

---

**CONTENTS • INHOUD**

<i>No.</i>	<i>Page No.</i>	<i>Gazette No.</i>
<b>LOCAL AUTHORITY NOTICE</b>		
67 Constitution of the Republic of South Africa (108/1996); Nkomazi Municipality: Impoundment of Animals By-law..	3	1417

---

## LOCAL AUTHORITY NOTICE

### LOCAL AUTHORITY NOTICE 67 NKOMAZI MUNICIPALITY IMPOUNDMENT OF ANIMALS BY-LAW

Under the provisions of section 156 of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996), the Nkomazi Municipality, enacts as follows:-

#### Table of contents

1. Definitions
2. Purpose of by-law
3. Impoundment for trespassing
4. Pound to which animals are to be sent
5. Offer by owner before impoundment of animals
6. Receiving of animals by pound master
7. Receipt for impounded animals
8. Number of enclosures
9. Destruction of dangerous or contagious animals
10. Notice of impounded animals
11. Keeping of pound register
12. Inspection of and extracts from pound register
13. Submission of pound register entries after pound sales
14. Inspection of pound register at place of sale
15. Pound master's fees
16. Fees payable
17. Notice of sale
18. Auctioneer
19. Sale of animals
20. Illegal impounding and penalties
21. Recovery of loss in respect of impoundment of animals from area of another municipality
22. Use, detention and ill-treatment of animals
23. Offences and penalties
24. Appeal
25. Short title and commencement

#### 1. DEFINITIONS

In this by-law, unless the context otherwise indicates -

- |                |   |
|----------------|---|
| "animal"       | means any equine, bovine, sheep, goat, pig, fowl, ostrich, dog, cat or other domestic animal or bird, or any wild animal, wild bird or reptile which is in captivity or under the control of any person;  |
| "cattle"       | means bulls, cows, oxen, heifers, steers and calves;  |
| "goat"         | means an adult male or female goat, a wether and a kid;   |
| "horse"        | means a stallion, mare, gelding, colt, filly, donkey and mule;  |
| "municipality" | means the Municipality of Nkomazi, and includes any political structure, political office bearer, councillor or, duly authorized agent thereof or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor or, agent or employee; |

"occupier"	means any person in actual occupation of land or entitled as owner to occupy land;
"owner",	in relation to an animal, includes any person having possession, charge, custody or control of such animal;
"pound"	means a fenced-off area consisting of one or more camps under the control of a pound master, which was established by the municipality for the housing and care of animals which are astray, lost or at large;
"pound master"	means a person who may be – (a) a part-time or full-time employee of a municipality, or (b) appointed under a service delivery agreement to keep and operate a pound;
"proprietor"	means any owner, lessee, or occupier of land;
"sheep"	means a ram, an ewe, a wether and a lamb;
"stallion"	means a male horse, donkey or mule not castrated or partially castrated;
"stock"	means a head of cattle, goat, horse and sheep;
"veterinary surgeon"	means a person who is qualified as such in accordance with the provisions of the Veterinary and Para-Veterinary Professions Act, 1982 (Act 19 of 1982).

## 2. PURPOSE OF BY-LAW AND ESTABLISHMENT OF POUND

- (1) The purpose of this by-law is to promote the achievement of a safe, and healthy environment for the benefit of residents within the area of jurisdiction of the municipality, and to provide for procedures, methods and practices to regulate the impoundment of animals.
- (2) The municipality may for the purpose of impounding animals establish a pound in its area of jurisdiction.

## 3. IMPOUNDMENT FOR TRESPASSING

Any landowner who finds any animal trespassing on such land or finds any animal which is not under proper supervision or control on any public road on such land, has the power to impound such an animal.

Any traffic officer appointed under any law relating to road traffic, any member of the South African Police service and/or any person authorized thereto by the municipality who on any public road finds a animal which is not under proper supervision or control or who at any place, finds any animal whose presence at such place is contrary to any law, may impound such animal or cause such animal to be impounded.

