

REPUBLIC OF SOUTH AFRICA

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# MEAT SAFETY BILL

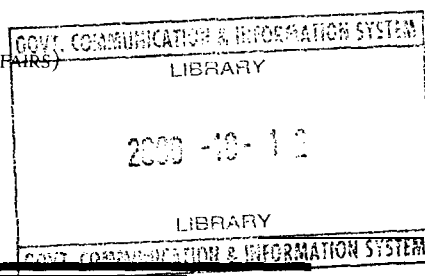
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*(As amended by the Select Committee on Land and Environmental Affairs (National Council of Provinces)) (The English text is the official text of the Bill)*

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(MINISTER FOR AGRICULTURE AND LAND AFFAIRS)

[B 29D—2000]



REPUBLIEK VAN SUID-AFRIKA

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# WETSONTWERP OP DIE VEILIGHEID VAN VLEIS

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*(Soos gewysig deur die Gekose Komitee oor Grond en Omgewingsake (Nasionale Raad van Provinsies)) (Die Afrikaans teks is die amptelike vertaling van die Wetsontwerp)*

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(MINISTER VIR LANDBOU EN GRONDSAKE)

[W 29D—2000]

ISBN 0 621296147

# BILL

To provide for measures to promote meat safety and the safety of animal products; to establish and maintain essential national standards in respect of abattoirs; to regulate the importation and exportation of meat; to establish meat safety schemes; and to provide for matters connected therewith.

**B**E IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

## Definitions

1. (1) In this Act, unless the context indicates otherwise—
  - (i) **“abattoir”** means a slaughter facility in respect of which a registration 5 certificate has been issued in terms of section 8(1) and in respect of which a grading has been determined in terms of section 8(2); (i)
  - (ii) **“animal”** means any animal referred to in Schedule 1; (iv)
  - (iii) **“animal product”** means any by-product obtained from the carcass of an animal other than the meat thereof; (v) 10
  - (iv) **“assignee”** means any person, undertaking, body, institution or association designated under section 4; (viii)
  - (v) **“authorised person”** means a person contemplated in section 3(1 )(a)(ii); (vii)
  - (vi) **“Department”** means the Department of Agriculture in the national 15 government; (iii)
  - (vii) **“essential national standards”** means the standards contemplated in section 11; (xiv)
  - (viii) **“export abattoir”** means an abattoir contemplated in section 14(1)(a); (xxii)
  - (ix) **“import permit”** means a permit contemplated in section 13(1)(a); (x) 20
  - (x) **“meat”** means those parts of a slaughtered animal which are ordinarily intended for human and animal consumption and which have not undergone any processing other than deboning, cutting up, mincing, cooling or freezing, and includes meat which—
    - (a) has been treated with a substance that does not substantially alter the 25 original characteristics thereof; and
    - (b) assumes its original characteristics after a substance referred to in paragraph (a) has physically been removed therefrom; (xxv)
  - (xi) **“MEC”** means the member of the Executive Council of the province in question responsible for abattoirs; (xi) 30
  - (xii) **“Minister”** means the national Minister responsible for agriculture; (xii)
  - (xiii) **“national executive officer”** means the officer designated as such in terms of section 2(1); (xiii)
  - (xiv) **“officer”** means an officer as defined in section 1(1) of the Public Service Act, 1994 (Proclamation No. 103 of 1994); (ii) 35
  - (xv) **“owner”**, in relation to a slaughter facility, includes the person in control of the slaughter facility; (vi)
  - (xvi) **“premises”** includes any building, structure, enclosure, land, road, harbour, jetty, quay or mooring; (xvi)

- (xvii) **“prescribed” means prescribed by regulation;** (xxvi)
- (xviii) **“provincial executive officer”** means the officer of the province in question designated as such in terms of section 5(2)(a); (xvii)
- (xix) **“regulation” means any regulation made under section 22;** (xviii)
- (xx) **“sale” includes an agreement to sell, and any offer, advertisement, exposure, 5 transfer of ownership, conveyance or delivery for sale, exchange or disposal in any manner, whether for any consideration or otherwise, and “sell” has a corresponding meaning;** (xxiv)
- (xxi) **“scheme”** means any scheme established under section 12; (xix)
- (xxii) **“slaughter”** means the killing of an animal and the performance of the usual 10 accompanying acts in connection therewith in order to obtain meat and animal products therefrom; (xx)
- (xxiii) **“slaughter facility”** means any facility, whether stationary or mobile, at or on which animals are slaughtered or intended to be slaughtered, and includes areas in or adjacent to such facilities where— 15
  - (a) carcasses are chilled;
  - (b) meat or animal products are handled; (xxi)
- (xxiv) **“this Act”** includes any regulation, essential national standard and scheme; (ix)
- (xxv) **“unsafe for human and animal consumption”** means unsafe for human and 20 animal consumption by reason of a disease, an abnormal condition, putrefaction, decomposition, contamination or residues, or by reason of exposure to or contact with a disease or putrefied, decomposed or contaminated material; (xv)
- (xxvi) **“veterinarian”** means a veterinarian as defined in section 1 of the Veterinary 25 and Para-Veterinary Professions Act, 1982 (Act No. 19 of 1982). (xxiii)
- (2) The Minister may by notice in the *Gazette*—
  - (a) add any type or category of animal to Schedule 1;
  - (b) determine that specific sections of this Act do not apply to certain types or categories of animals mentioned in Schedule 1. 30

