

NO. R.111

27 January 1984

AGRICULTURAL PESTS ACT, 1983 (ACT NO. 36 OF 1983)

REGULATIONS

The Minister of Agriculture, acting under section 16, read with sections 3, 7 and 11 of the Agricultural Pests Act, 1983 (Act 36 of 1983), has made the regulations set out in the Schedule.

SCHEDULE

In this Schedule “the Regulations” means the regulation published by Government Notice R.111. of 27 January 1984, as amended by Government Notices, R.2573 of 15 November 1985, No.R.2350 of 14 November 1986, No.R.100 of 16 January 1987, No.R.1521 of 14 July 1989, No.R.75 of 18 January 1991, No.R.1637 of 27 October 1995, No.R.1471 of 20 November 1998, No.R.665 of 28 May 1999, No.R.614 of 23 June 2000, No.R.396 of 18 May 2001, No.R.367 of 5 April 2002, No.R.464 of 4 April 2003, No.R.143 of 9 February 2004, No.R.244 of 24 March 2005, No.R.228 of 17 March 2006, No.R.42 of 26 January 2007, No.R.118 of 08 February 2008, No. R. 257 of 13 March 2009, No R.73 of 12 February 2010 and No. R. 190 of 11 March 2011.

SUBDIVISION OF REGULATIONS

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Definitions

1. In these regulations any word or phrase to which a meaning has been assigned in the Act shall have that meaning and, unless the context otherwise indicates-

“the Act” means the Agricultural Pests Act, 1983 (Act No. 36 of 1983);
[Amended by R. 75 of 18 January 1991]

PART I: IMPORTATION OF CONTROLLED GOODS

Applications for permits

2. (1) An application for the issuing of a permit on the authority of which controlled goods may be imported into the Republic shall be made in the form set out in the Annexure.
(2) Such application form shall-
 - (a) be completed in triplicate by the person requiring such permit;
 - (b) after having been thus completed, be submitted to the executive officer; and

- (c) be thus submitted so as to reach the executive officer at least 30 days prior to the date of arrival of the controlled goods concerned at a port of entry.

Ports of entry

- 3. (1) The importation of controlled goods into the Republic on the authority of a permit shall take place only through a port of entry specified in Table 2, unless the executive officer has determined some other place in terms of section 3 (2) (a) of the Act.
(2) An application for the determination of another port of entry in terms of section 3 (2) (a) of the Act shall be lodged in writing together with an application referred to in regulation 2, and the reasons why the controlled goods concerned cannot be imported through a port of entry specified in Table 2 shall be furnished in such application.

Presentation of controlled goods for inspection

- 4. When controlled goods imported into the Republic on the authority of a permit are presented to the executive officer for inspection in terms of section 3 (2) (b) of the Act, they shall be presented in such manner that-
 - (a) access to the controlled goods concerned or the containers thereof can readily be obtained; and
 - (b) all marks, printing or writing on the containers of the controlled goods concerned or on the labels attached thereto can readily be read.

Inspections outside the official office hours

5. (1) If a person requires that an inspection of controlled goods in terms of section 3 (2) (b) of the Act be carried out at a time other than during the official office hours of the executive officer, an application for consent in terms of section 3 (3) of the Act in this connection shall be made on a form which is obtainable from the executive officer for this purpose.

(2) The amount specified in paragraph 1 of Table 1 shall be payable in respect of an inspection of controlled goods which is carried out outside the official office hours of the executive officer in terms of a consent referred to in section 3 (3) of the Act.

PART II: ORDERS

Serving of orders

6. (1) An order shall be served on a user of land or a person referred to in section 4 of the Act by-
- (a) forwarding it by registered post to the user of land or such person;
 - (b) delivering it to the user of land or such person or to his authorised representative;
 - (c) delivering it at the residence or place of business of the user of land or such person, to some person who is apparently not younger than 16 years of age and apparently resides or is employed there; or
 - (d) delivering it, in the case of a user of land or such person who is juristic person, at the registered office of such juristic persons.

[Amended by R. 2350 of 14 November 1986]

(2) When an order is served in terms of subregulation (1) (a) the executive officer shall-

- a) place the order in an envelope which is addressed to the user of land concerned at his last known postal address and post it by pre-paid registered letter; and
- b) at the time of registration thereof make application to be provided with an acknowledgement by the addressee of the receipt thereof as provided in regulation 44 (5) of the Postregulations published under Government Notice R. 550 of 14 April 1960: Provided that-
 - i. a receipt from which is completed as provided in regulation 44 (8) of the said regulations shall be sufficient acknowledgement of receipt for the purposes hereof; and
 - ii. if no such acknowledgement of receipt is received , this fact shall be recorded by the executive officer on a copy of the order.