## 4. POUND TO WHICH ANIMALS ARE TO BE SENT

Any proprietor upon whose land an animal is found trespassing may send such animal to such pound as is nearest by a passable road or thoroughfare to the land trespassed upon, or such other pound designated by the municipality within 48 hours of finding stock.

Animals detained by the landowner concerned, for a period exceeding 48 hours as may be necessary to ensure the safe passage of such animals to the nearest pound, must inform the South African Police Service of the situation within 48 hours.

**5. OFFER BY OWNER BEFORE IMPOUNDMENT OF ANIMALS**

The owner of an animal liable to impoundment may, before the animal is removed from the property trespassed upon, offer to the person complaining of the trespassing a sum of money in compensation of the damage suffered by him or her, and such offer may be made to the complainant himself or herself or to his or her servant or agent charged with the duty of taking the animal to the pound.

**6. RECEIVING OF ANIMALS BY POUND MASTER**

- (1) It is the duty of every pound master to receive into his or her charge, for impoundment, all animals brought to his or her pound, during such hours as the municipality may determine.
- (2) Any pound master who unreasonably refuses or fails to receive animals brought to his or her pound as aforesaid commits an offence and is, in addition, liable for any damage caused to the owner of the said animals, or to any other person, by reason of such refusal or failure.

**7. RECEIPT FOR IMPOUNDED ANIMALS**

A pound master must give the person delivering an animal into his or her charge a written receipt, indicating:

- (i) the number and description of the animals delivered
- (ii) the name and address of the person tendering the stock
- (iii) the name and address of the owner of the land on which stock was found trespassing
- (iv) the name of the owner of the stock, if known
- (v) the name of the place where the stock was found trespassing
- (vi) an indication of the circumstances in which the stock was found and whether the stock was at the place concerned, contrary to any law
- (vii) particulars of any damage caused by the stock.

**8. NUMBER OF ENCLOSURES**

A pound master must maintain in good repair and, as far as possible, free from all infection, separate enclosures for-

- (a) ostriches and horses;
- (b) cattle;
- (c) sheep, goats and pigs;
- (d) dogs; and
- (e) cats,

provided that a municipality may in regard to any pound in its area give permission to the pound master to maintain a smaller number of enclosures thereon.

**9. DESTRUCTION OF DANGEROUS OR CONTAGIOUS ANIMALS**

- (1) A pound master may cause to be destroyed any impounded animal suffering from a contagious disease, or which may prove dangerous to human life or other animals impounded, however, no such animal may be destroyed unless a veterinary surgeon has examined it and has agreed with the pound master as to the necessity for its destruction.
- (2) If any animal suffering from a contagious disease is brought to the pound, or becomes infected while impounded, such animal must be kept separate from other impounded animals.

**10. NOTICE OF IMPOUNDED ANIMALS**

- (1) A pound master who knows the name of the owner of an animal impounded in his or her pound must forthwith give written notice to such owner that the said animal has been impounded.
- (2) Where the owner of an impounded animal is not known to the pound master, the pound master must upon receipt of such animal report the impoundment to the nearest South African Police Services office.

**11. KEEPING OF POUND REGISTER**

- (1) A pound master must keep a pound register with the following particulars:
  - (a) The date when, and the cause for which, all animals received by him are impounded;
  - (b) the number and description of such animals;
  - (c) the name and residence of the person impounding such animals, and the name and residence of the owner or supposed owner;
  - (d) the date and particulars of the release or sale of the animals, as the case may be; and
  - (e) any other matters which he may be directed by the municipality to ascertain and record.
- (2) The entries under subsection (1)(a), (b) and (c) must be made at the time the animals are impounded and the entries under subsection (1)(d) and (e) must be made as soon as the pound master obtains the necessary information, provided that no entry may be made after the particulars in (a) to (e) has been placed in dispute by any person.
- (3) In case of the death of injury of any impounded animal, the pound master shall enter in his pound register a description of such animal and the cause of its death of injury.

