STATE PRESIDENT'S OFFICE

No. 1909.
10 July 1992

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:-

NO. 121 OF 1992: ABATTOIR HYGIENE ACT, 1992

GENERAL EXPLANATORY NOTE:

Words in bold type indicate omissions from existing enactments.

Words in italics indicate insertions in existing enactments.

ACT

To make provision for the maintenance of proper standards of hygiene in the slaughtering of animals for the purpose of obtaining suitable meat for human and animal consumption, and in the handling, keeping and conveyance of such meat and animal products at and from abattoirs; to that end to prohibit the slaughtering of animals at any place other than an abattoir which complies with certain requirements with regard to the outlay and structure thereof, and the fixed equipment and other facilities to be installed or provided thereat, and which have been approved in terms of this Act; to require that such meat and animal products shall be handled or kept at and be removed from abattoirs in accordance with prescribed requirements; to provide that meat shall not be imported except on the authority of a permit issued by the director; and to provide for matters connected therewith.

(Afrikaans text signed by the State President.)
(Assented to 2 July 1992.)

BE IT ENACTED by the State President and the Parliament of the Republic of South Africa, as follows:-

Definitions

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

(i) "abattoir" means a place where animals are slaughtered or are intended to be slaughtered, and includes all facilities which normally appertain or are attached to such a place, whether or not such facilities are situated at the same place as such place; (i)

(ii) "animal" means any animal of a prescribed kind; (v)

(iii) "animal product" means any portion of an animal excluding the meat thereof, whether or not it is intended to be converted by treatment or processing into articles in daily use; (vi)

(iv) "approved abattoir" means an abattoir in respect of which a certificate of approval has been issued in terms of section 5; (x)

(v) "department" means the Department of Agriculture; (iv)

(vi) "director" means that officer who is employed in the department and has been designated in terms of section 2 as Director of Meat Hygiene; (vii)

(vii) "Director-General" means the Director-General of the department; (viii)

(viii) "infected" means suffering from, or in the incubation stage of, or contaminated with the infection of, any contagious or infectious disease: (iii)

(ix) "meat" means those portions of any animal which are ordinarily intended for human or animal consumption; (xvi)

(x) "meat inspector" means any person who holds the prescribed qualifications; (xvii)

(xi) "Minister" means the Minister of Agriculture; (xii)

(xii) "officer" means an officer as defined in section 1(1) of the Public Service Act, 1984 (Act No. 111 of 1984), who is employed in the department, and includes an employee so defined, who is so employed; (ii)

(xiii) "owner", in relation to an abattoir, means the person in whom the ownership of the abattoir is vested or, in the case of any abattoir in respect of which the right of general control is vested in a person other than the person in whom the ownership is vested, that other person; (ix)

(xiv) "prescribe" means prescribe by regulation; (xviii)

(xv) "regulation" means a regulation made under section 24;(xiii)

(xvi) "slaughter", in relation to an animal, means kill, skin and perform the usual accompanying acts with the intention of using the meat of the animal for consumption by human beings or animals; (xiv)

(xvii) "this Act" includes any regulation; (xi)

(xviii) "veterinarian" means a veterinarian as defined in section 1 of the Veterinary and Para-Veterinary Professions Act, 1982 (Act No. 19 of 1982). (xv)

Designation and powers and duties of Director of Meat Hygiene, and control by Minister

2. (1) The Minister shall designate an officer in the department who is a veterinarian, as Director of Meat Hygiene.

(2) The director shall exercise the powers, carry out the duties and perform the functions conferred or imposed upon or assigned to the director in terms of this Act, subject to the control and directions of the Minister.

(3) The director may in his discretion do anything which in terms of this Act is conferred or imposed upon or assigned to a veterinarian or meat inspector as a power, duty or function.

(4) The director may in writing delegate to any officer under his control any power, duty or function conferred or imposed upon or assigned

to him in terms of this Act, but the director shall not be divested of any power, duty or function so delegated, and may amend or withdraw any decision given by the officer by virtue of such delegation unless such decision has been conveyed to the person in respect of whom the decision applies, in which case the decision may be amended or withdrawn only if the amendment or withdrawal will be to the benefit of such person or if such person consents thereto.

Prohibition of slaughter of animals at places other than approved abattoirs

3. (1) No person shall-

(a) slaughter any animal at any place other than an approved abattoir;

(b) permit the slaughter of any animal at any place under his control, unless such place is an approved abattoir.