#### National executive officer

- 2. (1) (a) The Minister must designate an officer of the Department who is a veterinarian as national executive officer.
- (b) The national executive officer exercises the powers conferred on him or her and performs the duties imposed on him or her by or under this Act, subject to the control and 35 directions of the Minister.
- (2) Whenever the national executive officer considers an application or a request in terms of this Act, he or she may—
  - (a) request the applicant to provide such additional information as may be necessary within a specified period; 40
  - (b) conduct any necessary investigation or inquiry in connection with the application or request; and
  - (c) refuse, postpone or grant the application or request subject to such conditions as may be necessary.
- (3) (a) The national executive officer may on application grant an extension of the 45 period contemplated in subsection (2)(c) in writing.
- (b) An application for extension must be in writing and must set out the reasons for the application.
- (4) The national executive officer must notify the applicant in writing of any decision reached and, if an application or a request is refused, of the reasons for refusal. 50
- (5) (a) If, after an application or a request has been approved or granted, the national executive officer becomes aware of circumstances which, had they been known to him or her or had they prevailed when he or she considered the application or request, would have resulted in the refusal of the application or request or in the imposition of conditions or additional conditions, he or she may, by written notice to the applican 55 revoke such approval or grant or amend it by imposing conditions or additional conditions, as the case may be.
- (b) The national executive officer must give reasons for any such revocation or amendment.

### **Delegation and assignment of powers and duties by national executive officer**

3. (1)(a) The national executive officer may delegate any power conferred on him or her or assign any duty imposed on him or her by or under this Act—

- (i) to any officer under his or her control;
- (ii) to a person who is not an officer; and
- (iii) with the approval of the MEC, to a provincial executive officer.

(b) A delegation or assignment under paragraph (a)(ii) may only be made with the approval of the Minister.

(c) A power or duty delegated or assigned to a provincial executive officer may be further delegated or assigned by such provincial executive officer to any officer under his or her control or to an authorised person.

(2') (a) The national executive officer must furnish the officers, authorised persons and provincial executive officers contemplated in subsection (1) with a written authority in which it is stated that the person mentioned therein is authorised to exercise the powers and perform the duties specified therein.

(b) The authorisation contemplated in paragraph (a) may—

- (i) be written in general terms;
- (ii) refer to cases of a particular nature;
- (iii) refer to a specified abattoir; or
- (iv) refer to a specified area.

(3) When exercising a power or performing a duty delegated or assigned under this section the officer, authorised person or provincial executive officer must produce the authorisation contemplated in subsection (2)(a) at the request of any person.

(4) The national executive officer is not divested of any power or duty delegated or assigned and may amend or withdraw any decision made or instruction given by an officer, authorised person or provincial executive officer by virtue of such delegation or assignment, unless the decision has been conveyed to the person in respect of whom the decision applies, in which case the decision may be amended or withdrawn only if the amendment or withdrawal is to the benefit of that person or if that person 'consents to the amendment or withdrawal.

### **Designation of assignees**

4. (1) The Minister may assign the application of this Act certain provisions thereof throughout the Republic or in a particular area, to any person with an interest in or particular knowledge of meat and meat safety.

(2) An assignment contemplated in subsection (1) must set out the powers and duties of the assignee who must exercise the powers and perform the duties subject to the directives of the national executive officer.

(3) Unless the Minister in a particular case directs otherwise, an assignee has no recourse against the State in respect of any expenses incurred in connection with the exercise of the powers or the performance of the duties in question.

(4) The chief executive officer, chairperson or any other person in charge of any assignee which is not a natural person—

- (a) must act on behalf of that assignee in the exercise of the powers and the performance of the duties in question; and
- (b) may in writing delegate or transfer to an employee of that assignee any power which the assignee may exercise or any duty which the assignee must perform in terms of this Act, or may in writing authorise or direct any such employee to exercise such power or perform such duty.

(5) (a) A power exercised or duty performed by an employee contemplated in subsection (4) must be regarded as having been exercised or performed by the chief executive officer, chairperson or other person in charge, as the case may be.

(b) The chief executive officer, chairperson or other person in charge may at any time amend or withdraw a decision made or an order given by such an employee unless the

decision has been conveyed to the person in respect of whom the decision applies. in which case the decision may be amended or withdrawn only if the amendment or withdrawal is to the benefit of that person or if that person consents to the amendment or withdrawal.

(6) Subject to subsection (3), an assignee may in consultation with the national executive officer determine a fee payable by the owner of an abattoir for the exercise of powers and the performance of duties by the assignee in terms of this Act.

(7) If an assignee does not comply with a provision of this Act, or with a direction by the national executive officer, the national executive officer may terminate or suspend the assignment.

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#### Assignment of certain functions to provincial executives

5. (1) Subject to subsections (2), (3) and (4) and section 6, the functions set out in sections 7, 8, 9, 10, 15 and 16 are hereby assigned to the provincial executive of each province.

(2) (a) Every MEC must designate an officer of the province in question who is a 15 veterinarian as provincial executive officer.

(b) A provincial executive officer must exercise the powers and perform the duties assigned to the provincial executive of his or her province by subsection (1).

(3) A provincial executive officer—

(a) may delegate any power or assign any duty contemplated in subsection (2)(b) 20 to an officer under his or her control; and

(b) must provide the national executive officer with such reports regarding the application of the provisions referred to in subsection (1) as the national executive officer may require.

(4) (a) The national executive officer must monitor the performance of the functions 25 assigned by this section in every province in order to verify that essential national standards are being applied throughout the Republic.

(b) At prescribed intervals the national executive officer must compile reports of the functions monitored as contemplated in paragraph (a) and furnish a copy thereof to the relevant provincial executive officer.

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(5) The national executive officer may by notice in writing require the provincial executive officer or any other person in possession of information required by the national executive officer for purposes of monitoring the performance of the functions assigned by this section, to provide such information to the national executive officer within the period specified in the notice.

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(6) If, in a particular case, the national executive officer is of the opinion that an act or omission by a particular provincial executive officer represents a material deviation from the essential national standards, he or she must inform the provincial executive officer concerned of the deviation and request the provincial executive officer to take such steps in connection therewith as may be necessary.

