

REPUBLIC OF SOUTH AFRICA

**AGRICULTURAL LAWS
RATIONALISATION BILL**

(As introduced in the National Council of Provinces)

(SELECT COMMITTEE ON LAND, AGRICULTURE AND ENVIRONMENTAL AFFAIRS)

[B 86—98]

REPUBLIEK VAN SUID-AFRIKA

**WETSONTWERP OP DIE
RASIONALISERING VAN
LANDBOUWETTE**

(Soos ingedien in die Nasionale Raad van Provinsies)

(GEKOSE KOMITEE OOR LANDBOU, GROND EN OMGEWINGSAKE)

[W 86—98]

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BILL

To provide for the rationalisation of certain laws relating to agricultural affairs that remained in force in various areas of the national territory of the Republic prior to the commencement of the Constitution of the Republic of South Africa; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Definitions

1. In this Act, unless the context otherwise indicates—
“remainder of the national territory” means the areas which comprised the former Republics of Transkei, Bophuthatswana, Venda and Ciskei and the areas which comprised the former self-governing territories excluding the national territory of the former Republic of South Africa; 5
“Republic” means the national territory of the former Republic of South Africa prior to the commencement of the Constitution excluding the remainder of the national territory. 10

Extension of application of certain laws

2. (1) The laws mentioned in Schedule 1, as they were in force in the Republic immediately prior to the commencement of this Act, will, from a date fixed by the President by proclamation in the *Gazette*, also apply in the remainder of the national territory. 15
(2) The law mentioned in Schedule 2 as it was in force in the Republic immediately prior to the commencement of this Act, will, from a date fixed by the President by proclamation in the *Gazette*, also apply to the territory of the former Republic of Transkei. 20

Repeal of laws, and savings

3. (1) Subject to the provisions of this section, the laws mentioned in the second column of Schedule 3 are repealed to the extent that such laws were in force in the various areas of the remainder of the national territory as set out in the fourth column. 25
(2) Anything done under a law repealed in terms of subsection (1) which is capable of being done under a provision of a law mentioned in the second column of Schedule 3, will be deemed to have been done under such provision of such law.

Short title

4. This Act is called the Agricultural Laws Rationalisation Act, 1998.

SCHEDULE 1**EXTENSION OF THE APPLICATION OF CERTAIN LAWS BY SECTION 2**

Number and year of law	Short title
Act No. 24 of 1935	Performing Animals Protection Act, 1935
Act No. 71 of 1962	Animals Protection Act, 1962

SCHEDULE 2**EXTENSION OF APPLICATION OF LAW BY SECTION 2(2)**

Number and year of law	Short title
Act No. 13 of 1944	Land Bank Act, 1944

SCHEDULE 3

LAWS REPEALED BY SECTION 3

Number and year of law	Short title	Extent of laws repealed	Area of the remainder of the national territory in respect of which law is repealed
Act No. 24 of 1935	Performing Animals Protection Act, 1935	The whole	The territories of the former Republics of Transkei, Bophuthatswana and Venda and the territories of the former self-governing territories of Gazankulu, Lebowa, KwaNdebele, KwaZulu, KaNgwane and Qwaqwa
Act No. 42 of 1937	Weeds Act, 1937	The whole	The territories of the former Republics of Bophuthatswana and Transkei and the territories of the former self-governing territories of Gazankulu, KwaZulu and Qwaqwa
Act No. 2 of 1939	Weeds Amendment Act, 1939	The whole	The territories of the former Republics of Bophuthatswana and Transkei and the territories of the former self-governing territories of Gazankulu, KwaZulu and Qwaqwa
Act No. 48 of 1950	Fertilizers, Farm Feeds, Seeds and Remedies Amendment Act, 1950	The whole	The territories of the former Republics of Transkei, Ciskei, Venda and Bophuthatswana and the territories of the former self-governing territories of KwaNdebele, KaNgwane, KwaZulu, Lebowa, Gazankulu and Qwaqwa
Act No. 13 of 1956	Animal Diseases and Parasites Act, 1956	The whole	The territory of the former Republic of Bophuthatswana and territory of the former self-governing territory of Qwaqwa
Act No. 28 of 1961	Seeds Act, 1961	The whole	The territories of the former Republics of Bophuthatswana, Ciskei, Transkei and Venda and the territories of the former self-governing territories of Gazankulu, KwaNdebele, KaNgwane, KwaZulu, Lebowa and Qwaqwa
Act No. 71 of 1962	Animals Protection Act, 1962	The whole	The territories of the former Republics of Bophuthatswana and Transkei and the territories of the former self-governing territories of KaNgwane, KwaNdebele, Lebowa and Qwaqwa
Act No. 31 of 1963	Fencing Act, 1963	The whole	The territories of the former self-governing territories of Gazankulu, KaNgwane, KwaNdebele, KwaZulu and Lebowa
Act No. 32 of 1964	Weeds Amendment Act, 1964	The whole	The territory of the former Republic of Bophuthatswana and the territories of the former self-governing territories of Gazankulu, KwaNdebele, KwaZulu and Qwaqwa

