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CONTENTS

Page

GOVERNMENT NOTICE

No. 29 Animal Identification Regulations: Animal Diseases and Parasites Act, 1956 1

Government Notice

MINISTRY OF AGRICULTURE, WATER AND FORESTRY

No. 29

2009

ANIMAL IDENTIFICATION REGULATIONS: ANIMAL DISEASES AND PARASITES ACT, 1956

Under section 27 of the Animal Diseases and Parasites Act, 1956 (Act No. 13 of 1956) I have made the regulations set out in the Schedule.

J. MUTORWA
MINISTER OF AGRICULTURE, WATER
AND FORESTRY

Windhoek, 17 February 2009

SCHEDULE

ARRANGEMENT OF REGULATIONS

1. Definitions
2. Purpose

Part I
Holding or keeping of designated animals

3. Notification of holding or keeping of designated animal
4. Manner of notification
5. Registration of establishment and allocation of herd or flock identification code
6. Notification of change

Part II
Animal gatherings

7. Licensing of an establishment for animal gathering
8. Application for licence
9. Approval required for an animal gathering
10. Prohibition or restriction of animal gatherings

Part III
Animal identification

11. Approval of identification devices
12. Administrator of the distribution of identification devices
13. Requirements in respect of approved ear tags
14. Obligations with respect to supply or use of approved device
15. Power to conduct inspection
16. Identification of cattle
17. Identification of sheep and goats
18. Identification of pigs
19. Identification of imported designated animals
20. Replacement of approved device
21. Replacing approved device with different number
22. Alteration and removal of approved device
23. Safekeeping of unused approved device
24. Identification of carcass or meat or offal of slaughtered animal

Part IV
Animal registration and keeping of registers

25. Central database
26. Cattle to be registered on central database
27. Imported designated animals to be registered on central database
28. Keeping of livestock register
29. Keeping of individual animal register
30. Keeping of register of imported designated animals

Part V
Movement of designated animals

31. Permit required for movement of designated animals
32. Sending of movement permit by electronic means
33. Notification of movement of designated animals
34. Notification of death, theft or stray of individually identified animal
35. Notification of slaughter at abattoirs

Part VI General

36. Penalties

Definitions

1. In these regulations, unless the context otherwise indicates, a word or expression defined in the Act has the same meaning and -

“administrator” means the administrator of the distribution of identification devices designated or appointed under regulation 12(1);

“animal gathering” means an event at which animals from different establishments are brought together for sale, show, exhibition, inspection, onward consignment or any other purpose;

“approved device” means a tag, mark, transponder or other device approved by the director under regulation 11 for the identification of a designated animal;

“approved form” means a form approved by the director to be used for the purposes of these regulations;

“central database” means the central database in respect of designated animals established under regulation 25(1);

“designated animal” means an animal of the species cattle, sheep, goats or pigs;

“establishment” means any land, premises or place, including any part of any land, premises or place;

“licensee” means the holder of a licence issued under regulation 8 in respect of an establishment licensed for the holding of an animal gathering;

“manager of the central database” means the manager of the central database designated or appointed under regulation 25(2).

Purpose

2. The purpose of these regulations is to help the prevention, control and eradication of animal disease and parasites by implementing a livestock identification and traceability system through requirements that create the capacity to trace the origin, movements and fate of designated animals.

Part I Holding or Keeping of Designated Animals

Notification of holding or keeping of designated animal

3. (1) A person who holds or keeps or proposes to hold or keep a designated animal on an establishment must notify the nearest State veterinarian where the establishment is located of the fact that the person -

(a) holds or keeps a designated animal on the establishment; or

(b) intends to hold or keep a designated animal on the establishment.

(2) Notification in terms of subregulation (1) must be given -

(a) not later than 21 days after the date on which a person first holds or keeps a designated animal on an establishment; or

(b) in the case of a person who already holds or keeps a designated animal on an establishment on the date on which these regulations come into effect, not later than 6 months after the date on which these regulations come into effect if the person intends to continue holding or keeping a designated animal on the establishment.

(3) A person who fails to give notification of the holding or keeping of any designated animal in terms of subregulation (2) commits an offence.

Manner of notification

4. (1) A notification given to a State veterinarian in terms of regulation 3 must be in the approved form duly furnishing the information required therein.

(2) A person who keeps or holds or proposes to keep or hold designated animals on two or more establishments must give the notification separately in respect of each of those establishments.

(3) The State veterinarian may request a person giving a notification to furnish additional information that may be necessary for recording any relevant fact concerning the holding or keeping of a designated animal by that person.

Registration of establishment and allocation of herd or flock identification code

5. (1) Upon being satisfied that the required information is duly furnished in respect of a notification given by a person, the State veterinarian must -

(a) register the establishment and enter the relevant information of the notification in the central database;

(b) allocate to the person in respect of the registered establishment a herd or flock identification code approved by the director; and

(c) notify the applicant in writing that the establishment has been registered and state the herd or flock identification code allocated in respect of the registered establishment.

