

Reportable:	NO
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Circulate to Magistrates:	NO
Circulate to Regional Magistrates:	NO



**IN THE HIGH COURT OF SOUTH AFRICA
NORTH WEST DIVISION, MAHIKENG**

CASE NUMBER:6232/24

In the matter between:

BEEFMASTER (PTY) LTD

APPLICANT

and

J VIVIERS

FIRST RESPONDENT

PJ VIVIERS

SECOND RESPONDENT

Coram: WESSELS AJ

Date of hearing

:8 September 2025

Date of Judgment

:9 February 2026

Delivered: This judgment was handed down electronically by circulation to the parties' representatives via email. The date and time for hand-down of the judgment is deemed to be 15h00 on 9 February 2026

Summary: Interdict — Biosecurity — Movement of livestock — Access road across neighbouring farm

The applicant, a feedlot operator, sought confirmation of an interim interdict regulating the movement of cattle and public access across its farm via an access road historically used by the respondents to reach their neighbouring farm. Although the respondents had long enjoyed use of the access road and disputed its status, the court found that the applicant was entitled — and statutorily obliged under the Animal Diseases Act 35 of 1984 and subsequent Control Measures relating to cloven-hoofed animals — to implement and enforce biosecurity and access-control measures to prevent the spread of foot-and-mouth disease.

Held: that the applicant's measures were aimed at regulation rather than denial of access, were reasonable in light of the serious risks posed by FMD, and were consistent with national disease-control legislation promulgated after the interim order. Balancing the applicant's statutory duties against the respondents' established access, the rule nisi is confirmed with qualifications permitting transport of livestock only in compliance with the prescribed biosecurity measures. The respondents were interdicted from interference, intimidation, or property damage and ordered to pay costs.

ORDER

1. The rule nisi granted on the 6th December 2024 is hereby confirmed in the following terms:
 - 1.1. The respondents, or any staff member of the respondents, or any person who have access to the farm Klipdrif, District Christiana, is interdicted from transporting any livestock to and from the farm Klipdrif, Christiana District, via the access route over the farm Krommelenboog, Christiana District without compliance with the applicant's biosecurity and access control measures applied in terms of the provisions of Control Measures Relating to the Control of Diseases of Cloven Hoof Animals, promulgated by Notice 6319 published in the Government Gazette 52868 of 13 June 2025 and the Animal Diseases Act 35 of 1984.
 - 1.2. The respondents are ordered to ensure that no member of the public, associated with the respondents, gains access to the farm Klipdrif, Christiana District, via the access route over the farm Krommelenboog, Christiana District, with the purpose of speculating and/or buying or selling livestock without compliance with the applicant's biosecurity and access control measures applied in terms of the provisions of Control Measures Relating to the Control of Diseases of Cloven Hoof Animals, promulgated by Notice 6319 published in the Government Gazette 52868 of 13 June 2025 and the Animal Diseases Act 35 of 1984.
 - 1.3. The respondents shall ensure that no staff member of the respondents or any person who associates themselves with the

respondents who has access to the farm Klipdrif, Christiana District, interferes or hinders staff members of the applicant from conducting formal farming activities on the farm Krommelenboog, District Christiana.

- 1.4. The respondents shall refrain from damaging any property of the Applicant.
- 1.5. The respondents shall refrain from intimidating any security personnel performing access control on the farm Krommelenboog.
2. The respondents are ordered to pay the costs of the application jointly and severally, the one paying the other to be absolved, on Scale B.

JUDGMENT

Wessels AJ

Introduction

[1] This is the return day of an interim order in terms of which the applicant claimed interdictory relief against the respondents to regulate the movement of cattle across the applicant's farm.

The relevant portion of the interim relief ('the interim order') that was granted, is as follows:

- 3.1 The Respondents, or any staff member, or any person who have access to the farm Klipdrif, District Christiana, is interdicted from transporting any livestock to and from the farm Klipdrif, Christiana District, via the access route over the farm Krommelenboog, Christiana District.
- 3.2 The Respondents are ordered to ensure that no member of the public gain access to the farm Klipdrif, Christiana District via the access route over the farm Kromellenboog, Christiana District, with the purpose of speculating and/or buying or selling of livestock.
- 3.3 The Respondents shall ensure that no staff member or any person who has access to the farm Klipdrif, Christiana District, interfere or hinder staff members of the Applicant to conduct formal farming activities on the farm Krommelenboog, District Christiana.
- 3.4. The Respondents shall refrain from damaging any property of the Applicant.
- 3.5. The Respondents shall refrain from intimidating or acting aggressively towards any security personnel performing access control on the farm Krommelenboog.'

