



Republic of Namibia
Annotated Statutes

Livestock and Livestock Products Act 12 of 1981

(OG 4506)

originally named the Meat Industry Act 12 of 1981;
brought into force on 8 December 1981 by AG 30/1981 (OG 4553);
applied to Rehoboth insofar as not already so applicable with effect from
10 April 1987 by the Meat Industry in Rehoboth Act 5 of 1986 (Rehoboth)
(Official Gazette 152 of Rehoboth, dated 10 April 1987)

as amended by

Meat Industry Amendment Act 3 of 1987 (OG 5349)

came into force on date of publication: 16 April 1987

Meat Industry Amendment Act 21 of 1992 (GG 466)

brought into force by GN 125/1992 (GG 482)

State-owned Enterprises Governance Act 2 of 2006 (GG 3698)

brought into force on 1 November 2006 by Proc. 13/2006 (GG 3733);

amended and re-named as Public Enterprises Governance Act by Act 8 of 2015 (GG 5835);

repealed by Public Enterprises Governance Act 1 of 2019 (GG 6907)

Livestock and Livestock Products Amendment Act 15 of 2023 (GG 8182)

came into force on date of publication: 22 August 2023

ACT

To provide for the continued existence of the Meat Board of Namibia as the Livestock and Livestock Products Board of Namibia; to define its objectives, powers, duties and functions; to provide for control over the grading, classification, sale, import and export of and the imposition of levies in respect of livestock or livestock products; and to provide for other incidental matters.

[The long title is amended by Act 21 of 1992 and
substituted with amendment markings by Act 21 of 2023.]

(Afrikaans text signed by the Administrator-General on 12 July 1981)

ARRANGEMENT OF SECTIONS

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[There should be an apostrophe after the word "magistrates".]
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BE IT ENACTED by the National Assembly of South West Africa, as follows:-

[Act 21 of 1992 makes the following substitutions throughout the Act:
 * "Minister" for "Administrator-General"
 * "Namibia" for "the territory"
and directs that the word "Official" be deleted from the expression
 "Official Gazette" wherever it occurs.]

Definitions

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

"board" means the Livestock and Livestock Products Board of Namibia referred to in section 2;

[The definition of "board" is amended by Act 21 of 1992 and by Act 15 of 2023.]

"controlled product" means livestock or livestock products;

[The definition of "controlled product" is amended by Act 15 of 2023.]

"dairy product" means milk, including any product derived from milk, which is intended for human consumption;

[The definition of "dairy product" is inserted by Act 15 of 2023.]

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“dairy product substitute” means any substance declared by the Minister to be a dairy product substitute under section 1A;

[The definition of “dairy product substitute” is inserted by Act 15 of 2023.]

“inspector” means an inspector appointed under section 12(1);

“livestock” means cattle, sheep, goats, pigs, poultry or meat derived from such animals or any other animal which the Minister has declared as livestock under section 1B(1)(a);

[The definition of “livestock” is amended by Act 15 of 2023.]

“livestock product” means -

- (a) meat derived from livestock;
- (b) meat products;
- (c) dairy products and dairy product substitutes;
- (d) any other product derived from livestock; or
- (e) any other product which the Minister has declared to be a livestock product under section 1B(1)(b);

[The definition of “livestock product” is inserted by Act 15 of 2023.]

“meat” means those portions of slaughter animals ordinarily sold for human consumption, including such other portions thereof as at the time of sale form part of such first-mentioned portions, while forming part thereof;

[The word “ordinarily” is misspelt in the *Official Gazette*, as reproduced above.]

“meat product” means any commodity derived from the processing of meat or containing a substantial portion of meat or of any article derived from the manufacture or processing of meat;

“milk” means milk derived from the mammary glands of livestock;

[The definition of “milk” is inserted by Act 15 of 2023.]

“Minister” means the Minister responsible for agriculture;

[The definition of “Minister” is inserted by Act 21 of 1992 and amended by Act 15 of 2023.]

“poultry” means fowl, duck, geese, turkey and any other domesticated bird which the Minister has declared to be poultry under subsection (2) of section 1B;

[The definition of “poultry” is inserted by Act 15 of 2023.]

