beslag geneem het;
b) Die naam en adres van die persoon wie die dier aan die skut gelewer het, indien hy of sy verskil van die persoon wie die dier in beslag geneem het;
c) Die amp van die persoon wie die dier in beslaggeneem het, indien hy of sy 'n persoon is soos uiteengesit in Artikel 4(2);
d) Die amp van die persoon wie die dier by die skut afgelewer het, indien hy of sy 'n persoon is soos uiteengesit in artikel 4(2) en verskil van die persoon wie die dier in beslaggeneem het;
e) 'n Beskrywing van elke dier wat by die skut afgelewer is;
f) Die datum en tyd waarop die dier by die skut ontvang is; en
g) Die aantal diere wat op sodanige tyd by die skut afgelewer is deur die persoon wat die dier of diere aan die skut besorg het.

(3) Dit word nie van 'n skutopsigter vereis om aan 'n persoon, wie 'n dier by die skut aflewer in sy of haar amptelike hoedanigheid as werknemer van die skut, 'n ontvangsbewys uit te reik nie.

(4) 'n Skutopsigter moet 'n afskrif van 'n ontvangsbewys wat ingevolge sub –artikel (1) uitgereik is, hou.

**Skutregister**

10 (1) ‘n Skutopsigter moet ‘n skutregister byhou wat, vir elke geskutte dier, minstens die toepaslike inligting, waarna in sub-artikel (5) verwys word, vervat en enige ander inligting wat die munisipaliteit van die skutopsigter vereis om te verseker en aan te teken.

(2) ‘n Skutregister moet, onderworpe aan sub-artikel (3), by die skut gehou word of by enige ander perseel, soos deur die munisipaliteit bepaal, en moet ten alle redelike tye gratis beskikbaar wees vir publieke insae.

(3) Waar ‘n geskutte dier by ‘n skutverkope aangebied word om verkoop te word , moet die skutopsigter of ‘n persoon deur die skutopsigter gemagtig, die skutregister gratis op die perseel van die skutverkope beskikbaar stel vir publieke insae.

(4) ‘n Skutopsigter mag, onderworpe aan enige toepaslike wetgewing, ‘n afskrif van enige inskrywing in die skutregister aan enige persoon voorsien, teen ‘n fooi soos deur die munisipaliteit bepaal.

(5) ‘n Skutopsigter moet die inliigting soos vervat in Deel1 van Skedule1 in die skutregister aanteken-

a) Onmiddelik na ontvangs van ‘n dier by ‘n skut, onderworpe aan sub-artikel (6); of
b) Binne twee dae nadat die inligting aan die skutopsigter beskikbaar is.

(6). Indien enige inligting, soos uiteengesit in sub-artikel (5) (a), nie tydens die ontvangs van die dier by die skut beskikbaar is nie, moet die skutopsigter die inligting binne twee dae nadat die inligting aan die skutopsigter bekend gemaak is, in die skutregister aanteken.

(7) Ongeag sub-artikel (5), mag ‘n skutopsigter nie inligting in die skutregister aanbring, indien enige persoon sodanige inligting in dispuut plaas nie.

(8) ‘n Skutopsigter moet binne 14 dae na verkoop van ‘n geskutte dier op ‘n skutverkope, aan die munisipaliteit afskrifte voorsien van alle inskrywings in die skutregister ten opsigte van sodanige dier, en die munisipaliteit moet sodanige afskrifte vir publieke insae bewaar.

(9) ‘n Skutopsigter pleeg ‘n misdryf indien hy of sy –

a) Versuim of weier om aan sub-artikel (1) te voldoen;
b) Wetende ‘n vals inskrywing in die skutregister maak;
c) Enige inskywing in die skutregister op bedrieglike wyse vernietig of bedrieglik uitwis;
d) Opsetlik ‘n vals kopie van enige inskrywing in die skutregister aan enige persoon voorsien

**Kennisgewing van geskutte diere**

11 (1) ‘n Skutopsigter moet, binne 7 dae nadat ‘n dier geskut is, die eienaar van die dier in kennis stel van die dier se geskutting.

(2) ‘n Kennisgewing ingevolge sub-artikel (1) moet minstens die volgende inligting vervat:

a) ‘n Beskrywing van elke geskutte dier;
b) Die aantal diere wat geskut is;
c) Die straatadres van die skut;
d) Die datum waarop die kennisgewing uitgeriek is;

e) Die fooie en redelike uitgawes aan die skut verskuldig;
f) 'n Verklaring dat die eienaar sodanige fooie en redelike uitgawes binne sewe dae, bepaal vanaf 'n datum in die kennisgewing gestipuleer, kan betwis;
g) 'n Verklaring dat indien die eienaar-
    i. Die fooie en redelike uitgawes betwis; of
    ii. Nie die fooie of redelike uitgawes betwis nie, maar nalaat om die fooie en redelike uitgawes teen 'n datum, in die kennisgewing gestipuleer, te betaal, die skutopsigter by 'n Landroshof sal aansoek doen vir 'n bevel wat die skutopsigter magtig om die dier te verkoop.