(2) The same herd or flock identification code may be allocated to a person who has given separate notifications in respect of two or more establishments.

Notification of change

6. (1) A holder of a herd or flock identification code must give notice in writing to a State veterinarian if -

(a) the person ceases to hold or keep designated animals on an establishment registered in respect of the person under regulation 5;

(b) any change occurs in respect of the address or contact details of the person as contained in the notification given by the person under regulation 3.

(2) A notice in terms of subregulation (1) must be given within 28 days after the date on which -

- (a) the person ceases to hold or keep any designated animals; or
 - (b) a change referred to in subregulation (1)(b) occurs.
- (3) If the holder of a herd or flock identification code -
- (a) dies or his or her estate is sequestrated; or
 - (b) being a company or close corporation, is placed in liquidation,

the executor or trustee of the person's estate or the liquidator of the company or close corporation must, within 28 days of being appointed, give notice in writing to a State veterinarian that the holder of the herd or flock identification code in question has died or is subject of an insolvency or liquidation order.

- (3) A person who fails to comply with subregulation (1) or (2) commits an offence.

Part II

Animal Gatherings

Licensing of an establishment for animal gathering

7. (1) A person may not use an establishment, whether a registered establishment or not, for an animal gathering unless the establishment is licensed for that purpose by the director under these regulations.

(2) A person who, immediately before these regulations came into effect, used any premises that had been approved by the director for the holding of animal gatherings -

- (a) may continue to use those premises for animal gatherings without a licence under these regulations for a period not exceeding 6 months after the date these regulations came into effect; and
- (b) must, after expiry of that period of 6 months, hold a licence issued under these regulations in respect of the premises if the person proposes to continue using the premises for any animal gathering.

(3) A person who contravenes subregulation (1) or fails to comply with subregulation (2)(b) is guilty of an offence.

Application for licence

8. (1) An application for a licence must -

- (a) be lodged with the nearest State veterinarian where the establishment is located; and
- (b) be in the approved form.

(2) The applicant may be required by a State Veterinarian to furnish any additional information considered necessary for determining the application.

(3) If the director, upon a report by a State veterinarian, is satisfied that the establishment to which the application relates is suitable and provides adequate facilities for the holding of an animal gathering, the director may grant the application and cause the licence to be issued to the applicant.

(4) In granting an application for a licence the director may impose any conditions which the director considers necessary to control the introduction into or spread of disease within or from the licensed establishment.

(5) A licence must be issued in the approved form and must specify -

- (a) the name of the licensee;
- (b) the establishment on which an animal gathering may take place; and
- (c) any conditions imposed under subregulation (4).

(6) If the application for a licence is refused the director must notify the applicant of the decision and the reason for the refusal.

(7) A licensee must give notice in writing to a State veterinarian of any change in respect of the licensee's address or contact details within 28 days after the change occurs.

(8) A licensee commits an offence who -

- (a) contravenes, or fails to comply with, a condition of a licence imposed under subregulation (4); or
- (b) fails to comply with subregulation (7).

(9) If a licensee has failed to comply with a condition of the licence, the director may, by notice in writing to the licensee, and after having given the licensee reasonable opportunity to make representations to the director, cancel the licence.

Approval required for animal gathering

9. (1) A licensee may not hold, or allow any other person to hold, an animal gathering on the licensed establishment unless prior approval for the holding of the animal gathering has been obtained from a State veterinarian.

(2) An application for approval for the holding of an animal gathering must -

- (a) be made to a State veterinarian at least 10 working days before the proposed animal gathering is to take place; and
- (b) be in the approved form.

(3) Application for approval of animal gatherings that are to be held on a recurring basis must -

- (a) be made on an annual basis by a date determined by the director; and
- (b) be accompanied by the applicant's annual events calendar.

(4) The organiser of an animal gathering event must notify the State veterinarian of any change in respect of an event scheduled on an events calendar submitted in terms of subregulation (3) at least 10 working days before the day of the event.

(5) A person who contravenes subregulation (1) commits an offence.

Prohibition or restriction of animal gatherings

10. (1) If a State veterinarian considers it necessary for the purposes of the control of an animal disease, the State veterinarian may by notice in writing to a licensee -

- (a) prohibit the licensee from holding an animal gathering on the licensed establishment; or
- (b) impose a restriction on the holding of animal gatherings on the licensed establishment.

(2) A prohibition or restriction imposed under subregulation (1) has effect -

- (a) for the period specified in the notice; or
- (b) if a period is not so specified, until the prohibition or restriction is withdrawn by a State veterinarian by notice in writing to the licensee.

(3) A person who fails to comply with a prohibition or restriction imposed under subregulation (1) commits an offence.

Part III Animal Identification

Approval of identification devices

11. (1) For the purposes of the animal identification system provided for in respect of designated animals in this Part, only a tag, mark, transponder or other device -

- (a) capable of being used for the identification of designated animals and for providing information about their ownership, origin, location, movement history and fate; and
- (b) approved by the director,

may be used.