“premises” includes any vehicle, aircraft or vessel;

“prescribed” means prescribed by or under this Act;

“processing” means -

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- (a) in connection with industrial hides or skins, the partial or entire removal or the natural wool or hair covering on the hide or skin or subjecting a hide or skin to a tanning process or to any process in which the natural wool or hair covering and the pelt are not separated from one another or are partially or entirely separated from one another, or the use of any hide or skin for the manufacture of any product, and in any such connection “process” shall have a corresponding meaning;
- (b) in connection with slaughter animals, the slaughtering thereof and their separation into meat and by-products, and in any such connection “process” shall have a corresponding meaning;

“producer” in connection with any controlled product, except for the purposes of section 4, includes -

- (a) any person concerned in the production, manufacture or processing of such product;
- (b) as regards any quantity of such product imported into or exported from Namibia, the person importing or exporting it;
- (c) in the case of slaughter animals or any by-product thereof, the owner of such slaughter animals;

“sell” includes, except in section 10(1)(b) and (d) -

- (a) attempt or agree to sell;
- (b) mark with a selling price;
- (c) export, offer, advertise, keep, expose, transmit, convey, deliver or prepare for sale;
- (d) exchange;
- (e) dispose for any consideration whatsoever; or
- (f) export, transmit, convey or deliver in pursuance of a sale, exchange or any disposal as aforesaid,

and “sale” shall also have a corresponding meaning;

“slaughter animals” means cattle, sheep, goats, pigs, poultry or any other animal which the Minister has declared to be livestock under section 1B(1)(a), slaughtered or intended to be slaughtered;

[The definition of “slaughter animals” is amended by Act 15 of 2023.]

[The definition of “territory” is deleted by Act 21 of 1992.]

“this Act” includes any regulation made under section 25 and any notice promulgated in the *Gazette* under section 10(2), 17(1), 18, 19 or 20.

Declaration of dairy product substitute

1A. The Minister, after consultation with the board, may declare by notice in the *Gazette* any substance which -

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- (a) irrespective of whether or not any dairy product was used in its production, processing or manufacture;
- (b) is made from animal or vegetable fats or oils or a mixture thereof in imitation, form or resemblance of a dairy product; and
- (c) is intended for human consumption,

to be a dairy product substitute for the purposes of this Act.

[Section 1A is inserted by Act 15 of 2023.]

Declaration of other animals to be livestock and meat or poultry to be livestock products

1B. (1) The Minister, after consultation with the board, may by notice in the *Gazette* declare any other -

- (a) animal to be livestock; and
- (b) meat or poultry product to be a livestock product,

for the purposes of this Act.

(2) The Minister, after consultation with the board, may by notice in the *Gazette*, declare any other domesticated bird to be poultry.

[Section 1B is inserted by Act 15 of 2023.]

Change of name of board

2. (1) The Meat Board of Namibia renamed by section 2 of the Meat Industry Amendment Act, 1992, shall, as from the commencement of the Livestock and Livestock Products Amendment Act, 2023, continue to exist under the name of the Livestock and Livestock Products Board of Namibia, and to be a juristic person.

(2) The Registrar of Deeds shall, after the date of commencement of the Livestock and Livestock Products Amendment Act, 2023, make such entries or endorsements which he or she deems necessary so as to comply with the provisions of subsection (1), in or on any relevant register, title deed or other document in his or her office, on written request and submitted to him or her, and no levy or moneys shall be payable in respect of any such entry or endorsement.

(3) Any reference in or in respect of any law, regulation, levy, prohibition, permit, exemption, certificate, registration or appointment to the Meat Board of Namibia shall be construed as a reference to the Livestock and Livestock Products Board of Namibia.

[Section 2 is substituted by Act 21 of 1992 which provides the following transitional provision in section 2(2):

“Any reference in or in respect of any regulation, levy, prohibition, permit, exemption, certificate, registration or appointment to the South West African Meat Board shall be construed as a reference to the Meat Board of Namibia.”

Section 2 is substituted with amendment markings by Act 15 of 2023. Act 15 of 2023 treats the transitional provision in Act 21 of 1992 as if it had been previously made part of section 2, which is not the case.]

Objects of board

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3. The objects of the board are to promote the interests of the livestock and livestock products industry of Namibia in Namibia and elsewhere.

[Section 3 is substituted with amendment markings by Act 15 of 2023.]

