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**GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS**

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**DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES**

**NO. 771**

**03 AUGUST 2017**

**PERFORMING ANIMALS PROTECTION AMENDMENT ACT, 2016 (Act No.4 of 2016)**

**PERFORMING ANIMALS PROTECTION REGULATIONS, 2016**

I, Senzeni Zokwana, Minister of Agriculture, Forestry and Fisheries have, in terms Section 7(a) of the Performing Animals Protection Amendment Act, 2016 (Act No.4 Of 2016), made regulations set out in the Schedule and repeal the Regulations published in Government Notice No.R.1672 of 1 September 1993.

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Mr S. Zokwana,

Minister of Agriculture, Forestry and Fisheries.

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## SCHEDULE

### 1. Definitions

(1) In these Regulations, unless the content otherwise indicates, any word or expression to which a meaning has been assigned in the Act shall have that meaning so assigned

<b>“applicant”</b>	means any person who intends to exhibit, train or use animals for safeguarding, who must apply in writing to an officer delegated by the National Licensing Officer in terms of Section 3E of the Act.
<b>“department”</b>	means the Department of Agriculture, Forestry and Fisheries (DAFF).
<b>“expert”</b>	means a person with the relevant qualification(s), scientific background and experience.
<b>“facility”</b>	means an area where a person keeps, exhibits or trains for exhibition or uses animals for safeguarding, which can be primary, secondary or temporary
<b>“Minister”</b>	means the Minister of the Department of Agriculture, Forestry and Fisheries.
<b>“the Act”</b>	means the “Performing Animals Protection Amendment Act, 2016 (Act No. 4 of 2016).
<b>“primary facility”</b>	means the place where the applicant keeps, trains / exhibits or houses animals prior to sending them to other locations (where applicable) or where animals are permanently housed excluding guard-dogs on long term lease contracts.
<b>“secondary facility”</b>	means a place where an animal is housed temporarily, but for longer than 5 days.

- “temporary facility”** means a place where an animal is housed for not more than 5 days and immediately returned to the primary facility.
- “trainer”** means a person teaching animals specific responses to specific conditions or commands and should have applicable experience in humane training methods of specific species.
- “handler”** means a person employed to handle animals competently and should have applicable experience in humane handling methods of specific species.

## 2. Application for a licence

- (1) An application shall be accompanied by a fee as prescribed and reflected in item 1 of Annexure B of the Schedule.
- (2) The application for a licence in terms of section 3 F must be in writing, using Annexure “A” or a DAFF website based form requested from [PAPALICENCE@daff.gov.za](mailto:PAPALICENCE@daff.gov.za)

**3 An inspection** shall be conducted by an officer at the primary and secondary facilities in line with Article 4.

**4 Licensing requirements** shall apply for each species and include:

- (1) Updated records, which will include an animal register, health and animal welfare plans, medicine register, movement register, and other documented proof of licencing requirements.

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- (2) Appropriately trained and/or experienced staff.
- (3) All animals should,
- (a) be individually identified
  - (b) be kept in well maintained, hygienic and appropriate accommodation with:
    - (i) an approved site plan for the primary and secondary facilities;
    - (ii) fencing and access control;
  - (c) have adequate space with suitable surface ;
  - (d) have a suitably stimulating environment to enhance the animals' wellbeing (environmental enrichment),
  - (e) have access to adequate feed and to water at all times;
  - (f) have access to suitable shelter ;
  - (g) should be trained and handled using appropriate humane methods.
- (4) The facility should:
- (a) be free of hazards that could harm the animals;
  - (b) have applicable pest control program;
  - (c) have appropriate feed storage;
  - (d) make provision for isolation and handling of sick and vulnerable animals;
  - (e) have a veterinarian responsible for the healthcare of the animals;
  - (f) have a trainer ;
  - (g) have a handler available at all times
  - (h) have appropriate transportation methods and equipment
- 5** The use of animals in the filming industry must be under direct or indirect supervision of an officer as defined in the Act.