(3) Waar 'n kennisgewing, soos bepaal in sub-artikel (1), gepubliseer is ingevolge article 26 (3), moet die kennisgewing, bykomend tot die inligting vereis in sub-artikel (2), 'n verklaring insluit, dat indien die eienaar van die dier nie die skutopsigter van sy of haar identiteit en verblyfplek inlig, teen 'n datum in die kennisgewing gestipuleer, en die skutopsigter, ondanks redelike en ywerige pogings, nie die identiteit of verblyfplek van die eienaar teen sodanige datum kan bekom nie, die skutopsigter by 'n Landroshof sal aansoek doen vir 'n bevel wat die skutopsigter magtig om die dier te verkoop.

(4) Indien 'n dier wat 'n identifikasiemerk dra, soos bepaal in die Wet op die Identifisering van Diere, 2002 (Wet 6 van 2002). geskut word, moet die skutopsigter die prosedure volg, soos in Artikel 14 van sodanige wet voorgeskryf.

**Vrylating van geskutte diere**

12 (1) 'n Skutopsigter moet 'n geskutte dier onmiddelik aan die eienaar vrylaat, sodra die eienaar-

a) Voldoende bewys van eienaarskap van die dier voorsien het, en
b) Die fooie en redelike uitgawes verskuldig aan die skut, betaal het.

(2) 'n Skutopsigter mag nie 'n dier aan die eienaar vrylaat alvorens die eienaar nie alle fooie en redelike uitgawes verskuldig aan die skut, betaal het nie.

(3) Ongeag sub-artikel (2), indien 'n skutopsigter meer as een van die eienaar se diere geskut het en die totale waarde van die diere oorskry die totale bedrag verskildig aan die skut, mag die skutopsigter net die getal diere terughou wat redelik nodig is om die bedrag te verseker en die oorblywende diere aan die eienaar vrylaat.

(4) 'n Skutopsigte wat 'n dier ingevolge sub-artikel (3) terughou, moet, soos uiteengesit in artikel 18, by 'n Landroshof aansoek doen vir magtiging om die diere te verkoop.

(5) 'n Skutopsigter wie meer diere teruhou as die getal in sub-artikel (3) voorsien, is aan die eienaat aanspreeklik vir enige skade deur die eienaar gely as gevolg van sodanige terughouding.

(6) 'n Skutopsigter mag 'n geskutte dier aan die eienaar vrylaat, indien die skutopsigter daarvan oortuig is dat die dier nie wettig in beslaggeneem of geskut is nie

## HOOFSTUK 4

## HANTERING, VERVOER, BEHANDELING EN VERSORGING VAN DIERE

### Kode vir Goeie Praktyk

13 ‘n Persoon wie

a) ‘n Dier in beslagneem of skut ingevolge hierdie verordening; of
b) ‘n Dier hanteer of vervoer in die loop van sy beslaglegging, aflewering by ‘n skut, skutting, of vir die doel van ‘n skutverkope

moet, die toepaslike bepalings van die Kode vir Goeie Praktyk nakom ten opsigte van die hantering en vervoer van geskutte diere, soos uiteengesit in Skedule 2.

### Behandeling en versorging van geskutte diere

14 (1) ‘n Skutopsigter moet verseker dat geskutte diere behoorlik versorg word, wat insluit dat -

a) Genoegsame en geskikte voer en vars water te alle tye beskikbaar is;
b) Die diere skoon gehou word;
c) Die diere voorsien word van behoorlike skuiling; en
d) Dat veearts-behandeling aan diere voorsien word, wanneer nodig.

(2) ‘n Skutopsigter wie in gebreke bly om sub-artikel (1) na te kom, pleeg ‘n misdryf.

(3) ‘n Skutopsigter moet alle redelike stappe neem om vegtery tussen diere te voorkom.

### Skutkampe / -hokke en toerusting

15 ‘n Skutopsigter moet verseker dat-

a) Die skuilings waarin geskutte diere aangehou word, skoon en net gehou word, en so ver prakties moontlik, vry is van besmetting, pes en ongediertes
b) Verskillende geskutte dierspesies in afsonderlike kampe gehou word;
c) Geskutte manlike diere en geskutte vroulike diere in afsonderlike kampe gehou word; en
d) Toerusting wat in die skut gebruik word vir die hantering, behandeling en versorging van diere, te alle tye in ‘n skoon toestand gehou word en vry is van pes en ongediertes.

## HOOFSTUK 5

### VERNIETIGING VAN, BESERING AAN EN VREKTES OF DIEFSTAL VAN DIERE

**Afmaak van geskutte diere**

16 (1) Indien 'n geskutte dier tekens toon dat dit gevaarlik kwaai is, ernstig beseer of ernstig siek is, of aan enige ander toestand ly wat lyding veroorsaak, mag die skutopsigter versoek dat ‘n Staatsveearts, of ‘n privaat veearts, indien ‘n Staatsveearts nie beskikbaar is nie, die dier ondersoek en ‘n skriftelike aanbeveling maak of die dier vernietig moet word en redes vir die aanbeveling voorsien.