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#### Suspension of assignment

6. (1) The Minister may suspend an assignment contemplated in section 5 by notice in the *Gazette*, in general or in a particular instance, in the event of—

(a) a contravention of or failure to comply with any provision of this Act, or the occurrence, in a province or in a country adjacent to a province, of any event 45- of such a nature and extent that it could detrimentally affect meat safety in a province or in the Republic as a whole; or

(b) a written request to do so by an MEC.

(2) The suspension may be—

(a) in respect of one or more specified provinces or specified portions thereof or 50 the Republic as a whole;

(b) in general or with regard to a particular matter; and

(c) for such period or subject to such conditions as the Minister may determine.

(3) In the event of a suspension, the national executive officer must implement the necessary essential national standards and such other provisions of this Act in the area 55 in question for such period as may be necessary to give effect to this section.

(4) For purposes of subsection (3), the provincial executive officer of the province in question must co-operate with the national executive officer and put any facilities used in the province in respect of meat safety at the disposal of the national executive officer.

(5) If the expenditure incurred during a particular year by or on behalf of a particular province for the purposes contemplated in this section exceeds the appropriation for that purpose by the provincial legislature in question, the deficit must be defrayed from money appropriated by Parliament for that purpose. 5

(6) When the reason for the suspension ceases to exist, the Minister must lift the suspension.

### **Prohibition of slaughter of animals at places other than abattoirs, and exemptions 10**

7. (1) No person may—

(a) slaughter any animal at any place other than an abattoir;

(b) permit the slaughter of any animal at any place under his or her control, unless the place is an abattoir; or

(c) sell or provide meat for human and animal consumption unless it has been slaughtered at an abattoir. 15

(2) (a) Subsection (1) does not apply to slaughter for own consumption or for cultural or religious purposes.

(b) No meat or animal product obtained from an animal slaughtered as contemplated in paragraph (a) may be sold to any person. 20

### **Approval of slaughter facility**

8. (1) (a) An application for registration of a slaughter facility must be submitted to the national executive officer in the prescribed manner and be accompanied by the prescribed fee.

(b) If the slaughter facility contemplated in paragraph (a) complies with this Act, the national executive officer must, subject to such conditions as may be necessary, issue a certificate of registration as an abattoir to the applicant. 25

(c) A registration certificate is valid for such period as may be determined and specified in the certificate by the national executive officer, which period may not exceed five years. 30

(d) A condition imposed under paragraph (b) may relate to—

(i) essential national standards;

(ii) other prescribed matters; or

(iii) any other matter necessary to ensure that the abattoir produces meat and animal products that are safe for human and animal consumption. 35

(2) When issuing a registration certificate in respect of an abattoir the national executive officer must determine a grading in accordance with the essential national standards and indicate such grading on the certificate in question.

(3) A certificate of approval issued or deemed to have been issued in respect of an abattoir in terms of section 5 of the Abattoir Hygiene Act, 1992 (Act No. 121 of 1992), 40 and which was in force immediately prior to the commencement of this section, is deemed to be a registration certificate issued in terms of subsection (1).

### **Withdrawal or lapsing of registration certificate**

9. (1) Subject to subsection (2), the national executive officer may withdraw a registration certificate in respect of an abattoir if the abattoir in question— 45

(a) no longer complies with any condition subject to which the registration certificate was issued;

(b) is not operated in accordance with the essential national standards; or

(c) is no longer utilised as such.

(2) The national executive officer may not withdraw a registration certificate unless he 50 or she has—

(a) informed the owner of the abattoir in question of the intended withdrawal and of the grounds upon which it is based; and

(b) afforded the owner a reasonable opportunity to state his or her case or to rectify any shortcoming with regard to such abattoir within the period 55 specified by the national executive officer.

(3) A registration certificate issued in respect of an abattoir lapses when the person to whom such certificate was issued ceases to be the owner of that abattoir.

#### Instructions with regard to operation of **abattoir**

10. (1) The national executive officer may instruct the owner of an abattoir to—
- (a) comply with an essential national standard; 5
  - (b) comply with any condition subject to which the registration certificate was issued;
  - (c) perform or cease to perform an act specified in the instruction, if such performance or cessation is necessary for the achievement or promotion of the objectives of this Act; and 10
  - (d) suspend operations at the abattoir until the provisions of this Act or conditions in terms of which the registration certificate was issued, have been complied with.
- (2) An instruction contemplated in subsection (1)—
- (a) may provide that any requirement imposed must be complied with in the manner and within the period specified in the instruction; 15
  - (b) must be in writing and served on the owner of the abattoir in the prescribed manner; and
  - (c) is binding on the owner of the abattoir, regardless of whether or not such owner was the owner at the time when the instruction was served. 20
- (3)(a) An instruction may be amended or withdrawn if the national executive officer, after such inspections and investigations as may be necessary, is satisfied that the provisions of that instruction have been properly or partly complied with.
- (b) An amendment or a withdrawal contemplated in paragraph (a) does not exempt the owner of an abattoir from compliance with any provision of this Act which applies 25 to him or her or the abattoir of which he or she is the owner.
- (c) An amendment or withdrawal contemplated in paragraph (a) must be made known in the manner set out in subsection (2)(b).
- (4) A directive issued in terms of section 17 of the Abattoir Hygiene Act, 1992 (Act No. 121 of 1992), and which was in force immediately prior to the commencement of 30 this section, is deemed to be an instruction in terms of this section.

