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DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

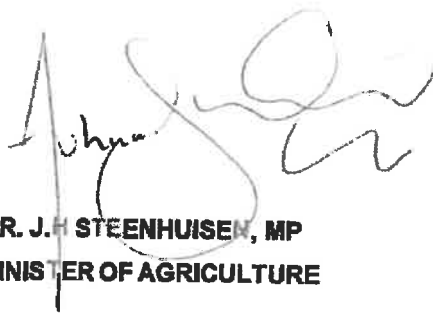
NO. R. 5710

20 December 2024

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

REGULATIONS: AMENDMENT

I, John Henry Steenhuisen, Minister of Agriculture, acting under section 16 read with sections 3, 4, 7 and 11 of the Agricultural Pests Act, 1983 (Act No. 36 of 1983), has made the regulations in the Schedule.



MR. J. H. STEENHUISEN, MP
MINISTER OF AGRICULTURE

SCHEDULE

In this Schedule “the Regulations” means the regulation published by Government Notice R.111 of 27 January 1984, as amended by Government Notices, No. 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 8 February 2008, No. R. 257 of 13 March 2009, No. R. 73 of 12 February 2010, No. R. 190 of 11 March 2011, No. R. 130 of 24 February 2012, No. R. 77 of 8 February 2013, No. R. 1003 of 20 December 2013, No. R. 50 of 30 January 2015, No. R. 67 of 29 January 2016, No. R. 134 of 17 February 2017, No. R. 1417 of 15 December 2017, No. R. 276 of 01 March 2019, No. R. 167 of 14 February 2020, No. R. 224 of 19 March 2021, No. R. 1774 of 25 February 2022, R. 3055 of 17 February 2023 and R. 4436 of 1 March 2024.

Insertion of definitions in the Regulations

The following definitions are inserted in regulation 1 of the Regulations before the definition of “the Act”:

“Border Management Authority (BMA) officials” means an official appointed in terms of the Border Management Authority Act, 2020 (Act No. 2 of 2020) responsible for the execution of frontline border law enforcement functions related to plant biosecurity control in terms of these Regulations.

“Extended detention” means authorization of imports of plants, plant products and other regulated articles through designated ports of entry for inspection at an approved inland facility, preferably within 10 km radius from the port of entry, as determined by the BMA officials with the concurrence of the Department of Agriculture.

Substitution of regulation 2 of the Regulations

The following regulation is hereby substituted for regulation 2 of the Regulations:

Application 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 on a form obtainable from the executive officer or authorized person or accessible from the departmental website/ online system.

(2) The application form referred to in subregulation (1) shall be-

- (a) completed and submitted to the executive officer at least 30 working days prior to the date of arrival of the controlled goods at the port of entry and;
- (b) accompanied by proof of payment of the applicable tariffs under Table 1 of these regulations; and
- (c) sent via electronic mail (e-mail) to PlantHealthPermits@Dalrrd.gov.za or delivered by post, addressed to the Department of Agriculture, Directorate Food Import and Export Standards, P.O. Box 40024, Arcadia, Pretoria, 0007; or
- (d) delivered by hand to the Department of Agriculture, Directorate Food Import and Export Standards, Harvest House, 30 Hamilton Street, Office 541, Arcadia, Pretoria.

Substitution of regulation 3 of the Regulations

The following regulation is hereby substituted for regulation 3 of the Regulations:

Ports of entry

3 (1) The permit authorizing the importation of controlled goods into the Republic shall be issued to authorize import through the selected 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 accompanied by reasons why the controlled goods concerned cannot be imported through a port of entry specified in Table 2.

(3) The Authority responsible for border law enforcement shall ensure that all designated ports of entry in terms of these Regulations are sufficiently resourced to perform or conduct phytosanitary actions, and where possible within 10 km radius of the port of entry.