(2) Indien die veearts aanbeveel dat die dier vernietig moet word, moet die skutopsigter so gou as moontlik, maar nie langer nie as twee dae na ontvangs van die aanbeveling en die redes vir die aanbeveling, die eienaar van die dier in kennis stel van die aanbeveling en die redes vir die aanbeveling en die eienaar versoek om skriftelik toestemming te verleen vir die dier se vernietiging, of om, teen ‘n datum in die kennisgewing gestipuleer, skriftelike redes te gee waarom die dier nie vernietig moet word nie.

(3) Indien die eienaar van die dier-

a) Versuim om teen die datum soos in die kennisgewing gestipuleer, op die versoek vir toestemming, isoos voorsien in sub-artikel (2), reageer; of
b) Skriftelike redes voorsien waarom die dier nie vernietig moet word nie en die munisipaliteit stem nie daarmee saam nie,

moet die skutopsigter by ‘n Landroshof met jurisdiksie oor die gebied waar die skut geleë is, aansoek doen vir ‘n bevel wat die skutopsigter magtig om die dier te vernietig.

(4) Indien die Landroshof die vernietiging van die dier goedkeur en die eienaar is nie daarvan bewus nie, moet die skutopsigter die eienaar van die bevel in kennis stel, en waar die identiteit en woonplek van die eienaar bekend is, die eienaar van ‘n afskrif van die bevel voorsien

(5) Ondanks sub-artikels (2), (3) en (4), indien die vertraging om die eienaar se toestemming of die hofbevel te verkry lyding veroorsaak, of die dier ‘n ernstige bedreiging vir die lewe, gesondhied en veiligheid van enige person of enige ander dier inhou, mag die skutopsigter of ‘n persoon deur die skutopsigter gemagtig, die dier op ‘n menslike wyse, onder toesig van ‘n Staatsveearts of ‘n privaat veearts, indien ‘n Staatsveearts nie beskikbaar is nie, vernietig.

(6) Indien ‘n dier ingevolge hierdie artikel vernietig is, moet die skutopsigter die munisipaliteit en die eienaar van die dier, ingevolge Artikel 17, in kennis stel.

**Kennisgewing van beseerde, gevrekte of gesteelde diere**

17 Indien ‘n dier beseer word, vrek of gesteel word, terwyl dit na ‘n skut vervoer word vir skutting, of tydens die skut van die dier, moet die skutopsigter die munisipaliteit en die eienaar van die dier van die besering, vrekte of diefstal van die dier in kennis stel en, in die geval van vrekte van die dier, die metode van wegdoening met die karkas.

## HOOFSTUK 6

## SKUTVERKOPE

**Aansoek vir magtiging om geskutte diere te verkoop**

18(1) ‘n Skutopsigter mag nie geskutte diere verkoop tensy daartoe gemagtig deur bevel van ‘n Landroshof.

(2) Indien die eienaar van ‘n geskutte dier –

a) Die fooie en redelike uitgawes, soos voorsien in artikel 11 (2) (e), betwis;
b) Nie die fooie en redelike uitgawes betwis nie, maar nalaat om die fooie en redelike uitgawes voor die datum, soos in artikel 11 (2) (g) (ii) voorsien, te betaal; of
c) Niie die skutopsister oor sy of haar identiteit en wooplek inlig teen die datum soos bepaal in artikel 11(3) nie en die skutopsigter nie in staat is om, ten spyte van redelike en ywerige stappe geneem, nie die identiteit of woonplek van die eienaar teen sodanige datum vas te stel nie,

moet die skutmeester moet by ‘n landroshof, met jurisdiksie oor die gebied waar die skut geleë is, aansoek doen vir ‘n bevel wat die skutopsigter magtig om die dier te verkoop.

(3) Die aansoek, soos bepaal in sub-artikel (2), moet binne 30 dae gerig word, vanaf -soos die geval mag wees-

a) Die datum waarop die skutopsigter ingelig is oor die dispuut, soos voorsien in sub-artikel 2 (a); of
b) Verstryking van die datum, soos bepaal in sub-artikel 2(b) of (c).

(4) Die aansoek moet ‘n beëdigde verklaring vervat wat minstens die volgende insluit –

a) ‘n Afskrif van elke bladsy van die skutregister waarop daar ‘n tersaaklike inskrywing van die betrokke dier is;
b) ‘n Afskrif van die kennisgewing, soos voorsien in artikel 11;
c) Waar die identiteit en woonplek van die eienaar bekend is, ‘n bewys dat die kennisgewing op die eienaar gedien was;
d) Waar die identiteit en woonplek van die eienaar onbekend is, ‘n beëedigde verklaring oor die proses gevolg om die identieit en woonplek van die eienaar vas te stel en ‘n bewys dat die kennisgewing, soos voorsien in atikel 26 (3), geadverteer is;
e) Die fooie en redelike uitgawes aan die skut verskuldig; en
f) Die waarde van elke betrokke dier, soos bepaal deur ‘n onafkanklike waardeerder.