#### Essential national standards

11. (1) The following essential national standards apply to all abattoirs:
- (a) A slaughter facility may only be registered as an abattoir if it complies with the prescribed requirements relating to throughput, structural requirements, 35 hygiene management practices and related matters;
  - (b) the owner of an abattoir must procure a meat inspection service for that abattoir;
  - (c) meat inspection services may only be performed by the national executive officer, a provincial executive officer, an authorised person or an assignee, 40 who must perform that function independently from the abattoir;
  - (d) a person contemplated in paragraph (c) must be a veterinarian, meat inspector, meat examiner, animal health technician or such other duly qualified person as may be prescribed;
  - (e) an abattoir must be managed in accordance with a prescribed hygiene 45 management and evaluation system;
  - (f) any person entering an abattoir must adhere to the prescribed hygiene requirements;
  - (g) water used in an abattoir must conform to the prescribed standard;
  - (h) an animal presented for slaughter at an abattoir must be handled humanely 50 during loading, transportation, off-loading, housing, immobilizing and killing as prescribed in accordance with the requirements of the Animals Protection Act, 1962 (Act No. 71 of 1962);

- (i) no dead animal or animal suffering from a condition that may render the meat unsafe for human and animal consumption may be presented at an abattoir for slaughter;
- (j) an animal presented for slaughter must be examined by a person contemplated in paragraph (c) before slaughter, and must be accompanied by information as to its ownership; 5
- (k) an animal presented for slaughter in accordance with an animal health scheme in terms of the Animal Diseases Act, 1984 (Act No. 35 of 1984), may only be accepted for slaughter if the animal is identified in accordance with the requirements of the scheme in question; 10
- (l) any person suspecting that an animal is infected with a controlled animal disease as prescribed by or under the Animal Diseases Act, 1984 (Act No. 35 of 1984), must convey that suspicion without delay to a veterinarian in the employ of the Department or a province;
- (m) meat and animal products must be inspected, marked and dealt with in accordance with the prescribed methods by a person contemplated in paragraph (c); 15
- (n) meat may only be removed from an abattoir if it is duly marked and the method of removal thereof poses no risk to the safety of the meat for human and animal consumption; 20
- (o) the owner of an abattoir must keep the prescribed records relating to the number of animals slaughtered, the origin of animals slaughtered, details of examinations carried out while the animals were alive and inspections carried out after the animals had been slaughtered and the destination of the meat and animal products, and must at the request of a person contemplated in paragraph (c) furnish such information to that person; 25
- (p) the owner of an abattoir with prescribed laboratory facilities must ensure access to the laboratory by the national executive officer, a provincial executive officer, an authorised person and an assignee;
- (q) the use, application and presence of specified substances and residues in meat and animal products must be detected and monitored in accordance with the prescribed methods; 30
- (r) the treatment, removal or disposal of condemned material, effluent, refuse and emissions must be carried out in accordance with the prescribed procedures; and 35
- (s) animals may not be slaughtered for research purposes unless a research protocol has been submitted and approved by the national executive officer.
- (2) The national executive officer may perform any function which is reasonably necessary for and incidental to the effective application of the essential national standards. 40
- (3) The Minister may, subject to such conditions as maybe specified by him or her after consultation with the MEC of an affected province, grant exemption from any essential national standard in respect of a particular—
- (a) area;
- (b) grade of abattoir; 45
- (c) owner or category or group of owners;
- (d) person or category or group of persons; and
- (e) kind of animal.

### Meat safety schemes

12. (1) The Minister may by notice in the *Gazette* establish a scheme for the improvement of meat safety and safety of animal products. 50

(2) (a) The Minister may under subsection (1) establish different schemes in respect of different kinds of animals and different categories of persons.

(b) The Minister may make any scheme applicable to the whole of the Republic or to different areas of the Republic, or to a particular province or specified part thereof. 55

(3) A scheme may be established for—

- (a) the enhancement of meat safety practices;
- (b) the conducting of surveys;



- (c) training in aspects of meat safety and safety of animal products;
  - (d) investigations into food-borne diseases;
  - (e) the promotion of hygiene practices;
  - (f) the determination of the origin of meat and animal products;
  - (g) the monitoring of residues on meat and animal products; 5
  - (h) the availability of and access to meat hygiene services;
  - (i) hygiene assessment services; or
  - (j) any other matter which is necessary or expedient to achieve and promote the objectives of this Act.
- (4) A notice contemplated in subsection (1) must— 10
- (a) set out the objectives of the scheme;
  - (b) set out the kinds of animals and classes of persons to, and the areas in, which the scheme applies;
  - (c) determine the tests to which animals and the meat and animal products obtained therefrom must be subjected in order to determine the extent of compliance with the objectives of the scheme; 15
  - (d) describe the manner of interpreting the tests contemplated in paragraph (c);
  - (e) describe the manner in which the animals must be treated, kept and cared for and the manner in which meat and animal products may be disposed of;
  - (f) determine the requirements for participation in a scheme; 20
  - (g) describe the manner in which a person intending to participate in a scheme must apply for admission, the particulars to be furnished in an application and the circumstances under which an application may be refused;
  - (h) determine the manner in which a person may participate in a scheme;
  - (i) determine the kinds of animals, the types of meat and the types of animal products to which a scheme applies; 25
  - (j) determine the circumstances under which the participation lapses or may be cancelled;
  - (k) specify the particulars to be recorded by persons enrolled in a scheme;
  - (l) determine the facilities to be provided by a person participating in a scheme for the purpose of the performance of the required tests, or for any other act necessary to promote the objectives of a scheme; 30
  - (m) specify the marks with which animals, meat and animal products to which a scheme applies must be marked;
  - (n) determine the manner in which animals, carcasses, meat and animal products that comply with the requirements of a scheme must be certified, restrictions on the use of such a certificate and the circumstances under which such a certificate lapses; 35
  - (o) determine the circumstances under which a scheme applies to a specific category of persons, in a specific area or to a specific abattoir, and specify the requirements which must be complied with; 40
  - (p) determine which of the provisions of a scheme bind a person who is enrolled for participation therein;
  - (q) specify the tariffs for services rendered in terms of a scheme;
  - (r) determine other functions to be performed by the respective persons or officers in terms of a scheme; and 45
  - (s) provide for any other matter which may be necessary or expedient to promote the objectives of the scheme.
- (5) The Minister may, after consultation with the MEC of a province, by notice in the *Gazette* declare that participation in a particular scheme is compulsory in the province in question, or in a specified part thereof. 50
- (6) A scheme in terms of which any form of monetary assistance may be rendered to participants by the national government may only be established with the approval of the Minister of Finance.