**12. INSPECTION OF AND EXTRACTS FROM POUND REGISTER**

A pound register must be kept at the pound or any other approved place and must at all reasonable times be open for inspection, free of charge, to any authorized officer of the municipality, veterinary surgeon, an authorised official in terms of the Animal Diseases Act, 1984 (Act 35 of 1984), any member of the police service or the public.

**13. SUBMISSION OF POUND REGISTER ENTRIES AFTER POUND SALES**

A pound master must within 14 days after the date of each pound sale submit to the municipality a copy of all entries in his or her pound register made since the date of the preceding submission, and the municipality must preserve all such copies for inspection by any person desirous of seeing them.

**14. INSPECTION OF POUND REGISTER AT PLACE OF SALE**

Whenever a sale of impounded animals is to take place, the pound master or a person authorized to conduct the sale, must take the pound register with him or her to the place of sale, and such register must be open for inspection, free of charge, at the place of sale to all persons desirous of inspecting it.

**15. POUND MASTER'S FEES**

- (1) The municipality may fix fees and charges or tariffs for the keeping of animals in a pound and may, in determining such fees and charges or tariffs,

distinguish between different kinds of animals and provide for the keeping and feeding of animals in separate enclosures.

- (2) Every pound master is entitled to claim the fees and charges or tariffs determined by the municipality in terms of subsection (1) for every animal impounded by him or her in terms of this by-law.

#### 16. FEES PAYABLE

- (1) The fees and charges or tariffs determined by the municipality in terms of section 15 must be paid to the pound master by the owner of the animals impounded.
- (2) The said fees and charges or tariffs, together with any costs which the pound master may have incurred, as well such animals, may be detained by the pound master in security of payment of the said fees and charges or tariffs, provided that if the value of the animals impounded is in excess of the total amount due thereon, as determined in terms of this by-law, and if the owner is unable to pay the said amount, the pound master may detain only so many of the said animals as may be sufficient to secure the total amount due for all the animals, and must deliver the remainder of the animals to the said owner.
- (3) A pound master who retains any greater number of such animals than is reasonably necessary to secure such amount is liable to the owner for any damages sustained by him or her on account of such retention.
- (4) If the pound master is an official of the municipality, he must pay the fees and charges or tariffs received by him or her in terms of this by-law into the revenue of the municipality.
- (5) No pound master may release any impounded animal until the prescribed fees and charges or tariffs have been paid to him or her.

#### 17. NOTICE OF SALE

Every pound master must –

- (a) whenever any impounded animal has not been released within six days from the date of its impoundment, forward to the municipality a notice setting forth the species, marks and distinguishing features (if any) of such animal, and in regard to horses and cattle their colour also, and stating that the animal mentioned therein will be sold at the next sale of impounded animals, as well as the time and place of such sale;
- (b) upon sending such notice to the municipality, post a copy thereof in some or other conspicuous place at or near his or her pound, there to remain until the day of the sale; and
- (c) cause to be published in a newspaper circulating in the area of jurisdiction of the municipality where the pound is situated a notice of the sale of an impounded animal, provided that the cost of such notice is recoverable from the owner of the impounded animal and is deemed to be part of the amount to be deducted from the proceeds of the sale of an animal and it is recoverable from the owner of such animal if the said proceeds are less than the amount due, provided further that -
  - (i) if such notice refers to more than one animal, the municipality shall in its discretion, divide the cost of such notice pro rata in respect of the animals referred to therein; and

- (ii) if the owner of an impounded animal is unknown, and the proceeds of the sale do not cover the amount as aforesaid, the municipality shall make good the deficiency.