(2) The Minister may by regulation exempt all persons belonging to a particular category from the provisions of subsection (1), subject to such conditions as may be prescribed.

(3) The Minister may by notice in the Gazette exempt from the provisions of subsection (1) any area mentioned in that notice, or all areas other than any area so mentioned.

Approval of design drawings to be obtained from director in respect of erection of abattoirs and alteration or demolition of certain places designed and erected as abattoirs

4. (1) Any person who wishes-

(a) to erect an abattoir;

(b) to alter the outlay of any place which has before or after the commencement of this Act been designed and erected as an abattoir but in respect of which no approval contemplated in section 5 exists;

(c) to demolish or substantially alter any building, structure or permanent equipment forming part of a place referred to in paragraph (b) in respect of which no such approval exists;

(d) to erect any building or structure or install any permanent equipment at any place referred to in paragraph (b) in respect of which no such approval exists,

and who intends to make application for an approval in terms of section 5, shall, before commencing with such erection, alteration, demolition or installation, submit to the director for approval design drawings, plans or sketches which have been drawn up in conformity with the prescribed requirements.

(2) The director shall not approve any design drawing, sketch or plan submitted to him in terms of subsection (1) unless he is satisfied that, if the erection, alteration, demolition or installation is carried out in accordance with the design drawing, sketch or plan, or in compliance with any condition which the director may deem fit to impose when he considers the application for the approval of the design drawing, sketch or plan, the place in question will be fit to be approved as an abattoir in terms of this Act.

(3) An application for the approval of a design drawing, sketch or plan referred to in subsection (2) shall-

(a) be made in the prescribed manner;

(b) be submitted to the director; and

(c) be accompanied by the prescribed fee.

Applications for approval of abattoirs

5. (1) An application for the approval of any place as an abattoir shall be submitted to the director in the prescribed manner and shall be accompanied by the prescribed fee.

(2) The director shall, if he is satisfied that the place to which an application referred to in subsection (1) relates, has been erected or has been altered, or that the demolition, alteration, installation or erection of any building, structure or permanent equipment at such place, has been carried out in accordance with the design drawing, sketch or plan approved in terms of section 4, approve the abattoir, and shall issue a certificate of approval subject to such conditions as may be stated in the certificate.

(3) The person to whom a certificate referred to in subsection (2) has been issued, shall deal with such certificate in the prescribed manner.

(4) A certificate of approval issued in respect of an abattoir under section 4 of the Animal Slaughter, Meat and Animal Products Hygiene Act, 1967 (Act No. 87 of 1967), and which is in force immediately prior to the commencement of this section, shall be deemed to be a certificate of approval issued under subsection (2) in respect of that abattoir.

Withdrawal and lapse of approval of abattoirs

6. (1) Subject to subsection (2), the director may withdraw the approval granted under section 5(2) in respect of any abattoir if he is satisfied that-

(a) the outlay of an approved abattoir has been altered, or that any building, structure, or fixed equipment erected or installed at such abattoir, has been demolished, removed or substantially altered;

(b) the abattoir in question no longer complies with any condition subject to which the approval was granted in terms of section 5(2); or

(c) the abattoir is not operated in the prescribed manner.

(2) The director shall not withdraw the approval of an abattoir unless he has informed the owner of the abattoir of his intention to do so, and of the grounds upon which his intention is based, and unless he has afforded the owner of the abattoir a reasonable opportunity to state his case or to rectify any matter with regard to the abattoir indicated by the director.

(3) The approval granted in terms of section 5(2) in respect of an abattoir shall lapse-

(a) when the person to whom the approval was granted ceases to be the owner of the abattoir;

(b) if the owner of the abattoir has informed the director of his intention to discontinue all activities relating to the slaughter of animals, with effect from the date following the date upon which such activities are discontinued.

(4) If the owner of an approved abattoir disposes of the abattoir, or discontinues all activities with regard to the slaughtering of animals at such abattoir with the intention not to resume such activities, he shall as soon as possible after such disposal or discontinuance notify the director of the fact and shall return the certificate of approval to the director.

Grades in respect of approved abattoirs

7. (1) The Minister shall prescribe the grades in respect of approved abattoirs and determine by regulation the requirements with which an approved abattoir shall comply in order to qualify for a particular grade.

(2) When the director issues a certificate of approval in respect of an abattoir under section 5(2), he shall-

(a) determine the grade of that abattoir according to the requirements referred to in subsection (1); and

(b) indicate such grade on the certificate of approval.