(5) Die hof mag, ongeag of die bedrae, in sub-artikel (4) (e) voorsien, betwis word-

a) Summier die aangeleentheid ondersoek, en
b) Die bevel maak wat reverdig en billik geag word, insluitend ‘n bevel-
    i. Oor die fooie en kostes; en
    ii. Oor die proses wat deur die skutopsigter gevolg moet word indien ‘n magtigingsbevel, om die dier te verkoop, nie toegestaan word nie.

**Kennisgewing van skutverkope**

19 (1) Indien 'n landroshof die verkoop van 'n dier gemagtig het, moet die skutopsigter, ten minste vyf dae voor die skutverkope, die munisipaliteit en die eienaar in kennis stel van die datum, tyd en plek van die verkope en die spesies, kleur, merke en ander uitstaande kenmerke asook die aantal diere wat op die datum te koop aangebied word.

(2) 'n Kennisgewing van die skutverkope moet, ingevolge artikel 26 (3), geadverteer word totdat die skutverkope afgehandel is.

**Skutverkope**

20 (1) 'n Skutverkope moet –

a) Deur 'n skutopsigter of 'n persoon deur die skutopsigter aangewys of die munisipaliteit behartig word; en
b) Begin op die tyd soos in die kennisgewing, in artikel 19 (1) voorsien, aangedui.

(2) 'n Dier wat tydens 'n skutverkope verkoop is, moet, soos deur die munisipaliteit bepaal word, betaal word.

(3) Alle diere, behalwe skape en bokke, moet afsonderlik verkoop word.

(4) Skape en bokke moet in troppe, van nie meer as 10 nie, verkoop word.

(5) Skape of bokke, of skape en bokke met veskillende identifikasiemerke mag nie in dieselfde trop verkoop word nie.

(6) Die munisipaliteit mag 'n reserwe-prys vir enige dier wat op die skutverkope aangebied word, bepaal.

(7) Die reserwe-prys moet redelik wees en vasgestel word met inagneming van die waarde van die dier, soos deur 'n onafhanklike waardeerder bepaal.

(8) Die person wat 'n skutverkope behartig, mag enige dier van die skutverkope onttrek, indien die hoogste bod wat ontvang is, nie bevredigend is nie, ongeag of die munisipaliteit 'n reserwe-prys vasgestel het.

**Opbrengste uit skutverkope**

21 (1) Onderworpe aan sub-artikel (2), moet die opbrengs van 'n skutverkope aangewend word om die fooie en redelike kostes, aan die skut verskuldig, ten opsigte van die betrokke diere, te delg.

(2) Indien die inkomste uit die skutverkope van 'n dier die fooie en redelike kostes oorskry –

a) Moet die skutopsigter die oorskotbedrag aan die munisipaliteit betaal; en
b) Moet die munisipaliteit, onderworpe aan sub-artikel 3, binne 30 dae vanaf die datum van die skutverkope, sodanige bedrag aan die eienaar van die dier, ten tye van die skutting daarvan, oorbetaal.

(3) Indien die identiteit of woonplek van 'n persoon, in sub-artikel (2) (b) na verwys, nie vasgestel kan word nie, ondanks redelike en ywerige pogings deur die munisipalitet aangewend, om dit te bekom, moet die munisipaliteit, op die wyse soos in Artikel 26 (3) bepaal, die volgende inligting adverteer:

a) Die datum, tyd en plek van die skutverkope waartydens die dier verkoop is;
b) Die bedrag, aan die betrokke person verskuldig; en dat,
c) Indien die persoon sou versuim om die opbrengs, aan hom of haar verskuldig, binne drie jaar vanaf die skutverkope op te eis, die opbrengs die munisipaliteit sal toeval.

(4) Indien die identiteit of woonplek van die persoon, in sub-artikel (2) (b) voorsien, nie vasgestel kan word nie, ongeag of die munisipaliteit die stappe, soos uiteengesit in sub-artikel (3), geneem het en die persoon eis nie die opbrengs aan hom of haar verskuldig, binne drie jaar vanaf die datum van die skutverkope op nie, sal die opbrengs die munisipaliteit toeval.

(5) Indien die opbrengs uit die verkope van ‘n dier minder is as die fooie en redelike uitgawes aan die skut verskuldig, mag die skutopsigter die tekort van die persoon verhaal, wie die dier tydens skutting besit het, tensy ‘n hofbevel, soos voorsien in artikel 18 (5), anders bepaal.

**Persone wat nie diere, wat te koop aangebied word, mag koop nie**

22 Die volgende persone mag nie direk of indirek diere wat tydens ‘n skutverkope te koop aangebied word, koop nie:

a) Die skutopsigter van die skut;
b) ‘n Amptenaar van die skut;
c) ‘n Amptenaar van die munisipaliteit;
d) ‘n Raadslid van die munisipaliteit
e) ‘n Persoon, anders as die skutopsigter, wat die skutverkope behartig; of
f) ‘n Familielid, insluitend ‘n lewensmaat, of ‘n vennoot van ‘n persoon soos bepaal in paragraaf (a), (b), (c), (d) of (e).