(2) A tag, mark, transponder or other device may be approved by the director under subregulation (1) if it is of a quality and design that -

- (a) is capable of bearing a unique identification number or code allocated in accordance with the approved numbering system;
- (b) secures that information contained in or on it can not easily be altered or otherwise tampered with without being detectable;
- (c) is difficult to counterfeit and incapable of being re-used;
- (d) allows the unique identification number or code placed in or on it to be easily and reliably readable, either visually or by electronic means;

- (e) can effectively be retained by the animal to which it is applied; and
- (f) is not harmful to the animal to which it is applied.

(3) A person who proposes to manufacture, or conduct business as distributor of, a type of device intended to be offered or sold for the purpose of identification of designated animals under the animal identification system, must apply for such device to be approved by the director under subregulation (1).

(4) An application for approval in terms of subregulation (3) must be made in writing to the director.

(5) The director may, by notice, require the applicant to give within a stated reasonable period specified information and samples of the device to allow the director to decide the application.

(6) The director must decide whether to grant or refuse the approval.

(7) The approval may be granted subject to stated conditions.

(8) If the director decides to refuse the approval, the director must give the applicant written notice of the refusal and the reason for the refusal.

(9) The director must give notice of approval of an identification device in writing and all conditions of the approval to the applicant.

(7) A person who sells or offers or exposes for sale any device that is held out as being of a type approved by the director under subregulation (1) and which the person knows or ought to know has not been so approved, commits an offence.

Administrator of distribution of identification devices

12. (1) The Minister may -

- (a) designate a person in the service of the State; or
- (b) by mutual agreement with any person, body or organisation, appoint that person, body or organisation,

to be the administrator of the distribution of identification devices for the purposes of these regulations.

(2) The administrator is responsible for -

- (a) managing and maintaining a computerised central system for allocating approved devices;
- (b) managing the issuing of approved devices; and
- (c) managing approved devices distribution.

(3) Identification numbers or codes of approved devices must be allocated centrally by the administrator -

- (a) in accordance with the structure determined by the director; and

- (b) using a computerised database approved by the director.

(4) An administrator appointed under subregulation (1)(b) may charge to owners of designated animals for the allocation of identification numbers or codes of approved devices, and other services rendered, such fees as may be determined and specified with the approval of the Minister.

Requirements in respect of approved ear tags

- 13.** (1) An ear tag approved by the director as identification device must -

- (a) be of durable material;
- (b) consist of two parts, a male and a female component;
- (c) bear only indelible imprinted characters; and
- (d) be tested and certified for use as an official animal identification ear tag by a body recognised by the director.

(2) An approved ear tag must contain on each component characters forming the unique animal identification number or code as determined by the director and that enables establishing -

- (a) the origin of the animal to which it is attached; and
- (b) the individual identity of that animal.

(3) One component of the ear tag must bear the official logo as determined by the director.

(4) A person may add, or cause the manufacturer or distributor of approved ear tags to add, supplementary information to an ear tag or replacement ear tag to be used by that person, if -

- (a) the supplementary information is distinct from the official identification number or code; and
- (b) the identification number or code remains legible and clearly distinguishable at all times.

Obligations with respect to supply or use of approved device

- 14.** (1) A manufacturer or distributor of an approved device -

- (a) must, before supplying an approved device ordered by a person from the manufacturer or distributor, obtain from the administrator approval for the order;
- (b) must not supply an approved device unless it bears a unique identification number or code allocated by the administrator; and
- (c) must, if so required by the director, ensure that each approved device supplied is accompanied by a corresponding animal registration document approved by the director.

(2) Within 48 hours after supplying any approved device, the manufacturer or distributor of the device must furnish the following information to the administrator -

- (a) the name, address and contact details of the person to whom the approved device was supplied;
- (b) the date it was supplied;
- (c) the unique identification number or code allocated in respect of each approved device supplied; and
- (d) the number of approved devices supplied.

(3) An approved device supplied in accordance with subregulation (3) may not be used by any person to identify an animal not owned by the person to whom the device was supplied, unless such use is authorised in writing by a State veterinarian.

(4) The administrator must forthwith notify to the manager of the central database of the details of approved devices and their identification numbers or codes supplied to a person.

(5) A person who contravenes or fails to comply with subregulation (1), (2) or (3) commits an offence.