Constitution and advisers of board

4. (1) The board shall consist, subject to any determination under section 4(2) and to section 8(5)(a) of the Public Enterprises Governance Act, 2019 (Act No. 1 of 2019), of thirteen members appointed by the Minister, of whom -

- (a) seven shall be persons selected by the Minister from amongst persons nominated at his or her request by any body or organisation which in his or her opinion is representative of producers of livestock;
- (b) one shall be a person selected by the Minister from amongst persons nominated at his or her request by any body or organisation which in his or her opinion is a representative of manufacturers of livestock products;
- (bA) one shall be a person selected by the Minister from amongst persons nominated at his or her request by any body or organisation which in his or her opinion is a representative of the dairy industry;
- (bB) one shall be a person selected by the Minister from amongst persons nominated at his or her request by any body or organisation which in his or her opinion is a representative of the poultry industry;
- (c) one shall be a person selected by the Minister from amongst persons nominated at his or her request by any body or organisation which in his or her opinion is representative of persons trading in meat;
- (d) one person shall be a marketing agent of any controlled product; and
- (e) one person shall be a staff member of the Ministry responsible for agriculture.

[Subsection (1) is amended by Act 21 of 1992; substituted by Act 2 of 2006, as amended by Act 8 of 2015; and substituted with amendment markings by Act 15 of 2023. The amendment markings in Act 15 of 2023 are based on the subsection as it stood after being amended by Act 21 of 1992, ignoring the subsequent amendments made by Act 2 of 2006.]

(2)

[Subsection (2) is deleted by Act 2 of 2006.]

(3) The Minister may appoint any person he deems fit, to act as a member during the Minister's pleasure in the absence of any member of the board or whenever there is a vacancy in the board.

(4) The board may from time to time appoint not more than three persons to advise the board in the exercise of its powers or the performance of its functions and duties, for such period as it may determine.

5.

[Section 5 is deleted by Act 2 of 2006.]

Vacation of office by members of board

6. Any member of the board shall vacate office if -
 - (a) he signifies in writing his wish to resign;
 - (b) his estate is sequestrated or he compromises with his creditors;
 - (c) he is detained as a mentally ill person under the provisions of any law;
 - (d) he is convicted of an offence and sentenced to a term of imprisonment without the option of a fine;
 - (e) he has been absent from three consecutive meetings of the board without its leave;
 - (f) the Minister removes him from office for such reasons as in the opinion of the Minister may be good and sufficient reasons;
 - (g) in the case of a member referred to in section 4(1)(a), he is or becomes involved in the management of any branch of the meat trade.

Chairman and deputy-chairman of board

7. (1)

[Subsection (1) is deleted by Act 2 of 2006.]

(2) If the chairman is for any reason unable to act as chairman, the deputy chairman shall act in his stead.

(3) If the chairman and the deputy chairman are absent from a meeting of the board or are unable to preside, the members present shall elect one of themselves to preside at such meeting and the person so elected to preside, shall perform all the duties of the chairman during such meeting and until the chairman or deputy chairman resumes his official duties.

Meetings of board

8. (1) The first meeting of the board shall be held at such time and place as the Minister may determine and all subsequent meetings shall, subject to the provisions of subsection (2), be held at such times and places as the board may from time to time determine.

(2) The chairman of the board may at any time and shall at the request of not less than four members of the board convene a special meeting of the board to be held at such time and place as the chairman may determine, which time in the case of any such request shall be within fourteen days from the date on which the request has been made.

(3) A majority of the members of the board shall form a quorum for a meeting of the board.

[Subsection (3) is amended by Act 21 of 1992 and substituted by Act 2 of 2006.]

(4) All resolutions at any meeting of the board shall be by majority vote of the members present and in the case of an equality of votes on any matter, the person presiding at the meeting shall have a casting vote in addition to his deliberative vote.

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(5) No resolution passed by the board or act performed on the authority of the board shall be invalid merely by reason of a vacancy in the board or the fact that any person who is not entitled to sit as a member of the board, sat as such a member when the resolution was passed or the act was authorized, if the resolution was passed or the act was authorized by the required majority of the members of the board then present and entitled to sit as members.

Committees of board

9. (1) The board may -

- (a) from time to time establish any committee, hereinafter in this Act referred to as an advisory committee, to advise the board in the exercise of any of its powers or the performance of any of its functions or duties and may, for such period as it may determine, appoint such members of the board or other persons thereon as it may deem fit to be members of such committee;
- (b) designate any member of any such committee to be chairman thereof;
- (c) during the absence of the chairman designate any such member to be acting chairman.

(2) The chairman of the board shall be *ex officio* a member of any advisory committee.

(3) The board may assign to any advisory committee such of its powers as it may deem fit, but shall not be divested of any powers which it may have assigned to an advisory committee, and may amend or withdraw any decision of any such committee.

(4) Any advisory committee shall exercise its powers and perform its functions and duties in accordance with the directions of the board.

(5) Any member of an advisory committee other than a member of the board, shall receive such allowances as the board may with the approval of the Minister from time to time determine.