(3) The director may, either of his own accord or after the consideration of an application, change the grade of an approved abattoir determined in terms of subsection (2).

(4) A change in respect of the grade of an approved abattoir shall be made by the director of his own accord only-

(a) if he is satisfied that sufficient grounds exist therefore; and

(b) after he has afforded the holder of the certificate of approval concerned the opportunity to make representations in respect of the intended change.

(5) An application to change the grade of an approved abattoir shall-

(a) be made in the prescribed manner; and

(b) be accompanied by the prescribed fee.

Veterinarians and meat inspectors to be employed at approved abattoirs

8. (1) The owner of an approved abattoir shall, unless such abattoir is one in respect of which exemption has been granted in terms of subsection (3), employ in respect of that abattoir a veterinarian who has been designated by the director in respect of that abattoir, as well as a meat inspector who has been so designated.

(2) The director may at any time, without furnishing reasons, withdraw any such designation under subsection (1).

(3) (a) The Minister may by regulation generally grant exemption from the provisions of subsection (1), subject to such conditions as may be set out in that regulation.

(b) The director may on application in the prescribed manner grant to any person exemption from the provisions of subsection (1), subject to such conditions as may be set out in the document containing such exemption.

(4) The veterinarian and meat inspector referred to in subsection (1) shall in respect of that abattoir exercise and carry out the powers and duties of a veterinarian and a meat inspector with regard to the inspection of animals intended to be slaughtered at that abattoir, the inspection of the meat and animal products derived from animals slaughtered at the

abattoir, the granting of approval for the removal from the abattoir of meat intended for human consumption, and deal with any matter at such abattoir which requires the attention and expertise of a veterinarian or meat inspector.

(5) The veterinarian appointed and designated in respect of any approved abattoir in terms of subsection (1) may amend or withdraw or substitute his own decision for any decision of a meat inspector designated and appointed in terms of that subsection in respect of that abattoir given with regard to animals intended to be slaughtered at that abattoir, the inspection of the meat and animal products derived from animals slaughtered at the abattoir, the granting of approval for the removal from that abattoir of any meat which is intended for human consumption, any direction with regard to the manner in which meat which has been found to be unfit for human consumption shall be dealt with or any other decision which such veterinarian is in terms of this Act authorized to give, unless the person who is by virtue of such decision obliged or competent to perform any act has commenced with the performance of such act, in which case the decision of the meat inspector may be amended, withdrawn or substituted only with the consent of such person, unless such amendment, withdrawal or substitution is to the benefit of such person.

Prohibition of slaughter of animals at approved abattoirs unless inspected and approved

9. (1) No person shall slaughter or permit the slaughter of any animal at an approved abattoir unless the animal has been inspected by a veterinarian or meat inspector and has been passed as fit for slaughter purposes.

(2) (a) The Minister may by regulation generally grant exemption from the provisions of subsection (1), subject to such conditions as may be set out in the regulation.

(b) The director may on application in the prescribed manner, grant to any person exemption from the provisions of subsection (1), subject to such conditions as may be set out in the writing containing such exemption.

Prohibition of removal of meat of animals slaughtered at approved abattoir unless meat has been inspected and approved

10. (1) No person shall remove from any approved abattoir any meat of any animal slaughtered at such abattoir unless the meat has been inspected by a veterinarian or meat inspector and has been approved by him as fit for human consumption and unless it has been marked in the prescribed manner.

(2) (a) The Minister may by regulation generally grant exemption from the provisions of subsection (1), subject to such conditions as may be set out in the regulation.

(b) The director may on application in the prescribed manner, grant to any person exemption from the provisions of subsection (1), subject to such conditions as may be set out in the writing containing such exemption.

Prohibition of removal of animal products from approved abattoirs

11. No person shall remove any animal product derived from any animal slaughtered at an approved abattoir, from that abattoir unless such product has been inspected by a veterinarian or meat inspector and it has been found that the animal product is not infected.

Detention or marking of or other steps to be taken in respect of certain animals, meat or animal products

12. Any animal, meat or animal product which, when inspected in terms of section 9, 10 or 11, has been found not to be fit for slaughter purposes or for human consumption, or has been found to be infected, shall in the prescribed manner be detained, marked, destroyed or dealt with.

