

Namibia

Prevention of Undesirable Residue in Meat Act, 1991

General Regulations, 1994

Government Notice 219 of 1994

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General Regulations, 1994

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Republic of Namibia
Annotated Statutes

Prevention of Undesirable Residue in Meat Act, 1991

General Regulations, 1994

Government Notice 219 of 1994

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1. Definitions

- (1) In these regulations, unless the context indicates otherwise, any word to which a meaning has been assigned in the Act, shall have that meaning, and “**the Act**” means the Prevention of Undesirable Residue in Meat Act, 1991 ([Act 21 of 1991](#)).
- (2) For the purposes of the Act and these regulations, a “**prescribed abattoir**”, “prescribed animal”, “prescribed cold storage”, “prescribed country”, “prescribed cutting plant”, “prescribed laboratory” or “prescribed processing plant”, shall mean any abattoir, animal, cold storage, country, cutting plant, laboratory or processing plant referred to or contemplated in Annexures, A to G to these regulations, respectively.

2. Requirements, measures and procedures relating to the administration of Group I or Group II or Group III substances

- (1) A Group II substance shall only be administered to a prescribed animal for-
 - (a) therapeutic treatment of a pathological or fertility problem diagnosed after examination by a veterinarian;
 - (b) synchronisation of oestrus;
 - (c) termination of unwanted gestation;
 - (d) preparation of donors or recipients for the implantation of embryos; or
 - (e) improvement of fertility.

- (2) For the purpose of therapeutic treatment contemplated in subregulation (1)(a)-
- (a) no other Group II substance than a product consisting of or containing oestrogen, testosterone or progesterone or any derivative thereof which are readily hydrolysed to the parent compound after absorption at the site of administration, shall be administered;
 - (b) such product shall only be administered by means of an injection by a veterinarian.
- (3) Any person who administers a Group I or Group II substance to a prescribed animal shall-
- (a) immediately after the administration, notify the district state veterinarian thereof and identify such animal with such marks as the Director may determine;
 - (b) until he or she has been relieved from such duty by the district state veterinarian, take sufficient measures for restricting such animal to a particular area within any premises in order that an inspector may have reasonable access to that animal;
 - (c) keep an updated register in duplicate in which is stated-
 - (i) the date on which such substance was administered;
 - (ii) the purpose for which such substance was administered;
 - (iii) the name and trade name of the particular substance administered;
 - (iv) the quantity of the particular substance administered;
 - (v) the withdrawal time (in the case of a Group II substance), applicable to the particular substance;
 - (vi) sufficient particulars to identify such animal, including particulars of the identification marks used in terms of paragraph (a);
 - (vii) the address of the premises on which such substance was administered;
 - (viii) the measures which have been taken by him or her in terms of paragraph (b); and
 - (d) within fourteen days after such administration, lodge the original of the register referred to in paragraph (c) with the district state veterinarian.
- (4) The district state veterinarian may-
- (a) place restrictions on the movement of a prescribed animal to whom a Group I or Group II substance was administered; and
 - (b) require from the owner of such animal to notify him or her promptly if such animal had been sold or slaughtered or had died and to render proof thereof (if possible),
- in so far as such measures are reasonably necessary in order to attain or further the objectives of the Act: Provided that if a Group II substance was administered to a prescribed animal otherwise than in accordance with the recommendations and directions of the manufacturer of such substance, such animal shall not, without the written consent of the district state veterinarian and subject to the prescribed withdrawal time, be delivered for slaughtering at a prescribed abattoir within six months from the date of such administration.
- (5) (a) No person other than a veterinarian or a person acting under the directions and control of a veterinarian, shall administer a Group III substance to a prescribed animal otherwise than in accordance with the recommendations and directions of the manufacturer of such substance, unless he or she so administers such substance in accordance with a prescription of a veterinarian.
- (b) The provisions of subregulations (3)(a) and (b) and (4) shall apply *mutatis mutandis* to a veterinarian who issues a prescription contemplated in paragraph (a) of this subregulation or who administers or causes a person acting under his or her directions and control to

administer a Group III substance to a prescribed animal otherwise than in accordance with the recommendations and directions of the manufacturer of such substance.