(6) Any reference in this Act to the board or the chairman thereof in relation to the exercise of any power of the board assigned to any advisory committee, shall be construed as including a reference to that committee or to the chairman thereof, as the case may be.

(7) The provisions of section 8(5) shall *mutatis mutandis* apply in respect of any advisory committee.

Powers of board

10. (1) The board shall have power -

- (a) to employ, subject to the directions of the Minister, officers for the performance of its functions and the achievement of its objects, and to determine the rights, privileges, duties and responsibilities of such officers;
- (b) to hire or to acquire otherwise than by way of donation or in like manner, any movable property and to let, hypothecate, sell or otherwise dispose of any movable property so acquired;

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- (c) with the approval of the Minister to acquire movable property by way of donation or in like manner;
- (d) with the approval of the Minister, to hire or acquire immovable property and to let, hypothecate, sell or otherwise dispose of immovable property other than immovable property acquired by way of donation or in like manner;
- (e) to use in such manner as the Minister may approve, any property acquired by the board by way of donation or in like manner;
- (f) with the approval of the Minister, to pay to an insurer out of the funds of the board insurance premiums for insurance cover -
 - (i) in respect of bodily injury, incapacity or death being solely and directly the result of any accident occurring in the course of the performance of his official duties by any member or adviser of the board or any member of any advisory committee; or
 - (ii) in respect of any loss, damage, risk or liability arising out of the performance of the functions or duties of the board;
- (g) to appoint any of its officers as inspector to exercise or perform, in any particular case or in general, the powers, functions or duties conferred upon or assigned to an inspector by or under this Act;
- (h) subject to such conditions as the Minister may approve, to appoint in Namibia or elsewhere persons as agents of the board to assist the board in the performance of its functions and, subject to a right of appeal to the Minister, to refuse the application of any person to be appointed as agent or to terminate the appointment of any person as agent;
- (i)
 - (i) with the approval of the Minister, to take steps with a view to increasing the demand for controlled products in Namibia or elsewhere;
 - (ii) with such approval, to render assistance by way of donation or loan or in any other manner, to any body or organization which in the opinion of the Minister is representative of producers of controlled products or so to render assistance to any person, body or organization in connection with or in respect of the improvement, production, preservation, slaughter, preparation, processing, storing, consumption or marketing of controlled products or anything derived therefrom;

[Subparagraph (ii) is amended by Act 3 of 1987 and by Act 21 of 1992, which corrects a spelling error in the previous version without indicating this with amendment markings.]

- (iii) to establish any information service in connection with any industry in respect of any controlled product or to give advice and guidance in connection with any such industry to producers and other interested parties;
- (j) with the approval of the Minister, to borrow money necessarily required for the performance of its functions and the achievement of its objects;
- (k) with the approval of the Minister to require any particular person or persons belonging to any category or class of persons concerned with the production, marketing, conveyance, importation, export, slaughter, processing, preservation,

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preparation or storing of any controlled product, in respect of such controlled product -

- (i) to keep specified records;
- (ii) to furnish the board with specified information or returns in a specified manner and at specified times;

[Paragraph (k) is amended by Act 21 of 1992.]

- (l) to register any person on application in the prescribed form, as producer of or speculator in any controlled product on such conditions as the board may from time to time determine or subject, to a right of appeal to the Minister, to refuse any such application;
- (m) if it is satisfied that any person registered under paragraph (l) has contravened or failed to comply with this Act or any condition of registration, to cancel the registration of such person, subject to a right of appeal to the Minister;
- (n) with the approval of the Minister to prohibit any producer of or speculator in any specified controlled product or any such producer or speculator of a specified category or class, from selling in or exporting from Namibia such controlled product or any specified category or class thereof unless he has been registered by the board as such a producer or speculator and complies with his conditions of registration;
- (o) with the approval of the Minister to prohibit any producer of or speculator in any controlled product or any such producer or speculator of a specified category or class, from selling such controlled product or quantity thereof or any specified category or class or quantity thereof except through the agency of the board or to or through the agency of specified persons or persons of any specified category or class or except to the extent to which and in accordance with the conditions on which the board may have granted such producer or speculator exemption from the prohibition concerned;
- (p) with the approval of the Minister to prohibit any producer of any specified controlled product or any such producer of a specified category or class from selling any category, class or quantity of such controlled product other than such category, class or quantity as the board may specify, or to sell the said controlled product for any purpose other than a purpose so specified;

[The word "of" in the phrase "approval of the Minister" is misspelt in the *Official Gazette*, as reproduced above.]

