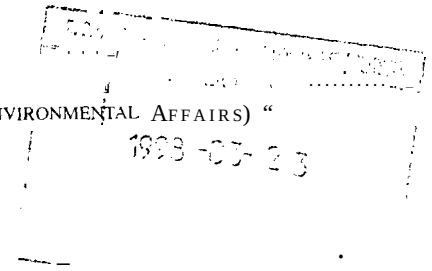
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REPUBLIC OF SOUTH AFRICA

ANIMAL IMPROVEMENT BILL

(As introduced in the National Council of Provinces)



(SELECT COMMITTEE ON LAND, AGRICULTURE AND ENVIRONMENTAL AFFAIRS)

[B 28-98]

REPUBLIEK VAN SUID-AFRIKA

WETSONTWERP OP DIEREVERBETERING

(Soos ingedien in die Nasionale Raad van Provinsies)

(GEKOSE KOMITEE OOR LANDBOU, GROND EN OMGEWINGSAKE)

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BILL

To provide for the breeding, identification and utilisation of genetically superior animals in order to improve the production and performance of animals in the interest of the Republic; and to provide for matters connected therewith.

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

Definitions

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

(i) "advertisement" in relation to an animal or genetic material and in relation to an inseminator, semen collector, embryo collector, embryo transferor, animal breeders' society or registering authority means any written. illustrated, visual or other descriptive material or verbal statement, communication, representation or reference which is brought to the notice of a member of the public and which is intended to promote the sale or encourage the use of such animal or genetic material, or is intended to offer the services of an inseminator, semen collector, embryo collector, embryo transferor, animal breeders' society or registering authority; and "advertise" has a corresponding meaning: (i)

(ii) "animal" means a kind of animal or an animal of a specified breed of such kind of animal which has in terms of section 2 been declared as an animal for the purposes of this Act; (v)

(iii) "animal breeders' society" means a group of persons promoting the breeding, the recording or registration, the genetic improvement and the use of a kind of animal or an animal of a specified breed of such kind of animal, determining and applying breed standards, recommending in its sole discretion the recording or registration of an animal or a specified breed of a kind of animal bred in or imported into the Republic, and who is registered in terms of section 8(7)(a)(i); (vi)

(iv) "animal improvement" means the scientifically based identification of genetically superior animals by means of the integrated registration and genetic information system or in a manner approved by the registrar and the discerning use thereof to improve the production or performance ability of the animal population in the interest of the Republic; (vii)

(v) "appeal board" means an appeal board specified in section 23; (ii)

(vi) "breed" means a population of animals which produces progeny possessing a high degree of genetic stability as evidenced by identifiable uniformity in breed, standards and performance; (vi)

(vii) "breeder" means the owner of a breeding female animal at the time of natural or artificial conception or at the birth of progeny: (xXxiii)

(viii) "breed standards" means a written set of phenotypic or genotypic standards of excellence determined and applied in terms of the constitution of an animal breeders' society for a kind of animal; (xxii)

(ix) "centre" means premises registered in terms of section 8(6)(b) for the collection, evaluation, processing, packing, labelling, storing and sale of semen, embryos or ova, as the case may be, of certain kinds of animal; (xxix)

(x) "Department" means the Department of Agriculture in the national government; (iv)

(xi) "Director-General" means the Director-General of the Department; (viii)

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(xii) "donor animal" means an animal which has been approved in terms of section 8(6)(c) for the collection of genetic material; (xxxi)

(xiii) "embryo" means a fertilised ovum of a female animal; (ix)

(xiv) "embryo collector" means a person who collects, evaluates, processes, packs or stores genetic material, or who carries out the artificial insemination or the transferring of ova or embryos into recipient female animals and who is registered as such in terms of section *8(6)(a)* in respect of the kind of animal for which he or she has completed the prescribed course of instruction; (xii)

(xv) "embryo transfer" means the act of implanting an ovum or embryo in a female animal: (xi)

(xvi) "embryo transferor" means a person who carries out the transferring of ova or embryos into recipient female animals and who is registered as such in terms of section *8(6)(a)* in respect of the kind of animal for which he or she has completed the prescribed course of instruction; (x)

(xvii) "export" means to take out or send an animal or genetic material from the Republic to a country or territory outside the Republic or to cause an animal or genetic material to be so taken or sent out; (xxxiv)

(xviii) "genetic material" means ova, embryos, semen and any other material originating from an animal through which the hereditary factors of such animal can be transferred; (xiv)

(xix) "import" means *to* bring an animal or genetic material from outside the Republic into the Republic or to cause an animal or genetic material to be so brought into the Republic; (xvii)

(xx) "import agent" means a person who imports genetic material on behalf of another person and who is registered as such in terms of section *8(6)(a);* (xviii)

(xxi) "inseminator" means a person who carries out the artificial insemination of animals and who is registered as such in terms of section *8(6)(a) in* respect of the kind of animal for which he or she has completed the prescribed course of instruction; (xvi)

(xxii) "integrated registration and genetic information system" means the computer system which has been established in co-operation with the Department to integrate the pedigrees and performance data of animals; (xiii)

(xxiii) "landrace" means a specified breed of a kind of animal indigenous to or developed in the Republic; (xix)

(xxiv) "Minister" means the Minister for Agriculture and Land Affairs; (xx)

(xxv) "officer" means an officer as defined in section 1(1) of the Public Service Act, 1994 (Proclamation No. 103 of 1994), read with section 1 of the Public Servant Amendment Act, 1996 (Act No. 13 of 1996); (iii)

(xxvi) "prescribed" means prescribed by regulation; (xxXvii)

(xxvii) "register" means the register kept in terms of section 5; (xxiii)

(xxviii) "registering authorit y" means an animal breeders' society or a group of animal breeders' societies which is registered as such in terms of section 8(7)(a) (ii); (xxv)

(xxix) "registrar" means the officer designated as Registrar of Animal Improvement in terms of section 3; (xxiv)

(xxx) "regulation" means a regulation made under this Act; (xxvi)

(xxxi) "scheme" means a scheme established in terms of section 20; (xxx)

(xxXii) "sell" includes agree to sell, offer, advertise, keep, expose, transmit, convey, transport, or deliver for sale within or outside the Republic or exchange or dispose of or deliver to any person in any manner, whether for a consideration or otherwise, and "sale" has a corresponding meaning; (xXxvi)

(xxXiii) "semen" means the semen of a male animal; (xxvii)

(xxxiv) "semen collector" means a person who collects, evaluates, processes, packs or stores semen, or who carries out the artificial insemination of an animal, and who is registered as such in terms of section 8(6)*(a)* in respect of the kind of animal for which he or she has completed the prescribed course of instruction; (xxviii)

(xxXv) "stud book animal" means an animal registered or recorded in the herd book kept by a registering authority; and "stud animal", "thoroughbred animal", "registered animal" and "recorded animal" has a corresponding meaning; (xxxii)

(xxxvi) "this Act" includes the regulations; (xv) and

(xxxvii) "veterinarian" means a person registered in terms of the Veterinary and Para-Veterinary Professions Act, 1982 (Act No. 19 of 1982), to practise a veterinary profession as defined in section 1 of that Act. (xxxv)

Application of Act

2. (1) This Act shall apply with reference to any kind of animal, or an animal of a specified breed of such kind of animal as the Minister may by notice in the *Gazette* declare to be an animal for the purposes of this Act.

