

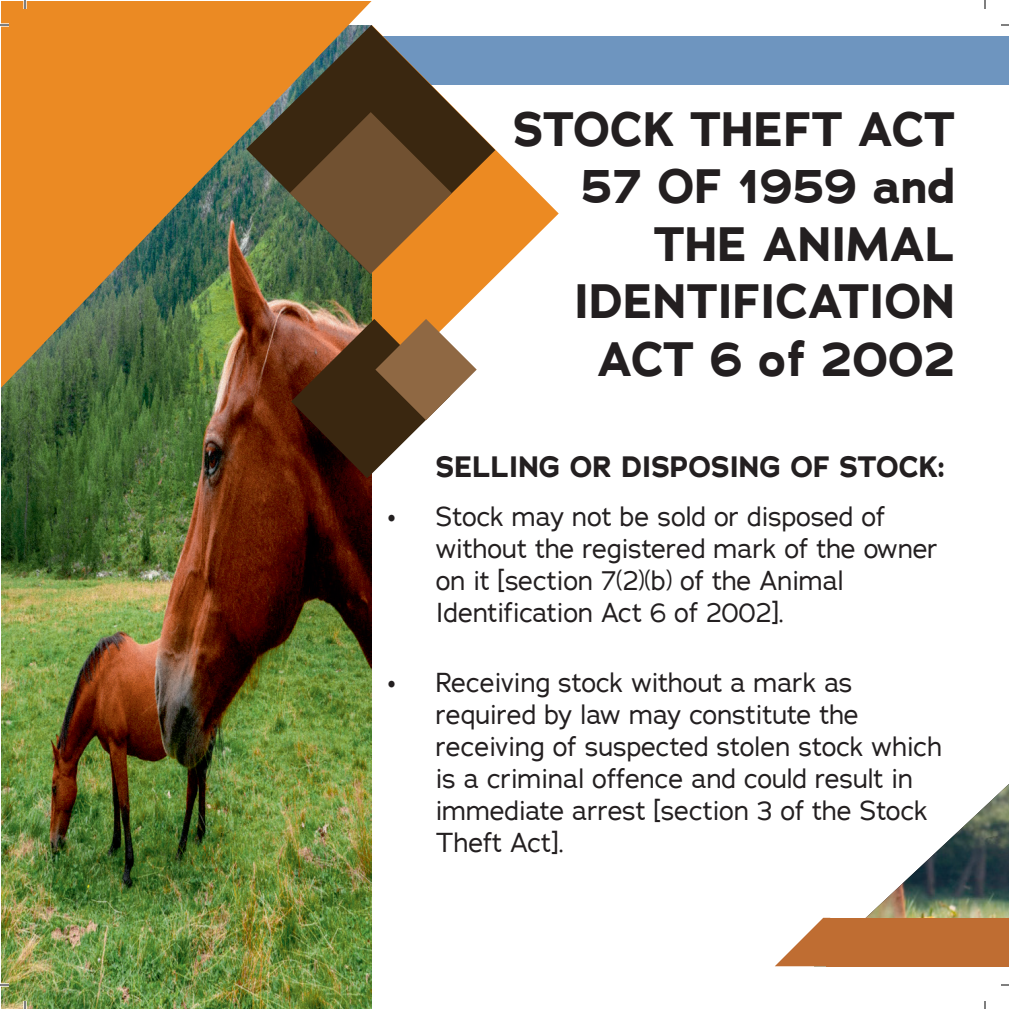


STOCK

THEFT



National Prosecuting Authority
South Africa

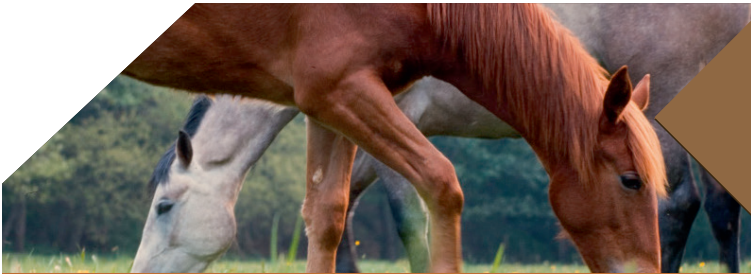


STOCK THEFT ACT 57 OF 1959 and THE ANIMAL IDENTIFICATION ACT 6 of 2002

SELLING OR DISPOSING OF STOCK:


- Stock may not be sold or disposed of without the registered mark of the owner on it [section 7(2)(b) of the Animal Identification Act 6 of 2002].
- Receiving stock without a mark as required by law may constitute the receiving of suspected stolen stock which is a criminal offence and could result in immediate arrest [section 3 of the Stock Theft Act].

- The seller must provide the buyer/receiver with a section 6 document called a 'document of identification' [section 6(1) of The Stock Theft Act 57 of 1959].
- No person may take delivery of stock without obtaining a document of identification at the time of delivery – such document must contain ALL of the specified information as noted below otherwise it will not be considered a document of identification [section 6(2) of The Stock Theft Act 57 of 1959];



- The document of identification must contain the following information and it is the responsibility of the seller to ensure that ALL of the information is in the document [section 6(1)(a) of The Stock Theft Act 57 of 1959]:
 - Full names and address of the seller and, if sold on behalf of the seller, the full names and address of such authorized person as well;
 - Full names and address of the receiver of such stock;
 - The date on which the stock was sold or disposed of;
 - A certification that the stock is the property of the seller or that the representative of the seller is authorized by the owner to sell or dispose of such stock;
 - The breed or kind of stock;
 - The number of stock;
 - The brand – ear – or tattoo mark on the stock;
 - If the stock has no mark then the sex and number of each sex and the colour thereof.