- (q) with the approval of the Minister to prohibit any person or any person of any category or class to sell, buy, supply, deliver or convey any controlled product or any category or class thereof on or at specified days or times or during specified periods or more often or less often than as he did so immediately prior to the imposition of the prohibition;
- (r) with the approval of the Minister to prohibit any person or any person of any category or class to sell or export from Namibia any controlled product or any category or class thereof, except on the authority of and in accordance to the conditions contained in any permit issued by the board;

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- (s) if it is satisfied that the holder of a permit referred to in paragraph (r) has contravened or failed to comply with this Act or any condition of such permit, to cancel such permit, subject to a right of appeal to the Minister;
- (t) with the approval of and subject to a right of appeal to the Minister, to prohibit any person of any category or class to erect any abattoir, factory or refrigeration plant for use in connection with any controlled product;
- (u) to buy any controlled product at such price or on such basis as the Minister may approve, or to treat, classify, pack, store, process, prepare for use, insure, advertise or convey, or in unprocessed or fully or partially processed form to sell any controlled product so bought at or on such a price or basis, or to withhold it from the market;
- (v) with the approval of the Minister to undertake the marketing or distribution for sale of any controlled product or to act as agent for the receipt, conveyance, preparation for sale, classification, processing or sale of any such product;
- (w) in performing its functions in Namibia or elsewhere, with the approval of the Minister to co-operate as partner or otherwise with any body concerned with the marketing or distribution for sale of any controlled product;
- (x) to take such other steps and to perform such other acts as may be required for the achievement of its objects and the proper performance of its functions and duties in terms of this Act.

(2) Any requirement under subsection (1)(k) or any prohibition under this section and the date of commencement thereof shall be made known by the board -

- (a) by notice in the *Gazette*; or
- (b) by notice to persons affected thereby, in such other manner as the Minister may from time to time or in any particular case determine.

Persons conveying controlled products for export purposes to be in possession of permit

10A. If the board prohibits in accordance with the provisions of paragraph (r) of subsection (1) of section 10 any export of any controlled product from Namibia, no person shall convey for such purpose any controlled product without being in possession of a permit referred to in that paragraph.

[Section 10A is inserted by Act 21 of 1992.]

Appeal to Minister from decision of board

11. Whenever any decision of the board is in terms of this Act subject to an appeal to the Minister, any person aggrieved by such decision may, within ninety days after the board has notified him of the decision, appeal against it to the Minister, and the Minister may confirm, set aside or amend such decision or issue in connection therewith such order as he may deem fit.

Inspectors

12. (1) The board shall furnish any inspector with a certificate stating that he has been appointed as an inspector under this Act and which he shall in exercising his powers under this Act, produce on demand.

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(2) In order to ascertain whether or to ensure that the provisions of this Act or any directions issued thereunder are being complied with, or in order to obtain evidence in connection with the non-compliance with the said provisions or directions, any inspector may -

- (a) at all reasonable times enter upon any premises -
 - (i) occupied by any person being or suspected of being a producer of or speculator in any controlled product or any person trading or suspected of trading in any controlled product;
 - (ii) in or on which controlled products are being or are suspected of being kept, sold, manufactured, produced, processed, treated, prepared, graded, classified, packed or marked by any person;
- (b) in or on any premises referred to in paragraph (a) -
 - (i) put to any person therein or thereon such questions as he may deem necessary and inspect the activities in connection with the keeping, selling, manufacture, production, processing, treatment, preparation, grading, classification, packing or marking of controlled products;
 - (ii) examine or inspect any controlled product or any book, document or record relating to any such product found by him therein or thereon and make copies of or extracts from any such book, document or record;
- (c) request any person referred to in paragraph (a), at such time and place as the inspector may determine -
 - (i) to point out all controlled products in his possession or under his control;
 - (ii) to produce to the inspector for the purpose of examination or of making copies or extracts, all books, documents or records in his possession or under his control, relating to such products; or
 - (iii) to reply to questions in connection with the last-mentioned controlled products, books, documents or records and those referred to in paragraph (b) or entries in such books, documents or records;
- (d) seize and remove any controlled product or book, document or record or any portion thereof, referred to in paragraph (c)(iii) which in his opinion may furnish proof of a contravention of any provision of this Act or any direction issued thereunder, or leave it on the premises concerned after an identification mark has been put thereon or on the container thereof;
- (e) take a sample of any controlled product referred to in paragraph (c)(iii) and examine, analyze, classify or grade it or cause it to be examined, analyzed, classified or graded;

[The words “analyze” and “analysed” are misspelt in the *Official Gazette*, as reproduced above.]