(2) In the case of a new kind of animal or a new breed of such kind of animal to be imported into or to be bred in the Republic, the Minister shall make such declaration after considering the request, taking the international law into consideration.

(3) Different kinds of animals or breeds of such kinds of animals may be so declared in relation to different provisions of this Act: Provided that an animal or genetic material as referred to in section 17 shall only be declared upon a specific written application to the Minister by the relevant animal breeders' society.

(4) The Minister may declare that any provision of this Act shall only apply—

(a) in one or more specified areas of the Republic; or

(b) to one or more specified countries.

Designation of registrar

3. (1) The Minister shall designate an officer in the Department, who has an appropriate tertiary qualification in the field of animal improvement, as Registrar of Animal Improvement, who shall exercise the powers and perform the duties conferred or imposed upon the registrar under this Act.

(2) *(a)* The registrar may delegate the powers or duties referred to in subsection (1) in writing to an officer or may authorise or direct such officer in writing to exercise such powers or perform such duties.

(b) Any power exercised or duty performed by an officer referred to in paragraph *(a)* shall be deemed to have been exercised or performed by the registrar.

(c) Any decision made or order given by an officer referred to in paragraph *(a)* may be withdrawn or amended by the registrar, and shall, until it has been so withdrawn or amended, be deemed, except for the purposes of this paragraph, to have been made or given by the registrar.

Discretionary powers of registrar

4. (1) *(a)* Any discretionary power conferred on the registrar in terms of this Act, other than those conferred by section 16 or 17, shall not be exercised by him or her to the prejudice of any applicant or any other person who appears to the registrar to be an interested party, without giving such applicant or such other person an opportunity to be heard within such period as may be prescribed or, if no period has been prescribed, within such reasonable period as the registrar may determine.

(b) An applicant or other person referred to in paragraph *(a)* may waive such right to be heard.

(2) Whenever in terms of this Act any period is specified within which any act is to be performed or anything is to be done, the registrar may, subject to the provisions of section 16, extend such period either before or after its expiry.

Register

5. (1) The registrar shall keep a register of semen collectors, inseminators, embryo collectors, embryo transferors, import agents, centres, donor animals, animal breeders' societies and registering authorities which have been registered or approved and in which the prescribed particulars in respect of such semen collectors, inseminators, embryo collectors, embryo transferors, import agents, centres, donor animals, animal breeders' societies and registering authorities shall be recorded.

(2) The register shall, upon payment of the prescribed fee, be open for inspection at the office of the registrar during office hours.

(3) The registrar shall furnish any person, at his or her request and on payment of *the* prescribed fee, with a copy of any particulars recorded in the register or a certificate in respect thereof.

Register to be evidence

6. (1) The register shall be *prima facie* evidence of all matters directed or authorised by this Act to be noted therein.

(2) A certificate purporting to be signed by the registrar to the effect that an entry has or has not been made in the register or that any other thing authorised by this Act to be done, has or has not been done, shall be *prima facie* evidence of the matters specified in such certificate.

(3) A copy of an entry in the register or an extract from the register, purporting to be certified by the registrar. shall be admitted in evidence in any court of law without further proof or production of the original.

Requirements for registration or approval

7. (1) A semen collector. inseminator, embryo collector or embryo transferor may be registered as such if—

(a) he or she has successfully completed the prescribed course of instruction;

(b) a veterinarian who has been designated by the registrar for such purpose has certified in the form determined by the registrar that the semen collector, inseminator, embryo collector or embryo transferor, as the case may be, has, in his or her opinion, sufficient practical and theoretical knowledge of the manner in which. in the case of a semen collector, semen or, in the case of an embryo collector, embryos or ova may be collected, evaluated, processed, packed or stored in terms of this Act, and in which animals, in the case of a semen collector, inseminator or embryo collector, may be so artificially inseminated or. in the case of an embryo collector or embryo transferor, be implanted with an ovum or embryo; and

(c) he or she complies with such other requirements as may be prescribed.

(2) An import agent maybe registered as such if he or she undertakes in writing to the registrar to make use of a customs clearing facility and laboratory conforming to the prescribed requirements for all genetic material imported by him or her on behalf of another person.

(3) Premises where genetic material is collected, evaluated, processed, packed, labelled, stored and sold. may be registered as a centre if—

(a) the prescribed facilities are available at such premises for such purpose;

(b) the technical operations at such premises, with reference to the care of animals being kept there, and the collection, evaluation, processing, packing, labelling and storage of genetic material. are controlled and managed by a person who comply with the prescribed requirements; and

(c) such premises comply with such other requirements as maybe prescribed.

(4) An animal maybe approved as a donor of genetic material if—

(a) a veterinarian has certified in the form determined by the registrar that such animal is acceptable in respect of—

(i) general state of health;

(ii) absence of disease;

(iii) quality of its semen, and

(iv) such other attributes as maybe prescribed;

(b) such animal complies with such other prescribed requirements.

Registration or approval

8. (1) Any person who—

(a) desires to be registered as a semen collector, inseminator, embryo collector, embryo transferor or import agent; or

(b) desires—

(i) that premises be registered as a centre; or

(ii) that an animal be approved as a donor animal of genetic material,

shall apply to the registrar in the form determined by the registrar and in the prescribed manner, and such application shall be accompanied by the prescribed application fee for the kind of registration or approval concerned.

(2) A group of persons who desires to be registered as an animal breeder's society shall apply to the registrar in the form determined by the registrar and in the prescribed manner, and such application shall be accompanied by the constitution of the animal breeders' society, and the prescribed application fee.

(3) An animal breeders' society or group of animal breeders' societies who desires to be registered as a registering authority shall apply to the registrar in the form determined by the registrar and in the prescribed manner, and such application shall be accompanied by the constitution of the registering authority, and the prescribed application fee.

(4) The registrar shall consider an application made in terms of subsection (l), **(2)** or (3), and may make any inquiry in connection therewith which he or she may deem necessary.

(5) If the registrar refuses to grant an application made in terms of subsection(1), (2) or (3), he or she shall notify the applicant in writing of his or her decision and of the grounds on which it is based.

