

**DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES**

**NO. 972**

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**FERTILIZERS, FARM FEEDS, AGRICULTURAL REMEDIES AND STOCK  
REMEDIES ACT, 1947 (ACT NO. 36 OF 1947)**

**REGULATIONS RELATING TO FERTILIZERS**

I, Senzeni Zokwana, Minister of Agriculture, Forestry and Fisheries acting under section 23 of the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act 36 of 1947 (Act No.36 of 1947) hereby made the regulation schedule.

The above mentioned Regulation Relating to Fertilizers, will be made available on DAFF website: [www.daff.gov.za](http://www.daff.gov.za) for public access at the following address route: Branch→ Agricultural Production, Health & Food Safety →Agriculture Inputs Control→ Gazette and notices→ press enter

**MR. SENZENI ZOKWANA (MP)**

**Minister of Agriculture, Forestry and Fisheries**

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## SCHEDULE

### PART I: GENERAL

#### *Definitions*

1. Words and phrases in these regulations shall have the meaning assigned thereto in the Act, and unless the context indicates otherwise -

"**Act**" means the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act No. 36 of 1947);

"**activity index (AI)**" means the amount of cold water insoluble nitrogen (CWIN) which is soluble in hot water in a urea formaldehyde fertilizer and reflects the rate at which CWIN will become available;

"**agricultural liming material**" means substances of which the calcium and magnesium compounds have the ability to reduce soil acidity and contain no harmful elements;

"**amorphous lime**" means soft, porous liming materials originating mainly from secondary deposits (as opposed to crystalline, non-porous liming materials mainly of primary origin);

"**analysis certificate**" means a certificate issued by independent laboratories, utilizing relevant analytical methods which are either ISO 17025 accredited or AgriLASA certified for, the relevant analysis, indicating the full chemical and/or physical composition for the particular fertilizer, as required by the Registrar;

"**application fee**" means monies that, in terms of these regulations, are payable for the registration of fertilizers and the renewal every 3 years of such registrations and also include monies payable for the mixing and sale of prescription mixtures;

"**Ash**" means inorganic substances remaining after all the organic substances have been removed (loss on ignition);

"**blender**" means a manufacturer or person who mixes registered fertilizers for sale or someone who mixes such fertilizers on prescription for someone. "Mixer" has the same meaning;

"**bulk blending**" means the mixing of dry or liquid fertilizers;

"**bulk**" means the packaging of a fertilizer other than in a sealed container;

"**calcite**" means calcium carbonate as it occurs in nature, with a maximum of 9 g/kg magnesium and a minimum of 380 g/kg calcium;

"**calcium carbonate equivalent (CCE)**" means the acid neutralizing ability of an agricultural liming material expressed as a percentage of the acid neutralising ability of pure calcium carbonate;

"**calcium carbonate**" means the carbonate of calcium that contains 400 g/kg calcium;

"**calcium hydroxide**" means the hydroxide of calcium that contains 530 g/kg calcium;

"**calcium oxide**" means the oxide of calcium that contains 700 g/kg calcium;

"**chelate**" means the product of a chemical reaction between a metal cation and a chelating agent in which the cation is in a normal oxidation state and is attached to the chelating agent through co-ordinate covalent bonds;

"**chelating agent**" means a molecule having two or more sites which donate electron pairs to a central metal cation and is large enough to form a five or six membered ring structure such as EDTA (ethylenediaminetetraacetic acid), NTA (nitrilo-triacetic acid) or IDS (iminodisuccinic acid);

"**chemically compounded fertilizer**" means a substance which, without being mixed with another substance, contains one or more of the macro-elements provided that the total plant nutrients content of such fertilizer should be at least 1/3 of the value of the relevant pure fertiliser and that

all macro elements that it contains in registerable amounts, may be registered; for example (but not limited to) ammonium nitrate, potassium sulphate, mono-ammonium phosphate, single superphosphate, nitrophosphate.

**"complex"** means the product of a chemical reaction between a metal cation and a complexing agent, such as metal ions with polyphosphates, lignin sulphate and ammonia;

**"complexing agent (sequestering agent)"** means a molecule which reacts with a metal cation to form a product of sufficient stability that the cation does not undergo any of its typical reactions such as precipitation in basic solutions;

**"composite sample"** means the combined incremental samples taken from the same sampled portion;

**"compost"** means a stabilised, homogenous, fully decomposed substance of animal or plant origin to which no plant nutrients have been added and that is free of substances or elements that could be harmful to man, animal, plant or the environment;

**"container"** means the packaging in which a measured amount of a fertilizer is offered for sale;

**"custom mix"** means a mixture compiled on the written advice of a qualified person for a specific client and such mixture must be of registered raw materials mixed at the written request of a specific client. Prescription mixture shall have the same meaning;