Restriction on importation of meat 55

**13. (1) (a)** No person may import any meat into the Republic except on the authority of a permit issued by the national executive officer.

(b) Paragraph (a) does not apply to meat imported for a prescribed purpose or to meet a prescribed weight.

(2) An application for an import permit must be made in the prescribed manner and be accompanied by the prescribed fee.

(3) An import permit may be issued subject to such conditions as the national executive officer may determine and set out in the permit in question.

(4) The national executive officer may, in the public interest, suspend or withdraw any permit, or impose new or additional conditions in a permit, issued in terms of subsection (1)(a).

**(5) An import permit—**

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(a) may only be issued in respect of meat imported from a place approved by the national executive officer by notice in the *Gazette*;

(b) must be obtained by an importer before a consignment of meat lands in the Republic; and

(c) is valid for one consignment only, unless it expressly provides otherwise. 15

**(6) Meat in respect of which an import permit has been issued—**

(a) may only be introduced into the Republic through the place of entry specified in the permit;

(b) must be introduced within the period specified in the permit;

(c) may only be off-loaded at the place of entry if all the conditions specified in 20 the permit have been complied with;

(d) must be stored in the prescribed manner at a facility approved by the national executive officer until the prescribed veterinary procedures or other acts specified in the permit have been performed; and

(e) must be available for inspection, sampling and testing by the national 25 executive officer.

(7) If the national executive officer has knowledge of meat being brought into the Republic contrary to the provisions of this Act an import permit, he or she may direct that the meat or any portion thereof may not be off-loaded without his or her written consent or that it may only be off-loaded subject to such conditions as maybe necessary. 30

(8) No person may remove any meat stored in a facility contemplated in subsection (6)(d) from that facility unless the national executive officer has authorised the removal thereof.

(9) An importation certificate issued in terms of section 14(1)(a) of the Abattoir Hygiene Act, 1992 (Act No. 121 of 1992), and which was in force immediately prior to 35 the commencement of this section is deemed to be an import permit issued in terms of subsection (1)(a).

#### Restriction on exportation of meat

**14. (1) Subject to subsection (6), no person may export any meat from the Republic unless—**

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(a) the animal from which the meat was obtained, was slaughtered at an abattoir approved by the national executive officer as an export abattoir;

(b) the meat has been inspected, sampled and tested;

(c) the prescribed fee has been paid;

(d) the essential national standards in respect of the slaughtering of animals and 45 the handling of meat, and such additional requirements as may be determined by the national executive officer have been complied with;

(e) the national executive officer has issued such certificate as maybe required by the relevant authority in the importing country; and

(f) the reefer in which the meat is to be exported has at the time of loading thereof 50 been sealed by the national executive officer in the prescribed manner, and the number of the seal has been recorded on the certificate contemplated in paragraph (e).

(2) Sections 8 and 9 apply with the necessary changes to any application for approval contemplated in subsection (1)(a). 55

(3) The national executive officer may inspect the cutting, deboning, reconstruction, operation or processing plants of an export abattoir.

(4) An application for a certificate contemplated in subsection (1)(e) must be lodged with the national executive officer before the meat in question is conveyed from the

Republic or, if the relevant authority in the importing country requires examination of the live animals from which the meat was obtained, before the animals are slaughtered.

(5) If the relevant authority contemplated in subsection (1)(e) requires a certificate of compliance with its requirements, the application for a certificate contemplated in that subsection must be accompanied by a document which authorises the importation of meat into that country.

(6) Subsection (1)(a), (b), (c), (e) and (f) does not apply to exportation of meat to a country which has no restrictions on the importation of meat.

(7) The national executive officer may prohibit the exportation of any meat if—

- (a) the meat in question is on reasonable grounds suspected to be unsafe for human consumption;
- (b) the exportation thereof may be detrimental to animals in the country to which it is intended to be exported; or
- (c) it is not possible to certify that the requirements contemplated in subsection (5) have been complied with.

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### **Routine inspections**

**15. (1)** The national executive officer may during working hours enter any abattoir in order to—

- (a) inspect any activity or process carried out at the abattoir;
- (b) require the owner to produce any record, book or other document relating to the abattoir for inspection or for the purpose of obtaining copies thereof or extracts therefrom; and
- (c) examine, sample and test any animal, meat or animal product.

(2) The national executive officer or his or her delegate or assignee, as the case may be, must show proof of his or her identity and authority when requested to do so by the owner of the abattoir in question.

### **Entry and search of premises**

**16. (1)** The national executive officer may, on the authority of a warrant issued in terms of subsection (2)—

- (u) in order to obtain evidence, enter any premises where he or she has reason to believe that any scheme, prohibition, control or instruction contemplated in this Act has been or is being contravened;
- (b) direct the owner or a person employed at the premises—
  - (i) to deliver any book, record or other document that pertains to the investigation and which is in the possession or under the control of the owner or that person;
  - (ii) to furnish such information as he or she has with regard to the matter under investigation; and
  - (iii) to render such assistance as the national executive officer requires in order to enable him or her to perform his or her functions under this Act;
- (c) inspect any book, record or other document and make copies thereof or excerpts therefrom;
- (d), examine any animal, meat, animal product, substance or material found on the premises;
- (e) 'take samples of any animal, meat or animal product or any substance or material used or intended for use in the treatment of meat, and test, examine, analyse, grade or classify such samples;
- (f) seize any animal, meat, meat product, substance, material, book, record or other document which might be relevant to a prosecution under this Act and keep it in his or her custody; and
- (g) remove anything seized from the premises where it has been seized, or leave it at the premises and, if he or she deems it necessary, attach an identification mark or seal thereto, or to the container thereof, but the person from whose possession or control any book, record or document has been taken, may, at his or her own expense and under supervision of the national executive officer, remove copies thereof or excerpts therefrom.