Power to conduct inspection

15. For the purposes of determining whether subregulation (1) or (2) of regulation 14 is being or has been complied with by the administrator or the manufacturer or distributor of an approved device, an officer or authorised person may -

- (a) at any reasonable time enter and search the premises of the administrator or the manufacturer or distributor, other than any part of the premises being used as a residence;
- (b) require a person -
 - (i) to answer a question to the best of that person's knowledge, information and belief; or
 - (ii) take reasonable steps to provide information;
- (c) require a person to produce any document or record that is reasonably required for ascertaining whether those provisions are being complied with, and -
 - (i) examine that document or record;
 - (ii) make copies of it or take extracts from it;
 - (iii) remove the document or record for as long as is reasonably necessary to make copies;
- (d) operate, or require assistance from any person to operate, any computer or other electronic equipment on the premises to determine whether it or a disk, tape or other storage device that can be used with it or is associated with it, contains any information that is relevant to the purpose of the search and copy or print any information relevant to the purpose of the search contained in or on such computer, disk, tape or other storage device.

Identification of cattle

16. (1) An owner of cattle must ensure that each animal is identified by means of an approved device attached or applied to the animal in the manner the type of device is ordinarily required to be attached or applied to cattle.

(2) If approved ear tags are used, cattle must be tagged by means of -

- (a) a primary ear tag applied to the left ear; and
- (b) a secondary ear tag applied to the right ear,

to ensure that identification of the animal will still be possible if one ear tag is lost.

(3) Subject to subregulation (4), the obligation to identify cattle by means of an approved device must be complied with, in relation to calves born into an owner's herd -

- (a) not later than 6 months after the date of birth; or
- (b) before a calf leaves the establishment where it was born,

whichever is sooner.

(4) Despite subregulation (3), the director may, by notice in writing given to a person, or by general notice publicly made known in a manner the director considers appropriate, require that calves be identified by means of an approved device by any age as specified in the notice.

(5) Without prejudice to subregulations (3) and (4), the obligation to identify cattle by means of an approved device must be complied with by every owner of cattle not later than the date of expiry of the period of 6 months following on the date on which these regulations come into effect.

(6) A person who fails to comply with a provision of this regulation commits an offence.

Identification of sheep and goats

17. (1) An owner of sheep or goats must ensure that each animal is identified by means of an approved device attached or applied to the animal in the manner the type of device is ordinarily required to be attached or applied to the kind of animal.

(2) Subject to subregulation (3), the obligation to identify sheep or goats by means of an approved device must be complied with in relation to lambs born into an owner's flock -

- (a) not later than 3 months after the date of birth; or
- (b) before a lamb leaves the establishment where it was born,

whichever is sooner.

(3) Despite subregulation (3), the director may, by notice in writing given to a person or by general notice publicly made known in a manner the director considers appropriate, require that lambs of sheep or goats be identified by means of an approved device by any age as specified in the notice.

(4) Without prejudice to subregulations (2) and (3), the obligation to identify sheep or goats by means of an approved device must be complied with by every owner of such animals not later than the date of expiry of the period of 6 months following on the date on which these regulations come into effect.

(5) Despite regulation 11 and subregulation (1) of this regulation, the director may approve that an ear tag or other device prescribed or approved under the Stock Brands Act, 1995 (Act No. 24 of 1995) for the identification of sheep or goats, and the characters allocated in respect thereof by the Registrar of Stock Brands under that Act, be used for the purposes of the identification of sheep or goats under these regulations.

(6) A person who fails to comply with a provision of this regulation commits an offence.

Identification of pigs

18. (1) An owner of pigs must ensure that each animal is identified by means of a mark or other device approved under regulation 11 and applied or attached to the animal in the manner the type of mark or device is ordinarily required to be attached or applied to a pig.

(2) Subject to subregulation (3), the obligation to identify pigs by means of an approved mark or other device must be complied with, in relation to an animal born into an owner's herd -

- (a) not later than 3 months after the date of birth; or
- (b) before the animal leaves the establishment where it was born,

whichever is sooner.

(3) Despite subregulation (2), the director may, by notice in writing given to a person or by general notice publicly made known in a manner the director considers appropriate, require that pigs be identified by means of an approved mark or device by any age as specified in the notice.

(4) Without prejudice to subregulations (2) and (3), the obligation to identify pigs by means of an approved mark or other device must be complied with by every owner of pigs not later than the date of expiry of the period of 12 months following on the date on which these regulations come into effect.

(5) A person who fails to comply with a provision of this regulation commits an offence.

Identification of imported designated animals

19. (1) A person who imports a designated animal into Namibia must ensure that the animal is given an import identification device or mark supplied or determined by the director, or both such device and mark, as the director may direct -

- (a) within 7 days of the date on which the animal is released from the border inspection post through which it is imported; or
- (b) before the animal leaves the establishment to which it is removed from the border inspection post,

whichever is sooner.

(2) For the purposes of subregulation (1), a designated animal that is temporarily removed from Namibia for any reason, is taken to be imported when it is brought back into Namibia.

(3) Upon application, the director may, on any condition imposed by the director, exempt an importer from subregulation (1) in respect of any designated animal which the director is satisfied -

- (a) is imported for direct removal to an abattoir for slaughter and the import permit of which indicates an abattoir as the establishment of destination; or
- (b) is temporarily imported into Namibia and is to leave Namibia within 14 days of being released from the border inspection post into Namibia,

provided the animal bears a unique tamper-resistant identification tag or mark from the country of origin.

