



agriculture, forestry & fisheries

Department:
Agriculture, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

MEDIA RELEASE

18 September 2018

CONSTITUTIONAL COURT RULING ON THE DECRIMINALISATION OF CULTIVATION AND USE OF CANNABIS IN SA

The Department of Agriculture, Forestry and Fisheries (DAFF) notes the ruling by the Constitutional Court today on the decriminalization of the cultivation and private use of cannabis. This ruling took further forward the Western Cape High Court ruling by Judge Dennis Davis on his ruling to decriminalise its use and cultivation.

The Department recognises the developments around the world where various countries are decriminalising it either for medicinal use, recreational purposes or for both. Canada is the recent country that its senate has passed the Cannabis Act in June this year. Countries such as Uruguay, Netherlands, Panama and few others have long legalized the use of the plant. Lesotho and Zimbabwe have also decriminalise the cannabis cultivation and its use.

Some US states where the use of the plant has been legalised show a huge potential for job creation in both the medical production space and in the recreational space. In 2017 alone, it accounted for over 100 000 active jobs with billions of US dollars contribution to their economy.

Whilst our parliament has been given 24 months to develop a law that will give more clarity in line with the ruling, it is important to note that as government recognising the medicinal efficacies of this plant, have been doing work around this area in the context of the hemp.

In terms of the current legislation, the mandate for regulating hemp lies with the Department of Health in terms of the Medicines and Related Substances Act of 1965 as well as the Department of Justice and Constitutional Development in terms of the Drugs and Drugs Trafficking Act of 1992. Thus, the Department of Agriculture, Forestry & Fisheries' has mainly engaged these two departments.

DAFF is leading the inter-departmental team that is developing a new regulatory framework for hemp. The team is made up of the following departments: DAFF, Health, Trade and Industry, Environmental Affairs, Justice and Constitutional Development as well as the South African Police Service. The team also includes State Owned Entities (SOEs) like Agricultural Research Council (ARC) and the Council for Scientific and Industrial Research (CSIR). The engagements between DAFF and other departments as well as SOEs take place through this platform. Much progress had been made in terms of dealing with technical matters regarding production of hemp, research and technology development, commercial feasibility and other related matters.

DAFF and the Department of Health are developing guidelines for regulating the cultivation and manufacturing of hemp and hemp products. As a result of the ongoing engagements amongst the different departments, DAFF has already formally requested the departments of Health and Justice and Constitutional Development to consider the necessary legislative amendments to allow for the commercialisation of hemp in South Africa. DAFF awaits a response from these departments.

Issued by the Ministry for Agriculture, Forestry and Fisheries

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