



PROVINCE OF WESTERN CAPE

PROVINSIE WES-KAAP

IPHONDO LENTSHONA KOLONI

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PUBLIC NOTICE**WESTERN CAPE NATURE CONSERVATION BOARD****THE REPEAL OF THE PROBLEM ANIMAL CONTROL ORDINANCE, 1957 AND THE PROVISION OF MATTERS INCIDENTAL THERETO**

Kindly take note that the public and other stakeholders are hereby invited to submit any written comments with regard to the repeal of the Problem Animal Control Ordinance, 1957. To ensure that all the stakeholders are consulted and to streamline the consultation process, kindly forward such written comments to the Western Cape Nature Conservation Board:

Please submit all written comments to:

The Acting Chief Executive Officer
Western Cape Nature Conservation Board,
Private Bag X29,
Rondebosch
7701

Or at

CapeNature House
14 Belmont Road, Belmont Office Park,
Rondebosch 7700

For Attention: Mr. Kapache Victor

Enquiries should be directed to Mr. Kapache Victor at tel. (021) 659 3414, or
e-mail: kvictor@capenature.co.za

Closing date: 28 February 2008

EXPLANATORY MEMORANDUM ON THE PROPOSED REPEAL OF THE PROBLEM ANIMAL CONTROL ORDINANCE, 1957 (ORDINANCE 26 OF 1957)**1. Proposed repeal of the Law**

- 1.1** The Problem Animal Control Ordinance, 1957 (Ordinance 26 of 1957) (“the 1957 Ordinance”) provides for the establishment and registration of hunt clubs for the combating of problem animals. It also provides local government (former Divisional Council) with executive power to deal with problem animal control, contrary to the Constitution of South Africa.
- 1.2** Since the coming into operation of the Western Cape Nature Conservation Board on 1 April 2000 the functions pertaining to problem animal control were executed by the Board by means of permits issued in terms of the appropriate provisions of the Nature Conservation Ordinance, 1974 (Ordinance No. 19 of 1974) and not in terms of the 1957 Ordinance.
- 1.3** Furthermore, the mechanism to control problem animals as contained in the 1957 Ordinance, that is, hunt clubs, is defunct and as a consequence thereof, this Ordinance is now obsolete.
- 1.4** The Ordinance also contains discriminatory provisions which are unconstitutional and contrary to the democratic culture of South Africa.
- 1.5** The attached Bill has been drafted to repeal the 1957 Ordinance and laws amending it.

DRAFT BILL

To repeal the Problem Animal Control Ordinance, 1957; and to provide for matters incidental thereto.

BE IT ENACTED by the Provincial Parliament of the Western Cape, as follows:—

Repeal of Ordinance 26 of 1957 and laws amending it

1. The laws listed in the Schedule are repealed.

Short title and commencement

2. This Act is called the Problem Animal Control Ordinance Repeal Act, 2008.

SCHEDULE**Laws repealed**

No. and year of law	Short Title	Extent of repeal
Ordinance 26 of 1957	Problem Animal Control Ordinance, 1957	The whole
Ordinance 21 of 1959	Vermin Extermination Amendment Ordinance, 1959	The whole
Ordinance 5 of 1961	Vermin Extermination Amendment Ordinance, 1961	The whole
Ordinance 30 of 1964	Vermin Extermination Amendment Ordinance, 1964	The whole
Ordinance 25 of 1965	Vermin Extermination Amendment Ordinance, 1965	The whole
Ordinance 22 of 1968	Vermin Extermination Amendment Ordinance, 1968	The whole
Ordinance 19 of 1984	Problem Animal Control Amendment Ordinance, 1984	The whole

OPENBARE KENNISGEWING**WES-KAAPSE NATURBEWARINGSRAAD HERROEPING VAN DIE PROBLEEMDIERBEHEERORDONNANSIE, 1957, EN WETLIKE BEPALINGS RAKENDE SAKE WAT DAARUIT VOORTSPRUIT**

Neem asseblief kennis dat die publiek en ander aandeelhouers hiermee uitgenooi word om enige skriftelike kommentaar ten opsigte van die herroeping van die Probleemdierbeheerordonnansie, 1957, in te dien. Om te verseker dat alle aandeelhouers gekonsulteer en die proses vereenvoudig word, stuur asseblief sodanige skriftelike kommentaar aan die Wes-Kaapse Natuurbewaringsraad:

Dien asseblief alle skriftelike kommentaar in by:

Die Waarnemende Hoof Uitvoerende Beampte
Wes-Kaapse Natuurbewaringsraad
Privaatsak X29,
Rondebosch 7701