**Diere wat nie tydens ‘n skutverkope verkoop is nie**

23 ‘n Skutopsigter mag ‘n landroshof, met jurisdiksie oor die gebied waar die skut geleë is, nader vir gepaste verligting ten opsigte van ‘n dier wat op ‘n skutverkope te koop aangebied is, maar nie verkoop is nie.

## HOOFSTUK 7

## ALLERLEI

**Fooie en redelike uitgawes**

24 (1) Die munisipaliteit mag van tyd tot tyd fooie vasstel vir die aanhou van diere in 'n skut, en mag tussen verskillende tipes diere onderskei, wanneer fooie bepaal word.

(2) Die fooie moet by die skut vertoon word op so 'n wyse dat dit maklik sigbaar is vir die publiek.

(3) Die skutopsigter moet-

a) Die eienaar van die geskutte dier met die fooie hef , soos deur die munisipaliteit vasgestel iingevolge sub-artikel (1)
b) Van die eienaar van die geskutte dier alle redelike uitgawes, aangegaan as gevolg van die skutting van die dier, invorder, insluitend, maar nie beperk tot die volgende:

    i. Die kostes van enige veedip, veearts-behandeling, inenting of ander behandeling wat nodig mag wees of wat, ingevolge hierdie verordening of enige ander wet, vereis word;
    ii. Die kostes om, ingevolge hierdie verordening, enige kennisgewing of advertensie, aan die eienaar uit te reik;
    iii. Die kostes om die dier te laat waardeer, soos bepaal in artikel 18 (4) (f);
    iv. Enige ander onvoorsiene uitgawes.

(4) 'n Skutopsigter moet alle fooie wat hy of sy van diere-eienaars ontvang, aan die munisipaliteit oorbetaal.

(5) Indien 'n eksterne party, involge 'n diensleweringsooreenkoms, die skut namens die munisipaliteit bedryf, moet die ooreenkoms die vergoeding van die eksterne party, vir die bedryf van die skut, en die terugbetaling van uitgawes deur die eksterne party aangegaan om die skut te bedryf, reguleer.

**Afskrifte van die Verordening**

25 'n Skutopsigter moet verseker dat afskrifte van hierdie verordening by die skut beskikbaar is vir publieke insae.

**Kennisgewing aan die eienaar van 'n dier**

26 (1) Waar hierdie verordening vereis dat 'n persoon die eienaar van 'n dier moet inlig oor enige saak, moet die kennisgewing skriftelik wees en op 'n toepaslike manier op die eienaar gedien word, insluitend by wyse van 'n persoonlike diens.

(2) Indien die identiteit of woonplek van die eienaar onbekend is, moet die persoon, in sub-artikel (1)voorsien, alle redelike en billike stappe neem, om dit vas te stel.

(3) Indien, ten spyte daarvan dat sulke stappe geneem is, die identiteit en woonplek van die eienaar onbekend bly, moet die persoon, in sub-artikel (1) voorsien, die kennisgewing minstens op die volgende wyse adverteer:

a) Op die kennisgewingbord van-

    i. Die munisipaliteit, by die hoof munisipale kantoor
    ii. Die skut
    iii. Die Suid-Afrikaanse Polisie Diensstasie, naaste aan die skut; en
    iv. Een biblioteek in die omgewing van die skut; en

b) Op twee opeenvolgende dae, in minstens een nuusblad met algemene verspreiding in die munisipalle area.

**Aksie vir skadevergoeding**

27 Niks in hierdie verordening verhoed enige persoon, insluitend die eienaar of bewoner van die grond waarop die dier ingevolge hierdie verordening op beslag gelê is, om in ‘n hof met regsbevoegdheid regsstappe teen die eienaar van die dier in te stel vir die vergoeding van skade wat die person gely het as gevolg van die oortredende of rondlopende dier.

**Aanspreeklikheid vir vrektes, diefstal of beserings**

28 Die munisipaliteit, ‘n skutopsigter of enige beampte, amptenaar of agent van die munisipaliteit of van die skut wat redelik ingevolge hierdie verordening optree, is nie aanspreeklik vir die dood of diefstal of besering van enige dier, wat op enige wyse voortspruit, of wat in die loop van die dier se beslaglegging, skutting, vrylating of verkoping tydens ‘n skutverkope plaasvind nie .

**Hofaansoeke**

29 ‘n Aansoek by ‘n landroshof ingevolge die bepalings van hierdie verordening moet voldoen aan die vereistes soos uiteengesit in die Wet op Landdroshowe, 1944 (Wet 32 van 1944) en die Reels van die Hof.

**Oortredings en strawwe**

30 (1) ‘n Persoon pleeg ‘n misdryf, indien hy of sy -

a) Onwettig ‘n dier vrylaat, of probeer vrylaat, wat wettig in beslaggeneem is vir die doel om geskut te word, of wat wettig geskut is;
b) Onwettig ‘n dier in beslagneem vir die doel om die dier te skut;
c) Onwettig ‘n dier skut;
d) Enige persoon opsetlik belemmer of inmeng in die uitvoering van enige magte of die uitvoering van enige pligte ingevolge hierdie verordening; of
e) Inligting wat ingevolge hierdie verordening vereis word, voorsien wat onwaar, verkeerd of misleidend en van deurslaggewende aard is

(2) ‘n Persoon wie skuldig bevind is aan ‘n misdryf ingevolge sub-artikel (1) of enige ander bepalings van hierdie verordening, is onderhewig aan ‘n boete of gevangenskap vir ‘n tydperk van nie meer as vyf jaar, of beide die boete en die gevangenskap.