(6) If the registrar is convinced that an application refereed to in subsection (1) may be granted he or she shall—

(a) register the applicant as a semen collector, inseminator, embryo collector, embryo transferor or import agent, as the case may be, and issue a registration certificate to him or her:

(b) register the premises as a centre and issue a registration certificate to the applicant;

(c) grant the application for the approval of the animal concerned as a donor animal and issue a certificate of approval to the applicant in respect of such approval; and

(d) record the applicable prescribed particulars in the register.

(7) If the registrar is convinced that an application referred to in subsection (2) or (3) may be granted he or she shall—

(a) register—

(i) the group of persons as an animal breeders' society; or

(ii) the animal breeders" society or group of animal breeders' societies as a registering authority,

and issue to the animal breeder's society or the registering authority, as the case may be, a registration certificate;

(b) record the applicable prescribed particulars in the register;

(c) only in case of the first registration give notice in the *Gazette* of the registration of the animal breeders' society or registering authority, as the case may be, and of the date from which the registration concerned is valid and he or she shall notify the Registrar of Companies thereof, who shall as soon as possible after such date record the name of the animal breeders' society or the registering authority, as the case may be, in the register of companies held in terms of the Companies Act. 1973 (Act No. 61 of 1973).

(8) The registration of a person as a semen collector, inseminator, embryo collector, embryo transferor or import agent, or of premises as a centre, or of an animal breeders' society or registering authority, or the approval of an animal as a donor animal is subject to the provisions of this Act and the prescribed conditions.

(9) *(a)* An animal breeders' society or registering authority is a juristic person from its date of registration referred to in subsection (7).

(b) Subject to paragraph (c), the provisions of the Companies Act, 1973 (Act No. 61 of 1973), do not apply to an animal breeders" society or a registering authority.

(c) The Minister may by notice in the *Gazette* declare any provision of the Companies Act, 1973, which is consistent with the provisions of this Act, applicable to an animal breeders' society or registering authority, with such amendments as may be set out in the notice, and may withdraw or amend such notice.

(d) The assets. liabilities, rights and duties which a person possesses in his or her

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capacity as member of the group of persons referred to in subsection (2) on behalf of the members of such group, or for which such person is responsible on behalf of such members, shall pass on to the animal breeders' society concerned from the date of registration referred to in subsection (7).

Renewal of registration or approval

9.(1) A registration or approval in terms of section 8(6) shall, except in the case of the prior termination thereof, in terms of section 10. be valid from the date of issue of the certificate until the date of expiry specified thereon, and shall thereafter be renewable from time to time.

(2) *(a)* A person to whom a certificate has been issued in terms of section 8(6), may apply to the registrar for the renewal of the registration or approval concerned within the prescribed time and in the prescribed manner, and such an application shall be accompanied by the prescribed renewal fee for the registration or approval concerned, as well as by the information or documents prescribed or as required by the registrar.

(b) The provisions of section 8(4), (5), (6) and (8) shall apply *mutatis mutandis* in respect of an application referred to in paragraph *(a)*.

(c) A renewal granted in terms of paragraph (b) shall, subject to the prior termination thereof in terms of this Act. be valid for the prescribed period, and an application for the further renewal thereof shall be made within the prescribed period according to the provisions of paragraph *(a)*, read with paragraph *(b)*.

(d) The registrar shall not consider an application for the renewal of a registration or approval which has been received after its expiry date unless such application has been received within 90 days after such expiry date and the additional prescribed fees have been paid.

Termination of registration or approval

10. (1) The registrar may at any time terminate the registration of a semen collector. inseminator, embryo collector, embryo transferor or import agent, or of any premises as a centre, and he or she may withdraw the approval of an animal, if he or she is convinced that—

(a) a requirement of this Act or a condition referred to in section 8(8) or section 8(8) as applied by subsection 9(2)(b), as the case may be, has not been complied with; or

(b) in the case of the approval of an animal. the animal no longer complies with the provisions of section 7(4).

(2) If the registrar terminates the registration of a semen collector, inseminator, embryo collector, embryo transferor or import agent or of premises as a centre, or withdraws the approval of an animal, he or she shall in writing inform the person to whom the certificate in question was issued thereof and of the grounds on which it is based.

(3) If the registrar has grounds to terminate the registration of a group of persons as an animal breeders' society. or of an animal breeders' society or of a group of animal breeders' societies as a registering authority, he or she shall lodge a complaint with the Minister in terms of the provisions of section 22.

Animal breeders' society

11. (1) A group of persons may be registered as an animal breeders' society if—

(a) the kind of animal or a specified breed of such kind of animal with which such a group of persons is concerned, has been declared in terms of section 2 to be an animal for the purpose of this Act;

(b) no other such registration has been granted in respect of an animal breeders' society which is concerned with the same breed of such kind of animal;

(c) the constitution of such group of persons specifically provides—

(i) for the promoting, breeding, recording or registration, genetic improvement and use of a kind of animal or an animal of a specified breed of such kind of animal;

(ii) for the determination and the application of breed standards, and for the

recommendation, in its sole discretion, to a registering authority of the recording or the registration of an animal or of a specified breed bred or imported into the Republic;

(iii) for the continued commitment to animal improvement;

(iv) for the manner in which the constitution maybe amended; and

(d) such group of persons complies with such requirements as may be prescribed.

(2) An animal breeders' society or group of animal breeders' societies may be registered as a registering authority with reference to the kind of animal or kinds of animals of a specified breed or breeds of such kind of animals if—

(a) no other such registration has been granted in respect of a registering authority which is concerned with the same animal or breed of animal: Provided that if another registering authority has been previously registered as such in respect of a specified kind of animal or a specified breed of such kind of animal, the registrar may, with due allowance for the decision of the majority of the breeders registered as such with the relevant animal breeders' society concerned with such a kind of animal or breed of such kind of animal, grant an application referred to in section 8(3);

(b) the constitution of such registering authority provides that—

(i) before any information with reference to an individual animal is accepted and the animal is registered or recorded, such information shall be subject to verification in respect of the correctness of parentage, the interbirth cycle of the dam, the ownership of the parents at the time of serving and the birth of the animal;

(ii) the manner of verification of all registration particulars, the manner in which records are created and kept, and the contents of the records shall comply with the requirements determined by the registrar, in consultation with all other registering authorities;

(iii) the applicable fees, if any, for the registration of prefixes and suffixes and for participation in the integrated registration and genetic information system, shall be paid to the organisation referred to in section 15(3)(a);

(iv) a breeder's right to direct participation in the integrated registration and genetic information system is acknowledged in the event of the animal breeders' society's failure to comply with its own constitution in the opinion of the registrar;

(v) the manner in which the constitution maybe amended, is described; and

(c) such animal breeders' society or group of animal breeders' societies complies with such requirements as may be prescribed.

Amendment of constitution

12. (1) An animal breeders' society or a registering authority shall make provision in its constitution for the manner in which such constitution may be amended: Provided that such amendment shall not be inconsistent with the provisions of this Actor with the constitution of the relevant registering authority.