**"dry matter basis"** means, in the case of liming materials dried at 105°C to constant mass, provided that in the case of substances that react with carbon dioxide (CO<sub>2</sub>) the atmosphere in the oven be replaced with an inert gas such as nitrogen (N<sub>2</sub>);

**"dry sieving"** means the lime samples screened dry on a sieve shaker according to SABS method;

**"enrich"** means the addition of registered inorganic fertilizers to registered organic fertilizers in order to raise the plant nutrient content of the organic fertilizer, provided that the total N, P and K must be a minimum of 100 g/kg and "enriched" has the same meaning;

**"enriched organic fertilizer"** means a mixture of registered organic fertilizer with registered inorganic fertilizer that contains a minimum of 330 g/kg organic fertilizer, excluding urea;

**"fertilizer"** means any substance which is intended or offered to be used for improving or maintaining the growth of plants or the productivity of the soil;

**"fertilizer group"** means the category under which a particular fertilizer falls. Fertilizers are categorised as follows:

**Group 1** which is a fertilizer containing a total equal to or greater than 100 g/kg of N, P or K or any combination thereof; **or**

**Group 2** which is a fertilizer containing a total of less than 100 g/kg of N, P or K or any combination thereof or any other recognised plant nutrient(s) in acceptable amounts as indicated in Tables 1 – 9 and 13 – 15;

**Group 3** which is a fertilizer containing natural or synthetic substance(s) or organism(s) that improve(s) or maintain(s) the growth or yield of plants or the physical, chemical or biological condition (fertility) of the soil; and "soil Improver" has the same meaning;

**"fertilizer mixture"** means a physical mixture of two or more chemically compounded fertilizers or organic fertilizers that contain one or more of the plant nutrients nitrogen (N), phosphorus (P) and potassium (K) as indicated in the tables (Annexure A);

**"final samples"** means a replicate representative part of the reduced sample or, where no intermediate reduction is required, the composite sample may be regarded as identical sub-samples of the sampled portion;

**"fulvic acid"** means the organic substances which remain in solution when an aqueous, alkaline extract of organic matter or soil is acidified;

**"Guaranteed analysis"** means the stated minimum and/or maximum nutrient value of a fertilizer;

**"granules"** means products formed by layering or conglomeration under controlled conditions to form almost spherical particles;

**"guano"** means the excrement of seabirds, as it occurs in nature;

**"house and garden fertilizer"** means a fertilizer manufactured, recommended, packaged and offered for sale for use on pot plants and in home gardens and not intended for agricultural use;

**"humates"** means salts of humic acids;

**"humic acid"** means a mixture of dark-coloured substances of undefined composition extracted from soil with dilute alkali and precipitated by acidification to a pH of 1-2 as well as similar material in coal deposits and other organic matter;

**"invoice"** means an accompanying letter, delivery note or weighbridge ticket, receipt note or receipt;

**"label"** means any written, printed or graphic representation attached to a container of a fertilizer or produced on a container in any possible manner and which states the details required in terms of these regulations for the particular fertilizers and "labelled" has the same meaning;

**"low chloride"** means a fertilizer mixture with the maximum chloride content as prescribed in regulation 30(2);

**"macro-element"** means any of the elements nitrogen (N), phosphorus (P), potassium (K), calcium (Ca), magnesium (Mg), and sulphur (S);

**"macro-pellet"** means particle sizes that are noticeably larger than those of pellets;

**"magnesite"** means magnesium carbonate, as it occurs in nature, that contains a maximum of 10 g/kg calcium and a minimum of 275 g/kg magnesium;

**"magnesitic"** means magnesium carbonate that contains a minimum of 190 g/kg magnesium;

**"magnesium carbonate"** means the carbonate of magnesium that contains 280 g/kg magnesium and no calcium;

**"magnesium hydroxide"** means the hydroxide of magnesium that contains 410 g/kg magnesium and no calcium;

**"magnesium oxide"** means the oxide of magnesium that contains 600 g/kg magnesium and no calcium;

**"manufacture"** means make, compound, mix, formulate, process, package and label for purpose of sale and "manufacturing" or "manufacturing process" have a similar meaning;

**"micro-element"** means any of the elements iron (Fe), zinc (Zn), copper (Cu), molybdenum (Mo), manganese (Mn), boron (B) and chlorine (Cl)

**"micro-pellet"** means particle sizes that are noticeably smaller than those of pellets;

**"municipal compost"** means the disinfected and stabilised organic fertilizer manufactured by the controlled decomposition of sorted and milled urban waste including fermentable industrial and commercial waste;

**"municipal waste"** means any municipal compost that does not meet the requirements for compost given in these regulations: on the understanding that such waste must meet the minimum requirements for municipal waste as set out in the regulations for the registration of fertilizers;