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(2) A warrant referred to in subsection (1) must be issued by a judge of the High Court or by a magistrate who has jurisdiction in the area where the premises in question are situated, and may only be issued if it appears from information on oath or on affirmation that there are reasonable grounds for believing that an article or thing referred to in subsection (1) is upon or in such premises, and must specify which of the acts mentioned in that subsection may be performed thereunder by the person to whom it is issued. 5

(3) The national executive officer executing a warrant in terms of this section must immediately before commencing the execution identify himself or herself to the person in control of the premises, if such person is present, and hand to such person a copy of the warrant or, if such person is not present, affix such copy to a prominent place on the premises. 10

(4) (a) The national executive officer may not enter upon or search any premises until he or she has audibly demanded admission to the premises and has notified the purpose of his or her entry, unless he or she is, on reasonable grounds, of the opinion that any article or thing might be destroyed if admission is first demanded and such purpose is first notified. 15

(b) If the national executive officer, on the authority of a warrant issued in terms of subsection (2), enters upon or searches any premises he or she may use such force as may reasonably be necessary to overcome resistance to such entry or search.

(c) Any entry and search in terms of this section may only be executed by day, unless the execution thereof by night is justifiable and necessary. 20

(5) A warrant contemplated in this section may be issued on any day and is in force until—

(a) it is executed;

(b) it is cancelled by the person who issued it or, if such person is not available, by any person with similar authority; 25

(c) one month from the date of its issue has expired; or

(d) the purpose for which the warrant was issued, no longer exists, whichever occurs first.

(6) The national executive officer may without a warrant enter upon any premises, other than a private dwelling, and search for, seize and remove any article or thing referred to in subsection (1) if— 30

(a) the person who is competent to do so consents to such entry, search, seizure and removal; or

(b) there are reasonable grounds to believe that a warrant would be issued in terms of subsection (2) and the delay in obtaining such warrant would defeat the object of the warrant. 35

(7) If, during the execution of a warrant or during a search in terms of this section, a person claims that an article or document found upon or in the premises in question contains privileged information and refuses the inspection of such article or document, the national executive officer may request the Registrar of the High Court which has jurisdiction or that Registrar's delegate, to attach and remove that article or document for safe custody until a court of competent jurisdiction has made a ruling on the question whether or not the information in question is privileged. 40

(8) (a) Subject to subsection (9), the national executive officer must deliver anything seized in terms of subsections (1) and (6) without delay to a police official contemplated in section 30 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), who must deal with and dispose of the seized item as provided for in Chapter 2 of that Act. 45

(b) When a police official acts in terms of section 30(a) or (b) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), in respect of an item contemplated in paragraph (a), he or she must do so after consultation with the national executive officer. 50

(9) (a) The national executive officer retains control over and possession of any meat which on reasonable grounds is suspected of not being approved for human and animal consumption, and any animal product which is or which is on reasonable grounds suspected of not being so approved. 55

(b) The national executive officer may dispose of any meat or animal product referred to in paragraph (a).

(c) Before any meat or animal product is disposed of in terms of paragraph (b), the national executive officer must place it at the disposal of a police official for such investigation as the police official may deem necessary.

### Confidentiality

17. No person may disclose any information which relates to any person and which was acquired by him or her in the performance of his or her functions in terms of this Act, except—

- (a) in so far as it may be necessary for the application of this Act;
- (b) for the purposes of any legal proceedings under this Act;
- (c) when required to do so by a competent court; 10
- (d) if the Minister, in the public interest, authorises the disclosure thereof; or
- (e) to the extent necessary in order to comply with a law dealing with access to information.

### Appeals

18. (1) Any person who feels aggrieved by a decision of the national executive officer, an assignee, a provincial executive officer or an authorised person may appeal against that decision to the Minister or the MEC of the province in question, as the case may be.

(2) An appeal referred to in subsection (1) must be lodged in the prescribed manner within the prescribed period, and the prescribed fee must be paid.

(3)(a) The Minister or MEC, as the case may be, may designate one or more independent senior officers to investigate and report on the grounds of appeal. 20

(b) The national executive officer, assignee, provincial executive officer or authorised person who made the decision and the appellant may appear or be requested to appear at an investigation referred to in paragraph (a), in order to be heard or to be questioned, and are entitled to legal representation. 25

(4)(a) The Minister or MEC, as the case may be, may after considering the report and other documents relating to the appeal, confirm, set aside or amend the decision or issue such order in connection therewith as may be fit.

(b) If the Minister or MEC, as the case may be, sets aside a decision which is the subject of an appeal or amends it in favour of an appellant, the fee referred to in subsection (2) must be refunded to the appellant concerned. 30

### Offences and penalties

19. (1) A person commits an offence if he or she—

- (a) contravenes or fails to comply with section 7, 13(1)(a), 13(5), 13(6), 13(8), 14(1), 14(7) or 17; -35
- (b) contravenes or fails to comply with a condition imposed in terms of section 8(1)(b), 13(3) or 13(7);
- (c) refuses or fails to comply with an instruction issued under section 10(1);
- (d) contravenes or fails to comply with any applicable essential national standard;
- (e) obstructs or hinders the national executive officer, a provincial executive officer, an officer contemplated in section 3(1)(a)(i) or an authorised person in the exercise of any power or the performance of any duty under this Act, or refuses or fails to comply with a direction referred to in section 16(1)(b); 40
- (f) while being a participant in a scheme, contravenes or fails to comply with any provision of that scheme; 45
- (g) damages, destroys or otherwise tampers with any sample taken in terms of section 16(1)(e);
- (h) refuses or fails to furnish information requested in terms of section 16(1)(b)(ii) or furnishes information which is false or misleading, knowing that it is false or misleading; 50