(2) The number of copies as may be prescribed of each such amendment or of the amended constitution shall be submitted to the registrar within 30 days after the amendment has been approved by an annual general meeting.

(3) If the registrar is of the opinion that such amendment is inconsistent with the provisions of this Act. he or she shall notify the animal breeders' society or registering authority, as the case may be, within 30 days in writing thereof and of the grounds on which the decision has been made whereupon the amendment shall be null and void.

Restriction of certain actions in respect of animals and genetic material

13. (1) **No** person shall—

(a) collect, evaluate, process, pack or store embryos or ova unless—

(i) he or she is registered as an embryo collector in terms of section 8; or

(ii) he or she is the owner of an animal from which the embryos or ova are collected. evaluated, processed, packed or stored;

(b) import genetic material on behalf of another person unless he or she is registered as an import agent in terms of section 8.

(2) If a veterinarian or a person who is registered as a semen collector, inseminator, embryo collector or embryo transferor in terms of section 8, artificially inseminates an animal or transfers ova or embryos into a recipient female animal, he or she shall provide the owner of such animal with a certificate containing the prescribed particulars.

Restriction on sale or importation of genetic material

14. (1) No person shall sell genetic material collected in the Republic or genetic material imported into the Republic unless such genetic material is accompanied by the prescribed written warranty.

(2) No person referred to in subsection (1) shall advertise that the progeny to be begotten from the use of such genetic material shall be recorded or registered in terms of any breed standards, unless the animal breeders' society concerned with animals to which the to be begotten progeny concerned belongs, grants prior approval in writing that such genetic material has been collected from a stud book animal of the specific breed and that such to be begotten progeny maybe eligible for recording or registration in the herd book kept by the registering authority for that particular kind of animal or breed of such kind of animal.

Restriction on certain actions with reference to stud book animals

15. (1) No person shall—

(a) represent or claim to represent breeders of stud book animals of a specific breed as an animal breeders' society;

(b) advertise that he or she promotes the breeding, recording or registration, genetic improvement and use of a kind of animal or an animal of a specified breed of such kind of animal; or

(c) determine and apply breed standards or recommend the recording or registration of an animal of a specified breed of animal bred in or imported into the Republic with a registering authority,

unless he or she is registered as an animal breeders' society in terms of section 8.

(2) No person shall in respect of the specified kind of animal or a specified breed of such kind of animal—

(u) issue a certificate of registration of an animal which has been bred in or imported into the Republic;

(b) issue a certificate of recording of an animal which has been bred in or imported into the Republic; or

(c) issue a certificate with reference to the particulars of the pedigree of an animal which has been bred in or imported into the Republic,

unless he or she is registered as a registering authority in terms of section 8.

(3) *(a)* A certificate referred to in subsection (2)*(a)* or *(b)* shall only be issued if the registering authority concerned has registered on behalf of the breeder of the animal concerned a prefix or a suffix to indicate animals bred by him or her, with the organisation which is contracted by the Department to operate the integrated registration and genetic information system.

(b) Such a prefix or suffix shall be registered under conditions and on the payment of the fees determined by the organisation referred to in paragraph *(a)*, and the registration of the prefix or suffix shall be maintained on the periodic payment of the fees and under the conditions which have been determined, and such organisation shall issue a certificate in respect of each such registration.

(c) A prefix or suffix which has been registered in favour of a person shall not be used by another personas a prefix or suffix or in any other manner to indicate an animal that has been bred by such other person.

(4) A power which in terms of subsection (2) only rests with a registering authority, shall not be so construed that it—

(a) prohibits the breeder of an animal which is not registered or recorded by a registering authority to supply particulars of the pedigree of such animal in writing or otherwise; or

(b) prohibits any person to supply particulars of the pedigree of an animal expressed on the certificate of registration or recording thereof in writing or otherwise.

Importation of animals and genetic material

16. (1) No person shall import into the Republic—

(a) an animal with the aim to record or register such animal in terms of any breed standards; or

(b) genetic material with the aim to record or register the progeny to be begotten from such genetic material in terms of any breed standards,

unless such importation has been authorised by the registrar in writing.

(2) Any person desiring to obtain authorisation referred to in subsection (1), shall apply to the registrar in the prescribed manner and in the form determined by the registrar and pay the prescribed application fee in the prescribed manner.

(3) *(a)* The registrar shall consider such an application on the basis of the breed standards in his or her possession which were laid down in terms of the constitution of the animal breeder's society concerned regarding the kind of animal to which such animal or genetic material intended for import, belongs.

(b) The animal breeder's society concerned shall provide the registrar in writing with the breed standards referred to in paragraph *(a)*, as often as it may be amended, as well as with information relating to the occurrence of poor performances or hereditary defects of an animal outside the Republic from which the genetic material originates.

(c) If the registrar is of the opinion that the breed standards are not consistent with a provision of this Actor that it is undesirable for some or other reason, he or she may refer such standards to the animal breeders' society concerned with a written request to make a recommendation thereon on the grounds set out in the request.

(4) If the registrar decides to grant an application—

(a) he or she shall authorise the import concerned in writing and immediately send a copy of the authorisation referred to in subsection (1) to the animal breeders' society and registering authority concerned; and

(b) the authorisation referred to in paragraph *(a)* shall be subject to the prescribed conditions or, in so far as it is not contrary to the conditions or the provisions of this Act, such conditions as may be determined by the registrar.

(5) A condition referred to in subsection *(4)(b)* may include a requirement regarding the quality thereof.

(6) If the registrar refuses such an application, he or she shall notify the applicant in writing of his or her decision and the grounds on which it is based.

(7) An authorisation in terms of this section shall not exempt the authorised person from the provisions of any other legislation in respect of the import of anything into the Republic.

(8) *(a)* If—

(i) a person who has imported an animal or genetic material into the Republic—

(aa) imported or used such animal or genetic material in contravention of the provisions of this Act;

(bb) furnished information in or concerning his or her application to import such animal or genetic material to the registrar which is not true in any material respect; or

(cc) contravened or failed to comply with a condition in terms of which he or she is under this section authorised to import any such animal or genetic material; or

(ii) the registrar is at any time of the opinion that an animal or genetic material, which such person has under this section been authorised to import, is harmful to animal improvement in the Republic,

the registrar may, whether or not criminal proceedings have been or may be instituted in terms of this Act against such person, direct him or her by written notice to destroy or remove from the Republic such animal or genetic material before a specified date at his or her own expense.

(b) If such animal or genetic material has not been destroyed or removed from the Republic before the date referred to in paragraph *(a)*, such animal or genetic material shall be forfeited to the State and be destroyed or dealt with in such other manner as may be determined by the registrar.

(c) Cost incurred by the State concerning the destruction of or the disposal of an animal or genetic material in terms of paragraph *(b)*, may be recovered from the person referred to in paragraph *(a)*.

