

ADDENDUM 3

COMBATTING STOCK THEFT

Stock theft has become a lucrative business in South Africa. It is impacting on the viability of both large and small stock farming and it affects both commercial and emergent/communal farmers. Of concern is that almost everybody in the value chain unintentionally can be implicated as feedlots, farmers, speculators, stock auctions and abattoirs at some stage could be recipients of stolen stock and can thereby be found guilty of an offence. Therefore it is crucial that farmers and others in the value chain understand the implications and what is required. To that effect the Animal Identification Act 6 of 2002 and the Stock theft Act 57 of 1959 as amended to Act 28 of 1990 are in place to assist the industry and SAPD to reduce stock theft.

Various structures have been established with varying levels of success. ***The question is how can the livestock industry contribute to further reducing stock theft. It appears that a major percentage of livestock trading is not compliant with the legislation and this should surely be the point of departure to reducing stock theft.***

The following in the applicable Acts are of importance:

1. ANIMAL IDENTIFICATION ACT 6 OF 2002

1.1 Each owner of animals must:-

- Apply for registration of an identification mark
- Mark the animals in the prescribed manner
- Mark the animals clearly

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1.2 Age of animals at the time of marking:

Cattle

- Must be marked by the age of six months
- Can be tattooed from the age of one month; or
- can be branded at the age of six months; and
- must be branded by the age of the first pair of permanent incisors (two-tooth stage)

Small stock

- Must be tattooed at the age of one month.

Pigs

- Can be tattooed at the age of one month

Horses

- Can be tattooed at the age of six months; and
- Can be branded by the age of twelve months.

1.3 Parts on which animals must be identified and the positions in which successive identification marks must be applied in relation to each other:

Cattle

- The identification mark by means of tattooing must be applied in the left or right ear, and

- the identification mark by means of branding must be applied on any clearly visible part, with the exception of the neck.

Small stock

- The identification mark must be applied by means of tattooing in the left or right ear.

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Pigs

- The identification mark must be applied by means of tattooing in the left or right ear.

Horses

- The identification mark by means of tattooing must be applied on either the upper jaw, lower lip, left or right ear.
- The identification mark by means of branding must be applied on any clearly visible part, with the exception of the neck.

1.4 No person may:-

- Within 14 days of the date on which he/she becomes the owner of an animal with an identification mark, sell, barter, give away or in any other manner dispose of that animal to another person, unless he/she furnishes a document of identification to the person who acquires the animal; or
- after 14 days of the date on which he/she becomes the owner of an animal, sell, barter, give away or in any other manner dispose of that animal unless:-
 - such animal has been marked in the prescribed manner with the identification mark of the owner disposing of that animal; and
 - he/she furnishes the person acquiring that animal with a document of identification.

- Any person (including any auctioneer, agent or market master) who sells, barter, gives or in any other manner disposes of any stock to any other person shall, at the time of the delivery to such other person of the stock so sold, bartered, given or disposed of, furnish such other person with a document of identification,

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Stating

- || his/her full name and address and, if the stock was sold, bartered, given or disposed of on behalf of some other person, also the name and address of such other person;
- || such particulars in regard to such stock may be required to be stated therein in terms of any regulation made under section 16;
- || the full name and address of the person to whom the stock was sold, bartered, given or disposed of;
- || the date on which the stock was sold, bartered, given or disposed of

Certifying

- || that such stock is his/her property or that he/she is duly authorized by the owner thereof to deal with or dispose of;
- || a person acquiring an animal must retain the document of identification obtained from the seller for a period of one year.

2. STOCK THEFT AMENDED ACT 28 OF 1990

2.1 Absence of reasonable cause for believing stock or produce was properly acquired:-

Any person who in any manner, otherwise than at a public sale, acquires or receives into his/her possession from any other person stolen stock or stolen

produce without having reasonable cause, proof of which shall be on such first mentioned person, for believing, at the time of such acquisition or receipt, that such stock or produce is the property of the person from whom he/she acquires or receives it or that such person has been duly authorized by the owner thereof to deal with it or dispose of it shall be guilty of an offence.

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2.2 Document of identification to be furnished by the person who disposes of the stock:-

Any person (including any auctioneer, agent or market master) who sells, barterers, gives or in any other manner disposes of any stock to any other shall at the time of delivery to such other person of the stock so sold, bartered, given or disposed of, furnish such other person with a document called a document of identification.

Stating

- His/her full name and address and, if the stock was sold, bartered, given or disposed of on behalf of some other person, also the name and address of such other person.
- Such particulars in regard to such stock as may be required to be stated therein in terms of any regulation made under section sixteen (16);
- The full name and address of the person to whom the stock was sold, bartered, given or disposed of;
- The date on which the stock was sold, bartered, given or disposed of.

Certifying

That such stock is his/her property or that he/she is duly authorized by the owner thereof to deal with or dispose of it.

No person to whom any stock has been sold, bartered, given or otherwise disposed of and to whom a document of identification is required to be furnished in terms of subsection (1) shall take delivery of such stock without obtaining such document at the time of delivery.

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Any person to whom a document of identification has been furnished in terms of subsection (1) shall retain it in his/her possession for a period of at least one year.

Any person may within the period referred to in subsection (3) demand an inspection of such document, and upon such demand the person having possession of such document shall produce it for inspection to the person making the demand.

Any person who:-

- Contravenes or fails to comply with any provisions of this section;
- Fails to comply with any demand made under subsection (4); or
- willfully makes any false statements in a document of identification;

shall be guilty of an offence.