Number and year of law	Short title	Extent of laws repealed	Area of the remainder of the national territory in respect of which law is repealed
Act No. 18 of 1967	Animal Diseases and Parasites Amendment Act, 1967	The whole	The territories of the former self-governing territories of KwaNdebele, Gazankulu, KwaZulu, KaNgwane and Qwaqwa
Act No. 87 of 1967	Animal Slaughter, Meat and Animal Products Hygiene Act, 1967	The whole	The territories of the former Republics of Ciskei and Bophuthatswana and the territories of the former self-governing territories of KaNgwane, KwaZulu and Qwaqwa
Act No. 51 of 1969	Animal Diseases and Parasites Amendment Act, 1969	The whole	The territory of the former Republic of Bophuthatswana and the territories of the former self-governing territories of Gazankulu, KaNgwane, KwaNdebele, KwaZulu and Qwaqwa
Act No. 74 of 1969	Weeds Amendment Act, 1969	The whole	The territory of the former Republic of Bophuthatswana and the territories of the former self-governing territories of Gazankulu, KaNgwane, KwaZulu and Qwaqwa
Act No. 76 of 1969	Soil Conservation Act, 1969	The whole	The territories of the former Republics of Bophuthatswana and Venda and the territories of the former self-governing territories of Gazankulu, KaNgwane, KwaZulu and Qwaqwa
Act No. 46 of 1970	Animal Diseases and Parasites Amendment Act, 1970	The whole	The territory of the former Republic of Bophuthatswana and the territories of the former self-governing territories of Gazankulu, KwaNdebele, KaNgwane, KwaZulu and Qwaqwa
Act No. 60 of 1970	Fertilizers, Farm Feeds and Remedies Amendment Act, 1970	The whole	The territories of the former Republics of Ciskei, Bophuthatswana and Venda and the territories of the former self-governing territories of KwaNdebele, KaNgwane, Gazankulu, KwaZulu, Lebowa and Qwaqwa
Act No. 3 of 1971	Fencing Amendment Act, 1971	The whole	The territories of the former self-governing territories of Gazankulu, KaNgwane, KwaNdebele, Lebowa, KwaZulu and Qwaqwa
Act No. 4 of 1971	Soil Conservation Amendment Act, 1971	The whole	The territory of the former Republic of Bophuthatswana and the territories of the former self-governing territories of Gazankulu, KaNgwane, KwaZulu and Qwaqwa
Act No. 38 of 1971	Second Soil Conservation Amendment Act, 1971	The whole	The territories of the former Republics of Bophuthatswana and Venda and the territories of the former self-governing territories of Gazankulu, KaNgwane, KwaZulu and Qwaqwa

Number and year of law	Short title	Extent of laws repealed	Area of the remainder of the national territory in respect of which law is repealed
Act No. 7 of 1972	Animals Protection Amendment Act, 1972	The whole	The territory of the former Republic of Bophuthatswana and the territories of the former self-governing territories of KwaNdebele, KaNgwane, Lebowa and Qwaqwa
Act No. 17 of 1972	Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Amendment Act, 1972	The whole	The territories of the former Republics of Ciskei and Bophuthatswana and the territories of the former self-governing territories of Gazankulu, KwaNdebele, KaNgwane, KwaZulu, Lebowa and Qwaqwa
Act No. 9 of 1973	Animal Diseases and Parasites Amendment Act, 1973	The whole	The territory of the former Republic of Bophuthatswana and the territories of the former self-governing territories of KaNgwane, KwaZulu and Qwaqwa
Act No. 74 of 1974	Wine and Spirit Control Amendment Act, 1974	The whole	The territories of the former self-governing territories of KwaNdebele, KaNgwane, KwaZulu and Qwaqwa
Act No. 15 of 1976	Plant Breeders' Rights Act, 1976	The whole	The territories of the former self-governing territories of KaNgwane, KwaNdebele and KwaZulu
Act No. 5 of 1980	Plant Breeders' Rights Amendment Act, 1980	The whole	The territories of the former self-governing territories of KaNgwane and KwaNdebele
Act No. 36 of 1972	Animal Slaughter, Meat and Animal Products Hygiene Amendment Act, 1972	The whole	The territory of the former Republic of Bophuthatswana and the territories of the former self-governing territories of Lebowa, KaNgwane, KwaNdebele, KwaZulu and Qwaqwa
Act No. 70 of 1972	Wine and Spirit Control Amendment Act, 1972	The whole	The territories of the former Republics of Bophuthatswana, Ciskei and Venda and the territories of the former self-governing territories of Gazankulu, KwaNdebele, KaNgwane, Lebowa, KwaZulu and Qwaqwa
Act No. 13 of 1975	Animal Slaughter, Meat and Animal Products Hygiene Amendment Act, 1975	The whole	The territories of the former self-governing territories of KaNgwane, KwaNdebele and KwaZulu
Act No. 26 of 1975	Wine and Spirit Control Amendment Act, 1975	The whole	The territories of the former self-governing territories of KaNgwane, KwaNdebele and KwaZulu
Act No. 62 of 1975	Second Wine and Spirit Control Amendment Act, 1975	The whole	The territories of the former self-governing territories of KwaNdebele, KaNgwane and KwaZulu
Act No. 69 of 1976	Wine and Spirit Control Amendment Act, 1976	The whole	The territories of the former self-governing territories of KaNgwane, KwaNdebele and KwaZulu
Act No. 18 of 1977	Subdivision of Agricultural Land Amendment Act, 1977	The whole	The territories of the former self-governing territories of KwaNdebele and KaNgwane

