



African horse sickness regulatory update: fines system

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One of the major recommendations made in 2013 during the EU's FVO audit on African horse sickness (AHS) and its control in South Africa was "to clarify and ensure that the competent authority has adequate legal powers to enforce the rules related to the AHS control programme. (Article 12 (2)(c) of Council Directive 2009/156/EC)". Since then, much progress has been made on the legal aspect of AHS control, with a task group formed in the Western Cape in 2016 and training of state and other regulatory officials, including the South African Police Service. A number of road blocks have since been held and compliance with AHS vaccination and movement policies has been checked at various shows and sales in the AHS controlled area. These checks have resulted in a number of transgressions being identified in regard to the Animal Diseases Act (35/1984) and its associated African horse sickness regulations. Criminal charges were brought to a number of these transgressors with successful prosecution and admission of guilt fines being paid.

Recently, with the dedication of the South African Stock Theft Unit in the Western Cape, a fines list has been

signed off by a number of magisterial districts in the AHS controlled area, which has resulted in fines being directly issued for transgressions against the Act, thereby simplifying control and ensuring the Animal Diseases Act is successfully enforced.

Fines system

A fines list has been compiled to determine admission of guilt (AOG) fines that can be awarded in connection with contravention of the following legislation:

Animal Diseases Act (Act 34 of 1984) read with GNR 2026 of 26 September 1986 - Government Gazette No 10469

The objective of the list is to lay down guidelines for the issuing of admission of guilt fines in connection with minor offences. The offender is therefore given the option to either pay an AOG fine or to defend his/her case in court. Fines lists keep minor offences out of court in order that the court officials can devote their time to more serious cases.

Table 1: Summary of offences and applicable fines

Overarching offense	Specific offense	Admission of guilt fine	Conviction penalty
Illegal movement: Area under quarantine	Acting contrary to the quarantine conditions imposed by the Veterinary Authority	1st offense: R5000 Repeat offenders: No admis-	1st conviction fine not exceeding R8000 and/or imprisonment not exceeding two years. 2nd conviction fine not exceeding R16000 and/or imprisonment not exceeding four years.
Illegal Movement	Every reponsible person shall with a contact or infected animal apply the applicable controlled act. (Act regulations Table 2 Column 1 to 6)	1st offense: R5000 Repeat offenders: No admission of guilt fines applicable	
	Move or remove any controlled animal across or from land in a controlled area	1st offense: R1000 2nd offense: R2500 Repeat offenders: No admission of guilt fines applicable	
	No responsible person in the controlled area shall allow any controlled animal to be moved or removed from his land without a permit		
	No equines in free and Surveillance Zone may be vaccinated for AHS without permission	1st offense: R1000 Repeat offenders: No admission of guilt fines applicable	
Vaccination	Person not vaccinating equines in Protection Zone (contemplated in column 4 of Table 2)		

A maximum amount of R5000 has been determined (Government Notice no. R62 published in Government Gazette no. 36111 of 30 January 2013) for the issue of admission of guilt fines. With regards to AHS specific fines, except in certain circumstances, a minimum fine of R1000 has been suggested, as amounts less than that are considered to be inconsequential. In some cases the payment of a higher fine for a second offence is allowed, but in others no admission of guilt fines are applicable to repeat offences, and in those cases the court process would need to be followed.

Fines list

The fines list indicates specific contraventions and their penalty and level of repeat offences that can still be paid for under the AOG fines system. See table 1 for a summary of the various fines applicable for the African horse sickness control measures as described in the Act. Contraventions are classed as: illegal movements while under quarantine; illegal movements and vaccination contraventions.

Where the responsible official is rather of the opinion that the offence committed does not warrant the fine as indicated, he/she must discuss the case with the relevant state prosecutor to determine a more suitable fine. It may be that the seriousness of the offence warrants a smaller or a larger fine (in the form of a J175 notice). These general principles must therefore always be borne in mind.

Areas where fines list is applicable

A fines list of this nature must be signed off by each magistrate where these fines are due to be issued. Currently ten magisterial areas have had the fines list signed off. The focus has been placed on areas which have significant amounts of travel (N7, N2 and N1) but it is envisaged that fines will be applicable in the entire AHS controlled area in the not too distant future. Figure 1 shows the current areas that have the fines list signed off.

Conclusions

To date a total of 34 cases have been opened for various transgressions of the Animal Diseases Act with regards to AHS control. In total 22 have either been found guilty (2) or an admission of guilt fine has been paid (20). Two cases have been withdrawn from court, two cases received warning letters from court and the remaining eight remain on the court roll.