Of by:

Huis CapeNature
Belmontweg 14
Belmont Kantoorpark,
Rondebosch 7700

Vir aandag: Mnr. Kapache Victor

Navrae moet gerig word aan Mnr. Kapache Victor by tel. (021) 659 3414, of e-pos: kvictor@capenature.co.za

Sluitingsdatum: 28 Februarie 2008

VERKLARENDE MEMORANDUM OOR DIE VOORGESTELDE HERROEPING VAN DIE ORDONNANSIE OP DIE BEHEER VAN PROBLEEMDIERE, 1957 (ORDONNANSIE 26 VAN 1957)**1. Voorgestelde herroeping van die Wet**

- 1.1** Die Ordonnansie op die Beheer van Probleemdiere, 1957 (Ordonnansie 26 van 1957) ("die 1957-Ordonnansie") maak voorsiening vir die stigting en registrasie van jagklubs vir die bestryding van probleemdiere. Strydig met die Grondwet van Suid-Afrika gee dit ook aan plaaslike regering (die voormalige Afdelingsraad) die uitvoerende mag vir die beheer van probleemdiere.
- 1.2** Sedert die inbedryfstelling van die Wes-Kaapse Natuurbewaringsraad op 1 April 2000 is die funksies aangaande die beheer van probleemdiere deur die Raad verrig deur middel van die uitreiking van permitte ingevolge die toepaslike bepalings van die Ordonnansie op Natuurbewaring, 1974 (Ordonnansie 19 van 1974) en nie ingevolge die 1957-Ordonnansie nie.
- 1.3** Voorts is die meganisme vir die beheer van probleemdiere soos vervat in die 1957-Ordonnansie, met ander woorde jagklubs, verouderd en gevolglik is hierdie Ordonnansie nou uitgedien.
- 1.4** Die Ordonnansie bevat ook diskriminerende bepalings wat ongrondwetlik en strydig met die demokratiese kultuur van Suid-Afrika is.
- 1.5** Die aangehegte Wetsontwerp is opgestel ter herroeping van die 1957-Ordonnansie en die wette wat dit wysig.

WETSONTWERP

Om die Ordonnansie op die Beheer van Probleemdiere, 1957, te herroep; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Provinsiale Parlement van die Wes-Kaap, soos volg:—

Herroeping van Ordonnansie 26 van 1957 en wette wat dit wysig

1. Die wette wat in die Bylae vermeld word, word herroep.

Kort titel en inwerkingtreeding

2. Hierdie Wet heet die Wet tot Herroeping van die Ordonnansie op die Beheer van Probleemdiere, 2008.

BYLAE**HERROEPE WETTE**

No. en jaar van wet	Kort titel	Omvang van herroeping
Ordonnansie 26 van 1957	Ordonnansie op die Beheer van Probleemdiere, 1957	Die geheel
Ordonnansie 21 van 1959	Wysigingsordonnansie op die Uitwissing van Ongediertes, 1959	Die geheel
Ordonnansie 5 van 1961	Wysigingsordonnansie op die Uitwissing van Ongediertes, 1961	Die geheel
Ordonnansie 30 van 1964	Wysigingsordonnansie op die Uitwissing van Ongediertes, 1964	Die geheel
Ordonnansie 25 van 1965	Wysigingsordonnansie op die Uitwissing van Ongediertes, 1965	Die geheel
Ordonnansie 22 van 1968	Wysigingsordonnansie op die Uitwissing van Ongediertes, 1968	Die geheel
Ordonnansie 19 van 1984	Wysigingsordonnansie op die Beheer van Probleemdiere, 1984	Die geheel

ISAZISO SOLUNTU**IBHODI YOLONDOLOZO LWENDALO YENTSHONA KOLONI****UKUBHANGISWA KOMTHETHO WEPHONDO WENGXAKI YOLAWULO LWEZILWANYANA KA-1957 KUNYE NEMIMISELO YEMIBA EHAMBELANA NAWO**

Apha kumemelelwa uluntu kunye nawaphi na amanye amaqela achaphazekayo ukuba afake iziphakamiso ezibhalwe phantsi eziphathelele kubhangiso loMthetho wePhondo weNgxaki yoLawulo Iwezilwanyana, ka-1957. Ukuze kuqinisekise ukuba onke amaqela achaphazekayo ayabandakanywa nokulungelenisa inkqubo yothethathethwano, ncedani nizithumele ezi zimvo zokuphawula zibhalwe phantsi kwiBhodi yoLondolozo IweNdalo yeNtshona Koloni.