- (f) grade, classify, pack or mark or re-grade, re-classify, re-pack or re-mark in accordance with the requirements of this Act any controlled product in or on any premises referred to in paragraph (a), or request the person in charge of any such premises or any employee or agent of such person to cause the said controlled

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product to be so graded, classified, packed or marked or re-graded, re-classified, re-packed or re-marked;

- (g) whenever acting under this section, be accompanied by and avail himself of the services of an assistant or interpreter or any member of any police force.

(3) For the purposes of this section, any power conferred upon any inspector in relation to any vehicle referred to in the definition of “premises” in section 1 of this Act, shall be deemed to include the power to order the driver of such vehicle on a public road or railway to bring that vehicle to a stop by means of an appropriate indication or direction or in any other reasonable manner, and, notwithstanding anything to the contrary in any law contained, to display, set up or erect on or next to the road or railway such sign, barrier or object as is reasonably necessary to bring such order to the attention of the driver and to ensure that the vehicle will come to a stop.

[Subsection (3) is inserted by Act 21 of 1992.]

Banking accounts

13. (1) The board shall open with a banking institution approved of by the Minister -

- (a) a general account in which there shall be deposited all moneys received by the board other than moneys referred to in paragraph (b) or (c) and also all interest derived from the investment of moneys standing to the credit of any account referred to in this section;
- (b) in respect of every special levy a special account in which there shall be deposited -
 - (i) all the special levy moneys concerned;
 - (ii) moneys accruing to that account from any other source;
- (c) a reserve account in which there shall be deposited -
 - (i) all such moneys as the Minister may from time to time determine;
 - (ii) moneys accruing to that account from any other source.

(2) Moneys standing to the credit of the accounts referred to in subsection (1) and not required for immediate use or as a reasonable working balance, shall be invested in such manner as the Minister may from time to time determine.

(3) The moneys in the said accounts shall be under the control of the board, which shall, subject to the directions of the Auditor-General, cause proper account to be kept of all moneys received or expended in respect of every account.

(4) The moneys in the general account shall, subject to the directions of the Minister, be utilized for achieving the objects of the board, exercising its powers or performing its functions or duties.

(5) The moneys in any special account shall, subject to the directions of the Minister, be utilized for the purposes for which the special levy concerned has been imposed.

(6) The moneys in the reserve account shall be utilized for such purposes as the Minister may on the recommendation of the board from time to time determine.

[The word “purposes” is misspelt in the *Official Gazette*, as reproduced above.]

(7) The Minister may authorize the board to transfer moneys in any particular banking account of the board to any other such banking account.

Financial year

14. The financial year of the board shall be the period from 1 April of any year up to and including 31 March of the next succeeding year.

15.

[Section 15 is deleted by Act 2 of 2006.]

Financial statements, auditing and submission of reports to Minister and National Assembly

16. (1) The board shall in respect of every account referred to in section 13, cause to be prepared in each year a statement of its income and expenditure during its last preceeding financial year and a balance sheet showing its financial position at the end of that financial year.

[The word “preceeding” is misspelt in the *Official Gazette*, as reproduced above.]

(2) All accounts of the board and the statement and balance sheet referred to in subsection (1) shall be audited by the Auditor-General.

(3) The board shall in each year within six months after the close of its financial year submit to the Minister, a report in regard to its activities during the last preceeding calendar year, together with a copy of the audited statement and balance sheet referred to in subsection (1) in respect of the said financial year.

[The word “preceeding” is misspelt in the *Official Gazette*, as reproduced above.]

(4) The said report shall within fourteen days of its release, be laid upon the Tables of the National Assembly, or if the National Assembly is not then in session, on the first day upon which it again assembles.

Levies

17. (1) (a) The Minister may from time to time on the recommendation of the board, by notice in the *Gazette* and with effect from such date as may be mentioned in such notice, impose on a basis so mentioned a general levy or, for any purpose so mentioned, a special levy in respect of any category, class or kind of controlled products, or abolish any such levy or amend the amount or basis thereof.

(b) The levies referred to in paragraph (a) may, in respect of any category, class or kind of any controlled product -

(i) be imposed in any particular part of Namibia, or may differ from any such levy in respect of any category, class or kind of that product, which is so imposed in any other particular part of Namibia;

- (ii) which is exported from Namibia or is exported from Namibia to any particular country or other territory, differ from any such levy in respect of any category, class or kind of that product which is not so exported.

[Subsection (1) is amended by Act 3 of 1987 to insert paragraph (b).]