(4) A person who contravenes subregulation (1) or fails to comply with a condition imposed under subregulation (3), commits an offence.

Replacement of approved device

20. (1) Subject to subregulation (2), if an approved device attached or applied to an animal in accordance with these regulations is lost or becomes illegible or becomes ineffective otherwise for the identification of the animal to which it is attached or applied, it must be replaced with a similar approved device bearing the same identification number or code -

- (a) within 28 days after the owner becomes aware that the approved device is lost or illegible or ineffective; or
- (b) before the animal leaves the establishment,

whichever is sooner.

(2) Despite subregulation (1) -

- (a) an animal may be given, instead of a replacement device, a new approved device in accordance with regulation 21;
- (b) an animal that loses its approved device while being moved to an abattoir for slaughter or while being transported for delivery at a destination outside Namibia, is not required to be given a replacement device if the operator of the abattoir or the exporter, furnishes a State veterinarian with relevant information that allows the origin of the animal to be traced, including -
 - (i) the identification number or code on the lost approved device;
 - (ii) the name and address of the owner of the animal or the person who last had possession or the care or control of the animal before it was moved, and the date when it was moved; and
 - (iii) details identifying the conveyance by means of which the animal was moved.

(3) A person who fails to comply with subregulation (1) commits an offence.

Replacing approved device with different number

21. (1) If an animal identified with an approved device in accordance with these regulations is given a new approved device that bears a different identification number or code than the original device, the owner of the animal must, within 14 days of the new approved device being attached or applied, or before the animal leaves the establishment, whichever is sooner, notify a State veterinarian of the change of the approved device, stating the identification numbers or codes of both the original and the new device.

(2) A person who fails to comply with subregulation (1) commits an offence.

Alteration or removal of approved device

22. (1) A person may not -

- (a) deface, render illegible, or alter the information printed or contained on or in; or
- (b) cause or permit to be defaced or rendered illegible or so altered,

an approved device attached or applied to a designated animal in accordance with these regulations.

(2) A person may not remove, or cause or permit to be removed, an approved device attached or applied to a designated animal, unless -

- (a) the removal is done with the oral or written approval of a State veterinarian;
- (b) the approved device is removed by or with the approval of the owner for purposes of replacement with a different approved device in accordance with regulation 21;
- (c) the approved device is removed when the animal is slaughtered; or
- (d) the animal dies and the approved device is removed by or with the approval of the owner of the animal.

(3) A person who contravenes subregulation (1) or (2) commits an offence.

Safekeeping of unused approved devices

23. (1) A person in possession of any unused approved devices issued for the purposes of these regulations must -

- (a) take reasonable steps to ensure that they are kept secure against theft; and
- (b) notify a State veterinarian immediately if it is discovered that any approved device is lost.

(2) A person who contravenes subregulation (1) commits an offence.

Identification of carcass or meat or offal of slaughtered animal

24. If so required by a State veterinarian, the operator of an abattoir must cause the carcass of a slaughtered designated animal, or the meat or offal derived from that carcass, to be marked or labelled in a manner approved by the State veterinarian so as to facilitate the tracing of the carcass, or the meat or offal back to the animal or the group of animals from which it was taken.

Part IV
Animal Registration and Keeping of Registers

Central database

25. (1) The Minister must cause a central database to be established and maintained for the purposes of -

- (a) the registration of establishments, stock owners and designated animals; and
- (b) the recording of information notified in relation to designated animals in terms of these regulations and any other information as the director may determine concerning their treatment, health status and feeding records.

(2) The Minister must -

- (a) designate a person in the service of the State; or
- (b) by mutual agreement with any person, body or organisation, appoint that person, body or organisation,

to be the manager of the central database and to perform the functions assigned to the manager of the central database by these regulations.

(3) A person, body or organisation appointed under subregulation (2)(b) may charge to owners of designated animal, for the recording of registrations and other information on the central database and the rendering of other services in managing or operating the central database, such fees as may be determined and specified with the approval of the Minister.

(4) When a notification is given or submitted to the manager of the central database in terms of these regulations, other than a notification given under regulation 27(1), the manager, upon being satisfied that the notification duly contains the information required to be given, cause that information to be recorded on the central database as soon as is practicable, but in any event not later than 5 working days after the manager receives the notification.

(5) The manager of the central database commits an offence if he or she fails to comply with subregulation (4).

Cattle to be registered on central database

26. (1) A person liable for ensuring that cattle be identified by means of an approved device in accordance with regulation 16, must furnish to the manager of the central database the required information for the registration of every animal on the central database within 14 days after an approved device is attached or required to be attached to the animal in terms of that regulation,

(2) The information for registering cattle in terms of subregulation (1) must be furnished by the owner of the cattle to the manager of the central database -

- (a) in writing, using the cattle registration form provided or approved by the director; or
- (b) by electronic means in a format approved by the director.