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- The document of identification must be retained for 1 year [section 6(3) of The Stock Theft Act 57 of 1959].
 - Any person may request to view such document of identification [section 6(4) of The Stock Theft Act 57 of 1959].
 - The police may order an owner of stock to mark his/her stock clearly if, in the opinion of such police official, the mark is invisible or indistinct. The owner will have 14 days to comply with such an order [section 7(1)(c) of the Animal Identification Act].
 - It is advised that the owner keep proof of his/her registered mark with him/her and provide such on request of the SAP.
 - Failure to comply with any of the above conditions may result in a fine being issued or arrest and prosecution in a criminal court.



TRANSPORTATION OR REMOVAL OF STOCK ON A PUBLIC ROAD:

- The transporter of stock **MUST** have in his possession a certificate of removal (section 8 document) when transporting stock on a public road **IF** the owner of such stock is not present [section 8(1) of the Stock Theft Act 57 of 1959].
- If the owner is travelling separately in another vehicle then such transporter **MUST** have a removal certificate.



A removal certificate must contain the following information:

- The name and address of the person who issued the certificate;
- The name and address of the owner of such stock;
- The place from which AND the place to which such stock is transported or driven;
- The name of the driver or transporter;
- The date of issue thereof;
- The registration number, model and make of the vehicle used to transport the stock;
- The breed or kind of stock;
- The number of stock;
- The brand, ear mark, tattoo mark and other identification mark (if any);
- If the stock is not marked – the sex and number and
- The colour thereof.

- An owner of stock may not allow stock to be transported without issuing the driver with a removal certificate [section 8(2) of The Stock Theft Act 57 of 1959].
- Any justice of the peace, policeman, or owner, lessee or occupier of land may demand from any person who is required to have a removal certificate in his possession, an inspection of such a certificate [section 8(3) of The Stock Theft Act 57 of 1959].





- No person, who is or was an employee of an owner or lessee of land, shall remove any stock owned by him from any land of such owner or lessee UNLESS he is in possession of a document issued by such owner, lessee or policeman NOT MORE THAN 7 DAYS before the removal – giving a description of such stock AND certifying that he (owner of stock) was to his (owner of land, lessee or policeman) best knowledge and belief entitled to remove such stock on the said date [section 8(4) of The Stock Theft Act 57 of 1959].
- Failure to comply with any of the above conditions may result in a fine being issued to the owner and driver or arrest and prosecution in a criminal court.

Animal Identification Act 6 of 2002, Section 7

The duties of owners of animals as contained in section 7 of the Act: **Each owner of animals must**

- **Section 7(1)(a):** Apply for identification mark
- **Section 7(1)(b):** mark his/her animals in the prescribed manner
- **Section 7(2)(a):** 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 that animal;
- **Section 7(2)(b)(i):** No person may 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;
- **Section 7(2)(b)(ii):** Provide new owner with document of identification
- **Section 7(3):** A person acquiring an animal from a person disposing of an animal as contemplated in section 7(2) must retain the document of identification obtained from that person for a period of (1)one year.



**Animal Identification act 6 of 2002,
Section 16.**

Offences

16. Any person who -
- (a) is a marking operator and who fails to keep a register in terms of section 11(1)(c);
 - (b) has in his or her possession an animal marked not in accordance with or in a manner allowed by this Act;
 - (c) alters, mutilates or cancels an identification mark on an animal;
 - (d) sells to any person an animal on which an identification mark has been altered, mutilated; or cancelled;
 - (e) sells to any person an animal of which an ear has been cut off;
 - (f) hinders or obstructs an officer or an authorised person or a police official in the execution of his or her duties or the exercise of his or her powers under this Act;

- (g) fails or refuses to produce, when required in terms of this Act by the registrar or a police official to do so, any livestock or other thing in his or her possession or under his or her control:
- (h) alters a certificate issued in terms of section 5(2)(c);
- (i) fails to comply with or contravenes any provision of section 7;
- (j) in any application made in terms of this Act, makes or causes to be made a statement which is false;
- (k) falsely holds himself or herself out to be the registrar or an authorised person; or
- (l) marks animals for financial gain without being registered as a marking operator,

is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding six months, or to both such fine and such imprisonment.





**Animal Identification Regulations Section 11,
age of animals at the time of marking [18(1)(c)]**

(a) Cattle

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

(b) Small stock must be tattooed at the age of one month.

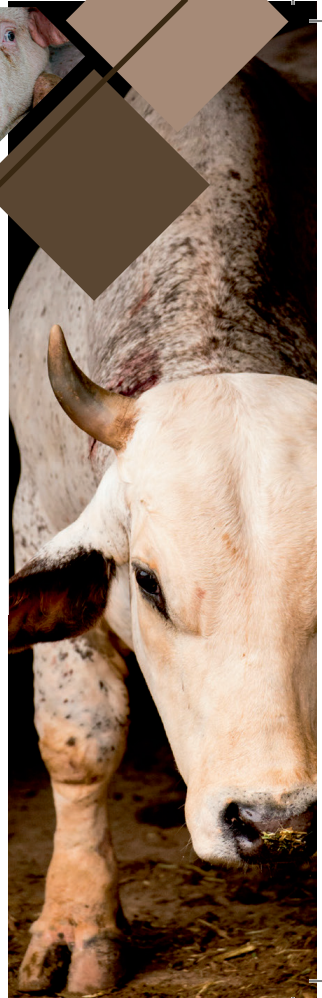
(c) Pigs must be tattooed at the age of one month.

(d) Ostriches

- (i) can be tattooed at the age of one month; and
- (ii) can be branded at the age of six months.

(e) Equine

- (i) can be tattooed at the age of six months; and
- (ii) can be branded by the age of twelve months.



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