**"manufacturer"** means an individual or undertaking that manufactures or mixes fertilizers;

**"organic fertilizer"** means a fertilizer manufactured from substances of animal or plant origin, or a mixture of such substances, and that is free of any substances that can be harmful to man, animal, plant or the environment containing at least 40 g/kg prescribed plant nutrients;



**"organic fertilizer mixture"** means a mixture of registered organic fertilizers;

**"pellet"** means elongated cylindrical particles formed from wet cylindrically extruded material, cut to the desired length and then dried. No more than 10% remains on a 4 mm sieve and no more than 10% passes through a 1 mm sieve: provided that 90% fall within the interval of 1 mm to 4 mm and provided that the sieve size on which 10% of the particles remain contains openings that are not more than three times larger than those of the sieve on which 95% of the particles remain; and **"macro granule"** has the same meaning;

**"pelleted"** means the manufacture of a fertilizer in pellet form;

**"physical quality assurance"** means a test carried out to evaluate the fineness of a liming material and the pellet size distribution granules of chemically compounded fertilizers or mixtures;

**"plant nutrient"** means an essential macro- or micro-element present in a fertilizer;

**"powder"** means particle sizes that are noticeably smaller than those for micro-pellets;

**"qualified person"** means a person registered as a Professional Natural Scientist with the South African Council for Natural Scientific Professions.

**"reduced samples"** means a representative part of the composite sample obtained from the latter by a process of reduction, reduced to a suitable size for final division;

**"registered name"** means the name approved by the Registrar under which a fertilizer is registered and may be sold: provided that in the case of an organic fertilizer such name must reflect the main component of such fertilizer;

**"reputable laboratory"** means an independent laboratory utilising relevant analytical methods which satisfy one of the following criteria

- Either ISO 17025 accredited or ISO/IEC 17025:2005 SANAS accredited
- Agricultural Laboratory Association of Southern Africa (AgriLASA) certified for the product which was obtained in the current year of application for registration
- OECD Good Laboratory Practices (GLP) certified
- A DAFF recognised laboratory or any reputable internationally recognised laboratory for the relevant analyses.

**"safety data sheet"** means a document that contains information on the potential hazard (health, fire, reactivity, and environment) and how to work safely with the chemical product.

**"sampled portion"** means an identified and specified quantity of a material constituting a unit and having characteristics presumed to be uniform;

**"sample splitter"** means an apparatus designed to split a sample into two or more equal parts;

**"scoop"** means a sampling instrument with which samples of fertilizers occurring in bulk can be taken;

**"sealed"** means to close a container in such a visible manner with a mechanism that will break visibly the first time the container is opened;

**"sewage sludge"** means the disinfected and stabilised organic fertilizer manufactured from the treatment of raw sewage sludge;

**"shell lime"** means an agricultural liming material of which the calcium and magnesium carbonate originates exclusively from sea animals;

**"slags"** mean a mixture of the silicates of calcium and magnesium obtained from the iron and steel industry that are capable of reducing soil acidity and that contain a minimum of 300 g/kg silicon oxide ( $\text{SiO}_2$ );

**"slaked calcitic"** means calcium hydroxide with a maximum of 43 g/kg magnesium and a minimum of 700 g/kg as hydroxide;

**"slaked dolomitic"** means the hydroxide of calcium and magnesium with a minimum of 40 g/kg magnesium and a minimum of 700 g/kg hydroxide;

**"slaked magnesitic"** means magnesium hydroxide with a maximum of 40 g/kg calcium and a minimum of 700 g/kg as hydroxide;

**"slaked"** means the hydroxides of calcium and magnesium or a mixture thereof that contains at least 800 g/kg hydroxide;

**"slow release fertilizer"** means a fertilizer containing a plant nutrient in a form which delays its availability for plant uptake and use after application, or which extends its availability to the plant significantly longer than a reference "rapidly available nutrient fertilizer" such as ammonium nitrate or urea, ammonium phosphate or potassium chloride and "controlled release fertilizer" has the same meaning;

**"solution"** means a homogenous liquid containing the plant nutrients in true solution;

**"sterilisation installation"** means an installation used for the sterilisation of substances derived from animals and destined for use as a fertilizer according to a process approved by the Registrar for this purpose;

**"suspension"** means a liquid in which undissolved substances may be present;

**"tolerance"** means the permitted deviation in the natural variation of the stated value of a fertilizer that occurs in manufacture, sampling and chemical analysis, where the deviation is expressed as a percentage of the stated value of the fertilizer;

**"trademark"** means a mark to which the holder of the registration has the right, either as owner or a registered user thereof, to distinguish his fertilizer from that of any other manufacturer but excludes the registered name of a fertilizer as intended in these regulations;

