

IN THE HIGH COURT OF SOUTH AFRICA

EASTERN CAPE DIVISION, GRAHAMSTOWN

CASE NO: 995/2020

In the matter between:

**NATIONAL COUNCIL OF SOCIETIES FOR
THE PREVENTION OF CRUELTY TO ANIMALS**

Applicant

and

AL MAWASHI (PTY) LTD

First Respondent

**LIVESTOCK TRANSPORT AND TRADING
COMPANY PSC (KLTT)**

Second Respondent

JOHN PAGE N.O.

Third Respondent

BRUCE PAGE N.O.

Fourth Respondent

GLEN PAGE N.O.

Fifth Respondent

GARY KLINKKRADT N.O.

Sixth Respondent

**DEPARTMENT OF AGRICULTURE,
LAND REFORM AND RURAL DEVELOPMENT**

Seventh Respondent

**THE MINISTER OF AGRICULTURE, LAND
REFORM AND RURAL DEVELOPMENT**

Eighth Respondent

**DEPARTMENT OF RURAL DEVELOPMENT
AND AGRARIAN REFORM: VETERINARY
SERVICES (EASTERN CAPE)**

Ninth Respondent

**MEC FOR RURAL DEVELOPMENT
AND AGRARIAN REFORM**

Tenth Respondent

RED MEAT INDUSTRY FORUM

Eleventh Respondent

ORDER

Having read the documents, and having heard oral argument it is hereby **ORDERED** that:-

1. Subject to the provisions of paragraphs 2 to 6 below, the First and Second Respondents are permitted to take no more than 56,000 sheep from the Castledale feedlot in Berlin and transport them to the Al Messilah vessel berthed in East London port, for loading and to be transported on the vessel to destinations in the Middle East.
2. The Seventh Respondent (*"the Department"*) is ordered to monitor the removal of the sheep from Castledale feedlot and the loading on the Al Messilah, and the planned transport of the sheep to Kuwait with specific reference to the prescripts contained in the OIE Chapter 7.2; **TRANSPORT OF ANIMALS BY SEA**, and particularly the following provisions:
 - 2.1.1 Article 7.2.2(2) (a)-(h);
 - 2.1.2 Article 7.2.3(1)(b)(i)-(iv) and (c);
 - 2.1.3 Article 7.2.3(2)(a)-(h);
 - 2.1.4 Article 7.2.4(1)-(3);
 - 2.1.5 Article 7.2.5(1)-(9);
 - 2.1.6 Article 7.2.6(1)-(3);
 - 2.1.7 Article 7.2.7(1)-(3); and

2.1.8 Article 7.2.8(1)-(3).

-3-

3. By no later than the noon on the day following the completion of the final loading of the sheep, the Department is directed to email an affidavit to the Registrar appointed in terms of the Animal Improvement Act No. 62 of 1998 ("*the Registrar*"), as defined in section 3. Such affidavit shall include the following:
 - 3.1. confirmation that the removal of the sheep from the Castledale feedlot and the loading of the sheep on the Al Messilah was monitored by the Seventh Respondent.
 - 3.2. state who on behalf of the Department conducted the monitoring aforementioned, and their qualifications.
 - 3.3. confirmation that the removal of the sheep from the Castledale feedlot and the loading of the sheep on the Al Messilah was carried out in the compliance with the prescripts of the OIE referred to above. In so doing, the Department is required to:
 - 3.3.1. state when the removal of the sheep from the Castledale feedlot commenced and when loading was completed;
 - 3.3.2. detail of the investigations undertaken in order to satisfy themselves of compliance; and
 - 3.3.3. detail of the reasons giving rise to their satisfaction of compliance.
 - 3.4. confirming that in the opinion of the deponent to the affidavit, who shall be the Senior Monitor, there is no impediment to the vessel departing.

4. In the event of any non-compliance with the OIE prescripts referred to above, or of the monitoring, the Department is directed to immediately notify the Directorate of Veterinary Health in the Department and the Registrar.
5. The affidavit referred to in paragraph 3 above shall be filed in court one day after it being furnished to the Registrar.
6. The First and Second Respondents shall not seek an export permit in terms of section 17 of the Animal Improvement Act unless and until there has been compliance with paragraph 3 above.
7. All costs shall stand over for determination in Part B.
8. Reasons for judgment are to be furnished on or before the 15 September 2020

BY THE COURT

REGISTRAR