(2) Any such levy shall be payable to the board in the prescribed manner and at the prescribed times by such category or class of persons as may be mentioned in the said notice or on their behalf by any other category or class of persons so mentioned.

(3) Whenever any levy is paid in terms of this section by any person on behalf of any other person, there shall be paid by the board to such first-mentioned person the prescribed commission in respect of the payment concerned and the amount of the levy may be recovered in the prescribed manner from the said other person by such first-mentioned person.

Grading, composition, packing or marking of controlled products

18. The Minister may by notice in the *Gazette* prohibit any person or any person of a specified category or class from selling any specified controlled product or any such product of a specified category or class in any specified area or at any specified place or for any specified purpose -

- (a) unless it is sold according to specified prescribed grades or classes;
- (b) unless it complies with the prescribed standards for the composition thereof and contains the required prescribed ingredients or other substances;
- (c) unless it has been packed in a prescribed container and in the prescribed manner;
- (d) unless it has been marked in the prescribed manner with the prescribed particulars;
- (e) if it contains any prohibited prescribed substance;
- (f) if it has been packed in any prohibited prescribed container or manner;
- (g) if it has been marked with prohibited prescribed particulars or in a prohibited prescribed manner; or
- (h) unless it is sold in accordance and compliance with the conditions of an exemption in writing issued by the Minister or any person authorized by him.

Fixing of prices

19. The Minister may from time to time, after consultation with the board, by notice in the *Gazette* -

- (a) prohibit any person or any person of any category or class from selling or disposing in Namibia or elsewhere any specified controlled product or any specified category or class thereof at any price other or lower or higher than a specified price or than a price calculated on a specified basis or from demanding any such price for any such product in Namibia or elsewhere;
- (b) require any person disposing of the said controlled product or any specified quantity thereof on credit or for a specified amount, to furnish to the board at specified times an invoice containing specified particulars;

- (c) require specified persons or persons of a specified category or class to display the prices referred to in paragraph (a) in such manner and form and on such premises as may be specified in the notice.

Import and export of controlled products

- 20. The Minister may, after consultation with the board, by notice in the *Gazette* -
 - (a) prohibit the import into or the export from Namibia of any controlled product or any category or class thereof;
 - (b) subject to such conditions as may be mentioned in the notice, including conditions relating to the quantity of controlled product that may be imported or exported -
 - (i) prohibit such import or export by any person other than the board;
 - (ii) prohibit such import or export except by the holder of a permit issued at the discretion of the board, but subject to the right of appeal to the Minister and in accordance with such conditions as may be stated by the board in such permit.

[Section 20 is substituted with amendment markings by Act 21 of 2023.]

Offences and penalties

- 21. (1) Any person who -
 - (a) falsely represents himself to be an inspector;
 - (b) hinders or delays any inspector or any person lawfully accompanying him in the exercise of his powers as inspector;
 - (c) refuses or fails to reply to the best of his ability to any question lawfully put to him by any inspector in the exercise of his powers, or in reply to any such question makes any statement or representation knowing it to be false or not knowing or believing it to be true;

[The word “exercise” is misspelt in the *Official Gazette*, as reproduced above.]

- (d) without the consent in writing of an inspector removes from the place where it has been left by him or tampers with or destroys or makes alterations in or to anything seized by such inspector in the exercise of his powers;
- (dA) refuses or neglects to stop a vehicle in accordance with an order under this Act;

[Paragraph (dA) is inserted by Act 21 of 1992.]

- (e) refuses to comply or fails to comply to the best of his ability with any requirement under section 10(1)(k) or 19(b) or (c) or any request under section 12(2)(c) or (f);
- (f) performs any act in contravention of any prohibition under section 10(1), 18, 19(a) or 20;

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- (g) buys or acquires any controlled product from any person selling or supplying it to him in contravention of a prohibition under section 10(1)(o), (p) or (q);
- (h) fails to pay any levy referred to in section 17 in the prescribed manner and at the prescribed times; or
- (i) contravenes or fails to comply with any provision of this Act,

shall be guilty of an offence and liable on conviction to a fine not exceeding R10 000 or imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

[The closing phrase of subsection (1) is amended by Act 21 of 1992.]

(2) If any person is found guilty of any offence for failing to pay any levy, the court convicting him shall at the same time, in addition to any penalty imposed for such offence, order him to pay to the board an amount equal to the amount of the levy still owing by him to the board according to evidence adduced at the trial, whereupon such order shall be executed as if it were an order in civil proceedings.

[The word “executed” is misspelt in the *Official Gazette*, as reproduced above.]

