NATIONAL ASSEMBLY

36/1/4/1(201900022)

FOR WRITTEN REPLY

QUESTION 162

DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 15 FEBRUARY 2019 (INTERNAL QUESTION PAPER NO 2•2019)

162. Mr W M Madisha (Cope) to ask the Minister of Police:

1. Whether he has found that the widely reported slaughter of an animal on Clifton beach was a lawful act; if not, what is the position in this regard; if so, on what lega! provisions are his findings based;
2. on what grounds was the action of the SA Police Service to intervene and allow the slaughter to take place justified when the City of Cape Town officials tried to stop the slaughter from taking place?

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REPLY:

* 1. It was determined that the slaughter of an animal on the Clifton Beach, was not unlawful. Section 7 of the Meat Safety Act, 2000 (Act No 40 of 2000), prohibits the slaughter of animals at places, other than abattoirs. However, Section 7(2) of the Act, provides for exemptions and stipulates that the prohibition does not apply to the slaughter of animals for cultural or religious purposes.

Regulation 129, of the Red Meat Regulations of 2004, which were issued in terms of the Meat Safety Act, regulate the slaughtering of animals for religious or cultural purposes. This Regulation requires that a person who slaughters animals for religious or cultural purposes, must obtain prior written permission from the local authority of the area, where such slaughtering will take place.

The Regulation does not contain an offences/or penalty clause and the conduct is, therefore, not criminalised and is merely a prohibition. No other Bylaw and/or Act could be found that criminalises the slaughtering of animals.

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* 1. No employee of the City of Cape Town could advise the senior South African Police Service (SAPS) officers, who were at the scene, of any offence that would be committed if the animal was slaughtered on the beach.

The Mayor of the City of Cape Town, Mr D Plato, informed the senior SAPS officers that a Bylaw would be transgressed. However, to date, no such Bylaw could be provided to the SAPS.

At no stage, did any of the senior officers present, prevent any employee or representative of the City of Cape Town, to act against those that intended to slaughter the sheep. Major General Vearey did, however, advise the Mayor that it would not be operationally appropriate to act. This was based on the fact that there was confusion about the legislation, the risk associated with police action at the time, taking into account, the size and mood of the crowd that had gathered for the event. The risk of creating more violence, outweighed the enforcement of a Bylaw that eventually proved not to exist.

Reply to question 162 recommended/

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Reply to question 162 approved/not approved

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