It is important to note that a guilty finding in a court of law of charges brought under the Act will lead to a criminal record. A criminal record has significant implications for an individual, such as difficulties with job applications, travelling internationally and applications for firearm licenses. Where an individual has committed an offence under the Act or Regulations and is prepared to pay an admission of guilt fine, he/she may not be faced with these consequences.

The Western Cape Stock Theft Unit has been of tremendous assistance with these cases and with the development of the fines list. In spite of their already high work load, it is very encouraging to experience their support and assistance. Special mention should be made of Warrant Officer WN du Toit for his professionalism, dedication and the endless hours he spends attending to these matters.

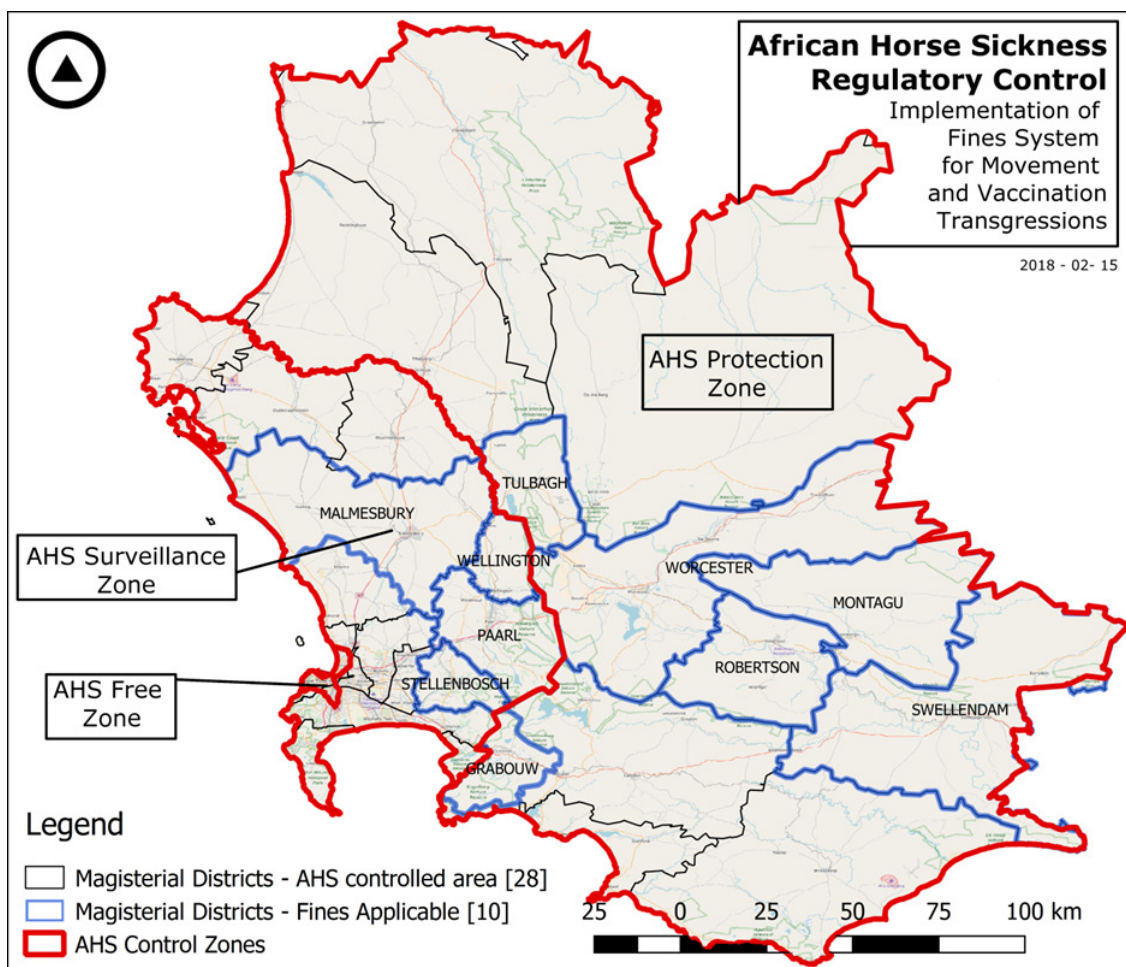


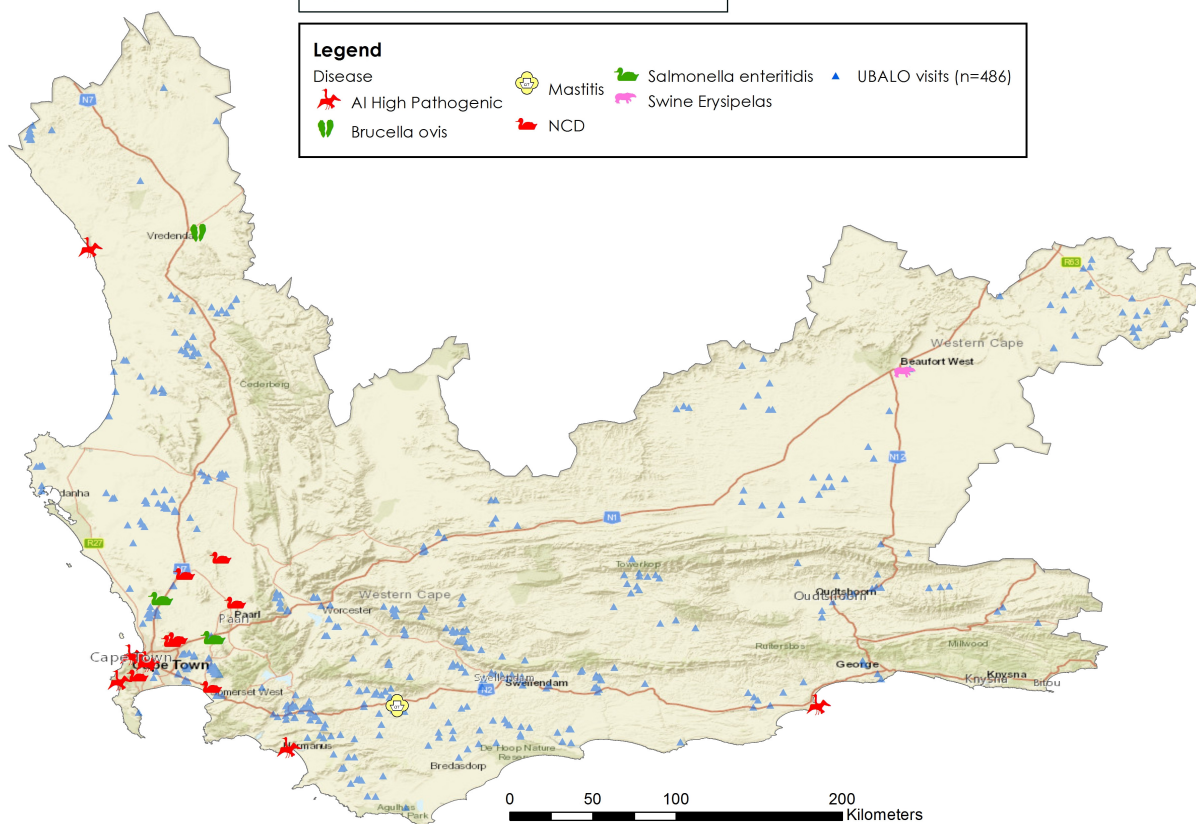
Figure 1: Areas where fines are now applicable with regards to AHS transgressions

Disease and surveillance

Disease and Census - March 2018

Legend

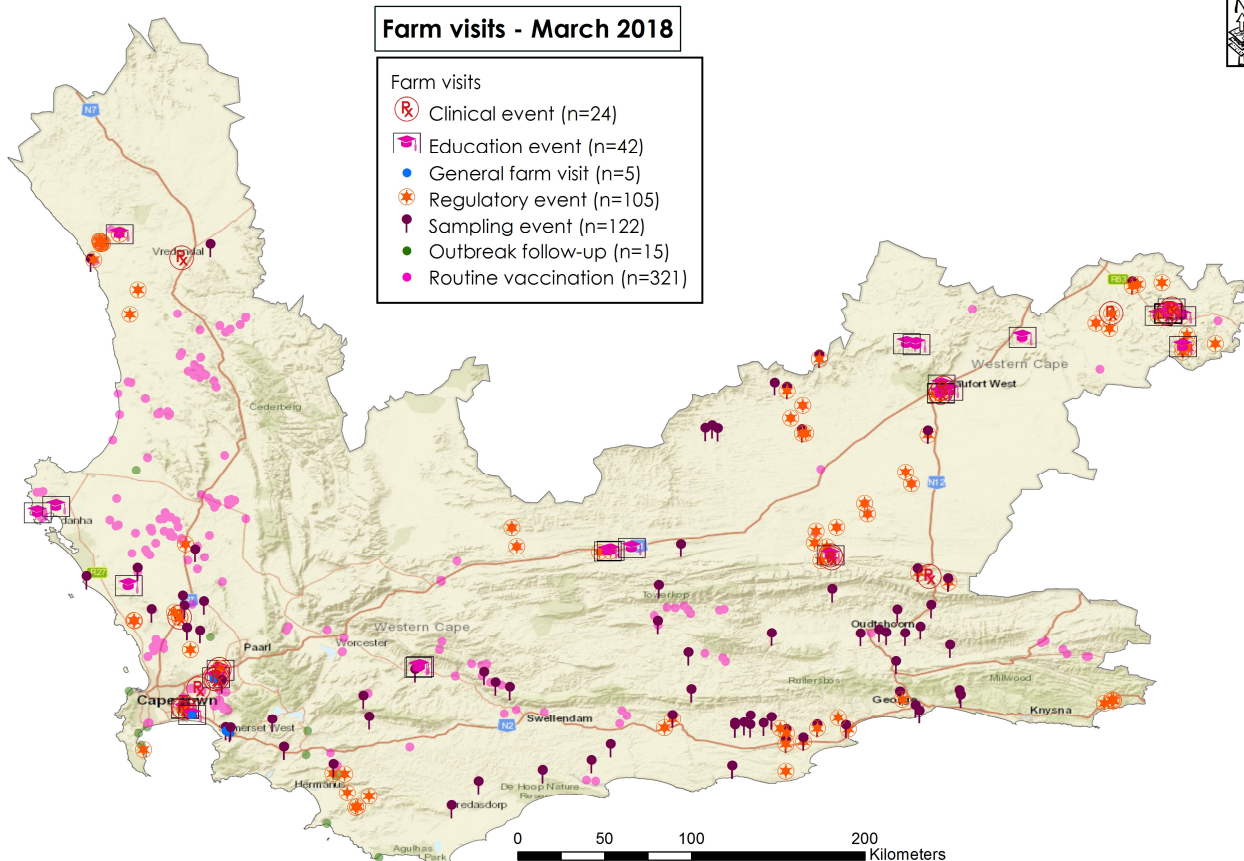
- Disease
- AI High Pathogenic
 - Brucella ovis
 - Mastitis
 - Salmonella enteritidis
 - Swine Erysipelas
 - NCD
 - UBALO visits (n=486)