- (c) If a Group III substance was administered to a prescribed animal in the manner contemplated in paragraphs (a) and (b), such animal shall not, without the written consent of the district state veterinarian and subject to the applicable withdrawal time, be delivered for slaughtering at a prescribed abattoir within six months from the date of such administration.
- (6) Any person who sells or otherwise disposes of a prescribed animal to which a Group I substance was administered, or, where a Group II or Group III substance was administered to such animal, if the withdrawal time applicable to the particular substance has not yet expired, shall provide the person who so acquires such animal with a certificate in which is stated-
 - (a) the name and address of the person who sold or disposed of such animal;
 - (b) the name and address of the person who acquired such animal;
 - (c) sufficient particulars to identify such animal, including particulars of the identification marks contemplated in subregulation (3);
 - (d) the date on which such substance was administered;
 - (e) the name and trade name of the particular substance administered;
 - (f) the quantity of the particular substance administered;
 - (g) the withdrawal time (in the case of a Group II or Group III substance), applicable to the particular substance.
- (7) The person responsible for keeping the register contemplated in subregulation (3), or the person receiving a certificate contemplated in subregulation (6), shall retain such register or certificate, as the case may be, in his or her possession for a period of at least three years.
- (8) For the purposes of this regulation, "district state veterinarian" means-
 - (a) a veterinarian who holds the post of state veterinarian in the Ministry and who has been appointed to act as district state veterinarian in respect of the district or other area concerned, and includes any veterinarian attached to the office of such district state veterinarian; or
 - (b) any veterinarian acting under the instructions of the Director.

3. Disposal of meat and meat products seized in terms of section 6(2) of the Act

- (1) Subject to the provisions of the Criminal Procedure Act, 1977 (Act [51 of 1977](#)), the Director or any person designated by the Director shall, if he or she is satisfied that any meat or meat products, or any reasonable quantity thereof which have been seized in terms of section 6(2) of the Act, contains any residue of a prohibited substance or a Group I or Group II or Group III substance-
 - (a) notify the owner thereof of the fact that such meat or meat products have been seized, and that the owner may, subject to such conditions as the Director or person so designated may impose to prevent such meat from being utilized for human consumption, take delivery thereof at such time and place as the Director or person so designated may determine; or
 - (b) destroy such meat or meat products or cause it to be destroyed in such practical manner as the Director or person so designated may determine.

- (2) Subject to the provisions of the said Criminal Procedure Act 1977, the Director or any person designated by the Director shall, if he or she is satisfied that any meat or meat products referred to in subregulation (1) do not contain any such residue-
 - (a) notify the owner of the fact that such meat or meat products have been seized, and that the owner may take delivery thereof at such time and place as the Director or person so designated may determine; or
 - (b) cause, if the name and address of the owner thereof are not known to the Director or person so designated, an advertisement to be published in a newspaper circulating in the district where such meat or meat products were seized, to the effect that it will be sold if delivery thereof is not taken within such reasonable period and at such time and place as the Director or person so designated may state in the advertisement.
- (3) The Director or any person designated by the Director shall, if the owner of such meat or meat products fails to take delivery thereof as contemplated in subregulation (2)-
 - (a) arrange for such meat or meat products to be sold by public auction;
 - (b) sell such meat or meat products by private treaty on such terms and conditions as the Minister may determine; or
 - (c) dispose of such meat or meat products in accordance with the directions of the Minister if the Minister has reason to believe that the proceeds of any sale contemplated in paragraph (a) or (b) would not adequately cover the costs referred to in subregulation (5).
- (4) The proceeds of any sale contemplated in subregulation (3) shall-
 - (a) if the owner of such meat or meat products lays claim to the proceeds within six months after the sale thereof, be paid to such owner; or
 - (b) if no such claim has been laid within the said period of six months, accrue for the benefit of the State Revenue Fund.
- (5) The costs incurred in the seizure, transportation, storage, analysis, destruction, sale or disposal of any meat or meat products which have been seized as contemplated in subregulation (1), or in the notification of the owner thereof or the publishing of any advertisement in terms of that subregulation, shall be recoverable from the owner as a debt due to the Government of Namibia, and may be deducted from the proceeds of any sale contemplated in subregulation (3).

