

The rules are”:

Animal on public road

Reg 313. (1) Subject to the provisions of subregulation (2), no

person shall leave or allow any bovine animal, horse, ass, mule, sheep, goat, pig or ostrich to be on any section of a public road where that section is fenced or in any other manner closed along both sides, and no person shall leave such animal in a place from where it may stray onto such section of a public road.

(2) The provisions of subregulation (1) shall not apply—

(a) to any animal which is being ridden or is being used to draw a vehicle along a public road; or

(b) to any animal which is being driven from one place to another in such manner as not to constitute a source of danger or injury to any person or vehicle using such road.

(3) In any prosecution for a contravention of subregulation (1), it shall, in the absence of evidence to the contrary, be presumed that any animal referred to in subregulation (1) was left or allowed to be on the section of the public road or place concerned by the owner of such animal, and a section of a public road shall be regarded as fenced or enclosed along both sides even though there is an opening providing access to such road in the fence or other enclosure.

(4) No person shall drive any animal referred to in subregulation (1)—

(a) along a public road during the period from sunset to sunrise, unless

a person carrying a red light visible in clear weather for a distance of at least 150 metres tends such an animal or, in the case of a flock or herd of more than 10 animals, a person tending such animals and carrying a light as aforesaid precedes and another such person carrying a light as aforesaid follows such animals; or

(b) along a public road during any other period, unless a person displaying in a conspicuous manner a red cloth, of not less than 300 millimetres by 300 millimetres, tends such animal or, in the case of a flock or herd of more than 10 animals, a person tending such animals and displaying a cloth as aforesaid precedes and another such person displaying a cloth as aforesaid follows such animals.

(5) A person in charge of an animal on a public road shall tend the animal in such a manner as not to constitute an obstruction or danger to other traffic.

(6) A traffic officer may take charge of any animal referred to in

subregulation (1) on a public road or take such steps in respect of the animal as determined by the MEC of the province concerned.

STOCK THEFT ACT 57 of 1959

8. Stock or produce driven, conveyed or transported on or along public roads.—

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

(a)

the name and address of the person who issued the certificate;

(b)

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;

(d)

the place from which and the place to which such stock or produce is being driven, conveyed or transported;

(e) the name of the driver, conveyer or transporter;

(f) the date of issue thereof; and

(g) if applicable, the registration number, model and make of the vehicle with which the stock or produce is being conveyed or transported:

[Para. (g) inserted by s. 3 (a) of Act No. 28 of 1990.]

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 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.

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

[Sub-s. (2) substituted by s. 5 (a) of Act No. 59 of 1983.]

Wording of Sections

Wording of Sections

§ 8(2) of Act 57 of 1959 prior to amendment by Act 59 of 1983

(3) 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 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.

(4) No person who is or was employed by an owner or occupier of any land shall remove any stock or produce owned by him or under his control from any land owned or occupied by such owner or occupier unless he 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 was to the best

knowledge and belief of the person furnishing the document entitled to remove such stock or produce on the said date.

(5) 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 desires to remove therefrom, forthwith furnish him with any document which he may require in terms of subsection (4).

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

[Sub-s. (6) substituted by s. 3 (b) of Act No. 28 of 1990.]

Wording of Sections

Wording of Sections

s 8(6) of Act 57 of 1959 prior to amendment by Act 28 of 1990

(7) 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.

[Sub-s. (7) substituted by s. 3 (b) of Act No. 28 of 1990.]

Wording of Sections

Wording of Sections

s 8(7) of Act 57 of 1959 prior to amendment by Act 28 of 1990

(8) Any person who—

(a)

contravenes or fails to comply with any provision of this section;

(b)

fails to comply with any demand made under subsection (3) or (7);

(c)

wilfully makes any false statement in a removal certificate or a document furnished in terms of subsection (5); or

(d)

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

(9) 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 of such stock or produce.

[Sub-s. (9) added by s. 5 (b) of Act No. 59 of 1983.]