Permissible methods and procedures for slaughter of animals

13. (1) (a) No person shall slaughter an animal at an approved abattoir otherwise than in a humane manner and in accordance with the applicable prescribed methods and procedures.

(b) Notwithstanding the provisions of paragraph (a), the director may, on application made in the prescribed manner, grant exemption in writing from the provisions of that paragraph to the extent and subject to such conditions as he may determine and set out in the written exemption concerned.

(2) The owner of an approved abattoir shall-

(a) apply the prescribed hygienic practices when an animal is slaughtered in accordance with the provisions of subsection (1); and

(b) provide the prescribed means necessary for the application of such practices, and ensure that such means are utilized for that purpose.

Restriction on importation of fresh meat

14. (1) (a) No person shall import any fresh meat into the Republic except on the authority of an import permit issued by the director.

(b) For the purposes of this section "fresh meat" means meat which has not undergone any processing except dressing, deboning, cooling or freezing.

(c) The provisions of paragraph (a) shall not apply to fresh meat imported for a prescribed purpose or if the consignment in question does not exceed the prescribed mass.

(2) An application for an import permit referred to in subsection (1)(a) shall be made in the prescribed manner and shall be accompanied by the prescribed fee.

(3) An import permit referred to in subsection (1)(a) shall be issued only in respect of fresh meat derived from animals slaughtered at an abattoir which has for the purposes of the importation of fresh meat been approved by the director.

(4) An import permit referred to in subsection (1)(a) shall be issued subject to such conditions as the director may determine and set out in the certificate concerned.

(5) (a) Fresh meat imported into the Republic contrary to the provisions of subsection (1) or in conflict with a condition determined under subsection (4) shall-

(i) if the importer so prefers, be removed at his own cost by such importer from the Republic within a period determined by the director, or

(ii) otherwise be dealt with on such conditions and in such manner as the director may determine.

(b) If the fresh meat concerned is not removed from the Republic within the period referred to in paragraph (a)(i), or if a condition referred to in paragraph (a)(ii) is not complied with, that meat shall be forfeited to the State and the director may dispose thereof at his discretion.

(c) The State may recover any expenses incurred in connection with the disposal referred to in paragraph (b) from the importer concerned.

(6) A permit issued for the importation of meat in terms of the regulations made under the Animal Slaughter, Meat and Animal Products Hygiene Act, 1967 (Act No. 87 of 1967), and in force immediately prior to the commencement of this section shall be deemed to be an import permit issued under subsection (1)(a).

Powers of entry and investigation

15. (1) (a) The director or any officer acting under a delegation or direction of the director may, whenever he deems it necessary in the exercise or carrying out by him of any power or duty conferred or imposed upon the director in terms of this Act, at any reasonable time and without prior notice enter upon any place, premises or conveyance.

(b) The provisions of paragraph (a) shall apply mutatis mutandis to a veterinarian or a meat inspector in so far as they relate to the exercising of a power and the carrying out of a duty at or in connection with the abattoir in respect of which such veterinarian or meat inspector has been appointed and designated in terms of this Act.

(c) Any person who enters upon any place, premises or conveyance in terms of this subsection shall show proof of his identity and authority when requested thereto by the person in charge of the place, premises or conveyance concerned.

(2) A person entering upon a place, premises or conveyance in terms of the power conferred under subsection (1) may-

(a) take with him such assistants, appliances, instruments, tools or other things as he may deem necessary for the purposes of this subsection;

(b) demand from the owner or person in charge of the place, premises or conveyance concerned, all reasonable assistance which such person may deem necessary in order to enable him to exercise his powers and perform his duties in connection with that place, premises or conveyance;

(c) examine or cause to be examined any animal, meat, animal product or other article in respect of which this Act applies and that was in fact or is suspected of having been slaughtered, dressed, treated, prepared, graded, classified, packed, marked, labelled, kept, removed, transported, exhibited or sold there;

(d) inspect the operations or processes in connection with any action referred to in paragraph (c), and demand from the owner or custodian of the animal, meat, animal product or other article concerned, or from the person supervising such operations or processes, any information or an explanation regarding the operation, process, animal, meat, animal product or other article concerned: Provided that such information or explanation shall only be admissible as evidence in a court of law against such owner, custodian or person on a charge referred to in section 20(1)(g);

(e) take such samples of the animal, meat, animal product or other

article concerned as he may deem necessary, and for such purpose open any container in which that meat, animal product or other article is contained, and test, examine or analyze such sample or cause it to be tested, examined or analyzed;

(f) examine and make copies of or take extracts from any book or document in respect of which he on reasonable grounds suspects that it relates to such animal, meat, animal product or other article, irrespective of whether or not it is kept on or at the place, premises or conveyance concerned or any other place, and demand from the owner or custodian of that book or document an explanation regarding any record or entry therein: Provided that such explanation shall be admissible in evidence in a court of law against that owner or person only on a charge referred to in section 20(1)(g).

