

GENERAL NOTICES ALGEMENE KENNISGEWINGS

NOTICE 285 OF 2015

DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES

PUBLICATION FOR INFORMATION AND FOR PUBLIC COMMENTS

I, Senzeni Zokwana, Minister of Agriculture, Forestry and Fisheries hereby invite all interested institutions, organisations and individuals to submit written comments on the draft Regulations related to the Performing Animals Protection Amendment Act 2015, as set out in the Schedule.

Comments must be submitted in writing within 30 days from the date of publication of this notice and must be sent to:

Dr T. Songabe
Director: Veterinary Public Health
Department of Agriculture, Forestry and Fisheries
Private Bag X 138
Pretoria
0001

Physical address: Department of Agriculture, Forestry and Fisheries
Delpen building
Corner of Union and Annie Botha Streets
Riviera
Pretoria

E-mail: TembileS@daff.gov.za
Fax: 012 319 7699

Senzeni Zokwana

Minister of Agriculture, Forestry and Fisheries

**DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES
PERFORMING ANIMALS PROTECTION AMENDMENT ACT, 20147**

Regulations

The Minister of Agriculture, Forestry and Fisheries intends to, after consultation with the South African Veterinary Council in terms of Section 7 of the Performing Animals Protection Amendment Act, 2014 made the regulations in the schedule.

Interested persons are hereby invited to submit written comments on the proposed regulations to Dr Tembile Songabe: Director of Veterinary of Public Health, Department of Agriculture, Forestry and Fisheries (DAFF) by not later than 30 (thirty) days after publication hereof by-

- a) posting it to Private Bag X138, PRETORIA, 0001; or
- b) delivering it by hand at Room G21, Delpen Building, c/o Annie Botha & Union Street, Riviera (Pretoria) or
- c) e-mailing it to TembileS@Daff.gov.za

Comments received after the closing date may not be considered.

SCHEDULE

1 DEFINITIONS

- 1.1 In these Regulations any word or expression to which a meaning has been assigned in the Act shall have the meaning so assigned and, unless the context otherwise indicates-

“Department” means the Department of Agriculture, Forestry and Fisheries (DAFF)

“the Act” means the “Performing Animals Protection Amendment Act, 2014

“Minister” means the Minister of Department of Agriculture, Forestry and Fisheries;

“application” means any application lodged with National Licencing Officer, which meets all the requirements as set out in the Act;

“applicant” means any person who applies in writing to the National Licencing Officer in terms of the Act;

“officer” means a person appointed in terms of the Public Service Act, 1994 (Proclamation 103 of 1994), and employed in a national or provincial department;

“facility” means an area where a person keeps, exhibits and trains performing animals or for the use of dogs for safeguarding

2. APPLICATION FOR A LICENCE IN TERMS OF SECTION 3H OF THE ACT.

- (1) An application shall be accompanied with the amount of R390.
- (2) An application lodged is treated as duly lodged when all necessary documents and information completed in Section 3H(2) of the Act, have been submitted.
- (3) An applicant must submit a written application (in block letters) for a licence, using the application form Annexure A and must-
 - (a) furnish such information as solicited in the application form, and
 - (b) declare under oath or truly affirm at the end of the said form that the information contained therein is true.

3. ISSUING AND RENEWAL OF LICENCES

1. The officer may issue a licence for the exhibition and training of performing animals or for the use of dogs for safeguarding, provided that the officer is satisfied that such person complies with all requirements.
2. The officer may, if in his or her opinion there is good and sufficient reason, refuse to renew such licence.
3. Such licence shall be valid for twelve calendar months, as stipulated in section 3(G) from the date of issue thereof and should be renewed thereafter by application. The application for the renewal should be submitted two months before expiry.

4. Should applicant wish to move animals to a different location than specified on the licence, a movement permit should be issued by the state veterinary office of origin.

4. CONDITIONS OF APPROVAL

1. The officer may with the consent of the applicant conduct inspections in terms of section 3F and 3H(3) of the Act, in the relevant premises under the lawful control of the applicant to assess the suitability thereof for the intended exhibition, training or safeguarding of animals.
2. If the applicant fails to comply with the conditions contemplated in section 3(F) of the Act, approval will be deemed not to have been granted.

5. APPEAL TO THE MINISTER

- (1) An appeal in terms of section 11A of the Act, shall-
 - (a) be lodged with the Director-General in writing within 60 days from the date on which the National Licencing Officer has given the appellant written notice of the decision or action concerned;
 - (b) state the reference number and the date of the document by means of which such appellant was notified of that decision or action;
 - (c) state the grounds on which the appeal is based; and
 - (d) be accompanied by an amount of R4 000

- (e) A person who is appointed in terms of section 11A(2) of the Act, as a member of an appeal board, and who is not an officer, shall be remunerated according to Category C of the Manual for the Applicant of the System for Administration of the Services Benefit Packages for Office bearers of Certain Statutory and other Institutions.

- (2) An appeal shall-

- (a) when forwarded by post, be addressed to-

The Director-General: Agriculture, Forestry and Fisheries
Private Bag X250
PRETORIA
0001; or

- (b) when delivered by hand, be delivered to-

The Director-General: Agriculture, Forestry and Fisheries
Agricultural Place
20 Steve Biko Street

6. OFFENCES AND PENALTIES

- (1) Any person who contractures or fails to comply with any provisions of the Act or these regulations.
- (a) shall be guilty of an offence and
- (b) may be liable for a fine not exceeding R20 000 or imprisonment for a period not exceeding five years.

- (c) it shall be lawful for the officer to suspend, for such period as he may determine, not exceeding one year, the licence of any person.
- (d) should an offence be repeated, it shall be lawful for the officer to suspend, for such period as he may determine, not exceeding five years, the licence.
- (2) The National Licencing Officer shall endorse upon the licence of every holder the particulars of every offence of which such holder has been convicted and the penalty imposed.