Evidence

22. (1) Whenever at the trial of any person charged with any contravention of this Act, the question arises whether or not any person with a particular name -

- (a) has furnished to the board any particular information or any particular return or other document within a particular period; or

[The word “furnished” is misspelt in the *Official Gazette*, as reproduced above.]

- (b) has paid to the board any particular levy or any portion thereof within any particular period; or
- (c) is registered with the board; or
- (d) is the holder of any particular permit issued under this Act,

any document in writing purporting to be an affidavit of any person alleging in such affidavit that he is an employee of the board and that no person with the said name has furnished the said information or return or other document to the board within the said period, or has paid the said levy or any portion thereof to the board within the said period, or is registered with the board or is the holder of a particular permit issued under this Act, as the case may be, shall on its mere production at such trial by any person, be *prima facie* evidence of the facts mentioned therein.

[The word “evidence” is misspelt in the *Official Gazette*, as reproduced above.]

(2) At any trial referred to in subsection (1) a certificate stating the result of any examination, analysis, grading or other classification made by virtue of the provisions of this Act and purporting to have been signed by the person who made the examination, analysis, grading or classification, shall be *prima facie* evidence of the facts mentioned therein.

Jurisdiction of magistrates court

[There should be an apostrophe in the word “magistrate’s”.]

23. Any magistrate's court shall, notwithstanding anything to the contrary in any law contained, have jurisdiction to make any order or impose any penalty provided for by this Act.

Regulations

24. (1) The Minister may make regulations not inconsistent with this Act relating to -

- (a) the manner of treating, preparation or processing of controlled products for grading or classification;
- (b) the persons or officers who are qualified to grade controlled products for the purposes of this Act and the manner in which grading shall take place;
- (c) the form and manner of appealing to the Minister against any resolution of the board;
- (d) an appeal to the board against the grading or classification of any controlled product and the period and manner in which any such appeal shall be noted;
- (e) the manner of taking samples by an inspector for the purposes of this Act;
- (f) the method to be adopted and the procedure to be followed by any inspector when inspecting any particular quantity of any controlled product and the percentage thereof deemed to be representative of such quantity for the purposes of inspection;
- (g) all matters which shall or may under this Act be prescribed or which the Minister deems it necessary or expedient to prescribe in order to achieve the objects of this Act.

(2) Different regulations may be made in respect of different categories or classes of persons or controlled products or different areas.

Transfer of assets and liabilities of Meat Trade Control Board to board

25. All assets, liabilities, rights and duties of the Meat Trade Control Board (hereinafter in this Act referred to as the old board) established by the Meat Trade Control Ordinance, 1962 (Ordinance 20 of 1962), shall become the assets, liabilities, rights and duties of the board, and the several banking accounts of the board shall, on such basis as the Minister may determine, be credited with the moneys in the several funds under the control of the old board or accruing to those funds or which would so have accrued if this Act had not been enacted.

Repeal of laws and savings

26. (1) The Meat Trade Control Ordinance, 1962 (Ordinance 20 of 1962), the Meat Trade Control Amendment Ordinance, 1963 (Ordinance 3 of 1963), the Meat Trade Control Amendment Ordinance, 1964 (Ordinance 2 of 1964), the Marketing Act, 1968 (Act 59 of 1968), in so far as it relates to controlled products, Proclamation R.123 of 1970, Proclamation R.126 of 1971 and the Control of the Meat Trade in South West Africa Amendment Act, 1972 (Act 69 of 1972), are hereby repealed.

(2) Any regulation made or any levy or prohibition imposed or any permit, exemption or certificate issued or any registration or appointment made under any provision of any law

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repealed by this Act or any regulation made thereunder, which could be made, imposed or issued under a corresponding provision of this Act, shall be deemed to have been made, imposed or issued under the said corresponding provision, and any reference in or in respect of any such regulation, levy, prohibition, permit, exemption, certificate, registration or appointment -

- (a) to the old board shall be construed as a reference to the board;
- (b) to any law repealed by this Act shall be construed as a reference to this Act;
- (c) to the holder of any office shall be construed as a reference to the holder of a similar office under this Act.

Short title and commencement

27. This Act shall be called the Livestock and Livestock Products Act, 1981, and shall come into operation on a date to be fixed by the Minister by proclamation in the *Gazette*.

[Act 21 of 1992 substituted “Minister” for “Administrator-General” throughout the Act, but the date referred to in this section was already fixed by the Administrator-General prior to the substitution.
Section 27 is substituted with amendment markings by Act 15 of 2023
to change the short title of the Act.]