

Namibia

Performing Animals Protection Act, 1935

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Table of Contents

Performing Animals Protection Act, 1935	3
Act 24 of 1935	3
1. Restriction on exhibition and training of performing animals	4
2. Minister may issue licence for exhibiting and training of performing animals	4
3. Certificate to be issued with licence	4
4. Right of entry	4
5. Obstruction of police officer	4
6. Jurisdiction of magistrate's court	5
7. Regulations	5
8. Penalty	5
9. Saving	5
10. Act to be read with Act 71 of 1962	6
11. Interpretation of terms	6
11A. Application of Act in South-West Africa	6
12. Short title	6



Republic of Namibia
Annotated Statutes

Performing Animals Protection Act, 1935

Act 24 of 1935

Published in [South African Government Gazette no. 2271](#) on 8 May 1935

Commenced on 1 January 1973

[Up to date as at 17 September 2021]

[Amended by [General Law Amendment Act, 1955 \(Act 62 of 1955\)](#) on 6 July 1955]

[Amended by [Animals Protection Amendment Act, 1972 \(Act 7 of 1972\)](#) on 1 January 1973]

[APPLICABILITY TO SOUTH WEST AFRICA: Section 11A, inserted by Act 7 of 1972, states “This Act and any amendment thereof shall apply also in the territory of South West Africa, including the Eastern Caprivi Zipfel.”]

[TRANSFER TO SOUTH WEST AFRICA: Section 11 of the Act defines “Minister” as “the Minister to whom the administration of this Act has been assigned”. The Act was apparently assigned to the Minister of Justice, as this Minister issued regulations pursuant to the Act published in 1956, 1961 and 1972. Therefore, it appears that the administration of this Act was transferred to South West Africa by the Executive Powers (Justice) Transfer Proclamation, AG 33 of 1979, dated 12 November 1979. There were two amendments to the Act in South Africa after the date of transfer and prior to Namibian independence – the Animals Protection Amendment Act 54 of 1983 (RSA GG 8691) and the Animals Protection Amendment Act 20 of 1985 (RSA GG 9653) – neither of which applied to South West Africa because neither was made expressly so applicable.]

[In South Africa, the Protection of Animals Amendment Act 7 of 1991 (RSA GG 13112) was assented to by the State President prior to Namibian independence (on 15 March 1991) but gazetted only after Namibian independence (on 28 March 1991). There were two different proclamations bringing different portions of this amending Act into force, but both took effect after the date of Namibian independence. In any event, this amending Act was not made expressly applicable to South West Africa.]

ACT

To regulate the exhibition and training of performing animals.

[no mention of signing date in this Gazette]

BE IT ENACTED by the King’s Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:-

1. Restriction on exhibition and training of performing animals

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 unless such person is the holder of a licence.

2. Minister may issue licence for exhibiting and training of performing animals

Any person intending to exhibit or train for exhibition any animal may apply to the magistrate of the district in which such person resides 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 such licence, the conditions subject to which such licence shall be held, and the fee not exceeding ten rand which shall be paid for such licence and for the renewal thereof not exceeding two rand.

[paragraph (d) substituted by Act 7 of 1972]

[section 2 amended by Act 62 of 1955]

3. Certificate to be issued with licence

- (1) With such licence shall be issued a certificate for all animals in respect of which such licence is held.
- (2) Upon such certificate shall be specified the form of training and form of exhibition of the animal or animals in respect of which it is issued.
- (3) 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 or exhibition specified thereon,and for such amendment no charge shall be made.

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

5. Obstruction of police officer

Any person who wilfully 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 one hundred rand or to imprisonment for a period not exceeding three months in addition to any other penalty imposed for the contravention of any provision of this Act or any regulation made thereunder.

[section 5 substituted by Act 7 of 1972]

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).

[Section 6 is substituted by Act 7 of 1972. The Animals Protection Act 71 of 1962 applied to South West Africa and is still in force in Namibia.]

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) the form of certificate which shall be issued with a licence and the form of amendments which may be made on such certificates;
- (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 or travelling of animals in respect of which a certificate has been granted; and
- (e) a penalty of a fine not exceeding fifty rand or imprisonment for a period not exceeding three months for a contravention of any regulation;

[paragraph (e) substituted by Act 7 of 1972]

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 two hundred rand or to imprisonment for a period not exceeding three months for a first offence and to a fine not exceeding four hundred rand or to imprisonment for a period not exceeding six months for any subsequent offence.

[subsection (1) substituted by Act 7 of 1972]

- (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.

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.

[Section 10 is substituted by Act 7 of 1972. The Animals Protection Act 71 of 1962 applied to South West Africa and is still in force in Namibia.]

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;

[The definition of “animal” is substituted by Act 7 of 1972. The Animals Protection Act 71 of 1962 applied to South West Africa and is still in force in Namibia.]

“**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;

“**licenceholder 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 Act 7 of 1972; the full stop at the end of the definition should be a semicolon]

“**train**” means train for the purpose of exhibiting.

11A. Application of Act in South-West Africa

This Act and any amendment thereof shall apply also in the territory of South-West Africa, including the Eastern Caprivi Zipfel.

[section 11A inserted by Act 7 of 1972]

12. Short title

This Act may be cited as the Performing Animals Protection Act, 1935.