## 18. AUCTIONEER

- (1) Every sale of impounded stock must -
  - (a) be conducted by the pound master or some other person duly authorized thereto by the municipality; and
  - (b) commence at the time and date mentioned in the notice in terms of section 17(a).
- (2) No person conducting a pound sale may have any direct or indirect interest in any purchase at any sale so held by him or her.

## 19. SALE OF ANIMALS

At every such sale-

- (a) no animal may be put up for sale unless impounded for at least two weeks;
- (b) all animals, except sheep and goats must be sold individually;
- (c) sheep and goats must be sold in lots of not more than ten, and sheep and goats, or sheep or goats with different marks or brands may shall in no circumstances be sold together in the same lot;
- (d) animals must be sold for cash, and the proceeds, less the amount of the pound fees and other fees, charges or tariffs payable in respect of such animals must forthwith upon receipt, be handed by the pound master to the municipality, to be paid to the owners of the animals sold according to their respective rights, provided that -
  - (i) if in any particular case the animals sold do not realise sufficient to yield the sum of pound fees and other fees, charges or tariffs as aforesaid, the proceeds must be first utilized for the payment of the compensation due to the pound master, and if the said proceeds are insufficient to cover such compensation, the balance of compensation must be paid to the pound master by the municipality;
  - (ii) any money, being the proceeds of the sale of any impounded animal as aforesaid, which remains in the hands of the municipality for a period of 6 months without being claimed by the owner of such animal, becomes the accrues to such municipality;
  - (iii) it shall be competent for the municipality to make good to the pound master any loss which he or she may incur in the keeping of animals where the selling price does not cover the costs incurred;
  - (iv) it shall be competent for any pound master, after compliance with the procedure prescribed by section 9, to cause to be destroyed any aged or otherwise permanently unfit animal presented at the pound;
  - (v) if any animal dies in the pound and the owner cannot be traced, the expenses of burying the carcass shall be borne by the municipality;
  - (vi) the municipality or an authorized officer may fix a reserve price for any animal offered for sale; and
  - (vii) the auctioneer may withdraw any animal from the sale if the highest bid received is not in his or her opinion satisfactory, irrespective of whether or not a reserve price has been fixed by the municipality.

**20. ILLEGAL IMPOUNDING AND PENALTIES**

Any person who illegally impounds any animal commits an offence and is in addition liable to the owner for all damages, pound fees, compensation, cost and charges arising out of such proceeding, and for all charges, fees or tariffs in connection therewith.

**21. RECOVERY OF LOSS IN RESPECT OF IMPOUNDMENT OF ANIMALS FROM AREA OF ANOTHER MUNICIPALITY**

Any loss suffered by a municipality as a result of the impounding in a pound under its management and control of animals found trespassing within the area of jurisdiction of another municipality, may be recovered from such other municipality.

**22. USE, DETENTION AND ILL-TREATMENT OF ANIMALS**

No person may furiously drive away any animal found trespassing, worry or ill-treat it.

**23. OFFENCES AND PENALTIES**

Any person who -

- (a) contravenes or fails to comply with a provision of this by-law, whether or not such contravention or failure has been declared an offence elsewhere in this by-law;
- (b) deliberately obstructs, hampers or handicaps any person in the exercise of any power or the performance of any duty or function in terms of any provision of this by-law; or
- (c) furnishes false, incorrect or misleading information, commits an offence and is liable upon conviction to -
  - (i) a fine or imprisonment, or either such fine or imprisonment, or to both such fine and such imprisonment; and
  - (ii) in the case of a continuing offence, to an additional fine or an additional period of imprisonment, or to such additional imprisonment without the option of a fine, or to both such additional fine and imprisonment for each day on which such offence is continued; and
  - (iii) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as result of such contravention or failure.

