

CHAPTER 19:11

REGISTRATION OF PEDIGREE FARM LIVESTOCK ACT

Act 21/1981, 22/2001 (s. 4).

ARRANGEMENT OF SECTIONS

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AN ACT to confer certain rights on the association known as the Zimbabwe Herd Book and on certain breed societies, to fix the conditions governing such rights, and to provide for the registration and publication of records of the pedigrees of farm livestock; and to provide for matters incidental to or connected with the foregoing.

[Date of commencement: 1st March, 1982.]

1 Short title

This Act may be cited as the Registration of Pedigree Farm Livestock Act [*Chapter 19:11*].

2 Interpretation

In this Act—

- “affiliated breed society” means a breed society which has been admitted as a member of the Association in terms of section *eight*;
- “animal” means an animal born in Zimbabwe or whilst in transit to Zimbabwe, which is of a designated breed;
- “Association” means the association known as the Zimbabwe Herd Book;
- “breed society” means a body of persons concerned with the registration and recording of pedigrees of any breed of farm livestock;
- “designated breed” means a breed of farm livestock which is declared to be a designated breed in terms of section *three*;
- “farm livestock” means horses (except thoroughbred horses), cattle, sheep, goats, pigs and poultry;
- “Minister” means the Minister of Agriculture or any other Minister to whom the President may, from time to time, assign the administration of this Act;
- “pedigree” means a genealogical linear record of an animal and its ascendants;
- “recording system”, in relation to any animal, means a system of recording the pedigree and performance of that animal.

3 Designated breeds

The Minister may, by statutory instrument and on the recommendation of the Association, declare any breed of farm livestock to be a designated breed and may in like manner amend or repeal any such declaration.

4 Rights conferred on Association

- (1) Subject to this Act, the Association shall have the sole right in Zimbabwe— (a) to register pedigrees of particular animals;
 - (b) to issue certificates of registration of particular animals;
 - (c) to publish pedigrees of particular animals in the form of stud, herd or flock books.
- (2) Nothing in subsection (1) shall be construed as prevent –
 - (a) an affiliated breed society from operating a recording system in respect of any animals and issuing copies of records relating to such system if the system is approved by the Association in terms of section *nine*;

- (b) a breed society which immediately before 1st March, 1982, was operating a recording system in respect of any animals from operating such system and issuing copies of records relating to such system if the system is approved by the Association in terms of section *nine*.

(3) Any person who issues any certificate purporting to register or state the pedigree of any animal or publishes in any form any pedigree of an animal and thereby infringes the exclusive rights of the Association, as conferred by this section, shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

[Subsection amended by section 4 of Act 22 of 2001]

5 Representatives of Ministry to be members of Council of Association

(1) The Minister may appoint not more than two persons employed in his Ministry to be members of the Council.

(2) A person appointed by the Minister in terms of subsection (1) shall have all the rights of a representative of an affiliated breed society who is a member of the Council:

Provided that such person shall not have the right to vote.

(3) In this section—

“Council” means the council of the Association as constituted in terms of its constitution or, if at any time there is no council of the Association, a committee or constituent part of the Association having equivalent powers to the council as so constituted.

6 Constitution, rules and regulations of Association

(1) The constitution of the Association and its rules and regulations which were in force immediately before 1st March, 1982, shall not be amended or repealed without the consent of the Minister.

(2) A copy of—

- (a) any proposed amendment or repeal of the constitution, rules or regulations of the Association shall be submitted to the Minister at least thirty days before it is proposed to effect such amendment or repeal;
- (b) any amendment or repeal of the constitution, rules or regulations of the Association shall be submitted to the Minister within thirty days after the same has been effected;
- (c) the annual report and financial statement as confirmed by the annual general meeting of the Association shall be submitted to the Minister within thirty days after the date of such meeting.