Farm visits - March 2018

Farm visits

- Clinical event (n=24)
- Education event (n=42)
- General farm visit (n=5)
- Regulatory event (n=105)
- Sampling event (n=122)
- Outbreak follow-up (n=15)
- Routine vaccination (n=321)



Outbreak events

Outbreaks of **highly pathogenic H5N8 avian influenza** continued in several locations along the coast of the Western Cape. Cases were recorded in March in the following new locations:

- An **African oystercatcher** (fig 2) was found dead at Kwaiiwater, **Hermanus**.
- After reports of bird deaths in the area, a **common tern** and **swift tern** were found dead near **Papendorp**, at the mouth of the Olifants River.
- **Swift terns** were found dead in **Mossel Bay**.
- **Cape cormorants** in **Hout Bay** showed neurological signs before dying.
- A breeding colony of **swift terns** at the V&A Waterfront in **Cape Town** experienced mass mortalities of chicks. Some eggs collected from the colony were sterile.



Figure 2: An African oystercatcher (Photo: D Paijmans)

Feral pigeons found in the southern suburbs of **Cape Town** tested positive for both **highly pathogenic H5N8 avian influenza** and **Newcastle disease**. The pigeons showed anorexia, puffing, emaciation and labored breathing.

Laughing doves were found dead and tested positive for **Newcastle disease** in the northern and southern suburbs of **Cape Town**, **Somerset West**, **Malmesbury** and **Riebeeck-Kasteel**.

Samples pooled from a racing **pigeon** and a **rock pigeon** found in **Wellington** tested positive for **Newcastle disease**.

Salmonella enteritidis was detected on chick box liners on a broiler **chicken** farm near **Cape Town**. The chicks will be treated with quinolones.

Several sows that aborted in late gestation tested positive for **Salmonella enteritidis** on a **pig** farm near **Stellenbosch**. The affected sows were culled from the breeding herd and all other sows treated with in-feed antibiotics. The farm has changed its management practices to reduce the risk of *Salmonella* infections in the future.

Brucella ovis was detected in **rams** near **Vanrhynsdorp**.

About 20 **ewes** were slaughtered near **Riviersonderend** as a result of an outbreak of blue-udder (**mastitis**). No specific pathogen associated with the outbreak was identified.

A **pig** kept on the **Beaufort West** commonage appeared feverish before dying. On post-mortem, lesions typical of diamond skin disease (**erysipelas of swine**) were seen, but subsequent bacterial culture identified *E. coli*, *Enterococcus* and *Pasteurella multocida*. A final clinical diagnosis of erysipelas was made by the state veterinarian.

Cases of **canine distemper** were reported by CCS vets in **Prince Albert** and **Beaufort West**. The outbreak of canine distemper in **Oudtshoorn** appears to be subsiding, however, with the number of euthanasias dropping from 144 in January and 165 in February to 40 in the first three weeks of March. CCS vets and the animal welfare organisations continue to euthanase affected dogs and educate the affected communities about distemper prevention.

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