4. Procedures to be followed by inspectors in obtaining or transmitting samples

- (1) The following procedure shall be followed when a sample of any matter is obtained by an inspector in terms of section 8(5) of the Act:
 - (a) The person in charge of the premises on which the matter is found shall, if he or she is present, be notified by the inspector of the sampling and of the purpose thereof and the sampling shall, if that person so requests, be done in his or her presence.
 - (b)
 - (i) In the case where the opening of the container of any matter would not hamper the testing, analysis or examination, or where the matter is not kept in any such container, the inspector shall offer to divide the matter from which the sample is taken into three approximately equal portions and to deliver one portion to the person in charge of the premises if he or she is present.
 - (ii)
 - (aa) If the offer referred to in subparagraph (i) is accepted, the matter from which the sample is taken shall be divided and each portion packed separately by the inspector, sealed and provided with a description, indicating its nature and by means of which it can be identified as a portion of the original matter from which the sample was taken.

- (bb) In the case of such division, one of the portions shall be handed to the person in charge of the premises, if he or she is present, one sent to an analyst for testing, analysis or examination and one kept by the inspector until the case has been finalized.
 - (cc) If a single, individual unit of the matter is insufficient for testing, analysis or examination when divided as afore said, additional units of the matter and similarly described (which description indicates that it contains the same matter), shall be obtained from the person in charge of the premises, if he or she is present, and two or more such units shall in the presence of the person in charge of the premises, if he or she is present, be mixed, if possible, by the inspector and the mixture divided and dealt with as indicated in subparagraph (bb).
 - (iii) If the opening of the container of any matter would hamper the testing, analysis or examination, or if the offer referred to in subparagraph (i) is not accepted, or if there is only a single, individual unit of the matter concerned available and if it is too small to divide, the container concerned or undivided sample of the matter shall be packed by the inspector, sealed and provided with a description, indicating its nature and by means of which it can be identified, and sent to an analyst for testing, analysis or examination.
 - (c)
 - (i) In the case of matter which is indivisible, the inspector shall offer to take three individual random samples from the units of the matter present, if available, and to furnish the person in charge of the premises, if he or she is present, with one sample.
 - (ii)
 - (aa) If the offer referred to in subparagraph (i) is accepted, each individual sample of the matter shall be packed separately by the inspector, sealed and provided with a description, indicating its nature by means of which each sample of the matter can be identified as a sample of the matter taken from the units present.
 - (bb) One such sample of the matter shall be handed to the person in charge of the premises, if he or she is present, one sent to the analyst for testing, analysis or examination and one kept by the inspector until the case has been finalized.
 - (iii) If the offer referred to in subparagraph (i) is not accepted, the indivisible sample of the matter shall be packed by the inspector, sealed and provided with a description, indicating its nature and by means of which it can be identified, and sent to an analyst for testing, analysis or examination.
 - (d) The description of every sample of the matter submitted for testing, analysis or examination, shall indicate whether or not the sample was divided and whether it is an indivisible sample of the matter.
 - (e) The original label of the container of the matter, if any, or a copy thereof, shall accompany the sample delivered to the analyst.
- (2) For the purposes of subregulation (1), “matter” means any prohibited substance or Group I or Group II or Group III substance, the blood or discharge of any prescribed animal, or meat or any meat product or any portion thereof.
- (3) When a veterinarian obtains a sample of the tissue of a living animal in terms of section 8 (5) of the Act, he or she shall-
- (a) comply *mutatis mutandis* with the provisions of subregulation (1)(a);
 - (b) obtain such sample in accordance with any instructions given or directions issued by the Director; and

- (c) preserve and seal such sample in a container and provide it with a description, indicating its nature and by means of which it can be identified, and send such sample to an analyst for testing, analysis or examination.

5. Reports of analysts

- (1) A report by an analyst regarding the results of any test, analysis or examination of a sample obtained in terms of regulation 4, shall be in the form indicated in Annexure H.
- (2) In the case of a sample which is found on testing, analysis or examination to be incorrectly described or which otherwise does not conform with the requirements of the Act and these regulations, the unused portion of the sample, if any, shall be closed, sealed and retained by the analyst until after the conclusion of any criminal proceedings instituted in terms of the Act.

