

# Agriculture, Aquaculture & Fishing

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## South Africa

- As Government rolls out its Foot-and-Mouth Disease vaccination scheme, farmers secure interim order to vaccinate privately without interference from the state



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## As Government rolls out its Foot-and-Mouth Disease vaccination scheme, farmers secure interim order to vaccinate privately without interference from the state

The Foot-And-Mouth Disease (FMD) outbreak has had severe economic consequences for farmers and owners of livestock, dealing with ill animals and vaccinations that were, for numerous and complex reasons, not being supplied and administered fast enough, despite efforts to do so. The seriousness of the situation was heightened by President Cyril Ramaphosa who declared the outbreak of FMD a national disaster in the 2026 State of the Nation Address. In a bid to mitigate damage, livestock farmers and owners sought to source and administer vaccines privately, as opposed to waiting on the Government's stretched resources.

The Government took issue with this approach, leading to an urgent application being launched by a group of farmers and livestock owners for a declarator confirming that they were not prohibited from sourcing and administering vaccines on

their own. The Government has now created a vaccination scheme, the Routine Vaccination Scheme for Foot-and-Mouth Disease (Scheme), that permits farmers to vaccinate livestock privately as long as they adhere to certain protocols set out in the Scheme. The Scheme was gazetted between the launching of the urgent application discussed below and the hearing date of that application and, furthermore, seems to be a reactive measure by the Government to deal with the issues raised in the application while still retaining some element of control over private vaccinations for FMD.

Notwithstanding the publication and creation of the Scheme, on 25 May 2026, the Pretoria High Court issued an interim order, stating that farmers and owners of livestock may privately procure and administer vaccines, even if they do not volunteer to participate in the Scheme.

Below we deal with some highlights of the Scheme and the court's view in respect thereof.

## The Scheme

On 4 May 2026, the Department of Agriculture published in the *Government Gazette* the Routine Vaccination Scheme for Foot-and-Mouth Disease in terms of the Animal Diseases Act 35 of 1984 (Act). The Scheme is completely voluntary, and permits the owners of cloven-hoofed livestock to vaccinate their livestock privately, **provided that the following strict conditions are met:**

1. Every animal in the programme must be traceable, meaning they must have a permanent mark (for instance, a brand or tattoo) and a unique ear tag so that they can be tracked from birth to slaughter.
2. Owners must enlist an authorised veterinarian or veterinary assistant to oversee the vaccinations.
3. Participants must use a digital traceability system to record when an animal was vaccinated, the vaccine batch number, and even the temperature of the fridge where the vaccine was stored.
4. Owners must allow audits and inspections to prove that they are following the Scheme's safety rules. By having a formal, recorded vaccination plan, farmers can prove their animals are healthy.

With the intended purpose of overseeing and monitoring the Scheme, the Minister of Agriculture (Minister) shall establish an expert body called the "Committee for Routine FMD Vaccination for cloven-hoofed animals" (Committee). The Committee shall consist of a veterinary representative of the National

Directorate of Animal Health from the Department of Agriculture, nominated by the Director of Animal Health, one state veterinarian nominated by the Director of Animal Health who has experience in the control of FMD and the epidemiology of the disease, one veterinarian nominated by the cattle stud, dairy and feedlot industries, appointed by the Minister, and two experts in FMD, nominated by the Agricultural Research Council and the University of Pretoria respectively, appointed by the Minister.

Applications for participation in the Scheme must be submitted to the Committee for approval as and when it is formed.

A full copy of the Scheme is available [here](#) for perusal.