**Herroeping van Verordeninge**

31 Die verordeninge soos uiteengesit in Skedule 3 word hiermee herroep in sover dit in die munisipale gebied van toepassing is

**Skedules**

32 Skedules 1, 2, 3 en 4 vorm deel van hierdie verordening.

**Oorgangsbepalings**

33 (1) ‘n Skutopsigter wie, onmiddelik voor die inwerktreding van hierdie Verordening, ‘n skut in die munisipale gebied bedryf het –

a) Word geag, aangestel te wees ingevolge artikel 3; en
**b)** Moet verseker dat die praktyke en prosedures van die skut aan hierdie Verordening voldoen, binne een jaar vanaf die inwerktreding van hierdie verordening.

**Kort titel**

34 Hierdie verordening sal bekend staan as die Skut-Verordening van die Langeberg Munisipaliteit

## SKEDULE 1

### SKUTREGISTER-INLIGTING
**(Artikel 10)**

### DEEL I

1. Datum waarop dier ontvang is
2. Ras, geslag, kleur, en geskatte ouderdom van die dier
3. Identifikasiemerke of kenmerke op die dier
4. Inligting van enige siektes waaraan die die dier ly of beserings wat die dier opgedoen het
5. Naam, amp, werksadres, telefoonnommer en e-posadres van die persoon wat die dier, ingevolge artikel 4, in beslaggeneem het.
6. Naam, amp, werksadres, telefoonnommer en e-posadres van die persoon wie die dier, ingevolge artikel 4, by die skut afgelewer het, indien anders as die persoon wie die dier in beslaggeneem het.
7. Naam, adres of woonplek, telefoonnommer en e-pos adres van die eienaar van die dier.
8. Beskrywing van die plek waar die dier gevind is.
9. Beskrywing van die plek waar die dier in beslaggeneem is, indien die plek verskil van waar die dier gevind is.
10. Redes vir die dier se skutting.
11. Afstand tussen die skut en waar die dier in belsaggeneem is.

**DEEL II**

1. Ooretiketnommers, deur die skutopsigter aan elke dier toegeken, waar van toepassing
2. Vervoerkostes betaalbaar
3. Beskrywing en bedrag van skut fooie
4. Besonderhede of die dier vrygelaat, vernietig of op ‘n ander wyse mee weggedoen of verkoop is.
5. Redes vir die dood van die dier
6. Datum waarop die dier gevrek het
7. Oorsaak van besering aan die dier
8. Besondehede van die dier se diefstal
9. Indien van toepassing, besonderhede van al die voorsorgmaatreëls wat getref is om besering, vrekte of diefstal van die dier te voorkom
10. Indien van toepassing, besonderhede van die stappe wat geneem is om die dier te help voor dit gevrek het of toe dit beseer is.
11. In die geval van die vrekte van ‘n dier, die wyse waarop die karkas mee weggedoen is.
12. Datum van vrylating van die dier
13. Besonderhede van ‘n hofbevel rakende die dier, insluitend enige bevel ten opsigte van fooie en kostes
14. Opbrengs uit die verkoop van ‘n dier
15. Naam en adres van die koper
16. Opbrengs aan die eienaar van ‘n dier verskuldig.
17. Ontvangstrokienommer
18. Besonderhede van die Staatsveearts of privaat veearts wie aanbeveel het dat die dier vernietig of op ‘n ander wyse mee wegedoen moet word en die redes vir die aanbeveling
19. Besonderhede van enige kennisgewings op ‘n eienaar van die dier gedien
20. Die getal en beskrywing van diere wat op grond wat deur ‘n skutopsigter besit of beset word, in beslag geneem is en by ‘n ander skut afgelwer is.

**SKEDULE 2**

**KODE VAN GOEIE PRAKTYK TEN VIR DIE HANTERING EN VERVOER VAN GESKUTTE DIERE**

**(Artikel 13)**

**DEEL 1: VEEKAMPVEREISTES**

1. Diere van verskillende spesies moet in afsonderlike veekampe gehou word.
2. Diere mag nie in oorvol veekampe ingehok word nie, en die ruimte wat binne elke veekamp vir die doel van inkamping voorsien word, moet sodanig wees dat alle diere tegelyk kan lê en moet minstens 1.5m² vloeruimte per dier toelaat.
3. Weerspannige diere mag nie saam met ander diere aangehou word nie.
4. Jong, pasgespeende onvolwasse diere mag nie saam met volwasse diere ingekamp word nie, behalwe in die geval van 'n ma en haar kroos.
5. Voorsiening moet in veekampe gemaak word vir-
    a. Fasiliteite soos roosters, trôe en ander geskikte voerbakke wat maklik skoongemaak kan word en wat sal toelaat dat 'n dier nie van die vloer af vreet nie, en wat gediens kan word sonder om die diere te versteur.
    b. Watertrôe met 'n voldoende toevoer van geskikte vars water te alle tye.
    c. Toereikende fasiliteite vir die behoorlike skoonmaak van veekampe; en
    d. Fasiliteite vir die veilige hantering van diere.
6. a) Die veekampe moet te alle tye na behore in stand gehou word.