Number and year of law	Short title	Extent of laws repealed	Area of the remainder of the national territory in respect of which law is repealed
Act No. 24 of 1977	Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Amendment Act, 1977	The whole	The territories of the former self-governing territories of KaNgwane and KwaNdebele
Act No. 47 of 1978	Wine and Spirit Control Amendment Act, 1978	The whole	The territories of the former self-governing territories of KaNgwane and KwaNdebele
Act No. 12 of 1979	Subdivision of Agricultural Land Amendment Act, 1979	The whole	The territories of the former self-governing territories of KaNgwane and KwaNdebele
Act No. 4 of 1980	Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Amendment Act, 1980	The whole	The territories of the former self-governing territories of KaNgwane and KwaNdebele
Act No. 87 of 1980	Wine and Spirits Amendment Act, 1980	The whole	The territories of the former self-governing territories of KaNgwane and KwaNdebele
Act No. 18 of 1981	Subdivision of Agricultural Land Amendment Act, 1981	The whole	The territories of the former self-governing territories of KaNgwane and KwaNdebele
Act No. 91 of 1981	Co-operatives Act, 1981	The whole	The territory of the former self-governing territory of KaNgwane
Act No. 19 of 1982	Veterinary and Para-Veterinary Professions Act, 1982	The whole	The territory of the former self-governing territory of KaNgwane
Act No. 69 of 1982	Abattoir Industry Amendment Act, 1982	The whole	The territory of the former self-governing territory of KaNgwane
Act No. 38 of 1983	Plant Breeders' Rights Amendment Act, 1983	The whole	The territory of the former self-governing territory of KaNgwane
Act No. 44 of 1983	Wine and Spirit Control Amendment Act, 1983	The whole	The territory of the former self-governing territory of KaNgwane
Act No. 63 of 1984	Wine and Spirits Amendment Act, 1984	The whole	The territory of the former self-governing territory of KaNgwane
Lebowa Act No. 10 of 1984	Lebowa Co-operatives Amendment Act, 1984	The whole	The territory of the former self-governing territory of Lebowa
Venda Act No. 10 of 1989	Venda Livestock Brands Act, 1989	The whole	The territory of the former Republic of Venda
Venda Proclamation 4 of 1993	Venda Co-operatives Amendment Proclamation, 1993	The whole	The territory of the former Republic of Venda

MEMORANDUM ON THE OBJECTS OF THE AGRICULTURAL LAWS RATIONALISATION BILL, 1998

Although the former self-governing territories and independent states were abolished, certain laws remained in force in the former self-governing territories and independent states even after the repeal thereof by Parliament. In order to achieve legal certainty and to avoid practical or legal problems, it has become imperative to repeal the relevant laws as far as the former self-governing territories and independent states are concerned.

The Agricultural Laws Rationalisation Bill repeals the relevant laws and also makes certain laws of the Republic which did not apply in certain areas of the former self-governing territories or independent states, applicable in these territories and states.

CONSULTATION

The following bodies/governments were consulted:

- * The nine provincial governments

PARLIAMENTARY PROCESS

The Department of Agriculture and the State Law Advisers are of the opinion that the procedure established by section 76 of the Constitution should be followed in respect of this Bill.