Seizures

16. (1) A person referred to in section 15(1) may at any reasonable time and in any manner deemed fit by him, without prior notice to any person, seize any animal, meat, animal product or other article, or any book or document, which-

(a) is connected or is on reasonable grounds believed by him to be connected with the commission or suspected commission of any offence under this Act;

(b) may afford evidence of the commission or suspected commission of any such offence; or

(c) is intended or is on reasonable grounds suspected by him to be intended to be used in the commission of any such offence.

(2) The person concerned-

(a) may remove anything thus seized, from the place, premises or conveyance where he has seized it, or leave it thereon and, if he deems it necessary, attach any identification mark or seal thereto, or to the container thereof; and

(b) shall notify a police officer as defined in section 1(1) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), forthwith, for the purposes of a prosecution under this Act, of such seizure.

(3) Anything thus seized, shall be disposed of in accordance with the applicable provisions referred to in Chapter 2 of the Criminal Procedure Act, 1977: Provided that in the case of meat that is unfit for human consumption, or an animal product that is infected, the director may direct that such meat or animal product be forfeited to the State to be destroyed.

Directives

17. (1) If a person referred to in section 15(1) is of the opinion that-

(a) any approved abattoir or any part thereof or an appliance therein is in a dirty or unhygienic condition, or needs renovation, repair or alteration or does not in all respects comply with any requirement of this Act;

(b) any water supplied to, used or suspected of being used for the purposes of such abattoir or in connection therewith, is impure, unhygienic or not fit for this purpose;

(c) a conveyance which is used or apparently being used to convey or remove meat or any animal product from such abattoir is in a dirty or unhygienic condition, or requires renovation, repair or alteration;

(d) any person at such abattoir is infected with disease or is dirty, or behaves in any manner detrimental to the maintenance of hygiene;

(e) any person who performs or omits to perform any act at such abattoir which may defeat the achievement of the objects of this Act.

he may-

(i) direct the owner of such abattoir in writing to forthwith clean, disinfect or bring such abattoir, portion thereof or appliance therein into a hygienic condition, or to renovate, repair or alter it or to ensure that it complies in all respects with the requirements of this Act;

(ii) direct the owner of such abattoir in writing to discontinue the use of such water until it is in all respects fit to be used;

(iii) direct the owner of such abattoir in writing to clean, disinfect or bring such conveyance into a hygienic condition or to renovate, repair or alter it;

(iv) direct such person in writing to leave such abattoir at once and remain absent until his return thereto is authorized by a person referred to in section 15(1);

(v) direct such person in writing to cease to perform such action or to perform it.

(2) A copy of each directive referred to in subsection (1) not issued by the director personally shall forthwith be submitted to the director.

Secrecy

18. No person shall disclose any information acquired by him through the exercising of his powers or the performing of his duties in terms of this Act, except-

(a) as far as it is necessary for the proper application of the provisions of this Act;

(b) for the purposes of any legal proceedings under this Act;

(c) when required to do so by any competent court; or

(d) if he is authorized thereto by the Minister.

Appeals

19. (1) Any person whose interests are affected by any decision or direction of the director or any other officer under this Act, may appeal against such decision or direction to the Minister.

(2) An appeal referred to in subsection (1) shall be lodged with the Director-General within the prescribed period and in the prescribed manner and the prescribed fee shall be payable in respect thereof.

(3) (a) The Director-General shall refer the appeal concerned for enquiry and report to an officer of the department other than the director or an officer under the control of the director.

(b) After the receipt of the report and recommendation of the officer referred to in paragraph (a), the Director-General shall submit all the relevant documents relating to the appeal to the Minister.

(4) (a) An appellant may request or be requested by the officer referred to in subsection (3)(a), to appear at an inquiry before such officer so as to be heard or questioned.

(b) An appellant appearing at such inquiry shall be entitled to legal representation.

(5) The Minister may, after consideration of the documents submitted to him in terms of subsection (3)(b), confirm, set aside or amend the decision or direction which is the subject of the appeal, or issue such order in connection therewith as he may deem fit.