    b) Skerp voorwerpe soos die punte van drade, stukkende planke en onafgewerkte rante of skaniere en grendels wat uitsteek en wat beserings aan diere kan veroorsaak, moet verwyder word of gepas bedek word.
7. Die veekamp se hele vloer, aflaaihellings ingesluit, gange en deurgange, moet so opgerig wees dat dit geskikte, geen-gly oppervlaktes bied wat effektief en doeltreffend skoongemaak en drooggehou kan word en in 'n toetsand wat geskik is vir die aanhouding van diere.

**DEEL 2: HANTERING VAN DIERE**

8. Diere moet te alle tye menslik en met verdraagsaamheid en geduld hanteer word
9. Die volgende moet in gedagte gehou word wanneer daar met diere gewerk word-
    a. Diere reageer meer geredelik daarop om aangejaag te word wanneer die aanjaer agter die dier staan maar steeds binne die dier se sigveld is, en
    b. Trop-diere reageer meer geredelik in 'n trop, eerder as enkel, wanneer aangejaag word.
10. Diere mag nie aan hul bene gesleep, of aan die kop, ore of stert gedra word nie.
11. Jong kalfies wat nog nie behoorlik kan loop nie, moet gedra word, deur die kalf rondom die borskas en agterstewe op te tel. So nie, moet hulle gelei word met een hand op die agterstewe en die ander naby die skouer of nek en teen 'n gepaste en gemaklike pas in die verlangde rigting gestuur word.
12. Wanneer diere aangedryf word, mag slegs stokke met seil- of gordelrieme gebruik word en moet daar verkieslik op die grond agter die dier geslaan word, eerder as om die dier te slaan
13. Elektriese aanspoorders, stokke of sambokke mag nie op jong kalfies gebruik word nie.
14. Elektriese aanspoorders mag nie uitermatig of blindweg of op die gesig, anale- of geslagsdele van diere gebruik word nie.

**DEEL 3: VERSKUIWING VAN DIERE**

15. Lopende diere wat aangedryf word, moet te alle tye onder behoorlike en bevoegde toesig wees.
16. Lopende diere moet op ‘n kalm wyse aangedryf word en teen ‘n ontspanne en gemaklik pas, natuurlik aan die aard van sodanige dier, en nie vinniger nie as die pas van die stadigste dier.
17. Diere mag nie vir tydperke langer as agt uur aangedryf word, sonder om minstens vir een uur te rus en van genoegsame vars water voorsien te word, wat tot al die diere se beskikking is.
18. Geen lopende dier mag verskuif word oor afstande, langer as die volgende, nie-
    a. Tydens ‘n reis wat nie langer as een dag duur nie-
        i. 20 kilometers vir skape en bokke, en
        ii. 30 kilometers vir beeste, en
    b. Tydens ‘n reis wat langer as een dag duur-
        i. 20 kilometers op die eerste dag en 15 kilometers op elke daaropvolgende dag vir skape en bokke, en
        ii. 25 kilometers op die eerste dag en 20 kilometers op elke daaropvolgende dag vir beeste.
19. Diere moet onmiddellik by bereiking van hul nagkamp of finale bestemming voorsien word van water en voldoende voer wat van gehalte is en gepas is vir die spesie.
20. Diere mag nie in die donker verskuif word nie.
21. Geen siek, beseerde of gestremde dier mag te voet verskuif word nie.

**DEEL 4: VOERTUIE GEBRUIK VIR DIE VERVOER VAN DIERE**

22. Voertuie en alle sleepwaens wat vir die vervoer van hoefdiere gebruik word, moet geskik wees vir die vervoer van sodanige diere en in ‘n padwaardige toestand wees.
23. Alle voertuie en sleepwaens, in punt 22 na verwys, moet sodanig wees om -
    a. ‘n geskikte, gly-vaste vloer, toereikende ventilasie en lig en toereikende beskerming teen uitlaatgasse te verseker;
    b. Te verseker dat sykante hoog genoeg is om te verhoed dat diere ontsnap of uit veelvlakkige voertuie val, en die hoogtes tussen dekke toereikend is en vloere solied en waterdig is
    c. Te verseker dat hekke, met of sonder tussenskotte-
        i. Só ontwerp en gebou is dat dit sterk genoeg en geskik is vir die vervoer van die beoogde lading, en
        ii. Vrylik oop en toe kan maak en behoorlik gegrendel kan word.
24. Die digtheid waarteen diere in enige gegewe ruimte geprop word, moet van so ‘n aard wees om die veiligheid en gemak van die diere tydens vervoer te verseker, en die aanbevole vloerruimte per dier is-
    a. 1.4m² per groot dier; en
    b. 0.5m² per klein dier.