- (i) alters or forges any permit, certificate, consent or authority contemplated in this Act;
  - (j) in order to evade any provision of this Act, uses a document **which** has been altered or forged;
  - (k) sells, removes or tampers with any animal, meat, animal product, material, substance, book, record or other document seized in terms of section 16, or tampers with an identification mark or seal attached thereto or to a container thereof in terms of that section;
  - (l) falsely holds himself or herself out to be the national executive officer, a provincial executive officer, an authorised person or an assignee: or
  - (m) makes a document or causes a document to be made which purports to be but is in fact not a permit, certificate, consent, authority or other document issued in terms of this Act.
- (2) Any person who is convicted of an offence in terms of this Act is—
- (a) in the case of a first conviction, liable to a fine or to imprisonment for a period not exceeding two years or to both a fine and such imprisonment; and
  - (b) in the case of a second or subsequent conviction, whether it be for the same offence or for some other offence referred to in subsection (1), liable to a fine or to imprisonment for a period not exceeding four years or to both a fine and such imprisonment.
- (3) Despite anything to the contrary contained in any other law, a magistrate's court is competent to impose any penalty provided for in this Act.

### Forfeiture

20. A court convicting any person of an offence under this Act may, when requested thereto by the public prosecutor, in addition to any other punishment imposed in respect of that offence, order that the meat, animal, animal product, article, book or other document which formed the subject of the charge against that person, be forfeited to the State.

### Presumptions and evidence

21. In any prosecution under this Act—
- (a) any meat, animal product, substance or material from which a sample has been taken pursuant to the provisions of this Act must, unless evidence to the contrary is adduced, be regarded as having the same properties as that sample; and
  - (b) any document purporting to have been certified by the national executive officer, an assignee, a provincial executive officer or an authorised person to the effect that it is a true copy of the document to which the proceedings relate, is permissible as evidence in any court.

### Regulations

22. (1) The Minister may make regulations regarding—
- (a) any matter which in terms of this Act is required or permitted to be prescribed;
  - (b) the requirements with which slaughter facilities have to comply for registration in terms of this Act;
  - (c) the slaughter of animals for own consumption and for religious and cultural purposes;
  - (d) the fees payable if an animal, meat or an animal product is examined by an officer in terms of this Act;
  - (e) the keeping of records and the furnishing of returns in connection with any matter relating to abattoirs, animals brought to such abattoirs and the meat and animal products derived from such animals;
  - (f) the taking of samples for the purposes of this Act, and the testing, examination and analysis of such samples;

- (g) the manner in which and periods within which specified applications have to be submitted, the documents which are to accompany such applications, and the fees which are payable in respect of such applications;
- (h) matters pertaining to the importation and exportation of meat; and
- (i) generally with regard to any other matter which it is necessary or expedient to 5 prescribe in order to achieve or promote the objectives of this Act.

(2) The Minister may by regulation grant exemption from the operation of a provision of this Act in respect of a particular area in the Republic, a particular class of slaughter facility or abattoir or grade of abattoir, a particular category or group of persons or a particular category or group of owners or a particular kind or class of animal. 10

(3) A regulation may for any contravention thereof or failure to comply therewith, provide for a fine or imprisonment—

- (a) in the case of a first conviction, for a period not exceeding one year: and
- (b) in the case of a second or subsequent conviction, for a period not exceeding 15 two years.

### Delegation

23. (1) The Minister may, subject to such conditions as he or she may impose, delegate or assign to the national executive officer, any officer of the Department or authorised person any power or duty conferred or imposed upon the Minister by or under this Act except the power to make regulations under section 22. 20

(2) The MEC may, subject to such conditions as he or she may impose, delegate or assign to any officer in the relevant provincial department any power or duty conferred or imposed upon the MEC by or under this Act.

(3) The Minister or MEC is not divested of any power or exempted from any duty delegated or assigned as contemplated in subsection (1) or (2), and may amend or set aside any decision taken in the exercise of a power or performance of a duty so delegated or assigned. 25

### Defects in form

24. A defect in the form of any document which in terms of any law is required to be executed in a particular manner, or in a document issued in terms of this Act, does not render unlawful any administrative act performed in terms of this Act in respect of the 30 matter to which such document relates, and does not constitute a ground for exception to any legal proceedings which may be taken in respect of such matter if the document complies substantially with the applicable legal requirements.

### Repeal of laws, and savings

25. (1) Subject to subsection (2), the laws specified in Schedule 2 are hereby amended or repealed to the extent indicated in the third column of that Schedule.

(2) A regulation made or deemed to have been made under section 24 of the Abattoir Hygiene Act, 1992 (Act No. 121 of 1992), and which was in force immediately prior to the commencement of this section must be regarded as having been made under this Act, in so far as it could have been made under a corresponding provision of this Act.