Substitution of regulation 4 of the Regulations

The following regulation is hereby substituted for regulation 4 of the Regulations:

Presentation of controlled goods for inspection

4. When controlled goods are imported through the port of entry into the Republic on the authority of a permit, they shall be presented to the authorized person or BMA officials for inspection in terms of section 3 (2) (b) of the Act in such manner that-

- (a) access to the controlled goods or the containers thereof can readily be obtained; and
- (b) all markings, printing, writing, or labels attached to the containers of the controlled goods are easily readable.

Insertion of regulation 4A of the Regulations

The following regulation is hereby inserted after regulation 4 of the Regulations:

Extended detention for importation of controlled goods

4A (1) Extended detention for all imports shall be authorized by the BMA official with the concurrence of the Department of Agriculture.

(2) All authorized imports of controlled goods for extended detention through the ports of entry shall be:

- (a) verified at the designated ports of entry prior to release to an approved facility,
 - (b) released by affixing seals, marks and release documents issued at the port of entry to ensure consignment integrity,
 - (c) monitored for traceability,
 - (d) inspected at an approved facility.
- (3) The seals must only be removed by an authorized person during inspection,
- (4) Controlled goods should not be sold or distributed unless they have been inspected and cleared for distribution in the Republic.
- (5) The authorized persons within the responsible authority, entity and department shall:
- (a) coordinate their inspection activities;
 - (b) perform any other functions to manage the risk of pest introduction;
 - (c) provide feedback report after inspection to the relevant authority.
- (6) It is the responsibility of the importer or agent on behalf of the importer or consignee that controlled goods reach the intended place for inspection as instructed by the BMA official at the port of entry.
- (7) In cases where a regulated pest is detected or intercepted in the controlled goods during inspection, such controlled goods will either be treated or destroyed under supervision, depending on the level of risk identified.

Substitution of regulation 5 of the Regulations

The following regulation is hereby substituted for regulation 5 of the Regulations:

Inspections outside the official office hours

5. (1) If a person requires that 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 authorized person, 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 authorized person for this purpose.
- (2) The amount specified in Table 1 in terms of these regulation shall be payable in respect of an inspections of controlled goods which is carried out outside the official hours of the BMA official or authorized person.
- (3) The amount specified in Table 1, in terms of the regulation shall be payable in respect of an inspection of controlled goods.

Substitution of regulation 6 of the Regulations

The following regulation is hereby substituted for regulation 6 of the Regulations:

Serving of orders

6. (1) An order shall be served to the user of land or a person referred to in sections 4 and 7 of the Act by-

- (a) forwarding it by registered post or email;
- (b) delivering it to the user of land or such person or to his or her authorized representative;
- (c) delivering it at the residence or place of business of the user of land or such person, to some person who is not younger than 18 years of age who resides or is employed there; or at the registered office of the juristic person/s.

(2) When an order is served in terms of sub-regulation (1) (a) the authorized person shall place it in an envelope addressed to the user of land concerned.

(3) After the order has been served in terms of sub-regulation (1) (b) (c), the person by whom it has been delivered shall make 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 delivered.

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

Substitution of regulation 8 of the Regulations

The following regulation is hereby substituted for regulation 8 of the Regulations:

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 Table 1 shall be payable with regard to each inspection conducted by the authorized person; and each test, examination or analysis of a sample taken during the inspection, which is carried out in a laboratory of the department.

Amendment of regulation 9 of the Regulations

Regulation 9 of the Regulations is hereby amended by the substitution for subregulation (1) of the following subregulation:

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 or authorized person, may appeal against it to the

Minister within 60 days of the date of the refusal or conduct by the executive officer or authorized person.

Substitution of regulation 11 of the Regulations

The following regulation is hereby substituted for regulation 11 of the Regulations:

Address for noting of appeals

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

- (a) forwarded by post and be addressed to the Minister of Agriculture, Private Bag X250, Pretoria, 0001; and or
- (b) delivered by hand to the Minister of Agriculture, 600 Lillian Ngoyi, Berea Park, Pretoria.