**DEEL 5: VOORSIENING VAN WATER EN VOER ALVORENS LEWENDE DIERE OPGELAAI WORD**

**25.** Diere moet van genoegsame en geskikte kos en vars water voorsien word totdat die reis ‘n aanvang neem.

**DEEL 6: LAAI- EN AFLAAIPROSEDURE**

26. Laai en aflaai in of vanuit ‘n voertuig moet so stil en rustig as moontlik vermag word, met geduld en verdraagsaamheid en sonder oormatige treitering, verskrikking, kneusing, besering, lyding of onnodig stres van die diere.
27. Geen dier mag op- of afgelaai word deur dit aan sy kop, vag, vel, ore, stert, horings of bene op te tel nie.
28. Laaibrûe moet reg tot die presiese hoogte van die voertuig se vloer verstel word.
29. Reise moet so gou as moontlik begin, nadat die lewende diere gelaai is en die diere moet onverwyld by aankoms by die bestemming, afgelaai word.
30. As daar rede bestaan om te glo dat ‘n dier waarskynlik in die loop van ‘n voorgenome reis geboorte gaan skenk, mag die dier nie op ‘n voertuig gelaai word nie.
31. In die geval waar ‘n dier geboorte skenk onderwyl vervoer word, moet die nodige maatreëls getref word om die beskerming van die ma en kroos te verseker teen vertrapping of andersinds besering of teistering deur ander diere.
32. In die geval waar -
    a. Die transport voertuig ontklaar raak;
    b. Die transport voertuig in ‘n ongeluk of botsing betrokke is; of
    c. Enige dier in transito beseer word, of vrek,

moet die karwyder onmiddelik die besonderhede rapporteer en bystand versoek van -

i. in die geval van paragraaf a, ‘n bystand- of insleepdiens,
ii. in die geval van paragraaf b, die Suid-Afrikaanse Polisiediens en verkeersowerhede, of
**iii.** in die geval van paragraaf c, ‘n veearts,.

**DEEL 7: VASMAAK VAN DIERE TYDENS VERVOER**

33. Waar die vervoer van enige dier besering van die dier self of enige ander dier mag veroorsaak, moet die dier op so ‘n manier vasgemaak word, dat sodanige beserings verhoed word.
34. Geen dier mag vir langer as vier ure, in ‘n tydperk van 24 uur, vasgemaak bly nie.
35. Geen draad of baaldraad mag gebruik word om die dier se bene of pote vas te bind nie.
36. Om verwurging of ‘n gebreekte nek te verhoed, mag ‘n slipknoop nie gebruik word waar diere aan hulle horings of nek aan die voertuig vasgemaak word nie, en die tou moet op die vlak van die dier se knieë aan die voertuig vasgemaak word, sodat die moontlikheid van ernstige beserings of vrekte verminder kan word in geval die dier sou val, met die tou lank genoeg om die dier toe te laat om gemaklik met sy kop regop, in ‘n natuurlike posisie te kan lê.

## SKEDULE 3

## HERROEPING VAN VERORDENINGE
## (ARTIKEL 31)

| **Provinsiale Koerant** | **Titel** | **Omvang van die Herroeping** |
|---|---|---|
| Provinsie van Wes-Kaapland:<br><br>Provinsiale Koerant 6030, gedateer 13 Junie 2003 | Breërivier / Wynland Munisipaliteit<br><br>Verordening insake die Skut van Diere. | In die geheel |

## SKEDULE 4

**DIE PROSES OM VIR 'N DIERE-IDENTIFIKASIEMERK AANSOEK TE DOEN, INGEVOLGE DIE WET OP DIE IDENTIFISERING VAN DIERE, 2002 (WET 6 VAN 2002)**

- Voltooi die aansoekvorm vir die registrasie van 'n Identifikasie-merk.
- Betaal die toepaslike fooi van R165.00 (R135.00 registrasie fooi en R30.00 posgelde) in die volgende bankrekening.
  - Rekening Naam: Department: Landbou, Bosbou en Vissery
  - Bank: Standard Bank
  - Rekeningnommer: 011252871
  - Taknommer: 010845 (Arcadia)
- Maak afskrifte van alle dokumentasie en bewaar vir eie rekords.
- Stuur die volgende dokumentasie aan MoseboM@daff.gov.za (bevestig ontvangs 012 319 7431) of faks na 012 319 7551 (bevestig ontvangs 012 319 7637)
  - Voltooide aansoekvorm
  - Bank depositostrokie (bewys van betaling) met ID nommer as verwysing
  - Gewaarmerkte afskrif van identiteitsdokument (ID)
  - Bewys van posadres (nie ouer as 3 maande)
- U behoort binne 30 dae terugvoering vanaf die Departement: Landbou, Bosbou en Vissery te ontvang.
- Aansoekvorms kan afgelaai word vanaf die Departement: Landbou, Bosbou en Vissery se webblad of verkry word van enige Departement: Landbou, Bosbou en Vissery kantoor.