(3) When an order is served in terms of subregulation (1) (b), (c) or (d), the person by whom it has been delivered shall immediately after delivery thereof make an entry on a copy of that order to indicate the manner in which, the person to whom, the place at which and the date on and approximate time at which the order concerned has been thus delivered.

(4) The entries referred to in subregulation (3) shall immediately after having been made, be signed by the person by whom the order has been delivered.

Evidence of service of orders

7. (1) If an order is served in terms of regulation 6 (1) (a), the executive officer shall obtain and preserve the following documents as evidence of the service thereof:

- (a) The certificate of posting of the registered letter concerned, which was issued by the post office at which such letter was registered.
- (b) The acknowledgement of receipt or receipt from referred to in regulation 6 (2) (b), for the registered letter concerned.

(2) If an order is served in terms of regulation 6 (1) (b), (c) or (d), the executive officer shall obtain the copy of the order concerned on which the entries and signature respectively referred to in regulation 6 (3) and (4) appear from the person by whom that direction was served and preserved it as evidence of service.

Amendment and withdrawal of orders

8. If an application for the amendment or withdrawal of an order with respect to a quarantine area has been made in terms of section 7 (3) of the Act, the amounts specified in paragraph 2 and 3 of Table 1 shall respectively be payable with regard to-

- (a) each inspection of the quarantine area concerned by the executive officer; and
- (b) each test, examination or analysis of a sample taken during the course of an inspection referred to in paragraph (a), and which is carried out in a laboratory of the department.

PART III: APPEALS

Submission of appeals

9. (1) A person who wishes to appeal in terms of section 11 of the Act against a refusal or conduct by the executive officer shall note his appeal with the Director –General within 60 days of the date of the refusal or conduct by the executive officer.
- (2) Such appeal shall be in the form of a written statement which has been confirmed on oath and shall specify-
- (a) the refusal or conduct against which is appealed; and
 - (b) the grounds on which the appeal is based.
- (3) The amount specified in paragraph 4 of Table 1 shall accompany such appeal.
- (4) If such appeal is noted by a person who is not the user of land in respect of the land or the owner of the article to which the refusal or action concerned relates, the appeal shall be accompanied by a statement in which that person discloses his interest in such refusal or conduct.

Inquiries into appeals

- 10.(1) The Director-General shall refer an appeal which has been noted terms of regulation 9 (1), for inquiry and a report to an officer of the department other than the executive officer or another officer concerned in the refusal or conduct against which that appeal is brought.
- (2) An appellant may request or be requested to appear before the officer concerned at an inquiry referred to in subregulation (1) to be heard and questioned, and he may be assisted or represented by a legal representative.

(3) A request in terms of subregulation (2) by an appellant to appear before the officer concerned to be heard and questioned shall be made in writing and shall accompany the appeal concerned.

(4) An appellant shall be notified in writing of the date on which, the time at which and place at which he is to appear before the officer designated to report on an appeal, to be heard and questioned.

(5) The Director-General shall submit each appeal and his recommendation, thereon, together with the report of the officer who conducted the investigation referred to in subregulation (1), as well as all other relevant documents, to the Minister for consideration.

Address for noting of appeals

11. An appeal which is noted in terms of regulation 9 (1) shall-

- (a) when forwarded by post, be addressed to the Director-General:
Agriculture , Private Bag X250, Pretoria, 0001; and
- (b) when delivered by hand, be delivered to the Director-General:
Agriculture, Dirk Uys Building, Hamilton Street, Pretoria.

PART V: GENERAL

Calculation of traveling expenses

12. *deleted by R. 75 of 18 January 1991]*

Payment of fees

13.(1) Postage on and delivery costs of any application or other document which is submitted or furnished in terms of these regulations, as well as on or of anything else pertaining thereto, shall be prepaid by the sender thereof.

(2) Any amount which is payable in terms of these regulations shall be paid by cheque, postal order or money order made out in favour of the Director-General: Agriculture, and be forwarded or delivered to the executive officer or, in the case of the amount referred to in regulation 9 (3), to the Director-General: Provided that if such amount is delivered by hand, it may be paid in cash.

(3) Subject to the provisions of section 11 (3) of the Act, an amount which has been paid in terms of these regulations shall not be repayable.

Address for the submission of documents

14. Any application, notice or document, as well as anything else pertaining thereto, which in terms of the Act or these regulations is required to be submitted to the executive officer shall-

(a) when forwarded by post, be addressed to the Director: Plant and Quality Control, Private Bag X258, PRETORIA, 0001; and

(b) when delivered by hand, be delivered to the Director: Plant and Quality Control, Dirk Uys Building, Hamilton Street, Arcadia, PRETORIA.