**24. APPEAL**

- (1) A person whose rights are affected by a decision of an official of the municipality acting in terms of these By-laws may appeal against that decision by giving written notice of the appeal and reasons for the appeal to the Municipal Manager within 21 days of the date of the notification of the decision.
- (2) The appeal authority contemplated in subsection (3) must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.
- (3) When the appeal is against a decision taken by -
  - (a) a staff member other than the Municipal Manager, the Municipal Manager is the appeal authority;
  - (b) the Municipal Manager, the Executive Mayor is the appeal authority;or



- (c) a political structure or political officer bearer, or a Councillor the Council is the appeal authority.
- (4) The appeal authority must commence with an appeal within six weeks of receipt of the notice of appeal and decide the appeal within a reasonable time.

**25. SHORT TITLE AND COMMENCEMENT**

This by-law shall be known as the Impoundment of Animals By-law and shall come into operation on the date of publication thereof in the Provincial Gazette.

## **POUND TARIFF**

### **1. DRIVING FEES**

- (1) For donkeys, mules, horses or horned cattle per kilometer or part thereof, for every 5 head or less: R14.00
- (2) For sheep or goats, per kilometer or part thereof, for every 10 head or less: R14.00
- (3) For pigs, per kilometer or part thereof, per head: R28.00

### **2. POUND FEES**

- (1) For every donkey, mule or horse: R21.00
- (2) For every stallion over 12 months old: R41.00
- (3) For cattle per head: R14.00
- (4) For every bull over 12 months old: R41.00
- (5) For sheep or goats exceeding 12 in number, for every 12 head or part thereof: R14.00
- (6) For sheep or goats 12 in number or less, per head: R3.00
- (7) For every ram over 12 months old: R14.00
- (8) For every pig: R21.00
- (9) For every boar over 6 months old: R63.00

**3. GRAZING AND ATTENDANCE FEES, (PER DAY):**

- (1) For every donkey, mule or horse: R7.00
- (2) For cattle per head: R6.50
- (3) For every bull: R14.00
- (4) For sheep or goats exceeding 10 in number, for every,

**4. FEEDING COST (IF NECESSARY), PER DAY:**

- (1) For every donkey, mule or horse: R35.00
- (2) For horned cattle, per head: R35.00
- (3) For sheep or goats, per head: R17.00
- (4) For pigs, per head: R35.00

**5. GENERAL**

For the supply of services for which no provision is made in these tariffs: Actual cost plus 20%.

Private Bag x 101  
Malelane  
1320

S M SHABANGU  
MUNICIPAL MANAGER

Notice no.: 7/2007

---

## **IMPORTANT NOTICE**

**GPW wishes to apologise for any confusion created by our previous notice concerning the method of payment (*herewith the corrected version of the notice*):**

### **ACCEPTABLE PAYMENT FOR SERVICES AND GOODS IN GOVERNMENT PRINTING WORKS**

**WITH IMMEDIATE EFFECT ALL  
PAYMENTS FOR SERVICES RENDERED AND GOODS DIS-  
PATCHED SHOULD BE BY MEANS OF CASH, ELECTRONIC  
TRANSFER OR BANK GUARANTEED CHEQUES**

**IMPLEMENTATION OF THIS  
CIRCULAR IS WITHOUT EXCEPTION**

**S. MBHELE  
EXECUTIVE DIRECTOR: MARKETING**

**Tel.: (012) 334-4764  
Cell: 082 889 5059**

**NOTICE TO:**

**SUBSCRIBERS**

**OF**

**GOVERNMENT GAZETTES**

Subscribers who have previously arranged to collect their weekly publications of *Government Gazettes* from the Government Printing Works in the Masada Building, are hereby requested to collect their publications from the Old Government Printing Works Building at the Security Officer's Bay at the Proes Street entrance, with effect from the 16th of October 2006.