Exportation of animals and genetic material of landrace

17. (1) No person shall export from the Republic an animal or genetic material of a landrace unless such exportation has been authorised by the registrar in writing.

(2) The provisions of section 16(4), (5), (6), (7) and (8) **shall** *mutatis mutandis* apply for the purposes of this section.

Prohibition of false or misleading advertisements

18. (1) No person shall publish or distribute a false or misleading advertisement in respect of—

(a) the pedigree or performance particulars of an animal;

(b) the sale of an animal or genetic material; or

(c) the presentation of semen collection, embryo collection, artificial insemination, or the transferring of ova or embryos into recipient female animals,

or cause or permit such advertisement to be published or distributed.

(2) If a person, other than the person who advertises the pedigree or performance particulars of an animal, sells an animal or genetic material or performs semen collection, embryo-collection, artificial insemination or transferring of ova or embryos into recipient female animals or animals to which the false or misleading advertisement relates, is charged with a contravention of subsection (1), it shall be a sufficient defence if he or she proves that he or she did not know or could not reasonably be expected to have known that the advertisement was false or misleading in any respect, unless it is proved that the accused failed on demand by the registrar or a police officer to furnish the name and address of the person at whose instance the advertisement was published or distributed.

Confidentiality

19. No person shall disclose to any other person information acquired by him or her in the performance of his or her functions in terms of this Act, or the **constitution of an** animal **breeder's society, or the constitution of a registering authority and which relates to the business or affairs of another person, without the express written approval** of such other person, except when required by any court of law or under any legislation.

Establishment of schemes

20. (1) The Minister may, by notice in the *Gazette*, establish a scheme for the evaluation and certification of the performance of animals or a kind of breed of animal specified in the notice, with the objective of improving the genetic production potential of such animals: Provided that a cost benefit analysis of such a scheme has been carried out.

(2) Different schemes may be instituted for different kinds of animals or different breeds of kinds of animals, and the requirements in a scheme for such different animals, may differ.

(3) The Minister may in a notice in terms of subsection (1) whereby a scheme is established—

(a) designate the person who or the body which shall exercise the powers and perform the duties conferred or imposed in terms of the said notice; and

(b) authorise such person or body to make rules in consultation with the organisation contracted by the Department to operate the integrated registration and genetic information system,

under such conditions as the Minister may determine in the said notice.

Inspection

21. (1) The registrar or an officer referred to in section *3(2)(a)*, may perform the functions of an inspector referred to in subsection (3).

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(2) The registrar shall furnish an officer referred to in section 3(2)*(a)*, with a certificate that he or she is authorised to act as inspector in terms of this Act.

(3) An inspector may, on the authority of a warrant issued in terms of subsection (4)—

'(a) at 'any reasonable time, enter premises with regard to which he or she has reason to believe that an offence is being or has been committed in terms of this Act, in order to investigate and obtain evidence;

(b) examine. or test or cause to be examined or tested, any animal or genetic material to which this Act applies and which is found in or at such premises;

(c) examine or test or cause to be examined or tested any equipment, material. substance or other article which is used or is suspected to be used at or in connection with the collection, evaluation, processing, packing or storing of genetic material or the artificial insemination or transferring of ova or embryos into recipient female animals;

(d) inspect the operations or process in connection with any action referred to in paragraph (c), and demand from the owner or custodian of the animal, genetic material, equipment, material, substance or other article concerned, or from the person who has it in his or her custody, or who supervises such operations or processes, any information or an explanation regarding the operation, process, animal, genetic material, material, substance or other article: Provided that such information or explanation shall only be admissible as evidence in a court of law against such owner or person on a charge referred to in section *25(l)(b);*

(e) take or cause to be taken such samples of the blood of an animal or genetic material, material, substance or other article as he or she may deem necessary, and for such purpose open any container in which such genetic material, material, substance or other article is contained and require reasonable assistance from the owner or the person who has such animal, genetic material, material, substance or other article in his or her custody;

(f) examine and make copies of or take extract from any book or document in respect of which he or she on reasonable grounds suspects that it relates to such animal, genetic material, material, substance or other article, irrespective of whether or not it is kept on or at the place, premises or conveyance concerned or at any other place, and demand from the owner of such book or document or from the person who has it in his or her custody an explanation regarding any record or entry therein: Provided that such explanation shall only be admissible as evidence in a court of law against such owner or person on a charge referred to in section 25(1)(b); and

(g) seize any number of animals, or the whole, or any part of genetic material, material, substance or other article, or of any book or document.

(4) *(a)* A warrant referred to in subsection (3) shall be issued by a judge of the High Court or by a magistrate who has jurisdiction in the area in which the premises in question are situated, and shall only be issued if it appears from information under oath that there are reasonable grounds to believe that an animal, genetic material, equipment, material, substance or other article refereed to in paragraph *(b)* or (c) is upon or in such premises, and shall specify which of the acts mentioned in that subsection may be performed thereunder by the person to whom it is issued.

(b) A warrant issued in terms of this section shall be executed by day and shall be conducted with strict regard to decency and order.

(5) Any inspector executing a warrant in terms of this section shall immediately before commencing with the execution—

(a) identify himself or herself to the person in control of the premises, if such person is present, and hand to such person a copy of the warrant or, if such person is not present, affix such copy to a prominent place on the premises;

(b) at the request of such person, show the certificate referred to in subsection (2) to such person.

(6) *(a)* A sample taken in terms of subsection (3)(e) shall, as soon as possible after it has been taken, be submitted to a person who is competent to test, examine or analyse that sample.

(b) An inspector shall in respect of each sample taken, issue a receipt of sampling to the person who has custody of such animal or genetic material, at the request of such person.

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(7) *(a)* An inspector concerned may remove any quantity of animals, genetic material, material, substance or other article, or any book or document thus seized, from the place, premises or conveyance where he or she seized it, or leave it thereon and, if he or she deems it necessary, attach such identification mark or seal as he or she may deem necessary on such animal, genetic material, substance or other article or the container thereof, or on such book or document.

(b) The registrar may—

(i) grant authority that an animal, genetic material, substance or other article seized in terms of subsection (3)(g), may within the period and in the manner specified in such authorisation, be treated or dealt with;

(ii) if he or she is satisfied that the cause for the seizure concerned has been removed by such treatment or action, return that animal, genetic material, material, substance or other article to the person from whom it was seized.

(c) If no criminal proceedings are instituted in connection with an animal, genetic material, material, substance or other article seized in terms of subsection (3)(g), or if it appears that such animal, genetic material, material, substance or other article is not required at the trial for the purposes of evidence or an order of court, that animal, genetic material, material, substance or other article shall be returned to the person from whom it was seized.

Complaints against animal breeders' societies and registering authorities

22. (1) If a complaint is lodged with the Minister that an animal breeders' society or a registering authority has not properly attained or is unlikely properly to attain the objectives for which a registration certificate has been issued, he or she may refer such complaint for inquiry to a committee consisting of three members, who in the opinion of the Minister, have expert knowledge of the subject of the complaint and who are appointed by the Minister, one of whom he or she shall designate as the chairperson of such cornrnittee.