(6) If the Minister sets aside or amends a decision or direction which is the subject of the appeal, the fee referred to in subsection (2), or such portion thereof as the Minister may determine, shall be refunded to the appellant concerned.

Offences and penalties

20. (1) Any person who

(a) contravenes or fails to comply with a provision of section 3(1), 4, 9(1), 10(1), 11, 12, 13(1)(a) or (2), 14(1) or 18;

(b) contravenes or fails to comply with a provision of section 5(3), 6(4) or 8(1);

(c) contravenes or fails to comply with a condition imposed under section 3(2), 5(2), 8(3), 10(2), 13(1)(b) or 14(4) or (5);

(d) contravenes or fails to comply with a direction issued under section 17(1);

(e) obstructs or hinders a person referred to in section 15(1) in the exercise of his powers or the performance of his duties under this Act;

(f) refuses or fails to render the assistance referred to in section 15(2)(b);

(g) refuses or fails to furnish information or give an explanation or to answer to the best of his ability to a question lawfully demanded from or put to him by a person referred to in section 15(2)(d) in the exercise of his powers or the carrying out of his duties in terms of this Act, or furnishes information, an explanation or an answer to such person which is false or misleading, knowing that it is false or misleading;

(h) sells, removes or tampers with any animal, meat, animal product or other article, or a book or document, seized in terms of section 16, or tampers with an identification mark or other seal attached thereto or to the container thereof in terms of that section;

(i) falsely holds himself out to be a veterinarian or a meat inspector designated in terms of this Act; or

(j) with the intent to defraud-

(i) deletes, alters or renders illegible any mark of a veterinarian or a meat inspector effected under this Act on any animal, meat or animal product; or

(ii) effects such mark or imitation thereof on any animal, meat or animal product, shall be guilty of an offence.

(2) Any person who is convicted of an offence under this Act shall-

(a) in the case of a first conviction of an offence referred to in subsection (1)(a), (c), (d), (e), (g), (h), (i) or (j), be liable to a fine not exceeding R8 000 or to imprisonment for a period not exceeding two years or to both that fine and that imprisonment

(b) in the case of a second or subsequent conviction of an offence mentioned in paragraph (a), whether it be the same or some other offence mentioned in that paragraph, be liable to a fine not exceeding R16 000 or to imprisonment for a period not exceeding four years or to both that fine and that imprisonment;

(c) in the case of a first conviction of an offence referred to in subsection (1)(b) or (f), be liable to a fine not exceeding R2 000 or to imprisonment for a period not exceeding six months or to both that fine and that imprisonment;

(d) in the case of a second or subsequent conviction of an offence mentioned in paragraph (c), whether it be the same or some other offence mentioned in that paragraph, be liable to a fine not exceeding R4 000 or to imprisonment for a period not exceeding one year or to both that fine and that imprisonment.

(3) Notwithstanding anything to the contrary in any other law contained, a magistrate's court shall be competent to impose any penalty provided for in this Act.

Presumptions and evidence

21. In any prosecution for any offence under this Act-

(a) it shall be presumed, unless the contrary is proved, that the applicable provisions of this Act apply to the animal, meat or animal product in respect of which the offence concerned has allegedly been committed;

(b) if it is alleged that an animal was slaughtered at a place other than an approved abattoir, it shall be presumed, unless the contrary is proved, that such animal was thus slaughtered;

(c) if it is proved that an animal was slaughtered at a place other than an approved abattoir, it shall be presumed, unless the contrary is proved, that the person in control of that place has permitted the slaughter of such animal;

(d) if it is alleged that an animal which was slaughtered, has not been approved for slaughter purposes in terms of this Act, it shall be presumed, unless the contrary is proved, that such animal has not been approved for the purposes concerned;

(e) it shall be presumed, unless the contrary is proved, that meat which was found at any place other than an approved abattoir and

which has not been marked in the prescribed manner, has not been approved for human consumption in terms of this Act;

(f) it shall be presumed, unless the contrary is proved, that any animal, meat or animal product of which a sample has been taken in accordance with the provisions of this Act, possesses the same properties as that sample;

(g) if it is proved that any person made a false statement or furnished false information, it shall be presumed, unless the contrary is proved, that such person has made that statement or furnished that information knowing it to be false;