We look forward to your ongoing support

Contact Person: **Montjane M. Z. (Mr)**

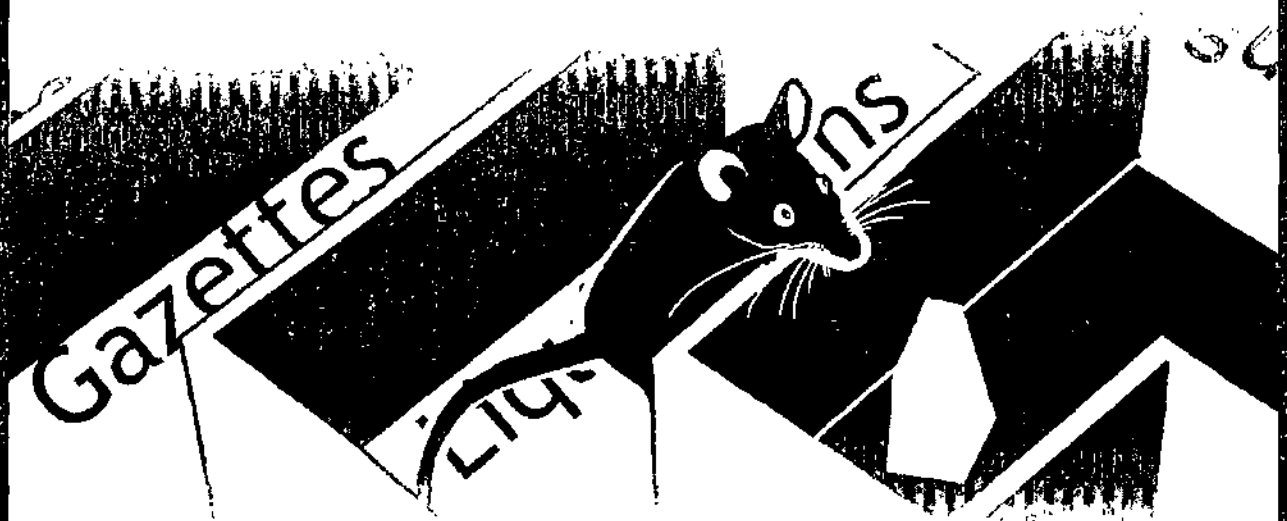
Mobile Phone: 083-640 6121.

Telephone: (012) 334-4653.



Sabinet Online Ltd has established itself, for more than a decade, as a leader in facilitating electronic access to gazetted information.

Are you looking for information published in Gazettes such as changes to Acts, Regulations of Acts, Notices, Liquidation & distribution accounts on deceased estates?



**Search no more.**

**Sabinet Online's SA Gazettes provides immediate access to full-text databases of Government and Provincial Gazettes, the Government Gazette Index and Parliamentary Bills. Updated daily.**

The SA Gazettes is considered in all industry sectors as the most comprehensive collection of searchable gazette data on the Internet. With SA Gazettes you have access to the electronic full-text of the Government Gazette and all Provincial Gazettes.

- The Government Gazette - from January 1994
- All Provincial Gazettes - from September 1995
- Indexes pertaining to the past week's Government and all Provincial Gazettes.
- Parliamentary Bills - from January 1999

**We facilitate access to information  
www.sabinet.co.za**

Tel: +27 12 643 9500; Fax: +27 12 663 3543; E-mail: info@sabinet.co.za



04040000

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001. Tel (012) 334-4507, 334-4511, 334-4509, 334-4515  
Also available at the Provincial Legislature: Mpumalanga, Private Bag X11289, Room 114, Civic Centre Building, Nel Street, Nelspruit, 1200. Tel. (01311) 5-2133  
Gedruk deur en verkrygbaar by die Staatsdrukker, Bosmanstraat, Privaat Sak X85, Pretoria, 0001. Tel (012) 334-4507, 334-4511, 334-4509, 334-4515  
Ook verkrygbaar by die Provinsiale Wetgewer: Mpumalanga, Privaat Sak X11289, Kamer 114, Burgersentrum, Nelstraat, Nelspruit, 1200. Tel (01311) 5-2133