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HOW FAR BACK DOES ANIMAL WELFARE LEGISLATION GO IN SOUTH AFRICA?

(Prepared by Gareth Bath)

People are inclined to think that concerns about animal welfare are something new in South Africa. It is surprising to find out just how long our society has been making provision for protecting animals against cruelty – the oldest law identified thusfar is the Cruelty to Animals Act 13 of 1874 passed in the then Crown Colony of Natal. This precedes the British Cruelty to Animals Act by 2 years! In 1888 the Cape Colony passed Cruelty to Animals legislation (Act 18) which was revised in 1895. The old Zuid Afrikaansche Republiek (Transvaal) passed an Ill-treatment of Animals Law 3 of 1888 with a revision in 1889. The Orange Free State also had legislation identified as Chapter CXLV- so all of the later Provinces had laws that governed ill-treatment of animals before Union in 1910. These were all repealed in 1914 when an Act of the Union Parliament (Cruelty to Animals Act 8 of 1914) was passed, giving a single unified legal framework governing unacceptable treatment of animals. With further revisions, this law was in force until 1935 when it was superseded by the Performing Animals Protection Act (24 of 1935) and much later this Act was supplemented by The Animals Protection Act 71 of 1962 (over 50 years ago now), both amended from time to time up to the present – the latest one as a result of a finding of the Constitutional Court. There are many other laws that affect Animal Welfare, like the SPCA Act 169 of 1993 and we can say that South Africa has a good legislative framework governing animal welfare, though some are scheduled for replacement in future.