Facts

[2] The applicant operates a feedlot known as Beefmaster Feedlot, which is situated near the town of Christiana on the farm Krommelenboog ('the applicant's farm') next to the N12 national road ('N12'). The applicant's business model involves sourcing cattle from various breeders, who then raise them in feedlots on the applicant's farm until they reach market readiness. The cattle are sold on both domestic and international markets. The applicant consistently maintains approximately 50,000 head of cattle on its farm.

[3] An access road leading to the respondents' farm runs across the applicant's farm ('the access road'). The access road branches off the N12 and has existed since the early 1900s.

[4] The first and second respondents are father and son who conduct farming activities on a neighbouring farm known as Klipdrif ('respondent's farm'). The respondents engage in cattle speculation, among other pursuits. The respondents acquire cattle at auctions and directly from other farmers who bring the cattle onto the respondents' farm. The respondents also sell cattle from their farm, with buyers collecting the cattle from the respondents' farm. The respondents, their customers and visitors utilise the access road.

[5] The respondents contend that the access road is public, but there is no conclusive evidence that it is registered as a public road and no servitude is registered over this road in favour of the respondents. It is common cause that the respondents have long enjoyed access to their farm via the access road. The applicant improved the access road during the early 1980s, and the respondents have been using it ever since.

[6] The access road is not the only access to the respondents' farm. It is common cause that the respondents also have access to their farm via the R506 Schweizer Reneke Road.

[7] In 2016, the applicant installed a disinfection bay at the entrance to its farm as a biosecurity measure to prevent the spread of communicable bovine diseases by vehicles entering the applicant's farm. The installation comprises an access gate and a pit filled with disinfectant, through which all vehicles entering the applicant's farm must pass. The access gate is constantly monitored by the applicant's security guard, who enforces access control.

[8] The primary purpose of these biosecurity measures is to ensure that any pathogens carried by vehicles transporting cattle to the applicant's farm are eliminated before entry.

[9] According to the applicant, the installation of these biosecurity measures was carried out with the respondents' blessing, who were initially pleased with the implementation of access control at the entrance to the applicant's farm, as they recognised its apparent benefits.

[10] To provide context regarding the significance the applicant assigns to biosecurity on its farm, a brief description of its operational practices is necessary. The applicant mitigates infection risk by refraining from purchasing cattle at auctions and purchasing exclusively from approved farmers in regions designated as foot-and-mouth disease-free by the Department of Agriculture, Land Reform and Rural Development.

[11] As an additional measure to prevent the spread of communicable bovine diseases, the applicant employs a qualified veterinarian, who, together with two full-time veterinary technicians, conducts clinical and physical assessments of each animal before loading it onto trucks. Additionally, the transportation company the applicant employs must certify that its trucks have been disinfected before loading any cattle. When cattle are brought onto the applicant's farm, they are isolated for 28 days before being integrated into the remainder of the herd.

[12] Dr Shaun David Morris ('Dr Morris'), a practising veterinarian whose affidavit is relied on by the applicant in support of the application, describes the uncontrolled movement of cattle within South Africa as the primary driver of the spread of foot-and-mouth disease ('FMD'). He further states that South

Africa depends on Botswana for vaccine, which must be imported and administered by the State Veterinarian. For this reason, Dr Morris finds that implementing and maintaining biosecurity measures, together with controlling cattle movement, are the only effective means of preventing the spread of FMD.

[13] Dr Morris further states that the outbreak of FMD on a farm requires immediate implementation of quarantine measures to prevent the movement of animals in or out of that farm. According to Dr Morris, this initial quarantine period may last up to three weeks while awaiting vaccination administered by the State Veterinarian. Once the outbreak is contained, the cattle must be slaughtered at a government-approved abattoir. Subsequently, sentinel animals are introduced to the farm, and if their performance is satisfactory, the farm is declared free of the disease and may resume normal farming operations. The dangers of FMD to any cattle farming operation are clear, as an outbreak will halt operations almost entirely.