Substitution of regulation 13 of the Regulations

The following regulation is hereby substituted for regulation 13 of the Regulations:

Payment of fees

13. (1) The cost of any application or other document which is submitted or furnished in terms of these regulations, as well as on or of anything pertaining thereto, shall be paid by the sender thereof.
- (2) Any amount which is payable in terms of these regulations shall be paid by cash or at the bank and proof of payment submitted together with such document to the executive officer.
- (3) The amount referred to in regulation 9 (3) shall be paid in cash or electronic payments.
- (4) 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 refunded.

Substitution of regulation 14 of the Regulations

The following regulation is hereby substituted for regulation 14 of the Regulations:

Address for the submission of documents

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

- (a) forwarded by post, addressed to the Director: Plant Health; Directorate Plant Health, Private Bag X 14, Gezina 0031 and or P.O Box 40024, Gezina 0031; or
- (b) delivered by hand to the Director Plant Health, Harvest House, 30 Hamilton Street, Arcadia, Pretoria.

Substitution of table 1 of the Regulations

The following Table is hereby substituted for Table 1 of the Regulations:

TABLE 1
FEES PAYABLE

NATURE OF SERVICE	TARIFF
1	2
1. Import Control:	
(a) During official office hours	
(i) Inspection outside the port of entry. This tariff includes consignments imported through official ports of entry and granted an extended detention	R 290.00 for 30 minutes or portion thereof
(ii) Re-examination of imported controlled goods that were cleaned, disinfected or treated after examination	R 290.00 for 30 minutes or portion thereof including Travelling
(iii) Supervision over cleaning, disinfection or treatment of imported controlled goods	R 290.00 for 30 minutes or portion thereof including travelling
(iv) Purification of imported controlled goods of declared organisms (excluding quarantine organisms)	R 290.00 for 30 minutes or portion thereof
(v) Issuing of a permit to authorize importation of controlled goods	R 230.00 per permit (Maximum of 10 plant genera)
(vi) Issuing of amendment letters	R 380.00 per letter
(vii) Issuing of copies	R 230.00 per copy
(b) Outside official office hours	
(i) Examination of imported controlled goods [Reg.5(2)]	

Weekdays from 16:00 – 20:00/ 06:00 – 07:30 and Saturdays from 06:00 – 20:00	R 430.00 for 30 minutes or portion thereof including travelling
Weekdays and Saturdays from 20:00 – 06:00 Sundays and Public holidays	R 550.00 for 30 minutes or portion thereof including Travelling
(ii) Re-examination of imported controlled goods that were cleaned, disinfected or treated after examination	
Weekdays from 16:00 – 20:00/ 06:00 – 07: 30 and Saturdays from 06:00 – 20:00	R 430.00 for 30 minutes or portion thereof including Travelling
Weekdays and Saturdays from 20:00 – 06:00 Sundays and Public holidays	R 550.00 for 30 minutes or portion thereof including travelling
(iii) Supervision over cleaning, disinfection or treatment of imported controlled goods	
Weekdays from 16:00 – 20:00/ 06:00 – 07: 30 and Saturdays from 06:00 – 20:00	R 430.00 for 30 minutes or portion thereof including Travelling
Weekdays and Saturdays from 20:00 – 06:00 Sundays and Public holidays	R 550.00 for 30 minutes or portion thereof including Travelling
(c) Laboratory tests Laboratory examinations of imported controlled goods:	
(i) Test for occurrence of bacteria	R 344.00 per isolation
(ii) Test for occurrence of fungi	R244.00 per isolation
(iii) Test for occurrence of nematodes	R 167.00 per extraction
(iv) Test for occurrence of insects or mites	R 179.00 per sample
(v) Morphological identifications of insects, mites, nematodes or fungi	R 344.00 per identification
(vi) Biochemical tests for the identification of bacteria	R 288.00 per test
(vii) BIOLOG tests for the identification of bacteria	R 362.00 per test plate

