

23

PERFORMING ANIMALS PROTECTION ACT
NO. 24 OF 1935

[ASSENTED TO 29 APRIL 1935]

[DATE OF COMMENCEMENT: 8 MAY 1935]

(Signed by the Governor-General in *Affrikans*)

as amended by

General Law Amendment Act, No. 62 of 1955

[with effect from 6 July 1955—see title GENERAL LAW AMENDMENT ACTS]

Animals Protection Amendment Act, No. 7 of 1972

Animals Protection Amendment Act, No. 54 of 1983

Animals Protection Amendment Act, No. 20 of 1985

Protection of Animals Amendment Act, No. 7 of 1991

ACT

To regulate the exhibition and training of performing animals and the use of dogs for safeguarding.

[long title substituted by s. 11 of Act No. 7 of 1991.]

1. Restriction on exhibition and training of performing animals and use of dogs for safeguarding.—No person shall exhibit or train or cause or permit to be exhibited or trained for exhibition any animal of which he is the owner or has the lawful custody or use any dog for safeguarding unless such person is the holder of a licence.

[S. 1 substituted by s. 1 of Act No. 7 of 1991.]

2. Magistrate may issue licence for exhibiting and training of performing animals and for use of dogs for safeguarding.—Any person intending to exhibit or train for exhibition any animal, or who uses a dog for safeguarding, may apply in writing in the prescribed form to the magistrate of the district in which such person resides, performs or carries on business, for a licence to do so, who shall grant the same: Provided that—

- (a) the magistrate is satisfied that such person is a fit and proper person;
- (b) such licence shall be granted for a calendar year and expire on the thirty-first December in every year;
- (c) the magistrate may, if in his opinion there is good and sufficient reason, refuse to renew such licence; and
- (d) the Minister may by regulation prescribe the form of an application for a licence and the form of the licence, the conditions subject to which such licence shall be held, and the fee which shall be paid for such licence and for the renewal thereof.

[S. 2 amended by s. 18 of Act No. 62 of 1955 and by s. 1 of Act No. 7 of 1972 and substituted by s. 2 of Act No. 7 of 1991.]

3. Certificate in respect of licensed animals.—(1) The holder of a licence referred to in section 2 shall not exhibit or train any animal or cause it to be exhibited or trained for exhibition or use any dog for safeguarding unless he is in possession of a certificate authorizing such exhibition, training or use of all animals in respect of which such licence is held.

(2) The certificate referred to in subsection (1) shall be issued by the magistrate in the prescribed form after submission to him of the prescribed information by the licence holder.

(3) Upon such certificate shall be specified the form of training, exhibition and use, as the case may be, of the animal or animals in respect of which it is issued.

(4) It shall be competent for a magistrate upon the application of the holder of a certificate to amend such certificate by either—

- (a) deleting therefrom animals which are no longer in the possession or custody of the holder; or
- (b) adding other animals which have since the issue or renewal of the licence come into the possession or custody of the holder; or
- (c) modifying the form of training, exhibition or use specified thereon, and for such amendment no charge shall be made.

[S. 3 substituted by s. 3 of Act No. 7 of 1991.]

4. Right of entry.—In addition to the powers conferred by any other law any police officer may—

- (a) at any reasonable time enter upon any premises, place or vehicle in which animals are maintained, or kept or confined for the purposes of exhibition or of being trained or of being transported or in which dogs used for safeguarding are maintained, kept, confined or conveyed;
- (b) inspect any such animals, dogs, premises, places or vehicles and may fully enquire into the measures and methods by which such animals or dogs are controlled, restrained, trained or used and the course of feeding such animals or dogs; and
- (c) during any exhibition of trained animals, or during the use of dogs for safeguarding, or at any other time, enter upon any premises, place or vehicle or portion thereof used in connection with such exhibition or use in order to inspect such premises, place or vehicle, the animals or dogs present therein and the conditions under which such animals or dogs are maintained, controlled and fed during such exhibition or use and at other times.

[S. 4 substituted by s. 4 of Act No. 7 of 1991.]

5. Obstruction of police officer.—Any person who willfully obstructs, delays or otherwise interferes with a police officer in the exercise of the powers herein granted, or who conceals any animal with intent to defeat the exercise of such powers, or otherwise hampers or impedes the exercise of such powers shall be guilty of an offence and liable on conviction to a fine not exceeding R4 000 or to imprisonment for a period not exceeding twelve months in addition to any other penalty imposed for the contravention of any provision of this Act or any regulation made thereunder.

[S. 5 substituted by s. 2 of Act No. 7 of 1972 and by s. 2 of Act No. 20 of 1985 and amended by s. 5 of Act No. 7 of 1991.]

6. Jurisdiction of magistrate's court.—For the purpose of this Act a magistrate's court shall have jurisdiction and shall have the powers conferred by the Animals Protection Act, 1962 (Act No. 71 of 1962).