- 2.3 Any person who delivers any stock to an auctioneer, agent or market master for the purpose of sale or disposal in any other manner, shall, for the purpose of this section, be deemed to have disposed of such stock to such auctioneer, agent or market master.

2.4 Acquisition of stock or produce from persons whose places of residence are unknown:-

Any person who in any manner (otherwise than at a public sale) acquires or receives into his/her possession, or any auctioneer, agent or market master who receives into his/her possession for the purpose of sale, from any person who has no known place or residence, any stock or produce without obtaining at the time of delivery of such stock or produce to him/her a certificate, issued not more than thirty days before the delivery, from:-

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- The employer, chief, headman or subheadman of the person concerned or a deputy of such chief or an “official witness” as defined in Chapter 1 of the Code of Zulu Law, as referred to in section 24 of the Black Administration Act 38 of 1927;
- A justice of the peace;
- A policeman of or above the rank of sergeant;
- A dipping foreman
- A stock inspector;
- Two residents of substantial means of the neighbourhood in which the transaction takes place; or
- the person from whom such person purchased or acquired such stock or produce;

Giving a description of the stock or produce and certifying that to the best of his/her or their knowledge and belief such person is entitled to dispose of or deal with such stock or produce, shall be guilty of an offence.

Any person who has obtained such a certificate shall retain it in his/her possession for a period of at least one year.

Any person may within the period referred to in subsection (2) demand an inspection of such certificate, and upon such a demand the person having possession of such certificate shall produce it for inspection to the person making the demand.

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Any person who fails to comply with the provisions of subsection (2) or any demand made under subsection (3) or who willfully makes any false statement in a certificate referred to in subsection (1) shall be guilty of an offence.

2.5 Stock or produce driven, conveyed or transported on or along public roads:-

No person shall drive, convey or transport any stock or produce of which he/she is not the owner on or along any public road unless he/she has in his/her possession a certificate called a removal certificate issued to him/her by the owner of such stock or produce or the duly authorized agent of such owner, in which is stated:

- The name and address of the person who issued the certificate;
- The name and address of the owner of such stock or produce;
- Such particulars in regard to such stock or produce as may be required to be stated therein in terms of any regulation made under section sixteen (16);

- The place from which and the place to which such stock or produce is being driven, conveyed or transported;
- The name of the driver, conveyer or transporter;
- The date of issue thereof; and
- if applicable, the registration number, model and make of the vehicle with which the stock or produce is being conveyed or transported:

Provided that the provisions of this subsection shall not apply in respect of any stock or produce which is being driven, conveyed or transported, with the consent of the owner thereof or his/her duly authorized agent, on or along such portion of any public road as traverses land which belongs to or is occupied by such owner or agent.

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No person shall cause or permit any stock or produce of which he/she is the owner to be driven, conveyed or transported by any other person on or along any public road without furnishing him/her with a removal certificate which he/she is required to have in terms of subsection (1).

Any justice of the peace, policeman, or owner, lessee or occupier of land may demand from any person who is required in terms of subsection (1) to have in his/her possession a removal certificate, an inspection of such certificate, and upon such demand the person having possession of such certificate shall produce it for inspection to the person making the demand.

No person who is or was employed by an owner or occupier of any land shall remove any stock or produce owned by him/her or under his/her control from any land owned or occupied by such owner or occupier unless he/she is in possession of a document furnished by such owner or occupier, the agent of such owner or occupier, or a policeman on a date not more than seven days

before the removal, which date shall be stated in the document, giving a description of such stock or produce and certifying that he/she was to the best knowledge and believe of the person furnishing the document entitled to remove such stock or produce on the said date.

Any owner or occupier of land, or any agent of such owner or occupier, shall, when requested to do so by any person who is or was in the employ of such owner or occupier and who is in possession on land owned or occupied by such owner or occupier of any stock or produce which he/she desires to remove therefrom, forthwith furnish him/her with any document which he/she may require in terms of subsection (4).

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Any person who has obtained such a document as is referred to in subsection (4) shall retain it in his/her possession for a period of at least one year.

Any justice of the peace, policeman, or owner, lessee or occupier of land may within the period referred to in subsection (6), demand an inspection of such document, and upon such demand the person having possession of such certificate shall produce it for inspection to the person making the demand.

Any person who:-

- Contravenes or fails to comply with any provisions of this section;
- Fails to comply with any demand made under subsection (3) or (7);
- Willfully makes any false statement in a removal certificate or a document furnished in terms of subsection (5); or

- falsely declares that he/she is the owner of stock or produce which is being driven, conveyed or transported by him/her on or along any public road, shall be guilty of an offence.

For the purposes of subsections (1), (2) and (8) (d) “owner” shall include any person who obtained stock or produce by virtue of an agreement of sale in terms of which any such person does not become the owner of such stock or produce merely by virtue of the delivery to him/her of such stock or produce.

It is proposed that all farmers and other role players in the supply chain should support the following:

- All owners of livestock should register a unique brand mark.

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- Apply the registered brand mark according to the Animal Identification Act 6 of 2002 on all relevant livestock.
- Complete and supply a Document of Identification and a Certificate of Removal with all transactions.
- All buyers or traders of livestock should verify ownership and refuse to accept livestock that are not branded or are without completed Documents of identification and Certificates of Removal.
- All farmers, auctioneers, feedlots and abattoirs should only accept branded livestock with Documents of Identification.

- Documents of Identification should be kept on record for 12 months.

Addendum adapted from a document compiled by Mr Dave Ford of SAFA.