(h) it shall be presumed, unless the contrary is proved, that no permit, approval, exemption, certificate or other document has been issued, given or granted to any person who in terms of this Act is required to be in possession thereof and who cannot produce such permit, approval, exemption, certificate or other document at the request of the director or an officer authorized thereto by the director;

(i) any statement or entry contained in any book or document kept by any person or the manager, agent or employee of such person, or found in or upon any place or premises occupied by, or any conveyance used in connection with the business of such person, shall be admissible in evidence against him as an admission of the facts set forth in that statement or entry, unless it is proved that such statement or entry was not made by such person, or by the manager, agent or employee of such person in the course of his work as manager or in the course of his agency or employment;

(j) a document purporting to have been certified by the director to the effect that it is a true copy of the directive to which the proceedings relate, shall be received as evidence in any court without any further proof or the production of the original directive; and

(k) if a copy of a directive referred to in paragraph (j) purporting to have been endorsed by the director to the effect that the directive concerned has been served on the person named in that order in a certain manner, it shall be presumed, unless the contrary is proved, that such order has been served on such person in such manner.

Vicarious liability

22. (1) When a manager, representative, agent, employee or member of the family of a person (in this section referred to as the principal) performs or omits to perform any act, and it would be an offence under this Act for the principal to perform or omit to perform such act himself, that principal shall be deemed himself to have performed or omitted to perform the act, unless he satisfies the court that-

(a) he neither connived at nor permitted the act or omission by the manager, representative, agent, employee or member concerned;

(b) he took all reasonable steps to prevent the act or omission; and

(c) an act or omission, whether lawful or unlawful, of the nature charged, on no condition or under no circumstance came within the scope of the authority or employment of the manager, representative, agent, employee or member concerned.

(2) In the application of subsection (1)(b) the fact that such

principal issued instructions whereby an act or omission of that nature is prohibited, shall not in itself be regarded as sufficient proof that he took all reasonable steps to prevent the act or omission.

(3) When a principal is by virtue of subsection (1) liable for an act or omission by a manager, representative, agent, employee or member of his family, that manager, representative, agent, employee or member shall also be liable therefor as if he is the principal concerned.

(4) Subsection (3) shall not release a manager, representative, agent, employee or member contemplated in that subsection from any other liability which he may have incurred apart from the liability which he shares with the principal concerned.

Abattoir Industry Fund

23. (1) There is hereby established a fund to be known as the Abattoir Industry Fund.

(2) The fund shall consist of-

(a) the amount which immediately prior to the commencement of this section is in the special account referred to in section 29 of the Abattoir Industry Act, 1976 (Act No. 54 of 1976);

(b) the income obtained from time to time from the investment of the money in the fund; and

(c) money which may accrue to the fund from any other source.

(3) (a) The Director-General shall cause an account for the fund to be opened with the South African Reserve Bank to which all moneys referred to in subsection (2) shall be credited, and from which all payments authorized under subsection (5) shall be made.

(b) The Director-General shall for the purposes of the Exchequer Act, 1975 (Act No. 66 of 1975), be the accounting officer and he shall keep proper records of all money received by the fund and expended from the fund.

(4) The fund shall be audited annually by the Auditor-General.

(5) The moneys in the fund shall be utilized to defray-

(a) such expenses as the Minister may approve, in connection with-

(i) the training of persons for the advancement of the objects of this Act;

(ii) advisory services relating to the design, planning, construction, equipment and operation of abattoirs, and the preparation of specifications and codes of hygienic practice for abattoirs; and

(iii) any other purpose which the Minister may regard as beneficial for the attainment of the objects of this Act, and

(b) the costs of administering the fund.

(6) Moneys standing to the credit of the fund which are not required for immediate use in terms of subsection (5) shall be invested-

(a) with the Corporation for Public Deposits established under section

2 of the Corporation for Public Deposits Act, 1984 (Act No. 46 of 1984); or

(b) in such other manner as the Minister may with the concurrence of the Minister of Finance determine.