[14] Over time, the relationship between the applicant and the respondents, which the applicant described as once cordial, deteriorated. The respondent did not accede to the applicant's requests to take part in negotiations to resolve the impasse between the parties. This acrimony reached its peak during November 2024.

[15] On 21 November 2024, the applicant's security guard on duty at the access gate, requested a driver's license from a member of the public who intended to gain access to the respondent's farm through the access road to purchase cattle from the respondents, a standard practice employed by the applicant. The second respondent confronted the guard, which prompted the

first respondent to attend the scene and block the entrance to the applicant's premises.

[16] In another incident on 26 November 2024, a visitor to the respondents' farm approached the access gate, and the applicant's guard conducted standard security checks on the visitor's person and vehicle. Later that afternoon, the applicant's guard was confronted by the second respondent about the delay during these security checks.

[17] Some time after the confrontation between the second respondent and the applicant's guard on the 26th November 2024, both respondents arrived at the access gate, accompanied by an unknown person. They proceeded to cut down the anchor pole for the access gate.

[18] This incident prompted the urgent bringing of this application, and this Court granted the interim order on 6 December 2024.

Application to facts

[19] Since an outbreak of FMD in January 2019, the entire country has seen numerous well-documented incidences of a re-emergence of FMD.

[20] In terms of s 9(1) of the Animal Diseases Act¹, the Minister of Agriculture is authorised, inter alia, to declare controlled areas for disease management, prescribe movement controls, biosecurity measures, permits,

¹ Animal Diseases Act 35 of 1984.

and sanitation requirements, and to impose mandatory duties on landowners and users to prevent the spread of FMD.

[21] A renewed outbreak of FMD in 2025 saw the promulgation of the Control Measures Relating to the Control of Diseases of Cloven Hoof Animals² ('the control measures'). The control measures were implemented after the interim order was granted in December 2024.

[22] The control measures principally prescribe methods for disinfecting vehicles, clothing, equipment, and restrict the movement of animals, people, and vehicles. The applicant's biosecurity protocol appears to comply with the requirements set out in the control measures.

[23] Any cattle farmer may voluntarily regulate access to their farm for security and biosecurity purposes. Under the control measures, read with the Animal Diseases Act, cattle farmers are compelled to regulate access to their farms in accordance with the procedures set out therein.

[24] Apart from mitigating its own economic losses, the applicant has a statutory duty to prevent the spread of FMD. Failure to act with due diligence may expose the applicant to criminal liability³ under the Animal Diseases Act⁴ and delictual claims.

² Government Notice 6319 published in the Government Gazette 52868 of 13 June 2025.

³ Section 32 of the Animal Diseases Act 35 of 1984.

⁴ Ibid, fn 1.

[25] From the evidence before me, it is clear that the applicant's implementation of the biosecurity measures is intended not to restrict but to regulate access to both the applicant's and the respondents' farms.

[26] I should, however, consider the respondents' established use of the access road and their reliance on it to reach their farm. For this reason, it would be unreasonable to place an unqualified restriction on the transport of animals via the access road to the respondents' farm. The respondents are subject to the control measures and the Animal Diseases Act to the same extent as the applicant.

[27] Upon consideration of the factors as set out herein, the application made out a case for the confirmation of the interim order. In confirming the interim order, I have taken into account that the control measures were not in operation at the date of the interim order, which led me to recognise it in the final order.

Order

[28] Resultantly, the following order is made:

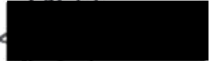
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compliance with the applicant's biosecurity and access control measures applied in terms of the provisions of Control Measures Relating to the Control of Diseases of Cloven Hoof Animals, promulgated by Notice 6319 published in the Government Gazette 52868 of 13 June 2025 and the Animal Diseases Act 35 of 1984.

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M WESSELS
ACTING JUDGE OF THE HIGH COURT
NORTH WEST DIVISION, MAHIKENG

APPEARANCES

Counsel for applicant

:Adv AP Berry

Instructed by

:Jac N Coetzer Attorneys

:Hoopstad

:c/o Maree & Maree Attorneys

:Mahikeng

Respondents

:In person