[S. 6 substituted by s. 3 of Act No. 7 of 1972.]

7. Regulations.—The Minister may in addition to any other power specially given herein make regulations not inconsistent with this Act for prescribing any or all of the following matters:—

- (a) the form of application and information to be supplied for the granting of a licence and for the renewal thereof;
- (b) (i) the form of certificate which shall be issued in respect of licensed animals or dogs and the form of amendments which may be made on such certificates;

(ii) the information to be supplied for the issuing of a certificate referred to in subparagraph (i), which includes the manner of identification of an animal or dog;

[Para. (b) substituted by s. 6 (e) of Act No. 7 of 1991.]

(c) the method and form of confinement and accommodation of any animal class, species or variety of animals in respect of which a certificate has been issued, whether travelling, or being transported or stationary;

(d) any other reasonable requirement which may be necessary to prevent cruelty or suffering in the exhibition, training, maintenance, use or travelling of animals in respect of which a certificate has been granted;

[Para. (d) substituted by s. 6 (b) of Act No. 7 of 1991.]

(e) a penalty of a fine not exceeding R4 000 or imprisonment for a period not exceeding twelve months for a contravention of any regulation,

[Para. (e) substituted by s. 4 of Act No. 7 of 1972, by s. 1 of Act No. 54 of 1983, by s. 3 of Act No. 20 of 1985 and by s. 6 (b) of Act No. 7 of 1991.]

and generally for the better carrying out of the objects and purposes of this Act.

8. Penalty.—(1) Any person contravening the provisions of this Act or any regulation made thereunder for which a penalty has not been prescribed or any condition of a licence or certificate shall be guilty of an offence and liable on conviction to a fine not exceeding R4 000 or to imprisonment for a period not exceeding twelve months.

[Sub-s. (1) substituted by s. 5 of Act No. 7 of 1972, by s. 2 of Act No. 54 of 1983 and by s. 4 of Act No. 20 of 1985 and amended by s. 7 of Act No. 7 of 1991.]

(2) In addition to the penalty provided for in sub-section (1) it shall be lawful for a magistrate to suspend for such period as he may determine not exceeding one year the licence of any person convicted of a second or subsequent offence under this Act or any other law relating to the prevention of cruelty to animals.

(3) Every magistrate shall endorse upon the licence of every holder the particulars of every offence of which such holder has been convicted and the penalty imposed.

9. Saving.—Nothing in this Act shall apply to the confinement or training of animals for military, police or sporting purposes or the purpose of an agricultural show, horse show, dog show, caged bird show or any public zoological gardens, or to the exhibition of animals at a military or police tournament or a gymkhana, or at any such show or in any such gardens or to the use of a dog for saleguarding by the South African Defence Force, the South African Police or the Prisons Service.

[S. 9 substituted by s. 8 of Act No. 7 of 1991.]

10. Act to be read with Act 71 of 1962.—This Act shall be read as one with the Animals Protection Act, 1962 (Act No. 71 of 1962), and the powers herein granted unless the contrary intention appears shall be in addition to any powers granted by that Act. [S. 10 substituted by s. 6 of Act No. 7 of 1972.]

11. Interpretation of terms.—For the purposes of this Act and any regulations made thereunder unless the contrary intention appears the following terms have the meaning respectively assigned to them:—

“animal” has the meaning assigned to it by the Animals Protection Act, 1962 (Act No. 71 of 1962), but does not include any reptile;

[Definition of “animal” substituted by s. 7 (e) of Act No. 7 of 1972.]

“certificate” means a certificate issued and in force under this Act together with a licence and includes any amendment thereof;

“exhibit” means to expose for show at any entertainment to which the public are admitted whether for payment of money or otherwise;

“licence” means a licence granted and in force under this Act;
“licenseeholder or licensee” means the person to whom a licence has been granted;
“Minister” means the Minister to whom the administration of this Act has been assigned;

“police officer” has the meaning assigned to it by the Animals Protection Act, 1962, and includes a person authorized under section 8 of the said Act;

[Definition of “police officer” substituted by s. 7 (b) of Act No. 7 of 1972.]

“train” means train for the purpose of exhibiting or of use for safeguarding;

[Definition of “train” substituted by s. 9 (e) of Act No. 7 of 1991.]

“use for safeguarding” means the training, use or placing at disposal for gain, or the letting, of a dog, with a view to or for the protection of persons and property.

[Definition of “use for safeguarding” added by s. 9 (f) of Act No. 7 of 1991.]

11A.

[S. 11A inserted by s. 8 of Act No. 7 of 1972 and repealed by s. 10 of Act No. 7 of 1991.]

12. Short title.—This Act may be cited as the Performing Animals Protection Act, 1935.