**"total nutrients"** means the total sum of the N-, P- and K-content of a fertilizer;

**"unslaked calcitic"** means calcium oxide with a maximum of 43 g/kg magnesium and a minimum of 700 g/kg as oxides;

**"unslaked dolomitic"** means the oxides of calcium and magnesium with a minimum of 43 g/kg magnesium and a minimum of 700 g/kg oxides;

**"unslaked magnesitic"** means magnesium oxide with a maximum of 43 g/kg calcium and a minimum of 700 g/kg as oxides; and

**"unslaked"** means the oxides of calcium and magnesium or mixtures thereof that contain a minimum of 800 g/kg oxides.

### **Registration**

2. (1) An application in terms of section 3(1) of the Act for registration of a fertilizer, must be made on a form available from the Registrar for the purpose, or a clearly legible facsimile thereof on good quality A4 size paper of the same colour as the form supplied by the Registrar.

Such application must -

- (a) be made by a person residing in the Republic of South Africa or, in the case of a legal person that legal person shall have a registered office in the Republic;
- (b) signed by an approved person;
- (c) be accompanied by the prescribed application fee;



- (d) be accompanied by two copies of a typed version of the details relating to the particular fertilizer that will be marked on the container in which it will be sold, or will be attached to the label of such container;
- (e) be accompanied by a certified analysis from a reputable laboratory.
- (f) be accompanied by a certified analysis from a reputable laboratory indicating levels of potentially harmful elements permitted in fertilizer products as prescribed in table 12; and in case of sludge be accompanied by a certificate of analysis for microbial contaminants as prescribed in regulation 37 (1) (d) or 38 (1) (d);
- (g) In the case of Group 3 fertilizers, be accompanied by statistical experimental results of trials conducted under environmental and controlled environmental conditions in order to determine the biological efficacy of the particular fertilizer when required;
- (h) In the case of Group 3 fertilizers, be accompanied, when required by the Registrar and a safety data sheet.
- (i) In the case of Group 3 fertilizers, comply with the guidelines regarding the requirements for the registration of Group 3 fertilizers.

#### ***Period of registration***

3. (1) Subject to the provision of sections 4 and 4A of the Act, a fertilizer registration in terms of section 3 of the Act shall be valid for three years.

#### ***Renewal of registration***

4. (1) An application in terms of section 3(4)(a) of the Act for renewal of registration of a fertilizer, must be made on a form available from the Registrar for the purpose, or a clearly legible facsimile thereof on good quality A4 size paper of the same colour as the form supplied by the Registrar.

(2) Such an application must -

- (a) depending on the case, be made by the person to whom the applicable registration certificate has been issued;
- (b) be received no later than the date of lapsing intended in subregulation 3(1) above; on the proviso that should documentary proof be submitted of the timeous despatch of the application, such application shall be deemed to have been received on time;
- (c) be accompanied by the prescribed fee;

(3) Apart from the determinations of subregulation 2(b) above, an application in terms of subregulation 4(1) received by the Registrar more than 30 days after the date of lapsing will not be considered and a new application must be made for the registration of the respective fertilizer in terms of regulation 2: Provided that the Registrar may grant exemption from submission of the application form as intended in subregulation 2(1).

(4) Anyone applying for renewal of a registration in terms of this regulation must submit a sworn statement that the information he supplies with such application for the particular fertilizer, or a label used in connection therewith, does not deviate in any respect from the comparable details that have already been registered or approved with respect to that fertilizer or label. Only the original of each application can be so declared or confirmed.

***Conditions for certain registrations and renewal of certain registrations***

5. A registration and the renewal of a registration of a fertilizer, in terms of section 3 of the Act, is granted on condition that during the period of registration or a renewal of registration -

- (a) the composition of the particular fertilizer does not deviate by more than the allowable deviations under which it was registered;
- (b) the details approved for use on a label or container for sale of the particular fertilizer may not be altered without the prior written approval of the Registrar; and
- (c) the particular registration may not be transferred in any manner or aspect to anyone else.

***Application for amendment of certain registrations and approved labels***

6. (1) Should anyone in whose favour a fertilizer is registered, contemplate any alteration to its registered composition or a change to the details approved for use on a label, he should apply to the Registrar in the manner intended in regulation 2.

(2) Such application should be accompanied by the applicable documentation, the current registration certificate and application fee stated in regulation 2(1) (c): Provided that the Registrar may waive the application fee should the particular change or alteration be in the public interest.

***Return of registration certificate***

7. A registration certificate that is returned in terms of Section 4A (3) of the Act, should reach the Registrar within 14 days of the day on which -

- (a) the person to whom the particular registration certificate has been issued is informed in writing in terms of Section 5 of the Act of the reason for cancellation of such registration; or
- (b) the registration of the fertilizer has lapsed in terms of Section 4A (2) of the Act.