(3) With effect from expiry of the period of 12 months following on the date which these regulations come into effect, cattle may not be removed from any establishment where they are kept until confirmation of registration on to the central database is received in writing or by electronic means from the manager of the database.

- (4) A person who fails to comply with subregulation (1) or (3) commits an offence.

Imported designated animals to be registered on central database

27. (1) A person liable for ensuring that an imported designated animal is tagged or marked in accordance with regulation 19, must furnish to the manager of the central database the required information for the registration of the animal on the central database within 7 days after the animal is given or required to be given the import ear tag or import mark in terms of that regulation.

(2) The information for registering an imported designated animal in terms of subregulation (1) must be furnished by the owner of the animal to the manager of the central database -

- (a) in writing, using the animal registration form provided or approved by the director; or
- (b) by electronic means in a format approved by the director.

(3) Within 2 working days of receiving the required information in accordance with subregulation (2) in relation to any imported designated animal, the manager of the central database must register that animal on the central database.

(4) A person who fails to comply with subregulation (1) commits an offence.

(5) The manager of the central database commits an offence if he or she fails to comply with subregulation (3)

Keeping of livestock register

28. (1) An owner of designated animals must -

- (a) keep a livestock register in respect of such animals held on every establishment owned or occupied by that person;
- (b) ensure that the livestock register is kept up to date and accurate and in legible condition;
- (c) make the livestock register available for inspection upon request by a State veterinarian or an officer or an authorised person; and
- (d) keep the livestock register for a period of at least 10 years after the last entry.

(2) The livestock register must be kept -

- (a) by using a register provided or approved by the director for the purpose; or
- (b) by electronic means in a format approved by the director.

(3) Despite subregulation (1)(a), if a designated animal is moved by the owner of the animal to another establishment for a period not exceeding 12 months in the continued ownership of that owner, the register in respect of that animal may be retained on the establishment from where the animal was moved but must be made available to a State veterinarian within a reasonable time if it is required for inspection by the State veterinarian.

(4) Not later than 28 days after the expiry of every period ending on 30 June and 31 December of each year, or such other period as the director may direct, the owner of designated animals must furnish to the director a return, in the approved form, in respect of -

- (a) the number of each species of designated animals; and
- (b) the number of any other animals, not being designated animals, as may be required by the director,

that are held by the owner as at the end of that period.

(5) An owner who keeps animals on two or more separate establishments must furnish a separate return under subregulation (4) in respect of each establishment.

(6) A person who fails to comply with subregulation (1), (2), (4) or (5) commits an offence.

Keeping of individual animal register

29. (1) If so required by the director, an owner of designated animals must keep, in addition to a livestock register referred to in regulation 28, an individual animal register in respect of designated animals individually identified in accordance with these regulations and held by the owner on any establishment owned or occupied by the person.

(2) An owner referred to in subregulation (1) must -

- (a) ensure that the individual animal register is kept up to date, accurate and in legible condition; and
- (b) make the individual animal register available for inspection upon request by a State veterinarian or an officer or an authorised person; and
- (c) keep the individual animal register for a period of at least 10 years after the last entry.

(3) The individual animal register must be kept -

- (a) by using an individual animal register provided or approved by the director for the purpose; or
- (b) by electronic means in a format approved by the director.

(4) A person who fails to comply with subregulation (1), (2) or (3) commits an offence.

Keeping of register of imported designated animals

30. (1) A person who has imported any designated animal from another country must enter the required information in respect of the animal into an imported livestock register within 7 days of the animal arriving at the destination establishment.

(2) An imported livestock register must be kept by the importer of designated animals on every establishment owned or occupied by that person and such person must ensure that the register -

- (a) is kept up to date, accurate and in a legible condition;
- (b) is made available for inspection upon request by a State veterinarian or an officer or an authorised person; and

(c) is kept for a period of at least 10 years after the last entry.

(3) An imported livestock register must be kept -

(a) by using an imported livestock register provided or approved by the director for the purpose; or

(b) by electronic means in a format approved by the director.

(4) Despite subregulation (2), if an imported designated animal is moved by the owner of the animal to another establishment for a period not exceeding 12 months in the continued ownership of that owner, the register in respect of that animal may be retained on the establishment from where the animal was moved but must be made available to a State veterinarian within a reasonable time if it is required for inspection by the State veterinarian.

(5) A person who fails to comply with subregulation (1), (2) or (3) commits an offence.

Part V

Movement of Designated Animal

Permit required for movement of designated animals

31. (1) A person must not move a designated animal from an establishment to any other place, unless -

(a) the animal bears an approved device and/or mark attached or applied to the animal in accordance with these regulations;

(b) the person in charge of moving the animal is in possession of a movement permit issued by a State veterinarian under this regulation that authorises the movement of the animal from that establishment to that other place; and

(c) in the case of an individually identified animal, a duly completed animal movement notice in the approved form is attached to the movement permit.