(2) The Minister shall at least one month prior to the commencement of such inquiry notify such animal breeders' society or registering authority in writing of the act or omission which is to be the subject of the inquiry and of the date on which the inquiry shall commence, and such animal breeders' society or registering authority shall be entitled to be represented at such inquiry by legal representation.

(3) The provisions of section 23(4), (5), (6), (7) and (8) shall *mutatis mutandis* apply with reference to an inquiry referred to in subsection (1).

(4) If the committee referred to in subsection (1) finds that the animal breeders' society or registering authority concerned has not properly attained or is unlikely properly to attain the objectives specified in subsection (1), the Minister may cancel the registration of the animal breeders' society or registering authority or suspend it for the period determined by him or her, whereupon the powers of the animal breeders' society or registering authority shall for the period of suspension or, in the case of the cancellation of the registration, respectively vest temporarily in the registering authority concerned or permanently in another registering authority determined by the Minister, as the case may be.

(5) When an animal breeders' society or a registering authority voluntarily decides to dissolve in accordance with its constitution or when the registration of an animal breeders' society or registering authority is cancelled in terms of subsection (4), such animal breeders' society or registering authority shall be dissolved, and as from the date of such cancellation all the remaining assets, liabilities, rights and obligations of such animal breeders' society or registering authority shall devolve as may be determined in the constitution of the said animal breeders' society or the registering authority concerned.

(6) *(a)* The registrar shall give notice in the *Gazette* of the cancellation in terms of subsection (4) of the registration of an animal breeders' society or registering authority.

(b) The registrar shall delete the name of such animal breeders' society or registering authority from the register.

(c) The registrar shall notify the Registrar of Companies of such cancellation whereupon the Registrar of Companies shall delete the name of such animal breeders' society or registering authority from the Register of Companies.

(7) Any member of the committee referred to in subsection (1) who is not in the full-time employment of the State, may be paid such allowances as the Minister may with concurrence of the Minister of Finance determine.

Appeals

23. (1) Any person whose interests are affected by any decision or direction of the registrar under this Act, may appeal against such decision or direction to an appeal board appointed by the Director-General for the purposes of the appeal concerned.

(2) An appeal referred to in subsection (1), shall be lodged in the prescribed manner within the prescribed period. and the prescribed fee shall be payable in respect of such appeal.

(3) An appeal board shall consist of—

(a) a person who is appointed on the ground of his or her legal knowledge and who shall act as chairperson of the appeal board; and

(b) two persons who, in the opinion of the Director-General, have expert knowledge of the subject of the appeal.

(4) Any person who has a director indirect interest *in* the outcome of the appeal, shall not be appointed in terms of subsection (1).

(5) All the members of an appeal board shall constitute a quorum for a meeting of that appeal board.

(6) An appeal shall be heard on the date and at the place and time determined by the chairperson of an appeal board, and he or she shall notify the appellant and the registrar in writing thereof.

(7) The chairperson of an appeal board may, for the purposes of the hearing of an appeal—

(a) subpoena any person who, in his or her opinion, may give material information concerning the subject of the hearing or has in his or her possession or custody or under his or her control any document which has any bearing upon the subject of the hearing, to appear before him or her at a time and place specified in the subpoena, to be interrogated or to produce that document, and the chairperson may retain for examination any document so produced;

(b) administer an oath to or accept an affirmation from any person called as a witness at the hearing; and

(c) call any person present at the hearing as a witness and interrogate him or her and require him or her to produce any document in his or her possession or custody or under his or her control.

(8) The procedure at the hearing of the appeal shall be determined by the chairperson.

(9) The appellant, if he or she appears before an appeal board at the hearing of an appeal, and the registrar may make use of legal representation.

(10) An appeal board—

(a) shall within 90 days of its appointment in terms of subsection (1) come to a decision:

(b) may confirm, set aside or amend the decision or direction concerned which is the subject of the appeal; and

(c) may make such order in connection therewith as it may deem fit.

(11) The decision of an appeal board together with the reasons therefor shall be in writing and copies thereof shall be furnished to the registrar and the appellant.

(12) If the appeal board sets aside any decision or action. the prescribed fee paid by the appellant in respect of the appeal in question shall be refunded to him or her, or, if the appeal board varies such decision or action, it may in its discretion direct that the whole or such part of such fee as it may determine, be refunded to the appellant.

(13) A member of the appeal board and any person subpoenaed under subsection (7)(c) who is not in the full-time employment of the State, maybe paid such allowances as the Minister may with the concurrence of the Minister of Finance determine.

State not exempted from fees

24. The State shall not be exempted from the payment of any fees payable in terms of this Act.

Offences and penalties

25. (1) Any person who—

(a) makes or causes to be made a false entry in the register, or who makes or causes to be made a copy which falsely purports to be a copy of an entry in the register, or who produces or tenders or causes to be produced or tendered such an entry or copy as evidence;

(b) refuses or fails to furnish information or give an explanation or to answer to the best of his or her ability to a question lawfully demanded from or put to him or her by a person referred to in section 21(1) in the exercising of his or her powers or the performing of his or her duties under this Act, or furnishes information, an explanation or answer to such person which is false or misleading, knowing that it is false or misleading;

(c) having been duly summoned to appear at proceedings in terms of section 23, or section 23 as applied by section 22, fails without lawful cause so to appear;

(d) having appeared as a witness at proceedings in terms of section 23, or section 23 as applied by section 22, refuses without lawful cause to be sworn or to make an affirmation or to produce any document or answer any question which he or she may be lawfully required to produce or answer;

(e) collects, evaluates, processes, packs or stores embryos or ova or imports genetic material on behalf of another person in contravention of section 13(1);

(f) fails to provide the owner of an animal with the prescribed certificate in contravention of section 13(2);

(g) sells or imports genetic material in contravention of section 14(1);

(h) advertises in contravention of section 14(2);

(i) makes any false or misleading statement—

(i) in or in connection with an application in terms of this Act; or

(ii) at the sale of any animal or genetic material or at the rendering of services relating to the artificial insemination or the transferring of ova or embryos to recipient female animals or the collection, evaluation, processing, packing or labelling of genetic material;

(j) manages a centre which does not comply with the requirements of section 7(3) or uses premises that are not registered as a centre under this Act, for activities in connection with the collection, evaluation, processing, packing, labelling, transport and sale of genetic material;

(k) imports any animal or genetic material into the Republic in contravention of section 16;

(l) contravenes or fails to comply with any condition on which he or she has under section 16(4)(b) been authorised to import any animal or genetic material into the Republic;

(m) exports any animal or genetic material of a landrace from the Republic in contravention of section 17;