***Containers of fertilizers***

8. (1) A fertilizer shall be sold:

- (a) in containers which are sound; and
- (b) subject to the provisions of the Trade Metrology Act, 1973 (Act No. 77 of 1973), in containers that have been sealed or closed in a manner allowed by the nature of the fertilizer and containers shall be labelled or marked in terms of the provisions of Regulation 9 below.

(2) Notwithstanding the provisions of subregulation (1), a fertilizer may be sold in a manner other than in containers if:

- (a) it is the same in all respects as the product that is sold in containers; and
- (b) the requirements of these regulations are met.

***Labelling of containers***

9. (1) No person may sell any fertilizer in a container without an approved label.

(2) A container of fertilizer shall not be labelled with any marks or signs other than the prescribed details in the labelling requirements, or in terms of a provision of any law, or / and which was approved by the Registrar.

(3) The following details relating to a fertilizer must be printed on a label affixed to a container of such a fertilizer or marked on such container and such details should appear in the following order:

- (a) The registered trade mark, if applicable, and the trade name under which such fertilizer has been registered;
- (b) The registered name of such fertilizer;
- (c) The registered plant nutrient/s present in such fertilizer, expressed in the form and manner intended in subregulation (4);
- (d) The specific gravity (SG) at 20°C in the case of a liquid fertilizer
- (e) The registration number of such fertilizer together with a reference to the Act, expressed as "Reg Nr. .... Act No. 36 of 1947";
- (f) The mass in the case of a solid and the volume or mass in the case of a liquid of such fertilizer at the time of packaging thereof, notwithstanding the provisions of the Trade Metrology Act, 1973 (Act No. 77 of 1973);
- (g) The reference number on the container number of the fertilizer; and
- (h) The name, address and contact details of the registration holder.

(4) The details referred to in subregulation 3 and 4 above are those that, in terms of these regulations are required or approved to be indicated, and

- (a) the element symbol of the particular plant nutrient must be followed by the registered content of the plant nutrient expressed in g/kg for macronutrients and mg/kg for micronutrients, rounded off to the lower whole number;
- (b) should more than one plant nutrient require to be indicated, the details given in subregulation 4 (a) above should be given with respect to each such plant nutrient in the order required or approved;
- (c) besides the details in subregulation 3 (a) and (b), the details in regulations 26 to 47 should be given;
- (d) should the sum of the total plant nutrients be given, it should be given between brackets after the details indicated in subregulations 4 (a), (b) and (c). Such sum must be given as a percentage; and
- (e) in the case of a low chloride mixture indicating the potassium carrier is optional.

(5) The details mentioned in subregulations (3) and (4) must be given on one label that is affixed to one side of the container of the particular fertilizer or given on one side of such container and such details shall be clearly legible symbols, letters and figures. Print size of 8 points is recommended where applicable.

(6) Instructions for use in respect of a fertilizer must appear on a label that is affixed to the container of such a fertilizer or if space on such label is limited on the back of the container or on a pamphlet placed in such container or accompanying the invoice as intended in regulation 10 provided that instructions for use are compulsory in the following cases:

- (a) if such a fertilizer has been registered to be applied by foliar application;
- (b) if such a fertilizer is also registered as an animal feed, agricultural product or animal product in terms of the Act;
- (c) if such a fertilizer is intended for use in hydroponics; and
- (d) if such a fertilizer is a home or garden fertilizer.

(e) if in a container less than 20kg or 20 litres.

(7) The instructions for use in subregulation (6) or those that may be used optionally must be as approved by the Registrar.

(8) A container in which an imported fertilizer for sale in the Republic is packaged must, in addition to any details that the Registrar may approve, be marked or labelled with the details that a comparable fertilizer, manufactured in the Republic, would be required to have.

### ***Supply of invoices***

10. (1) Should a fertilizer with the exception of a prescription mixture be sold bulk:
- (a) the invoice must contain the details required in Regulation 9;
  - (b) a sample of the fertilizer, excluding agricultural lime and organic fertilizers, shall be taken provided that such sample:
    - (i) is taken by a method described in Annexure E ; and
    - (ii) it is divided into two containers of at least 250 g or 250 cm<sup>3</sup> that are sealed and labelled in such a manner that the fertilizer can easily be identified as that described in the invoice;
  - (c) one container of sample referred to in subparagraph 1 (b) (ii) must accompany the invoice and the other be retained by the seller for at least 6 months.

(2) On delivery, an invoice must be handed over to the person to whom the fertilizer is delivered or his representative: provided that such a person acknowledges receipt of same in writing.