- 6** The officer should be notified at least 7 working days before movement of animals to a location other than specified on the licence.
- 7** Proof of a valid licence to exhibit, train or use animals for safeguarding, must accompany the animals at all times.

**8 Appeal to the Minister**

- (1) An appeal in terms of section 3M of the Act must—
- (a) be lodged with the Minister in writing within 60 days from the date on which the officer has given the applicant written notice of the decision or action concerned;
  - (b) state the reference number and the date of the document by means of which such appellant was notified of the decision or action;
  - (c) state the grounds on which the appeal is based; and
  - (d) be accompanied by a prescribed fee specified in item 2 of Annexure B.
- (2) The appellant shall be sent a written acknowledgement after receipts of appeal by the Minister within fifteen working days of receiving the appeal.
- (3) A person who is appointed in terms of section 3N of the Act, as a member of an appeal board, and who is an expert but not an officer, will be remunerated in line with the provisions of the National Treasury Regulations.



- (4) An appeal must—
- (a) be forwarded by post, be addressed to—

The Minister: Agriculture, Forestry and Fisheries  
Private Bag X250  
PRETORIA  
0001; or

- (b) when delivered by hand, be delivered to—

The Minister: Agriculture, Forestry and Fisheries  
Agricultural Place  
20 Steve Biko Street  
PRETORIA

## **9 Offences and penalties**

Any person who contravenes or fails to comply with these regulations shall be guilty of an offence and liable on conviction to a fine as prescribed by Section 8 the Act.

## **10 Short title**

These Regulations are called the Performing Animals Protection Regulations, 2016.

**Annexure A**



# agriculture, forestry & fisheries

Department:  
Agriculture, Forestry and Fisheries  
REPUBLIC OF SOUTH AFRICA

## WRITTEN APPLICATION: GRANTING OF A LICENCE PERFORMING ANIMALS PROTECTION AMENDMENT ACT, 2016 (Act No 4 of 2016)

DIRECTORATE: VETERINARY PUBLIC HEALTH  
DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES  
Delpen Building, c/o Annie Botha and Union Streets, Riviera, 0084  
Enquiries: Tel: 012 319 7647/7575. E-mail: PAPALICENCE@daff.gov.za

### FEEES PAYABLE FOR PERFORMING ANIMALS LICENCE SERVICES

No.	Purpose	Amount
1.	Application fee for Performing Animals (PAPA) license	R390,00 each
2.	Application fee for appeal process	R4000,00 each
3.	Fee for re-issue lost/stolen/damaged PAPA license	R390,00 each
4.	Fine for training, exhibition and/ or use of animals without a valid PAPA licence	10% of the commercial value of the animals with a minimum of R2000,00 fine

#### Bank account details:

Name of account: DAFF:PERF ANIM PROTECT ACT, 1935

Name of bank: Standard bank

Type of Account : Business Cheque

Account No: 010285032

Branch : Pretoria

Branch : 010045

#### *For official purposes only*

Receipt number: \_\_\_\_\_

Date application received: \_\_\_\_\_

Date application completed: \_\_\_\_\_

Licence issued: Yes  No

Date approved: \_\_\_\_\_

Licence number: \_\_\_\_\_

Expiry date: \_\_\_\_\_

**Purpose of Application:**

- To exhibit
- To train
- To use animals for safeguarding

**Application for:**

Existing licence number \_\_\_\_\_  
 Expiry date \_\_\_\_\_

**Previous licence numbers** related to either the facility or the applicant (*if applicable*)

Complete where applicable

**New Application** Yes  No   
**Re-application** Yes  No

**Amendment of an Existing licence**  
 Yes  No

**1. Details of the applicant**

The applicant is the owner  the manager  trainer  (*please tick where applicable*).  
 For a facility, both owner and manager information is required.