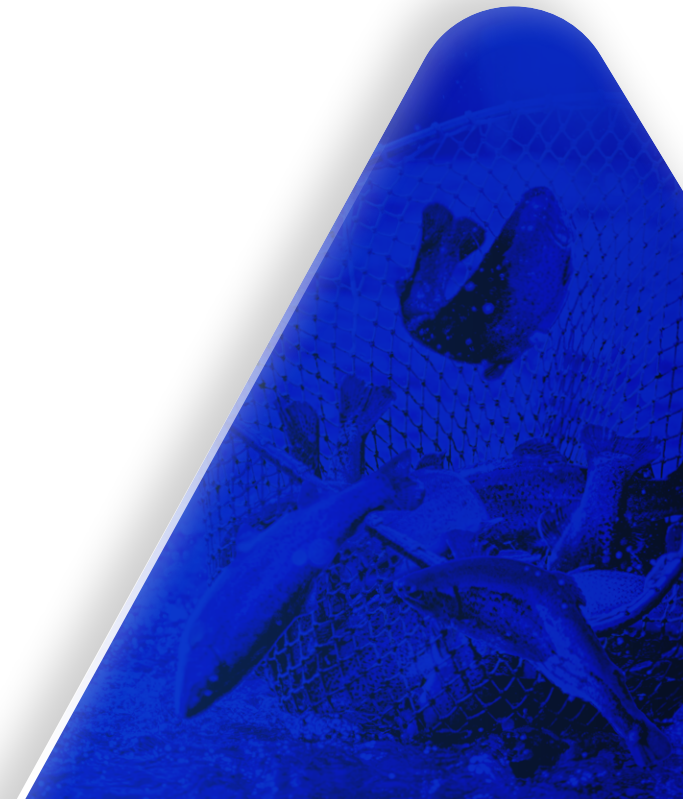
## Overview of the litigious background

The publication of the Scheme comes after sustained pressure from the agricultural community and, *inter alia*, the proceedings instituted in *Sakeliga NPC and Others v Minister of Agriculture and Others* (unreported, case number 2026-047152) by Sakeliga NPC, South African Agri Initiative NPC (Saai) and Free State Agriculture (applicants) against the Minister of Agriculture and Others (respondents) at the Pretoria High Court, asking that the court grant an interim order permitting private livestock owners and farmers to source and administer vaccines independently of the Government.

An interim order was granted by the Pretoria High Court on 25 May 2026 permitting livestock owners to procure and administer lawfully imported

FMD vaccines privately, pending the finalisation of proceedings for declaratory relief confirming, among other things, that there was no impediment to sourcing vaccines privately and/or the review and setting aside of the Government's decision to interfere in that procurement process (Order). The Order effectively creates an interim parallel private vaccination pathway alongside the newly gazetted Scheme.

In this case, the applicants sought urgent relief to safeguard the South African livestock industry by allowing producers and farmers to privately administer vaccines in respect of the ongoing FMD outbreak, and interdicting the state from, in



any manner, interfering with owners/managers of livestock administering vaccine to their animals and in the relationship between those who legally import vaccines into South Africa and their suppliers.

The litigation raises broader administrative and regulatory law questions. At its core, it concerns the limitations of ministerial and departmental control in circumstances where legislation may not expressly prohibit private sector participation. The matter is also commercially significant as the ongoing outbreak has already affected exports and livestock movement nationally, with substantial projected losses for agricultural industries.

In short, the court found that there is no prohibition created by the Act, the regulations in terms thereof (Regulations) or the Scheme, which disallows farmers, owners or producers of livestock from privately vaccinating outside of the Scheme. However, if one chooses to follow this route, then they have to adhere to the protocols set out in the Order, which include, among others, the following:

1. At least five days before administering the vaccine, the owner or manager of livestock must notify either the Provincial Director of Veterinary Services or the state veterinarian of their intended vaccination (including the specific details of its location, period, number of animals involved, particulars and so forth).

2. Such notification shall be no guarantee in relation to the supply of the FMD vaccine.
3. Within 14 days after administering the FMD vaccine, the owner or manager of livestock must deliver a sworn statement to the Provincial Director of Veterinary Services or the state veterinarian detailing compliance with Regulations 17(1)(c) and 18 of the Animal Diseases Regulations (including a list of all the particulars required).

A copy of the order and the full set of requirements can be accessed [here](#).

The Department of Agriculture was furthermore ordered not to interfere in relation to commercial activities of those who lawfully import FMD vaccines into the country.

It must be noted that the relief contained in the Order remains interim in nature and is expressly subject to future proceedings.

## Conclusion

The court did not suspend the Scheme, but neither did it make it obligatory to participate in the Scheme if private vaccination was being considered. There are therefore several avenues that can be followed for vaccination (two such avenues dealing with private vaccination), namely:

- The Government retaining its ability to continue administering vaccines in accordance with the Act and its Regulations.
- If private vaccination is a consideration then, as matters currently stand, private vaccination can be done by:
  - Volunteering to participate in the Scheme – application must be made to the Committee established in terms of the Scheme, and its protocols followed. The vaccination shall be monitored and overseen by the Committee for Routine FMD Vaccination for cloven-hoofed animals.
  - Not participating in the Scheme, but following the process outlined in the Order.

The most important considerations should be that (i) vaccinations to curb the FMD pandemic are sourced and administered as efficiently as possible; and (ii) that protocols are adhered to which ensure the validation of the administering thereof. Livestock farmers, managers and owners, and the South African economy in general, cannot afford for the reliability and viability of vaccinations to be challenged, whether administered through the Government or done privately. Those vaccinating privately should be vigilant about ensuring rigid protocols are followed and properly recorded.

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