### ***Invoices for bulk fertilizers or custom fertilizer mixtures***

11. (1) The seller of a bulk fertilizer or a custom fertilizer mixture is to ensure that the invoice or delivery docket in relation to the fertilizer is: –

- (a) handed to the purchaser or person authorized by the purchaser; or
- (b) left in a safe and conspicuous position, at the place of dealing; or
- (c) posted to the purchaser.
- (d) sent electronically

(2) If the invoice or delivery docket is left in accordance with subregulation (1)(b), the seller is to post a copy of the invoice or delivery docket to the purchaser within 14 days of the delivery of the fertilizer.

### ***Advertisements***

12. (1) No advertisement shall be published screened or broadcast without prior approval of the Registrar.

(2) Approval of advertisements in terms of Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, (Act No. 36 of 1947) does not absolve any person or company from the obligations of complying with the prescriptions for Advertising Standards Authority of South Africa or any other relevant legislation.

(3) Specific scientific claims in an envisaged advertisement must make reference to published scientific paper.

- (4) The advertisement shall have the following details:
- (a) An advertisement to be published in a newspaper, magazine, electronic media (e.g. internet) or other printed media:
    - (i) furnish the trade mark, if any, and the trade name of the fertilizer;
    - (ii) where it is applicable furnish the hazard statement;
    - (iii) contains the registration number of such fertilizer together with a reference to the Act, expressed as "Reg Nr. .... Act No. 36 of 1947"; and
    - (iv) furnish the name and address of the registration holders.
  - (b) An advertisement to be screened or broadcasted shall have at least those details referred in sub-regulation (4) (a) (i) and (iv).
- (5) Any references in an advertisement to:
- (a) plant nutrients;
  - (b) the instructions for use, claims, application; and
  - (c) the registration, of the fertilizer in question;
- shall correspond to those details on the approved label or be based on the data filed in support of the application for registration of the fertilizer being advertised.
- (6) No person may publish or distribute a false or misleading advertisement for a fertilizer.

***Practices to be followed at manufacturing plants***

13. (1) The practices relating to the running of an undertaking at a plant and relating to the manufacture, control, packaging, marking or labelling of a fertilizer for the purposes of sale thereof must be such that the composition and efficacy of the particular fertilizer meets the requirements in terms of which it was registered and that it possesses all the chemical, physical and other properties so registered.

(2) Raw materials used for the manufacture of a fertilizer must be handled and stored such that:

- (a) they are protected against damage, pollution and deterioration; and
- (b) access can be gained to the different raw materials and fertilizers.

(3) Chemical and physical quality control must be carried out on each new batch of raw materials used for the manufacture of a fertilizer and of the fertilizer manufactured from such raw materials by the person in whose favour the fertilizer is registered or by a reputable laboratory.

(4) The person in charge of a plant and responsible for the manufacture, control, packaging, marking or labelling of a fertilizer or liming material must have an appropriate competency certificate of the practices to be followed in running the manufacturing plant at such a plant and of the provisions of the Act.

(5) Raw materials either stored in bulk or in containers or to be used in the manufacture of the fertilizer, must be clearly identifiable.

(6) In the event that the fertilizer is not packed or labelled immediately after manufacture, its name shall be shown on the containers in which or the place at which it is stored.

### ***Requirements for manufacturing plants***

14. (1) The premises where a fertilizer is manufactured, controlled, packed, marked, labelled or stored for the purpose of sale shall be kept orderly and clean and shall be duly registered under the Occupational Health and Safety Act, Act No. 85 of 1993.

(2) The facilities and equipment which are available at an establishment shall be suitable for the purpose for which it is to be used to ensure that the composition of the fertilizer manufactured, controlled, packed, marked, stored or labelled there complies with the particulars registered in respect thereof, and that such fertilizer possesses the chemical, physical and other properties thus registered.

(3) The area within the facility which is used to carry out a specific function in connection with the manufacture, control, packaging, labelling or warehousing of a fertilizer shall be appropriate for the proper execution of the particular function.

### ***Records to be kept at manufacturing plants***

15. (1) The person managing the plant must keep complete records in respect of each fertilizer that is manufactured, controlled, packaged or labelled including but not limited to:

- (a) the results of quality control carried out in terms of regulation 13(3) of the raw materials used in the manufacture of the fertilizer and of such fertilizer; and
- (b) complaints that have been received relating to the composition of the fertilizer or to the chemical, physical or other properties thereof.

(2) The records kept in terms of subregulation 15(1) as well as the formulation of fertilizers manufactured at the plant, must be kept at such plant or other place approved by the Registrar, for at least two years after the date on which the particular fertilizer was manufactured.

### ***Taking of samples***

16. (1) Samples for the purpose of section 15 of the Act must only be taken by the Registrar or his delegate and any authorised person in terms of the Act and such sample must be taken in accordance with Annexure E.

### ***Analysis of samples taken***

17. (1) The analysis must be done at independent laboratories, utilizing relevant analytical methods which are either ISO 17025 accredited or AgriLASA certified or any reputable internationally recognised laboratory for the relevant analysis, appointed by the Minister for the relevant analyses.

