

## *Managing property properly*

### Ritual slaughter

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By Karen Bleijs

When Tony Yengeni was released from prison r his family slaughtered an ox in a ritual cleansing ceremony. In itself, this is not an uncommon or remarkable occurrence except that the slaughter took place in the backyard of his home in a prominent Cape Town suburb!

It is an established African tradition to slaughter animals to give thanks, ask for healing, communicate with God and the ancestors, and ask for rain.

**But this begs the question: what would your reaction be if the slaughter took place in the unit next to you in your complex? A bit too close to home, perhaps?**

The ritual slaughter of animals is included in the Constitution under “freedom of religion”. Ritual slaughter is also a fundamental part of the culture of some groups in South Africa and essential to their identity. In March this year the Commission on the Rights of Culture and Religion actually ruled that ritual slaughter is allowed in cities as long as municipal sanitation laws are followed and suffering caused to animals is minimised.

Without even referring to the anti-cruelty proponents among us, who will raise strong ethical debates and concerns about cruelty to animals, the fact is that ritual slaughter is permitted within the South African legal framework and bodies corporate must operate within the Law. (See Management Rule 68(1) (ii), which makes all national and local legislation applicable to bodies corporate).

#### **So what do Bodies Corporate do?**

The simplest answer is to make provision in the Conduct Rules for this eventuality and “making provision” does not mean forbidding it! The drafters of Conduct Rules must apply their minds to balancing the sensibilities of all occupiers of units in a scheme. A few possible Rules that could be incorporated may be: Confining the slaughtering of animals for religious or cultural purposes within the confines of a section only, and then subject to certain reasonable conditions such as:

- Giving two weeks written notice to the trustees of the event requiring the slaughter specifying:
  - i. The date and time of the slaughter
  - ii. The type of animal to be slaughtered
  - iii. The name and qualifications of the person who will be carrying out the slaughter

iv. Confirmation that the animal will be brought onto the premises immediately prior to the ritual slaughter and that the carcass will be removed immediately from the premises after the slaughter

- Requiring a notice from the local authority confirming that the owner has permission and will comply with all by-laws
- Requiring a notice from the health department confirming that health department specifications will be complied with
- Requiring a certificate from the SPCA confirming that an SPCA official will be present to ensure that the animal will not endure unnecessary pain and suffering
- That notice must be given to all adjacent units of the date and time of the slaughter

Remember that the law is dynamic and even bodies corporate must move with the times!

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### ***Footnote from Compeg:***

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