### Short title

26. This Act is called the Meat Safety Act, 2000.

## SCHEDULE 1

## ANIMALS TO WHICH THIS ACT APPLIES

## (Section 1(2))

**DOMESTICATED ANIMALS**

Bovine animals (including the species *bubalus bubalis* and *bison bison*)  
Donkey  
Duck  
Farmed deer  
Fowl  
Goat  
Goose  
Guineafowl  
Horse  
Kangaroo  
Mule  
Ostrich and other related *ratite* species  
Partridge  
Pheasant  
Pig  
Pigeon  
Quail  
Rabbit  
Sheep  
Turkey

**WILD GAME**

Blesbuck (*Damaliscus dorcas philipsi*)  
Blue wildebeest (*Connochaetes taurinus*)  
Buffalo (*Syncerus caffer*)  
Burchell's zebra (*Equus burchelli*)  
Crocodile (*Crocodylus niloticus*)  
Eland (*Taurotragus oryx*)  
Elephant (*Loxodonta africana*)  
Gemsbuck (*Oryx gazela*)  
Gray Rhebok (*Pelea capreolus*)  
Hippopotamus (*Hippopotamus amphibius*)  
Impala (*Aepyceros melampus*)  
Kudu (*Tragelaphus stepsiceros*)  
Mountain Reedbuck (*Redunca fulvorufula*)  
Springbuck (*Antidorcas marsupials*)  
Zebra (*Diplodus trifasciatus*)



**SCHEDULE 2****LAWS REPEALED OR AMENDED**

(Section 25)

No. and year of law	Short title	Extent of amendment or repeal
Act No. 121 of 1992	Abattoir Hygiene Act, 1992	Repeal of the whole, except section 23
Act No. 129 of 1993	General Law Third Amendment Act. 1993	Sections 77 and 78

## MEMORANDUM ON THE OBJECTS OF THE MEAT SAFETY BILL, 2000

1.1 Abattoirs and aspects of meat safety are currently dealt with under the Abattoir Hygiene Act, 1992 (Act No. 121 of 1992) ("the Act"). The Act has several shortcomings, which make it very difficult to address and meet the needs and expectations of the total population or to propagate and enhance a culture of hygiene and food safety awareness amongst South African consumers, meat traders and managers of slaughter facilities. Several loopholes exist in the Act which make it possible to import meat that might be unsafe for consumption. The Bill seeks to rectify these shortcomings by, among other things, adding to or changing definitions relating to the sale and purchase of meat.

1.2 The rigid and selective approach of the Act makes access to and the affordability of meat hygiene services difficult, if not impossible, for the majority of entrepreneurs in South Africa. The Act focuses almost entirely on costly structures and processes needed to promote the hygienic slaughter of animals with less emphasis on the safety of the end product leaving the abattoir. This approach is outdated in terms of the growing international trend to promote good management practices and the application of hazard analysis at critical control points at slaughter facilities. The Bill aims to rectify these shortcomings by supporting a more holistic approach to meat safety. The Bill seeks to accommodate the needs of our diverse society and to stimulate a collective commitment to establish a culture of hygiene and meat safety awareness.

1.3 The wider scope of responsibility in trying to establish a meat safety concept rather than just "abattoir hygiene" is implied in the proposed new title of the Bill and the extended definition of "abattoir". This will enable functionaries to be involved with meat safety aspects at deboning and meat processing establishments, especially those established for purposes of export.

1.4 An important principle that is proposed in the Bill is the provision for the assignment to agencies and non-governmental organisations of meat inspection services. This concept is not well established and is even restricted in the Act. By using agencies outside Government, the State will be able to perform its statutory functions by harnessing capacity in the meat industry for the implementation of legislation without having to expand the public service. This will prevent the utilisation of scarce resources within the State to deliver services that can be delivered just as efficiently by non-governmental organisations.

2. The Bill was extensively discussed during two workshops on the Bill during 1996. All role-players in the industry and representatives of all the provinces attended these workshops. The following institutions were represented at the workshops:

Department of Health

Department of Agriculture (Veterinary Services — Eastern Cape)

Department of Agriculture (Veterinary Services — Free State)

Department of Agriculture (Veterinary Services — Gauteng)

Department of Agriculture (Veterinary Services — KwaZulu-Natal)

Department of Agriculture (Veterinary Services — Mpumalanga)

Department of Agriculture (Veterinary Services — Northern Cape)

Department of Agriculture (Veterinary Services — Northern Province)

Department of Agriculture (Veterinary Services — North West)

Department of Agriculture (Veterinary Services — Western Cape)

Abakor Limited

Avcasa ("Agricultural and Veterinary Chemicals Association of South Africa" now known as "Crop Protection and Animal Health Association")

Choice Holdings (Agrichicks)

Earlybird Farm

Faculties of Veterinary Science of Universities

Henwil Chicken Farms

### 3. FINANCIAL IMPLICATIONS FOR STATE

Although the Bill covers a broader client base than the Act, the Bill does not hold additional financial implications for the State. The infrastructure, budget and personnel capacity for the implementation of the Bill are already in place. The broader client base will be accommodated by proposed appointment of assignees to perform certain functions under the Bill. Assignees are private sector institutions which will co-operate with Government in order to administer certain provisions of the Bill more efficiently.

The provincial functions provided for in the Bill are a formalisation of the existing situation as all personnel and budgetary resources for the implementation of the Bill have already been transferred to the provinces during the course of 1995.

### 4. PARLIAMENTARY PROCEDURE

The Bill seeks to provide for measures to promote meat safety and the safety of animal products (products obtained from the carcass of an animal other than the meat thereof), to establish and maintain essential national standards, to regulate the importation and exportation of meat and to establish meat safety schemes.

It appears that the main object of the Bill is to protect consumers in so far as the consumption of meat is concerned. In order to accomplish this, the Bill also seeks to establish and maintain essential national standards in respect of abattoirs. "Consumer protection" is a functional area of concurrent national and provincial legislative competence listed in Schedule 4 to the Constitution. If a Bill falls within a functional area listed in Schedule 4, it must be dealt with in accordance with the procedure prescribed by section 76(1) or (2) of the Constitution.

"Abattoirs" is listed in Schedule 5 to the Constitution (functional areas of exclusive provincial legislative competence). In terms of section 44(2) of the Constitution, however, Parliament may intervene, by passing legislation in accordance with section 76(1) of the Constitution, with regard to a matter falling within a functional area listed in Schedule 5, when necessary to maintain essential national standards.

The State Law Advisers and Department of Agriculture are thus of the opinion that the Bill must be dealt within accordance with the procedure prescribed by section 76(1) of the Constitution.