Regulations

24. (1) The Minister may make regulations regarding-

(a) any matter which in terms of this Act is required or permitted to be prescribed;

(b) the fees payable if an animal, meat or animal product is examined by an officer in terms of section 9, 10 or 11 or in respect of any other service rendered by an officer in terms of the provisions of this Act;

(c) the keeping of records and the furnishing of returns in connection with any matter relating to approved abattoirs, animals brought to such abattoirs to be slaughtered there, and the meat and animal products derived from such animals

(d) the standards and procedures for the examination of animals, meat and animal products in terms of this Act;

(e) the taking of samples for the purposes of this Act and for the testing of such samples;

(f) the entry of persons to an approved abattoir, or portions thereof, or the movement of persons in such abattoir;

(g) the methods and procedures to be followed in connection with the marking, handling, cooling, storing, dressing, deboning, preparing, packing, freezing, treating, preserving and disposal of animals, meat and animal products at an approved abattoir;

(h) the requirements for laboratories rendering services for the purposes of this Act;

(i) the disposal or removal of remains and refuse at or from an approved abattoir;

(j) the removal of meat and animal products from an approved abattoir;

(k) the receipt, housing, sustenance, treatment and management of animals at an approved abattoir;

(1) the standards for the clothing, personal cleanliness and health of persons employed, or performing any duties under this Act, at an approved abattoir;

(m) the use, application and presence of specified substances to or in animals intended to be slaughtered at an approved abattoir, and in respect of the meat and animal products derived from such animals;

(n) the treatment of meat at an approved abattoir;

(o) the presence and the slaughter of an animal of a specified kind at an approved abattoir;

(p) the reporting of the presence at an approved abattoir of any animal infected with a controlled animal disease as defined in the Animal

Diseases Act, 1984 (Act No. 35 of 1984), or which is suspected to be so infected;

(q) matters pertaining to the importation of meat, and, generally, with regard to any other matter which he considers necessary or expedient to prescribe in order to achieve or promote the objects of this Act, and the generality of this provision shall not be limited by the preceding paragraphs of this subsection.

(2) Different regulations which differ in the respects deemed expedient by the Minister may, subject to the provisions of this Act, be made under subsection (1) in respect of different areas in the Republic, different abattoirs or grades of abattoirs, different owners or classes or groups of owners, or different kinds of animals.

(3) A regulation may for any contravention thereof or failure to comply therewith, prescribe a penalty which shall not exceed a fine of R2 000 or imprisonment for a period of six months or both that fine and that imprisonment.

(4) A regulation prescribing fees shall be made with the concurrence of the Minister of Finance.

Discretionary powers of director

25. (1) When the director considers any application or request made in terms of this Act, he may make any investigation or inquiry in connection therewith which he may deem necessary, and for the purposes of such investigation or inquiry demand that the relevant documents or information be submitted to him.

(2) Whenever a regulation specifies any period within which anything is to be done or performed, the director may extend the period concerned, either before or after the period has expired.

(3) Any approval, exemption, certificate or document given, granted or issued in terms of this Act may, unless expressly provided otherwise-

(a) be made subject to such conditions as the director may in each case determine; and

(b) be amended or withdrawn by the director if he deems it expedient.

(4) If the director by virtue of a power vested in him by or under this

Act-

(a) refuses to approve an application or a request which was submitted in writing; or

(b) amends or withdraws an approval, exemption or certificate in terms of subsection (3)(b),

he shall notify the person concerned in writing of his decision and of the grounds on which it is based.

Delegation of powers

26. The Minister may, subject to such conditions as he may determine, in writing delegate any power conferred on him by this Act, excluding a power referred to in sections 19 and 24, to an officer employed by the department, but shall not be divested of any power so delegated and may amend or set aside any decision of the delegate made in the exercise of

such power.

Defects in form

27. A defect in the form of any document which in terms of any law is required to be executed in a particular manner, or in a document issued in terms of this Act, shall, if the document substantially complies with the applicable legal requirements, not render unlawful any administrative act performed in terms of this Act in respect of the matter to which such document relates, and shall not be a ground for exception to any legal procedure which may be taken in respect of such matter.

Limitation of liability

28. No person, including the State, shall be liable in respect of anything done or omitted in good faith in the exercise of a power or the performance of a duty under or by virtue of this Act, or in the rendering of any service in terms of this Act, or in respect of anything that may result therefrom.

Repeal of laws, and savings

29. (1) Subject to the provisions of subsection (2), the laws specified in the Schedule are hereby repealed or amended to the extent indicated in the third column thereof.

(2) A regulation made under section 38 of the Animal Slaughter, Meat and Animal Products Hygiene Act, 1967 (Act No. 87 of 1967), and a notice published under section 6 of the said Act shall remain in force and shall be deemed to be a regulation made under section 24 of this Act in so far as it could have been made under a corresponding provision of this Act.

Short title

30. This Act shall be called the Abattoir Hygiene Act, 1992.