(3) If a copy of any document specified in paragraph (a), (b) or (c) of subsection (2) is not submitted to the Minister within the period specified therein, the Minister may, by notice in writing, direct any office-holder of the Association to submit a copy of the document within such period as he may specify, and such officeholder shall comply with such direction.

7 Association may affiliate with similar association

(1) The Association may, with the approval of the Minister, seek affiliation with any similar association outside Zimbabwe.

(2) Any application for affiliation made in terms of subsection (1) shall require the affirmative vote of more than two-thirds of the members present at a general meeting of the Association.

8 Affiliated breed societies

(1) Subject to this section, any breed society may apply to the Association for admission as a member of the Association.

(2) Every application referred to in subsection (1) shall be accompanied by a copy of the constitution of the breed society concerned and shall be made in the form and manner set out in the rules and regulations of the Association.

(3) The Association shall consider an application in terms of subsection (1) and—

(a) if it is satisfied that the aims and objects of the breed society concerned and its constitution, rules and regulations are not inconsistent with the constitution, rules and regulations of the Association and the provisions of this Act, shall grant membership to the society and issue it with a membership certificate; (b) if it is not satisfied as specified in paragraph (a), shall refuse the application.

(4) The constitution, rules and regulations of an affiliated breed society shall not be amended or repealed without the consent of the Association.

(5) A copy of—

- (a) any proposed amendment or repeal of the constitution, rules or regulations of an affiliated breed society shall be submitted to the Association at least thirty days before it is proposed to effect such amendment or repeal;
- (b) any amendment or repeal of the constitution, rules or regulations of an affiliated breed society shall be submitted to the Association within thirty days after the same has been effected.

(6) If a copy of any document specified in paragraph (a) or (b) of subsection (5) is not submitted to the Association within the period specified therein, the Association may, by notice in writing, direct any office-holder

of the affiliated breed society concerned to submit a copy of the document within such period as it may specify, and such office-holder shall comply with such direction.

9 Approved recording system

(1) Any—

- (a) breed society which immediately before the fixed date was operating a recording system in respect of any animals; or
- (b) affiliated breed society which proposes to operate a recording system in respect of any animals; may apply to the Association for approval of such system.

(2) The Association shall consider any application in terms of subsection (1) and—

(a) if it is satisfied that the system is adequate for recording the pedigrees and performance of animals of the designated breed concerned, shall approve the application and issue a certificate of approval; (b) if it is not satisfied as specified in paragraph (a), shall refuse the application.

(3) No change shall be made to any approved recording system without the consent of the Association.

(4) A notice setting out details of—

- (a) any proposed changes to an approved recording system shall be submitted to the Association at least thirty days before it is proposed to effect such changes;
- (b) any changes to an approved recording system shall be submitted to the Association within thirty days after the same have been effected.

(5) If a copy of any document specified in paragraph (a) or (b) of subsection (4) is not submitted to the Association within the period specified therein, the Association may, by notice in writing, direct any office-holder of the breed society or affiliated breed society concerned to submit a copy of the document within such period as it may specify, and such office-holder shall comply with such direction.

10 Appeals to Minister

(1) Any person who, or breed society which, is aggrieved by any decision of the Association in terms of section *eight* or *nine* may, within one month of such decision, appeal in writing to the Minister.

(2) Upon an appeal made to him in terms of subsection (1) the Minister shall after due inquiry and consultation with the Association—

- (a) confirm or reverse the decision of the Association;
- (b) refer the matter back to the Association for further consideration;
- (c) give such other directions in regard to the matter as he thinks fit; and the decision of the Minister shall be final.

11 False statements and withholding of information in regard to registration

(1) Any person who knowingly makes a false statement in relation to the pedigree of any farm livestock intended for registration with the Association or a breed society in terms of this Act shall be guilty of an offence and liable to a fine not exceeding level six or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

(2) Any person who wilfully or negligently and without just cause withholds any information which the Association or a breed society has required him to provide for the proper registration in terms of this Act of the pedigree of any farm livestock shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

[Section substituted by Act 22 of 2001]