(n) tampers with any sample taken *or any* animal, equipment, genetic material, book, document or other article seized under this Act;

(0) acts as an animal breeders" society in contravention of the provisions of section 15(1);

(p) other than a registering authority, except in the circumstances referred to in section 15(4), furnishes in writing particulars of the registration or recording of an animal bred in or imported into the Republic, or certifies, publishes or otherwise makes known the pedigrees of animals;

(q) uses a prefix or suffix not registered in terms of section 15(3) as a prefix or suffix or in any other manner to designate animals bred by him or her, or who so uses a prefix or suffix registered in terms of that section in favour of any other person;

(r) in furnishing particulars in the circumstances referred to in section 15(4), makes a false statement relating to the pedigree of an animal;

(s) contravenes any provision of section 18(1);

(t) contravenes the provisions of section 19,

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shall be guilty of an offence and on conviction liable—

(i) in the case of an offence referred to in paragraph *(c)*, *(d)*, *(f)*, *(h)*, *(s)* or *(t)*, to a fine or to imprisonment for a period not exceeding one year;

(ii) in the case of—

(au) a first conviction of an offence referred to in paragraph *(a)*, *(b)*, *(p)*, *(q)* or *(r)*, to a fine or to imprisonment for a period not exceeding one year; or

(bb) a second or subsequent conviction of an offence referred to in item *(au)*, whether it is the same offence or any other offence referred to in item *(aa)*, to a fine or to imprisonment for a period not exceeding two years;

(iii) in the case of—

(aa) a first conviction of an offence referred to in paragraph *(e)*, *(g)*, *(i)*, *(j)*, (k), *(l)*, *(m)*, *(n)* or (o), to a fine, or to imprisonment for a period not exceeding two years; or

(bb) a second or subsequent conviction of an offence referred to in item *(aa)*, whether it is the same offence or any other offence referred to in item *(aa)*, to a fine or to imprisonment for a period not exceeding four years.

(2) The court convicting any person of an offence under this Act may upon the application of the prosecutor declare any animal or genetic material in respect of which the offence was committed and all other animals or genetic material of a similar nature of which such person is the owner or which are in his or her possession, to be forfeited to the State.

(3) Anything forfeited under subsection (2) shall be disposed of in such manner as the Director-General may direct.

(4) Costs incurred in respect of any action under subsection (3), may be recovered from the person convicted.

(5) A magistrate's court shall have jurisdiction to impose any penalty provided for by this section.

Presumptions and evidence

26. In any prosecution under this Act—

(a) any genetic material in or upon any place, premises, vehicle or vessel at the time a sample thereof is taken in terms of section 21(3)(d) shall, unless the contrary is proved, be presumed to be in the same condition or to possess the same properties as such sample;

(b) any statement or entry contained in any book or document kept by any person, or by the manager, agent or employee of such person, or found upon or in any premises occupied by, or any vehicle or vessel used in the business of any person, shall be admissible in evidence against such personas an admission of the facts set forth in that statement or entry, unless it is proved that such statement or entry was not made by such person, or by the manager, agent or employee of such person in the course of his or her work as manager or in the course of his or her agency or employment.

Vicarious liability

27. (1) Any act or omission of any employee. manager or agent which constitutes an offence in terms of this Act or a scheme, shall be deemed to be the act or omission of his or her employer or principal, and such employer or principal may be convicted and sentenced in respect thereof unless he or she proves—

(a) that he or she did not permit or connive at such act or omission;

(b) that he or she took all reasonable measures to prevent an actor omission of the nature in question; and

(c) that an act or omission, whether legal or illegal, of the nature in question did not under any condition or in any circumstances fall within the course of the employment or the scope of the authority of the employee, manager or agent concerned.

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(2) For the purposes of subsection (1)*(b)* the fact that an employer or principal forbade an act or omission of the nature in question shall not by itself be regarded as sufficient proof that he or she took all reasonable steps to prevent such act or omission.

(3) The provisions of subsection(1) shall not relieve the employee, manager or agent concerned of liability of being convicted and sentenced in respect of the act or omission concerned.

Delegation of powers and assignment of duties

28. (1) The Minister may either generally or in relation to any particular matter delegate or assign to any officer of the Department any power conferred or duty imposed upon him or her under this Act, other than a power conferred by section 29.

(2) An animal breeders' society or registering authority may either generally or in relation to any particular matter delegate or assign in writing to its executive body elected in terms of its constitution, or to officers of such animal breeders' society or registering authority, any power conferred or duty imposed upon it under this Act.

Regulations

29. (1) The Minister may make regulations—

(a) prescribing any certificate or other document or form to be issued or used for the purposes of this Act;

(b,) prescribing the period of validity and conditions of a certificate or authorisation issued under this Act;

(c) prescribing the fees payable in respect of any application, examination, matter or document;

(d) prescribing the requirements to be complied with for the registration of a semen collector, inseminator, embryo collector. embryo transferor or import agent as such, or of premises as a centre, or an animal breeders' society or a registering authority or for the approval of a donor animal for the purpose of the collection of genetic material, and the conditions subject to which such registration or approval shall be made;

(e) prescribing the manner in which the technical operations at a centre relating to the care and the state of health of animals being kept there and to the collection, evaluation, packing, labelling, storage and sale of semen, embryos or ova shall be regulated, the supervision of such operations, the periodical inspection of animals kept at a centre and the equipment to be used at a centre;

(f) prescribing the manner in which a donor animal which has been approved for the purpose of collecting of genetic material and the genetic material collected from it, shall be identified;

(g) prescribing the properties of a warranty to be given in connection with the sale of genetic material;

(h) with regard to any matter which in terms of this Act is required or permitted to be prescribed by regulation,

and, in general, with regard to any matter which the Minister may consider necessary or expedient to prescribe or regulate in order to attain or further the objects of this Act, and the generality of this provision shall not be limited by the preceding paragraphs of this subsection.

(2) Different regulations may be made in terms of this section in respect of different animals or in respect of different classes of semen collectors, inseminators, embryo collectors, embryo transferors, import agents, centres, animal breeders' societies or registering authorities.

(3) A regulation may prescribe penalties for any contravention or a failure to comply with its provisions, a fine or imprisonment not exceeding six months.

(4) No regulations prescribing any fees shall be made except with the concurrence of the Minister of Finance.

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Repeal of laws and savings

30. (1) This Act shall apply to the whole of the national territory of the Republic.

(2) Subject to the provisions of subsection (2), this Act shall repeal—

(a) the Acts mentioned in columns one and two of the Schedule to the extent set out in the third column of the Schedule; and

(b) any law relating to animal improvement which applied in the territory of any entity which prior to the commencement of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), possessed legislative authority with regard to the improvement of animals.