(2) An application for a movement permit may be made to a State veterinarian by submitting the application in the approved form or by sending it by means of facsimile or by filing it by means of other electronic communication in a format approved by the director.

(3) A State veterinarian may require an applicant for an animal movement permit to provide further information or documents considered relevant for determining whether to issue the permit.

(4) A State veterinarian may not issue a movement permit unless the State veterinarian is satisfied that -

(a) both the origin and destination establishments are registered establishments in the central database;

(b) neither the origin establishment nor the destination establishment is subject to movement restriction in terms of the Act or these regulations;

(c) the animal health status of both the origin and destination establishments are known and that movement of an animal to or from any of those establishments will not pose a health risk to any animal;

- (d) if the applicant is not the owner of the animals to be moved, the applicant is duly authorised by the owner of the establishment from where the animals are to be moved or by the owner of the establishment to which the movement is intended; and
 - (e) all previous movement permits issued for movement of designated animals to the destination establishment have been accounted for by notification to the central database of the movement of animals under those permits within the respective periods stated in those permits;
- (5) A movement permit issued under this regulation, or a true copy thereof, must accompany animals during their movement under the permit and, if individually identified animals are being moved, an animal movement notice on which their individual identification numbers or codes are recorded must be attached to the permit.
- (6) The movement of a designated animal must be carried out -
- (a) in accordance with any conditions imposed by the director and specified in the movement permit; and
 - (b) only within the period specified in the permit.
- (7) Permit conditions imposed under subregulation (6) may include conditions relating to-
- (a) the identification, inspection, testing or treatment of an animal to which the permit relates at any time before, during or after the movement;
 - (b) the isolation of the animal at any time before, during or after the movement;
 - (c) the quarantine of the animal before or after the movement;
 - (d) the certification of any aspect of the identity, health status, origin or history of the animal;
 - (e) the route and means of movement.
- (8) In addition to any permit conditions imposed and specified under subregulation (7), a State veterinarian may specify, verbally or in writing, any conditions with which the holder of the movement permit must comply in moving an animal under the permit.
- (9) Despite that a movement permit authorises the movement of an animal specified in the permit, a person may not move that animal from its registered establishment if -
- (a) the person knows or has reason to believe that the animal is sick or infected; and
 - (b) the permit does not specifically authorise the movement of the animal while being so infected or sick.
- (10) An owner of designated animals may not allow any animals to graze outside the boundaries of any registered establishment of that owner, unless -
- (a) the owner has obtained from a State veterinarian a walking permit authorising the owner to graze animals outside the boundaries of the registered establishment; and

- (b) the person in charge of the animals so grazing carries a copy of the permit throughout the time the animals are outside the boundaries of the establishment in question.

(11) A walking permit issued under subregulation (10) does not relieve an owner from complying with any prohibition or requirement imposed or prescribed by or under any other law in relation to the grazing or presence of animals on any road or any other place outside the owner's establishment.

- (12) An animal in respect of which a movement permit has been issued -

- (a) may not be moved through an area infected or suspected of being infected with any disease which may affect the animal being moved;
- (b) must be made available, if so required by a State veterinarian, at the place of destination or any other place specified by the State veterinarian for the purpose of inspection or carrying out any function under the Act or these regulations or the requirement of a condition to which the permit is subject.

(13) It is a defence to a charge for a contravention of subregulation (1) if it is shown that the designated animal was moved for the purposes of emergency veterinary treatment which could not be delayed to obtain a movement permit.

(14) If an animal arriving at an animal gathering or abattoir is not tagged or marked in accordance with these regulations, a State veterinarian may issue a movement permit authorising for the animal to be moved to the last establishment of residence or any other establishment specified in the permit.

(15) A person who contravenes or fails to comply with subregulation (1), (5), (6), (9) or (12) commits an offence.

Sending of movement permit by electronic means

32. (1) Without prejudice to regulation 31, a movement permit may be authorised by a State veterinarian and issued by sending a copy thereof to the applicant by means of facsimile or other electronic means as determined by the director.

(2) A copy of a movement permit issued under subregulation (1) has the effect of the original movement permit and may be used by the applicant for the movement of the animal specified therein, subject to the conditions attached to the permit.

(3) The director may determine with respect to establishments determined by him that the original movement permit and accompanying animal movement notice, if applicable in terms of regulation 31(1)(c), must be available and be produced at the point of delivery of the animal.

Notification of movement of designated animals

33. (1) If a designated animal is moved by the owner of the animal, or a person authorised by the owner from the registered establishment where the animal is kept to another establishment of that owner, the owner must notify the movement of the animal to the nearest State veterinarian where the destination establishment is located, by submitting the movement permit, duly endorsed by the owner, and the accompanying animal movement notice, if applicable in terms of regulation 31(1)(c), to the State veterinarian.

