

REPUBLIC OF SOUTH AFRICA

ANIMALS PROTECTION AMENDMENT BILL

*(As introduced in the National Assembly (proposed section 76); explanatory summary of
Bill and prior notice of its introduction published in Government Gazette No. 43702 of
11 September 2020)*
(The English text is the official text of the Bill)

(MR. S N SWART, MP)

[B 1—2021]

ISBN 978-1-4850-0699-2

No. of copies printed250

GENERAL EXPLANATORY NOTE:

Words underlined with a solid line indicate insertions in existing enactments.

BILL

To amend the Animals Protection Act, 1962, so as to insert a definition for “cosmetic”; to provide for a new offence related to the testing of a cosmetic, or part of or ingredient of a cosmetic, on an animal; and to provide for matters connected therewith.

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

Amendment of section 1 of Act 71 of 1962, as amended by section 12 of Act 7 of 1991

1. Section 1 of the Animals Protection Act, 1962 (hereinafter referred to as the principal Act), is hereby amended by the insertion after the definition of “animal” of the following definition: 5

“‘cosmetic’ means any article, preparation or substance, except a medicine as defined in the Medicines and Related Substances Act, 1965 (Act No. 101 of 1965), intended to be rubbed, poured, sprinkled, injected or sprayed on or otherwise applied to the human body, including the epidermis, hair, teeth, mucous membranes of the oral cavity, lips and external genital organs, for purposes of cleansing, perfuming, correcting body odours, conditioning, beautifying, protecting, promoting attractiveness or improving or altering the appearance, and includes any part or ingredient of any such article, preparation or substance;” 10

Amendment of section 2 of Act 71 of 1962, as amended by section 21 of Act 102 of 1972, section 3 of Act 54 of 1983, section 5 of Act 20 of 1985, section 13 of Act 7 of 1991, section 2 of Act 42 of 1993 and section 2 of Act 33 of 1997 15

2. Section 2 of the principal Act is hereby amended—

(a) by the insertion in subsection (1) after paragraph (n) of the following paragraph: 20

“(nA) tests a cosmetic on an animal; or”; and

(b) by the substitution for subsection (2) of the following subsection:

“(2) For the purposes of—

(a) sub-section (1), the owner of any animal shall be deemed to have permitted or procured the commission or omission of any act in relation to that animal if by the exercise of reasonable care and supervision in respect of that animal he could have prevented the commission or omission of such act; and 25

(b) sub-section (1)(nA), the testing on an animal of an ingredient that may be included in a cosmetic, shall not constitute an offence where that testing is for a purpose unrelated to the use of that ingredient in a cosmetic.”.

Amendment of law

5

3. The law mentioned in the Schedule is hereby amended to the extent indicated in the third column thereof.

Short title

4. This Act is called the Animals Protection Amendment Act, 2021.

Schedule

Law amended

No. and year of Act	Short title	Extent of repeal or amendment
54 of 1972	Foodstuffs, Cosmetics and Disinfectants Act, 1972	<p>1. The amendment of section 2—</p> <p>(a) by the deletion in subsection (1)(c) of the full stop at the end of subparagraph (iv) and substituting “; or”;</p> <p>(b) by the addition in subsection (1) after paragraph (c) of the following paragraph:</p> <p style="padding-left: 40px;"><u>“(d) if he sells, or manufactures any cosmetic, which has been tested on an animal in the Republic.”; and</u></p> <p>(c) by the insertion after subsection (2) of the following subsection:</p> <p style="padding-left: 40px;"><u>“(2A) The provisions of subsection (1)(d) shall not apply to an ingredient that may be included in a cosmetic, but which was tested on an animal for a purpose that was not related to the use of that ingredient in a cosmetic.”.</u></p> <p>2. The amendment of section 6—</p> <p>(a) by the substitution for the words preceding paragraph (a) of the following words:</p> <p style="padding-left: 40px;"><u>“(1) No person shall be convicted—”;</u> and</p> <p>(b) by the addition after paragraph (c) of the following subsection:</p> <p style="padding-left: 40px;"><u>“(2) The special defence referred to in subsection (1)(a) does not apply to the offence contemplated in section 2(1)(d).”.</u></p>