(viii) PCR tests for the identification and/or detection of bacteria, fungi, nematodes, insects, mites, viruses and phytoplasmas	R 640.00 per sample for the first test plus R115.00 for every additional test
(ix) Sequencing for the identification of bacteria fungi, nematodes, insects, phytoplasmas	R 482.00 per sample
(x) ELISA tests for identification and/or detection of organisms/ entities	R 175.00 per test
(xi) Herbaceous indexing for the detection of viruses	R 307.00 per sample
2. Quarantine	
2.1 Approval of quarantine facilities (outside/ open quarantine) for evaluation of imported controlled goods	R 314.00 for 30 minutes or portion thereof
2.2 Transport, sampling, examination and inspection of imported controlled goods	R 613.00 for 30 minutes or portion thereof
2.3 Laboratory examinations of imported controlled Goods	
(i) Test for occurrence of bacteria	R 344.00 per isolation
(ii) Test for occurrence of fungi	R 244.00 per isolation
(iii) Test for occurrence of nematodes	R 167.00 per extraction
(iv) Test for occurrence of insects and mites	R 179.00 per sample
(v) Morphological identification of insects, mites, nematodes or fungi	R 344.00 per identification
(vi) Biochemical tests for the identification of bacteria	R 288.00 per test
(vii) BIOLOG tests for the identification of bacteria	R 362.00 per test plate
(viii) PCR tests for the identification of and/or detection of bacteria, fungi, nematodes, insects, mites, viruses and phytoplasmas	R 640.00 per sample for the first test plus R 115.00 for every additional test
(ix) Sequencing for the identification of bacteria, fungi, nematodes, insects, mites, viruses and phytoplasmas	R 482.00 per sample
(x) ELISA tests for identification and/or detection of organisms/ entities	R 175.00 per test
(xi) Herbaceous indexing for the detection of viruses	R 307.00 per sample

3. Inspection of a quarantine area in respect of which an application, adaptation or withdrawal of an instruction has been submitted [Reg. 8(a)]	R 290.00 for 30 minutes or portion thereof including travelling
4. Test, examination or analysis of a sample taken in the course of an examination as intended in 3 [Reg.8 (b) of the Regulations]	
(i) Test occurrence of bacteria	R 344.00 per isolation
(ii) Test occurrence of fungi	R 244.00 per isolation
(iii) Test occurrence of nematodes	R 167.00 per extraction
(iv) Test occurrence of insects and mites	R 179.00 per sample
(v) Morphological identifications of insects, mites, nematodes or fungi	R 344.00 per identification
(vi) Biochemical tests for the identification of bacteria	R 288.00 per test
(vii) BIOLOG tests for the identification of bacteria	R 362.00 per test plate
(viii) PCR tests for the identification and/or detection of bacteria, fungi, nematodes, insects, mites, viruses and phytoplasmas	R 640.00 per sample for the first test plus R115.00 for every additional test
(ix) Sequencing for the identification of bacteria, fungi, nematodes, insects, mites, viruses and phytoplasmas	R 482.00 per sample
(x) ELISA tests for identification and/or detection of organisms/ entities	R 175.00 per test
(xi) Herbaceous indexing for the detection of viruses	R 307.00 per sample
5. Appeal in terms of section 11 of the Act [Reg. 9(3) of the Regulations]	R 8 744.00 per appeal

This amendment effective 01 April 2024

Substitution of table 2 of the Regulations

2. The following Table is hereby substituted for Table 2 of the Regulations:

TABLE 2
PORTS OF ENTRY

1. The harbours of -	Cape Town, Durban, East London, Gqeberha (Port Elizabeth), Ngqura, and Richards Bay.
2. The container depots at-	Cape Town, City Deep, Durban, East London and Terminals (Pretcon and Eastcon).
3. The International airports-	Cape Town International Airport, King Shaka International Airport, Kruger Mpumalanga International Airport, Lanseria International Airport, O.R. Tambo (Johannesburg) International Airport and Chief Dawid Stuurman (Port Elizabeth) International Airport
4. The border control ports at-	Beitbridge, Caledonspoort, Ficksburg Bridge, Golela, Grobler's Bridge, Jeppes Reef, Kopfontein, Kosi Bay, Lebombo, Mahamba, Mananga, Maseru Bridge, Nakop, Nerston, Oshoek, Qacha's Nek, Ramatlabama, Skilpadshek, Van Rooyen's Hek and Vioolsdrift.