Name of Applicant	Owner/trainer	Manager:
Identity Number		
Business or Company Name ( <i>if applicable</i> )		
Address of Applicant		
Postal Address		
		Postal Code
Province		
Telephone Number		
Cell phone number		
Email address		
Fax Number		

Are you affiliated with an industry body? Yes  No   
 If yes, indicate the name of the body


**2. Please provide details of the primary facility for housing animals:**

Name of the facility	
Postal Address	
	Postal Code
Physical Address	



Name of trainer: \_\_\_\_\_  
 Specify Applicable qualification: \_\_\_\_\_  
 Year obtained: \_\_\_\_\_  
 Experience: \_\_\_\_\_

**6. Approximate duration of each exhibition / training / safeguarding (per species) and the number of working hours per day or per week.**

*(May attach a work program)*

Species	Duration of exhibition (hours per day/week)	Duration of training (hours per day/week)	Duration of safeguarding (hours per day/week)

**7. Has the owner of the business or any employees been convicted of cruelty to animals in the Republic of South Africa or elsewhere?**

*Please tick*

Yes  No

If yes, please give full particulars of the person's name, charge, date, place and outcome of trial

**8. Full particulars of the responsible private/facility veterinarian.**

Name of veterinarian: \_\_\_\_\_  
 SAVC Registration no: \_\_\_\_\_  
 Telephone numbers: \_\_\_\_\_  
 Fax number: \_\_\_\_\_  
 Email address: \_\_\_\_\_  
 Physical address: \_\_\_\_\_

Declaration : I declare that

1. I will visit the facility at least twice per year at an interval of at least 4 months apart.
2. I undertake to inform the officer of any suspicious mortalities, illnesses and welfare problems within 24hours of becoming aware of them.
3. I will inform the officer if my services are terminated by the facility for any reason whatsoever
4. I will make available clinical records to the officer on request even after the termination of the client/vet relationship.

Signature: \_\_\_\_\_

Official practice stamp: \_\_\_\_\_

<sup>1</sup> *Addendums may be used should there be insufficient space (if there are additional trainers)*

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9. Copy of the applicant's ID attached Yes  No

10. Proof of Payment attached Yes  No

I ..... (Full name) the undersigned, hereby apply for a licence to **exhibit / train animals / use animals for safeguarding\*** in terms of the Performing Animals Protection Amendment Act , 2016 (Act No 4 of 2016) and declare that the above particulars are to the best of my knowledge and belief, true, correct and complete and that any misleading or incorrect information supplied by myself in support of this application will, upon the discovery thereof, result in the immediate suspension of my licence.

I give my consent for the facility veterinarian to divulge applicable information about the abovementioned facility /facilities and animals to the officer.

I further declare that I have the means to feed, care for and house all the above mentioned animals and maintain the facilities, transport and other equipment to meet all the animal welfare needs.

(\* Delete whichever is not applicable)

Signature of Applicant	
Place	
Date	

**For official purposes only**

Officer: \_\_\_\_\_

Designation: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_ Official stamp

Comments:

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Approved  / Not approved

.....(please tear)

***For official purposes only***

Receipt number: \_\_\_\_\_

Date application received: \_\_\_\_\_

Signature of receiving official: \_\_\_\_\_

Official stamp:

## DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES

NO. 772

03 AUGUST 2017

**PUBLICATION OF THE COMMENCEMENT OF THE PERFORMING ANIMALS PROTECTION  
AMENDMENT ACT, 2016 (ACT NO.4 OF 2016)**

1. Notice is hereby given by the Department of Agriculture, Forestry and Fisheries that the President has assented to the Performing Animals Protection Amendment Act, 2016 (Act No.4 of 2016) on **18 January 2017** and the commencement date is : **28 July 2017**
2. The Performing Animals Protection Amendment Act, 2016 (Act No. 4 of 2016) amended Section 2 and 3 of the Performing Animals Protection Act, 1935 (Act No.25 of 1935) and was published in the Government Gazette on 19 January 2017. The Amendment seeks to provide for the transfer of functions of issuing of licences for performing animals from the Judiciary to the Executive as ordered by the Constitutional Court.
3. A copy of the Act can be obtained from <http://www.gpwonline.co.za> and the Department of Agriculture, Forestry and Fisheries website or in Delpen Building, Pretoria (012 319 7647/7537) and also from the Government Printers in Pretoria.
4. The regulations in terms of the afore-mentioned Act are simultaneously published with this Notice.