(2) A person who, under authority of a power conferred by or under any law, or an order of a competent court, moves or causes to be moved any designated animal from the registered

establishment where the animal is kept to any other establishment, must notify the movement of the animal to the nearest State veterinarian where the destination establishment is located, by submitting the movement permit, duly endorsed by the person, and the accompanying animal movement notice, if applicable in terms of regulation 31(1)(c), to the State veterinarian.

(3) If a designated animal is moved from the registered establishment where it is kept to another establishment occupied by or under the control of another person, both the original keeper of the animal and the person receiving the animal must confirm the movement of the animal under the movement permit as follows -

- (a) the original keeper of the animal must -
 - (i) check and verify that the animal being moved is as specified on the movement permit and, if applicable, the animal movement notice;
 - (ii) endorse the movement permit; and
 - (iii) hand the movement permit and the accompanying animal movement notice to the person receiving the animal; and
- (b) the person receiving the designated animal must -
 - (i) check and verify that the animal received is as specified on the movement permit and, if applicable, the animal movement notice;
 - (ii) endorse the movement permit; and
 - (iii) notify the movement of the animal to the nearest State veterinarian where the destination establishment is located by submitting the movement permit and accompanying animal movement notice to that State veterinarian within the period specified in the permit.

(3) Notification of the movement of an animal in terms of subregulation (1) or (2) may be effected by facsimile or by means of other electronic communication in a format approved by the director, but the original movement permit, duly endorsed, and the accompanying animal movement notice, must be submitted to the nearest State veterinarian where the destination establishment is located, within the period specified in the permit, by the person liable to give notification of the movement of the animal.

(4) In the case of the movement of designated animals to or from an animal gathering the director may require that notification of the movement of animals to or from the establishment where the animal gathering is held, be given by the organiser of the animal gathering exclusively by means of electronic communication in a format approved by the director, not later than the second working day after the event has taken place.

(5) If a movement permit issued under these regulations is not used by the person to whom it was issued, that person must return the permit to the office of the State veterinarian in the district where it was issued not later than 7 days after the date of expiry of the permit that is specified in the permit.

(6) A person who contravenes, or fails to comply with subregulation (1), (2), (4) or (5) commits an offence.

Notification of death, theft or stray of individually identified animal

34. (1) If an individually designated animal dies or is slaughtered on an establishment, other than an abattoir, or is stolen or strays from that establishment, the owner or other person in charge of the establishment must notify that fact to a State veterinarian, within 21 days after it comes to that person's knowledge, by -

- (a) completing the required details in an animal termination notice in the approved form; and
- (b) submitting the animal termination notice to the State veterinarian.

(2) If a designated animal moved to an abattoir arrives dead at the abattoir or dies at the abattoir before it is slaughtered, the person in charge of the abattoir must notify the death to a State veterinarian, within 48 hours after the death comes to the person's knowledge, by -

- (a) completing the required details in an animal termination notice in the approved form; and
- (b) submitting the animal termination notice to the State veterinarian.

(3) If a designated animal dies while it is being transported, the person in charge of the conveyance transporting the animal must notify the death to a State veterinarian, within 48 hours after the death comes to the person's knowledge, by -

- (a) completing the required details in an animal termination notice in the approved form; and
- (b) submitting the animal termination notice to the State veterinarian.

(4) A person referred to in subregulation (1), (2) or (3) must keep a copy of the animal termination notice submitted to the State veterinarian for a period of at least 3 years after the date the notice is submitted to the State veterinarian.

(5) A person who fails to comply with subregulation (1), (2), (3) or (4) commits an offence.

Notification of slaughter at abattoirs

35. (1) A person in charge of an abattoir must notify a State veterinarian of every designated animal slaughtered at the abattoir.

(2) Subject to subregulation (4), the notification in terms of subregulation (1) must be effected by submitting to the State veterinarian -

- (a) the movement permit in respect of the animal;
- (b) the accompanying animal movement notice, if applicable in terms of regulation 31(1)(c); and
- (c) the approved form giving the required slaughter information in respect of the animal.

(3) If so required by the director, the person in charge of an abattoir, before slaughtering a designated animal presented for slaughter, must check the central database or any other records

pertaining to the designated animal to verify the information relating to the animal's ownership, health status, origin, previous location, movement history and eligibility to be slaughtered for a specific market.

(4) In the case of an abattoir certified for slaughter for export purposes, the director may require that the notification to be given by the person in charge of the abattoir about designated animals received and slaughtered at, or returned from, the abattoir, be given by that person exclusively by means of electronic communication in a format approved by the director.

(5) A person in charge of an abattoir must ensure that copies of the documents referred to in subregulation (2)(a), (b) and (c) in respect of a designated animal slaughtered at the abattoir are kept for a period of at least 3 years after the date it is slaughtered.

(6) A person who fails to comply with subregulation (1), (3), (4) or (5) commits an offence.

Part VI

General

Penalties

36. A person who is convicted of committing an offence under these regulations is liable to the penalties set out in section 28(1)(p)(ii) of the Act.
