

DEPARTMENT OF JUSTICE

NO. R. 468 14 March 1986

Regulations relating to the seizure of animals by an officer of a society for the prevention of cruelty to animals

The Minister of Justice has, by virtue of the powers vested in him by section 10 (1) (b) and (c) of the Animals Protection Act, 1962 (Act 71 of 1962), made the regulations contained in the Schedule hereto.

SCHEDULE

Definition

1. In these regulations, unless inconsistent with the context:

"officer" means an officer of a society;

"the Act" means the Animals Protection Act, 1962 (Act 71 of 1962);

"society" means a society for the prevention of cruelty to animals as intended in section 8(1) of the Act.

Seizure and reporting

2. (1) If authorised thereto in writing under the hand of the magistrate of a district, any officer of any society may in that district if it appears that there are reasonable grounds to believe that an animal found in that district needs immediate care or if it is reasonably necessary to prevent cruelty to or suffering of such an animal, seize such animal and take it into the custody of the society.

(2) Such seizure must be reported within 24 hours to a police officer on duty at the police station, police office or police post situated nearest to the place where the animal was found.

(3) Subsections (2) and (3) of section 8 of the Act shall mutatis mutandis apply to an authority granted in terms of subregulation (1).

Notice

3. (1) If the animal is not seized in terms of section 20 of the Criminal Procedure Act, 1977 (Act 51 of 1977) the society concerned must:

(a) if the name and address of the owner of the animal are known to the society, forthwith give notice of the seizure to the owner in the manner best suited under the circumstances; or

(b) if the name and address of the owner of the animal are not known to the society and the animal has not been released, within seven days of the seizure, advertise the fact that the animal has been taken into the society's custody by publication of a notice thereof in Afrikaans in an Afrikaans language newspaper and in English in an English language newspaper circulating in the district

concerned: Provided that, if a bilingual newspaper circulates, a notice in both official languages shall be published therein.

(2) The society referred to in regulation 2 (1) shall within the period mentioned in regulation 3 (1) (b) cause a copy of the notice intended in the last-mentioned regulation to be:

(a) sent to a police station, police office or police post intended in regulation 2(2);

(b) sent to every other society for the prevention of cruelty to animals in the same district as the society concerned; and

(c) affixed to a notice board at the office of the society.

Disposal

4. Whenever an animal that was taken into the custody of the society has not been claimed within seven days of the advertisement or notice to the owner, the society shall deal with the animal in its discretion: Provided that the society may destroy the animal, irrespective of the condition of the animal, if the animal cannot be disposed of otherwise.

Expenses

5. A society that has or had an animal in custody in terms of these regulations may recover from the owner of the animal the reasonable expenses incurred in connection therewith.

Offences

6. (1) No person shall:

(a) unless authorised thereto in accordance with provision in the Act, remove an animal that was seized by an officer or that is in the custody of a society in accordance with the provisions of these regulations from the possession or custody of such an officer or society; or

(b) willfully obstruct, hinder or resist an officer or a society in the exercise of a power conferred on an officer or society in terms of these regulations.

(2) Any person who contravenes a provision in subregulation (1) shall be guilty of an offence and liable on conviction to a fine not exceeding R2 000 or imprisonment for a period not exceeding one year.