(3) *(a)* The South African Stud Book and Livestock Improvement Association referred to in section 22 of the Livestock Improvement Act, 1977 (Act No. 25 of 1977), shall at the commencement of section 8 of this Act be deemed to be a registering authority which is registered in terms of section 8(7)*(a)*(ii) of this Act and which has the power of a registering authority with reference to any kind of animal or specific breed of such kind of animal in respect of which no registering authority exists.

(b) A livestock breeders' society to which a certificate of incorporation has been issued or continued in terms of section 18 of the Livestock Improvement Act, 1977, and which is in force immediately prior to the commencement of section 8 of this Act shall be deemed to be an animal breeders' society which is registered in terms of section 8(7)(a)(i) of this Act.

(c,) The registrar shall as soon as possible after the commencement of section 8 of this Act, issue free of charge in terms of section 8(7) of this Act to the South African Stud Book and Livestock Improvement Association referred to in paragraph (a), a registration certificate as registering authority, and to each animal breeders' society referred to in paragraph *(b)*, a registration certificate as an animal breeders' society.

(d) The South African Stud Book and Livestock Improvement Association referred to in paragraph *(a)* shall at the commencement of section 15 of this Act have the powers of an animal breeders' society specified in that section with reference to any kind of animal or specific breed of such kind of animal in respect of which no animal breeders' society exists.

(e) The registrar shall as soon as possible after the commencement of section 8 of this Act issue free of charge in terms of section 8(6) of this Act to all parties referred to in paragraphs *(a)*,*(b)* and *(c)* certificates of registration.

Short title and commencement

31. This Act shall be called the Animal Improvement Act, 1998, and shall come into operation on a date determined by the President by proclamation in the *Gazette.*

SCHEDULE

No. and year of law	Short title	Extent of repeaf
Act No. 25 of 1977	Livestock Improvement Act	The whole
Act No. 31 of 1984	Livestock Improvement Amendment Act	The whole
Act No. 85 of 1990	Livestock Improvement Amendment Act	The whole
Act No. 129 of 1993	General Law Third Amendment Act	Section 37
Act No. 60 of 1997	Livestock Improvement Amendment Act	The whole

MEMORANDUM ON THE OBJECTS OF THE ANIMAL IMPROVEMENT BILL, 1998

Animal farming is largely dependent on natural rangeland resources that are, in turn, dependent on the country's soil and water resources. The optimal and sustainable use of these natural resources will largely determine South Africa's capacity for lasting food security. Care must therefore be taken to farm with adapted and genetically sound animals that are capable of producing under a variety of conditions.

This calls for the effective identification, evaluation and use of South Africa's animal genetic resources. The informed, orderly and responsible use of genetically superior animals to improve the efficiency of these natural resources is the basis of animal improvement.

Animal production is, without any doubt, one of the most important agricultural activities in South Africa. It includes a wide variety of activities from large-scale extensive beef, wool, mutton and mohair production to intensive dairy, pig and poultry systems. It also includes the small farm animal agriculture sector that is fast becoming a key stakeholder in national food security and sustainable farming systems in the country. It is a rapidly changing industry with new technologies improving production efficiency even under conditions initially perceived as being totally unsuitable for any form of animal farming.

Supportive legislation to facilitate the orderly development of this multifaceted industry has had to be reviewed and adapted on a fairly regular basis to ensure that it remains effective and farmer friendly. Legislation can be used to facilitate the development of specific sectors, for example a local artificial insemination industry or a national beef performance testing scheme. It is, however, important to monitor such measures to ensure that they do not become counter-productive. Close liaison with farmers, agricultural non-government organisations and the industry is the most effective way to monitor legislation. Over the past few years, there has been growing criticism of the following aspects of the Livestock Improvement Act, 1977 (Act No. 25 of 1977):

* Restriction on the importation of genetic material for registered stud breeders.
* The protection of the local artificial insemination industry and restrictions on local collection and sale of semen.
* The protection of what is often seen as an elitist pedigree farm animal industry.
* Support of animal improvement schemes that do not benefit the small farmer.
* The absence of provisions in the legislation for the needs and interests of the small farmer.
* Insufficient control over embryo collection and transfer activities.
* Unequal access to information and to genetic material by animal owners.
* Scientific and technological progress has exposed a number of shortcomings.
* Some restrictions disregarded basic individual rights.

It was clear that the said Act was becoming outdated and that it needed to be revised to accommodate new developments and changes in both the local and international farm animal industry. After a process of drafting was completed, a public consultation was held and feedback from the consultation along with commentaries on the draft were consolidated in a final Bill. This Bill addresses all the shortcomings in the said Act. It is also far more farmer friendly than the present legislation. The Bill has been drafted to see the animal industry in South Africa into the next century and it should enable all farm animal owners to benefit therefrom.

The Bill will therefore enable the animal owner to make informed decisions and should ensure that the importers and breeders' suppliers of genetically superior animals and genetic material are bound by essential standards that will in turn ensure that the genetic material used in South Africa is of a sufficient standard to maintain or even improve production from both food and fibre producing animals. Extensive animal production is generally practised in areas where genetic improvement is the only option to improve animals. The Bill proposes to retain the following valuable provisions of the said Act:

* Controlling the identification and use of genetic material that could be used to the advantage of the national herd.
* Controlling the persons and centra providing animal reproduction services.
* The orderly establishment and maintenance of animal breeders' societies to cater for the needs of stud breeders.

In addition thereto the following new provisions are included in the Bill:

* The deregulation of the artificial insemination industry without compromising health standards.
* Anybody may import or export animals or genetic material.
* Provision is made for more than one registering authority.
* Provision is made for the registration of import agents.
* Provision is made for the protection of South Africa's indigenous and locally developed animal breeds.
* Provision is made for the registration of embryo collectors as a specialised branch of the industry and to bring this into line with international standards.

In the opinion of the Department of Agriculture and the State Law Advisers this Bill must be dealt with in accordance with the procedure established by section 76 of the Constitution.

This Bill makes provision for the breeding, identification and utilisation of genetically superior animals in order to improve the production and performance of animals in the interest of the Republic. It therefore falls within a functional area (agriculture) as listed in Schedule 4 of the Constitution.

INSTITUTIONS CONSULTED:

1. Breeders' Societies of South Africa

2. **Red Meat Producers' Organisations**

3. **MECs of Agriculture**

4. Agricultural Colleges

Tompi Seleka
Grootfontein
Potchefstroom
Tsolo

5. **Universities**

Zululand
University of the North
Pretoria
Witwatersrand
RAu
Potchefstroom
Fort Hare
MEDUNSA

6. **Technical Colleges**

Technical College of Pretoria
Technical College of Northern Transvaal

7. **Non-governing organisations**

LAPC (Land and Agricultural Policy Centre)
NAFU (National African Farmers Union)
KKLK "(Karakul Lewendehawe Koöperasie)"
SA Studbook Association

8. Agricultural Unions

SAAU (South African Agricultural Union)
Natal
Transvaal
Venda
Transkei

9. Various stud farmers