[Amended by R. 1637 of 27 October 1995]

TABLE 1
FEES PAYABLE

Table 1 of the Regulations is hereby substituted with the following table:

NATURE OF SERVICE	TARIFF
1	2
1. Inspection of a quarantine area in respect of which an application, adaptation or withdrawal of an instruction has been submitted [Reg.8 (a) of the regulations].	R 160,00 per 30 minutes or portion thereof
2. Test, examination or analysis of a sample taken in the course of an examination as intended in 1. [Reg.8 (b) of the Regulations].	
(i) Isolation of bacteria from sample material.	R 177, 00 per isolation.
(ii) Isolation of fungi from sample material.	R 126, 00 per isolation.
(iii) Extraction of nematodes from sample material	R 86, 00 per extraction.
(iv) Morphological identifications of insects, nematodes or fungi	R 177, 00 per identification.
(v) Biochemical tests for the identification of bacteria	R 258, 00 per pest.
(vi) PCR tests for the identification and/or detection of bacteria, fungi, nematodes, insects, viruses and phytoplasms.	R 329, 00 per sample for the first test plus R58, 00 for every additional test.
(vii) ELISA tests for identification and/or detection of organisms.	R 89, 00 per test.
(viii) Herbaceous indexing for the detection of viruses.	R 158, 00 per sample.
(ix) Hardwood indexing for the detection of viruses.	R354, 00 per test.
(x) Electron microscopy for the detection of viruses.	R 449, 00 per sample.
(xi) ISEM for the detection of viruses.	R 265,00 per test
3. Appeal in terms of section 11 of the Act [Reg.9 (3) of the regulations].	R 4 280,00 per appeal

This amendment will come into operation on 01 April 2011.

<i>[Amended by R. 2573 of 15 November 1985</i>	<i>R. 2350 of 14 November 1986</i>
<i>R. 100 of 16 January 1987</i>	<i>R. 1521 of 14 July 1989</i>
<i>R. 75 of 18 January 1991</i>	<i>R. 1637 of 27 October 1995</i>
<i>R.1471 of 20 November 1998</i>	<i>R.665 of 28 May 1999</i>
<i>R.614 of 23 June 2000</i>	<i>R.396 of 18 May 2001</i>
<i>R.367 of 5 April 2002</i>	<i>R.464 of 4 April 2003</i>
<i>R. 143 of 9 February 2004</i>	<i>R.244 of 24 March 2005</i>
<i>R.228 of 17 March 2006</i>	<i>R.42 of 26 January 2007</i>
<i>R. 118 of 08 February 2008</i>	<i>R.257 of 13 March 2009</i>
<i>R. 73 of 12 February 2010</i>	<i>R. 190 of 11 March 2011]</i>

TABLE 2
PORTS OF ENTRY
(Reg.3)

1. The harbours of -	Cape Town, Durban, East London, Port Elizabeth.
2. The container depots at-	Cape Town, City Deep, Durban, Port Elizabeth.
3. The airports-	D. F. Malan (Cape Town), H. F. Verwoerd (Port Elizabeth), Jan Smuts (Johannesburg), Louis Botha (Durban).
4. The Main Post Offices at-	Cape Town, Durban, Johannesburg, East London, Port Elizabeth, Pretoria.
5. Railway stations within the municipal area of-	Cape town, Durban, East London, Johannesburg, Port Elizabeth, Pretoria.

ANNEXURE

APPLICATION FOR A PERMIT FOR THE IMPORTATION OF CONTROLLED GOODS IN TERMS OF THE PROVISIONS OF THE AGRICULTURAL PESTS ACT, 1983 (ACT No. 36 OF 1983)

STANDARD APPLICATION: Must be submitted at least 30 days prior to the date of arrival of the goods concerned in South Africa to:
 OTHER APPLICATIONS: Application will be notified of handling procedures.

DIRECTOR: DIRECTORATE: PLANT HEALTH AND QUALITY, PRIVATE BAG X258,, PRETORIA, 0001; OR
 FAX: 27 12 319 6101 / E-MAIL JeremiahMA@daff.gov.za / TEL: 27 12 319 6102/6396

I, the undersigned, hereby apply for a permit in terms of section 3(1) of the Agricultural Pests Act, 1983 (Act No 36 of 1983), to import the controlled goods of which the particulars appear hereunder, into South Africa. I hereby declare that the goods concerned do not contain any genetically manipulated organisms.

*Description of controlled goods	Name of variety of plants (where applicable)	Quantity (number or mass)	Full name and address of foreign supplier	Port of entry	Purpose of which imported

Country of origin...../Applicant/ Name of company/Applicant.....

Postal Address of applicant.....

Code.....Telephone no. Fax no.

E-mail address.....

.....

SIGNATURE OF APPLICANT PRINTED: NAME AND SURNAME OF APPLICANT DATE

* In the case of a plant (including seed), pathogen, insect or exotic animal, the scientific as well as the common name thereof shall be specified