### ***Imports***

18. No person shall import a fertilizer into the Republic unless such fertilizer is registered, is of the composition quality and efficacy of the particular fertilizer meets the requirements in terms of which it was registered and that it possesses all the chemical, physical and other properties so registered: Provided that the Registrar may permit, in writing, for purposes of experimentation or for some purpose other than the sale of such fertilizer, the importation into the Republic of a specified quantity of a fertilizer which is not registered.

### ***Ports of entry***

19. A fertilizer must be imported only through the ports of entry referred to in Annexure C.



## ***Appeals***

### ***Submission of appeals***

20. (1) An appeal in terms of section 6 of the Act must be lodged within 60 days after the date on which the reasons on which the appeal is based have been furnished in terms of section 5 of the Act, to the Director-General: Department of Agriculture, Forestry and Fisheries.

(2) Such an appeal must:

- (b) be in the form of a written statement that has been sworn or confirmed by a commissioner of oath;
- (c) contain the reference number and date of the notification by which such a person or applicant has been informed of that decision;
- (d) indicate the grounds on which such an appeal is based;
- (e) be accompanied by the documentation relating to the subject of the appeal; and
- (f) be accompanied by the applicable fee.

(3) If such an appeal is made by someone other than the person against whom the decision has been made the specific appeal must be accompanied by a statement indicating the interest of the particular party in that decision or steps.

(4) The prescribed fee intended in sub-regulation (2)(f) should be paid by cheque, postal order, money order exchange or electronic fund transfer (EFT) in favour of the Director-General: Department of Agriculture, Forestry and Fisheries: provided that should the particular appeal be delivered by hand such amount may be paid in cash.

### ***Address for submission of appeals***

21. An appeal as intended in regulation 20(1) must:

- (a) When sent by post, be addressed to the Director-General: Department of Agriculture, Forestry and Fisheries; Private Bag X343, Pretoria, 0001; and
- (b) When delivered by hand, be delivered to the Director-General: Department of Agriculture, Forestry and Fisheries; Agriculture Place, 20 Steve Biko Street, Pretoria.

## ***Offences***

22. Anyone who refuses or omits to comply with the provisions of the Regulations is guilty of an offence and on proof of guilt liable to a fine or imprisonment.

### ***Payment of fees***

23. (1) The postal and delivery costs of an application or article submitted in terms of these regulations must be paid by the sender.

(2) Monies payable in terms of these regulations must be paid by cheque, postal order, money order or electronic fund transfer in favour of the Director-General: Department of Agriculture, Forestry and Fisheries; Provided that if such monies are delivered by hand, they may be paid in cash.

(3) Monies paid in terms of these regulations, except in terms of Section 6 of the Act, are not refundable.

**Address for submission of documents**

24. An application or item or anything connected therewith that in terms of these regulations needs to be submitted to the Registrar, must:

- (a) When sent by post, be addressed to the Registrar: Act No. 36 of 1947, Private Bag X343, Pretoria, 0001; and
- (b) When sent by rail or delivered by hand, be addressed to or delivered to the Registrar: Act No. 36 of 1947, Agriculture Place, 20 Steve Biko Street, Pretoria.

**Repeal of regulations**

25. The undermentioned regulations are hereby repealed:

- (1) Government Notice R. 799 of 20 May 1977;
- (2) Government Notice R. 1651 of 26 August 1977
- (3) Government Notice R. 472 of 14 March 1980;
- (4) Government Notice R. 473 of 14 March 1980;
- (5) Government Notice R. 1449 of 1 July 1983 in as much as it refers to fertilizers; and
- (6) Government Notice R. 250 of 23 March 2007;
- (7) Government Notice R. 732 of 10 September 2012.

**PART II****REQUIREMENTS FOR FERTILIZERS*****Nitrogen fertilizers***

26. (1) A fertilizer that contains nitrogen as main plant nutrient may only be sold if designated and registered under a name in Column 2 of Table 1 and it meets the following requirements:

- (a) it is chemically composed as indicated in column 3 of Table 1;
- (b) the nitrogen content thereof meets the requirements of column 4 of Table 1;
- (c) the relevant requirements in columns 5 and 6 of Table 1; and
- (d) the information in column 6 of Table 1 is provided in terms of Regulation 9(3)(c).

***Phosphorus fertilizers***

27. (1) A fertilizer that contains phosphorus as main plant nutrient may only be sold if designated and registered under a name in Column 2 of Table 2 and it meets the following requirements:

- (a) it is chemically composed as indicated in column 3 of Table 2;
- (b) the phosphorus content thereof meets the requirement specified in column 4 of Table 2;
- (c) further relevant requirements specified in column 5 of Table 2; and
- (d) the information in column 6 of Table 2 is provided in terms of Regulation 9(3)(c).
- (e) P solution in 2% citric acid is considered plant available and this value should be

used in product names and on labels. Other forms of P solubility may be declared.