6. Manufacture and marketing of Group I and Group II substances

- (1) Any person who manufactures any Group I or Group II substance, shall keep a register in which is stated-
 - (a) the name and trade name of the particular substance;
 - (b) the date of manufacturing;
 - (c) the quantity manufactured;
 - (d) the name and address of the purchaser if the substance were sold to a person who markets Group I or Group II substances.
- (2) Any person who markets any Group I or Group II substance, shall keep a register in which is stated-
 - (a) the name and trade name of the particular substance;
 - (b) the date of acquisition;
 - (c) the quantity acquired;
 - (d) the name and address of person from whom it was acquired;
 - (e) the date on which it was sold to any third party;
 - (f) the quantity sold;
 - (g) the name and address of the purchaser.
- (3) Any person who is obliged to keep a register in terms of subregulation (1) or (2), shall keep it up to date on a daily basis and retain it in his or her possession for a period of at least three years.

7. Offences and penalties

Any person who contravenes or fails to comply with any provision of these regulations shall be guilty of an offence and liable on conviction to a fine not exceeding N\$2 000 or to imprisonment for a period not exceeding six months.

ANNEXURE A

PRESCRIBED ABATTOIRS

- 1. Okahandja abattoir No. 23;
- 2. Oshakati abattoir No. 67;
- 3. Otavi abattoir No. 25;

4. Windhoek abattoir No. 22; and
5. Windhoek Game abattoir No. 27.

ANNEXURE B

PRESCRIBED ANIMALS

1. Cattle;
2. sheep;
3. goats; and
4. the following species of game:
 - (a) Kudu (*Tragelaphus strepsiceros*)
 - (b) Oryx (*Oryx gazella*);
 - (c) Ostriches (*Struthio camelus*); and
 - (d) Springbok (*Antidorcas marsupialis*).

ANNEXURE C

PRESCRIBED COLD STORAGES

Any abattoir referred to in Annexure A and Walvis Bay Cold Storage No. 94.

ANNEXURE D

PRESCRIBED COUNTRIES

Any country which is a member state of the international organization known as the European Union.

ANNEXURE E

PRESCRIBED CUTTING PLANTS

Any abattoir referred to in Annexure A.

ANNEXURE F

PRESCRIBED LABORATORIES

1. National Veterinary Laboratory, Gaborone, Botswana;
2. Veterinaerdirektoratets Laboratorium, Rinsted, Denmark;
3. Laboratoire des medicaments veterinaires, Fougères, France;
4. Laboratoire de dosages hormonaux, Nantes, France;
5. Staatliches Veterinaruntersuchungsamt, Arnsberg, Germany;
6. Bundesgesundheitsamt, Berlin, Germany;
7. Chemische Landesuntersuchungsanstalt, Offenburg, Germany;

8. Chemische Landesuntersuchungsanstalt, Stuttgart, Germany;
9. Istituto Superiore di Sanita, Rome, Italy;
10. Institut d'hygiene et d'epidemiology, Brussels, Luxemburg;
11. Central Veterinary Laboratory, Windhoek, Namibia;
12. Rijksinstituut voor Volksgezondheit & Milieuhygiene, Bilthoven, The Netherlands;
13. Laboratories of the University of the Orange Free State, Bloemfontein, South Africa;
14. Laboratories of the Council for Scientific and Industrial Research, Pretoria, South Africa;
15. Laboratories of Medunsa University, Pretoria, South Africa;
16. Laboratories of the Onderstepoort Veterinary Research Institute, Pretoria, South Africa;
17. Laboratories of the Roodeplaat Research Institute, Pretoria, South Africa;
18. Laboratories of the University of Pretoria, Pretoria, South Africa;
19. Veterinary Research Laboratories, Belfast, United Kingdom;
20. Central Veterinary Laboratory, Weybridge, United Kingdom; and
21. Tobacco Research Board, Harare, Zimbabwe.

ANNEXURE G

PRESCRIBED PROCESSING PLANTS

Any abattoir referred to in Annexure A.

ANNEXURE H

REPORT IN TERMS OF REGULATION 5(1) OF THE REGULATIONS UNDER THE PREVENTION OF UNDESIRABLE RESIDUE IN MEAT ACT, 1991 (ACT 21 OF 1961)

[Editorial note: The forms have not been reproduced.]