Ncedani nizithumele apha izimvo zenu ezibhalwe phantsi:

The Acting Chief Executive Officer
Western Cape Nature Conservation Board,
Private Bag X29,
Rondebosch 7701

Okanye apha:

CapeNature House
14 Belmont Road, Belmont Office Park,
Rondebosch 7700

Imbalelwano mayiphawulwe: For Attention: Mr. Kapache Victor

Imibuzo mayibhekiswe kuMnu. Kapache Victor kule nombolo yomnxeba: (021) 659 3414, okanye ithunyelwe nge-imeyile kule dilesi: kvictor@capenature.co.za

Umhla wokuvala: 28 eyoMdumba 2008

**ISAZISO SEMVUMELWANO ESICHAZAYO SESINDULULO SOKURHOXISA INGXAKI YOMTHETHO WOKULAWULA
IZILWANYANA, 1957 (UMTHETHO, 26 KA 1957)**

1. Isindululo sokurhoxisa uMthetho

- 1.1 UMthetho weNgxaki yokuRhoxiswa kokuLawulwa kweZilwanyana, 1957 (uMthetho 26 ka 1957) unikeza ukumiselwa nokubhaliswa kwemibutho yokuzingela ukulwa ingxaki yezilwanyana. Ikwanikeza urhulumente wezekhaya (iBhunga leSebe) amandla okuthetha ngale ngxaki yokulawula izilwanyana, ngokuchaseneyo noMgaqo—Siseko waseMzantsi Afrika.
- 1.2 Ukususela ekuqaleni kokusebenza kweBhodi yoLondolozo lweNdalo yaseNtshona Koloni ngomhla woku-1 Apreli 2000 imisebenzi ephathelele kwingxaki yokulawula izilwanyana kwasayinwa yiBhodi ngenxa yokuvumela ngokwemiqathango yolungiselelo olufanelekileyo woMthetho woLondolozo lweNdalo, 1974 (uMthetho 19 ka 1974) hayi ngokwemiqathango yoMthetho ka 1957.
- 1.3 Ngaphezu koko, indlela esetyenziswayo ukuawula ingxaki yezilwanyana njengoko iqlathiwe kuMthetho ka 1957, ukutsho oko, imibutho yokuzingela ayisebenzi kwaye njengesiphumo soko, lo Mthetho ngoku wapheliswa lixesha.
- 1.4 UMthetho lo ukwanamalungiselelo anomkhethe angekho mgaqweni nangahambisaniyo nenkcubeko zedemokhrasi yaseMzantsi Afrika.
- 1.5 UMthetho oYilwayo ofakelweyo uye wayilwa ukurhoxisa uMthetho ka 1957 nemithetho eyilungisayo.

UMTHETHO OYILWAYO

Ukurhoxisa uMthetho weNgxaki yokuLawulwa kweZilwanyana, wango-1957, nokubonelela imicimbi ehamba nayo.

Nokuba uwiselwa umthetho yiPalamente yePhondo yaseNtshona Koioni, ngolu hlobo lulandelayo:—

Ukurhoxiswa koMthetho wama-26 ka-1957 nemithetho eyilungisayo.

1. Imithetho edwelisiweyo kuludwe Iwenkqubo luyakurhoxiswa.

Igama elifutshane nesiqalo

2. Lo mthetho ubizwa ngokuba nguMthetho wokurhoxisa uMthetho weNgxaki yokuLawulwa kweZilwanyana, ka-2008.

ULUDWE LWENKQUBO

IMITHETHO ERHOXISWAYO

Inombolo nonyaka womthetho	Igama elifutshane	Ubukhulu borhoxiso
Umthetho 26 ka-1957	UMthetho weNgxaki yokuLawulwa kweZilwanyana, ka-1957	Wonke
Umthetho 21 ka-1959	Umthetho wokulungisa kokutshatyalaliswa kwezilwanyana ezikhathazayo ka 1959	Wonke
Umthetho 5 ka-1961	Umthetho wokulungisa kokutshatyalaliswa kwezilwanyana ezikhathazayo ka-1961	Wonke
Umthetho 30 ka-1964	Umthetho wokulungisa kokutshatyalaliswa kwezilwanyana ezikhathazayo ka-1964	Wonke
Umthetho 25 ka-1965	Umthetho wokulungisa kokutshatyalaliswa kwezilwanyana ezikhathazayo ka-1965	Wonke
Umthetho 22 ka-1968	Umthetho wokulungisa kokutshatyalaliswa kwezilwanyana ezikhathazayo ka-1968	Wonke
Umthetho 19 ka-1984	UMthetho weNgxaki yokuLawulwa kwezilwanyana, ka-1984	Wonke

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