(2) Besides the information in column 6 of Table 2 in terms of Regulation 9(3)(c), the following additional information must be provided in the case of:

- (a) calcium magnesium phosphate, the expression "pellet" or "powder" immediately after the name "calcium magnesium phosphate" to indicate the form in which it is sold; and
- (b) raw phosphate, the name of the place of origin as approved by the Registrar must precede the name "raw phosphate".

#### **Potassium fertilizers**

28. (1) A fertilizer that contains potassium as main plant nutrient may only be sold if designated and registered under a name in column 2 of Table 3 and it meets the following requirements:

- (a) it is chemically composed as indicated in column 3 of Table 3;
- (b) the potassium content thereof meets the requirements of column 4 of Table 3;
- (c) further relevant requirements specified in column 5 of Table 3; and
- (d) the information in column 6 of Table 3 is provided in terms of Regulation 9(3)(c).

#### **Fertilizers that largely contain calcium, magnesium and sulphur as plant nutrients**

29. (1) A fertilizer that contains mainly calcium, magnesium or sulphur as plant nutrients may only be sold if designated and registered under a name in column 2 of Table 4 and it meets the following requirements:

- (a) it is chemically composed as indicated in column 3 of Table 4;
- (b) the nutrient content thereof is specified against each name in column 4 of Table 4;
- (c) further relevant requirements specified in column 5 of Table 4; and
- (d) the information in column 6 of Table 4 is provided in terms of Regulation 9(3)(c).

#### **Chemically compounded solid fertilizer or a fertilizer mixture that contains nitrogen, phosphorus or potassium fertilizers**

30. (1) A fertilizer that is manufactured by mixing different components and that contains more than one of the plant nutrients nitrogen, phosphorus or potassium may only be sold if approved and registered under a name approved by the Registrar and it meets the following requirements:

- (a) the requirements as specified in columns 2 to 7 of Table 5;
- (b) the information in columns 8, 9 and 10 in Table 5 is provided in terms of Regulation 9(3)(c);
- (c) where applicable, the following expression must appear together with the name of the fertilizer: provided that an abbreviation may be used in place of the wording:

WORDING	ABBREVIATION
Granule	GR
Macro granule	SK/ SG
Micro granule	MK/ MG

WORDING	ABBREVIATION
Powder	P
Crystal	C
Suspension	SP
Nitro-phosphate suspension	NSP
Solution	OPL/SOL
Chloride	Cl Laag/ Cl Low
Water soluble	WO/ WS
Clear solution	HO / CS

- (d) where applicable the fertilizer must meet the requirements of the Explosives Act of 1956 (Act No. 26 of 1956) and the regulations issued in terms thereof; and
- (e) the constituents thereof must not segregate visibly after manufacture.

(2) A mixed fertilizer shall only be registered and sold as a low Chloride fertilizer where, in the case of fertilizer mixture, the sum of the total plant nutrients is:

- (a) less than 200 g/kg and the Chloride may not be more than 20 g/kg;
- (b) between 200 g/kg and 290 g/kg and the Chloride content may not be more than 25 g/kg;
- (c) between 290 g/kg and 390 g/kg and the Chloride content may not be more than 30 g/kg; and
- (d) higher than 390 g/kg and the Chloride content may not be more than 35 g/kg.

#### ***Liquid/ fluid fertilizers***

31. (1) A fertilizer manufactured in a liquid/ fluid form that contains more than one of the nutrients nitrogen, phosphorus and potassium may only be sold if approved and registered under a name approved by the Registrar and it meets the following requirements:

- (a) the requirements of columns 2 to 7 of Table 6;
- (b) the information in columns 8, 9 and 10 is provided in terms of Regulation 9(3)(c);
- (c) where applicable, the expressions given in Regulation 31(1)(d) are given together with the name of the fertilizer; and
- (d) the nutrient content is given on a mass: mass basis. It may in addition be given on a mass: volume basis with specific gravity at 20°C.

#### ***Micro-element fertilizers***

32. (1) Micro-elements as described in Table 7 may only be sold if registered under a name in column 2 of Table 7 and it meets the following requirements:

- (a) the minimum plant nutrient concentration is as specified against each name in column 3 of Table 7;
- (b) other requirements specified in column 3 of Table 7; and
- (c) the information in column 4 is provided in terms of Regulation 9(3)(c): provided that in the case of organic complexing agents the abbreviation given in Table 15 may be used.

#### ***Micro-element mixtures***

33. (1) A fertilizer consisting of a mixture of micro-elements may only be sold if registered and it meets the following requirements: