

13 January 2026

Dear Members,

## **GUIDELINE ON THE RESPONSIBILITIES OF MUNICIPALITIES IN REGARD TO FOOT-AND-MOUTH OUTBREAKS IN THE EASTERN CAPE**

### **1. Introduction**

This memorandum outlines the legal duties of a municipality in relation to controlled animal disease outbreaks, including its role as local government and its specific responsibilities as owner or manager of municipal land.

### **2. Municipality's role under the Constitution**

Municipalities form the local sphere of government (s 151(1) of the Constitution) and are required to provide democratic and accountable governance, maintain a safe and healthy environment, support social and economic development, and involve communities in local governance (s 152(1)).

In the context of animal disease outbreaks, municipalities must cooperate with national and provincial government by sharing information, consulting, supporting, coordinating actions and following agreed procedures (s 41(1)(h)). In practice, this may involve facilitating veterinary inspections, assisting with control measures and helping enforce grazing or movement restrictions. These obligations reflect the principles of cooperative governance as provided for in the Constitution.

In addition to these responsibilities, municipalities have specific legal obligations under national legislation such as the Fencing Act 31 of 1963, Animal Identification Act 6 of 2002, and Animal Diseases Act 35 of 1984 when dealing with land under their control.

### **3. Municipality as owner or manager of land**

The Animal Diseases Act applies to all land where animals are kept, including municipal land, and places legal duties on the “owner” and the “manager” of land.

A municipal commonage is usually managed through municipal by-laws, policies or management plans that regulate depasturing applications, grazing capacity, infrastructure maintenance and other land-use matters.

Under the Animal Diseases Act, a municipality is the “owner” of land it owns or controls, except where a commonage is leased as an agricultural unit for the sole account of a lessee. The “manager” is the person or body in charge of the land.

- For a leased commonage, the lessee is the manager and carries the main responsibility for preventing and reporting animal disease.
- If the commonage is used communally without a lease (as is often the case), the municipality acts as both owner and manager and is responsible for ensuring disease control.

Individual livestock owners remain responsible for their own animals, but the legal duty for disease control on the land rests with the manager or, where there is no agricultural lease, the municipality.

The responsibilities of municipalities in managing animals on municipal land, including commonages and public/residential areas, have been confirmed and enforced by our courts. In *Agri Eastern Cape and others v Ndlambe Municipality and others (2021)*, the relevant Municipality was ordered to implement permit systems, regulate grazing and commonage use, maintain commonage infrastructure and ensure animal traceability in accordance with municipal by-laws and national legislation, including the Animal Diseases Act. This demonstrates how municipalities must act to fulfil their legal duties.

#### **4. Duties under the Animal Diseases Act and its Regulations**

Section 11 of the Animal Diseases Act requires owners and managers of land to take reasonable steps to prevent disease and its spread. If animals are infected, or suspected of being infected, they must be given appropriate treatment, and the incidence must be reported to the Director of Animal Health immediately.

The reporting procedure is outlined in Regulation 12 of the Animal Disease Regulations, 1986. Upon suspicion or confirmation of a controlled disease, the following steps must be followed:

- Immediate verbal report to the State Veterinarian or a technical officer.
- Written confirmation must follow and include:
  1. Full name, postal address, residential address and telephone number of the person reporting;

2. Description of the affected or suspected animal(s), including identification marks;
3. Description of observed symptoms;
4. Precise location where the affected animals are isolated or kept.

In addition, the municipality, as owner or manager, must ensure that the following parties are notified:

- Owners or managers of adjoining land;
- Owners of susceptible animals on the same or adjoining land;
- Prospective buyers of susceptible animals;
- Any person who purchased susceptible animals within the past 30 days.

Municipalities must ensure that commonages or residential areas do not become a source of infection for surrounding farms or communities. Where physical containment measures such as fencing are absent or insufficient, municipalities should explore alternative measures, including the use of road rangers, herdsman, and the kraaling of animals when they are not under active supervision.

Municipalities must also comply with any directives, schemes, or control measures issued by the Minister under the Animal Diseases Act.

## **5. Cooperation with the community and other spheres of government**

Municipalities must engage with livestock owners and commonage users and explain the legal requirements. Cooperation by livestock owners is critical for effective disease control.

Municipalities must also cooperate with national and provincial veterinary authorities and support them in carrying out their functions.

## **6. Legal consequences of non-compliance**

Failure to comply with these duties may expose municipalities or responsible officials to enforcement action, fines or other legal consequences under the Animal Diseases Act and relevant constitutional provisions.

## **7. Conclusion**

Municipalities have a clear obligation to act in the context of animal diseases. As a sphere of government, they must cooperate with and support national and provincial authorities and work

together with the local community. As owner or manager of municipal land, they must prevent and report disease. They must further ensure that veterinary inspections and control measures are being carried out. In addition, municipalities must manage animal movement on municipal land, including commonages, to prevent disease spread. These responsibilities are essential to protecting public health and the environment.

Yours sincerely,



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