

a3y1973]AGRICULTURAL PESTS ACT 3 OF 1973

[ASSENTED TO 5 MARCH 1973] [DATE OF COMMENCEMENT: 4 APRIL 1975]

(Signed by the President)

ACT

To provide for the registration of nurseries and the control and destruction of plants, insects and plant diseases at nurseries; the control and destruction in certain proclaimed areas of exotic animals and plants infected with insects or plant diseases; the control of the importation into the Republic of plants, insects, plant diseases, honey bees, honey and exotic animals; the payment of compensation in respect of the destruction of plants, honey bees and exotic animals and the eradication of plant diseases and insects; and the eradication of locusts; to define the powers of inspectors; and to provide for incidental matters.

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PART I

DEFINITIONS (s 1)

[a3y1973s1]1 Definitions

In this Act, unless the context otherwise indicates-

"exotic animal" means any vertebrate member of the animal kingdom which is not indigenous or native to the Republic, and includes the eggs of any such member, but does not include any cattle, sheep, goat, horse, donkey, mule, pig, ostrich, dog or cat or any poultry or the eggs of any poultry or ostrich;

"honey" means honey whether or not in combs, and includes pollen collected by a honey bee and any preparation or product consisting wholly or partly of honey;

"insect", other than an insect which is imported, means any invertebrate member of the animal kingdom (irrespective of the stage of its development) with reference to which the Minister has by notice in the Gazette declared the provisions of this Act to be applicable, and, in the case of an insect which is imported, any invertebrate member of the animal kingdom (irrespective of the stage of its development);

"inspector" means an officer to whom the Minister has in writing, either generally or specially, assigned any duty under this Act and, in relation to any power conferred on any customs officer or police officer in terms of section 28, includes such customs officer or police officer;

"local authority" means any institution or body contemplated in section 84(1)(f) of the Republic of South Africa Constitution Act, 1961 (Act 32 of 1961), and, in relation to the

territory of South West Africa, a local authority as contemplated in section 1 of the Municipal Ordinance, 1963 (Ordinance 13 of 1963);

"Minister" means the Minister of Agriculture;

"nursery" means any premises from which plants are sold;

"occupier" in relation to land or premises means the person who is the owner or lessee of the land or premises or who otherwise has the right of management, care, control or use of the land or premises;

"officer" means an officer of the Department of Agricultural Technical Services;

"owner"

(a) in relation to land means-

(i) the person in whose name the land is registered or, if such person is absent from the Republic or his whereabouts are unknown, his agent or legal representative in the Republic;

(ii) in the case of State land leased under a lease which contains an option in favour of the lessee to purchase the land so leased, the lessee who has exercised his option to purchase the land;

(iii) any person who has purchased State land which has not yet been registered in his name; and

(iv) in the case of land under the control of a local authority, that local authority;

(b) in relation to a nursery means the person in whose name the nursery is registered;

"plant", other than a plant which is imported, means any tree, shrub or vegetation which the Minister has by notice in the Gazette declared to be a plant, and includes the fruit, leaves, cuttings or bark of such a plant and any live portion of such a plant, whether severed from or attached to it, and any dead portion or any product of such a plant, but does not include the seed of such a plant, unless the Minister has by notice in the Gazette declared such seed to be a plant, and, in the case of a plant which is imported, any tree, shrub or vegetation, including the seed, fruit, leaves, cuttings or bark of such a plant and any live portion of such a plant, whether severed from or attached to it, and any dead portion or any product of such a plant;

"plant disease", other than a plant disease which is imported, means any fungus, bacterium, virus, mycoplasma, spiroplasm or pathogen to which plants are subject and with reference to which the Minister has by notice in the Gazette declared the provisions of this Act to be applicable, and, in the case of a plant disease which is imported, any fungus, bacterium, virus, mycoplasma, spiroplasm or pathogen to which plants are subject;

"prescribed" means prescribed by regulation;

"regulation" means a regulation made under this Act;

"Republic" includes the territory of South West Africa;

"Secretary" means the Secretary for Agricultural Technical Services;

"sell" includes offer, advertise, keep, display, dispatch, convey or deliver for sale, or exchange, or dispose of for any consideration whatsoever, or dispatch, convey or deliver in pursuance of a sale, exchange or disposal as aforesaid.

PART II

NURSERIES (ss 2-8)

[a3y1973s2]2 Registration of nurseries

Every owner or occupier of a nursery shall, unless the nursery has been exempted from registration by the Minister either generally or specially by notice in the Gazette, annually register the nursery with the Secretary in the manner and at the time and subject to any condition prescribed, and shall pay annually in respect of such registration the fee prescribed, which shall not exceed one hundred rand.

[a3y1973s3]3 Cancellation of registration

If the Secretary is satisfied that an owner or occupier of a nursery-

- (a) has failed to comply with any condition to which the registration of the nursery is subject;
- (b) has failed to carry out an order given under section 19;
- (c) has lifted, removed or destroyed or has caused to be lifted, removed or destroyed or has interfered with any dead or living plant in or from the quarantine area of a nursery;
- (d) has failed to notify an inspector in terms of the first proviso to section 5; or
- (e) is guilty of any offence referred to in section 34(1),

he may cancel the registration in question.

[a3y1973s4]4 Sale of plants

(1) No person shall sell any plant from a nursery, unless-

- (a) the nursery is registered under section 2 or has under that section been exempted from registration by the Minister either generally or specially by notice in the Gazette;
- (b) the provisions prescribed under paragraphs (e), (f) and (g) of section 33(1) have been complied with; and
- (c) the name and address of the nursery or, in the case where the seller is not himself the grower of such plant, the name and address of the nursery where it was grown, are legibly and durably affixed to the plant or the container in which it grows or is packed.

(2) The Minister may, notwithstanding that a nursery has been exempted from registration, determine conditions on which plants may be sold from such a nursery.

[a3y1973s5]5 Prohibition of handling of plants under quarantine

If an inspector has under section 19(2) declared a nursery or any portion thereof to be quarantined, no person shall, without a permit in writing from an inspector, lift, remove or destroy or cause to be lifted, removed or destroyed, or interfere with, any dead or living plant in or from such a nursery or any such portion: Provided that where the owner or occupier of the nursery concerned intends to destroy or treat any plant by virtue of a permit from an inspector, he shall by registered post notify the inspector fourteen days in advance of the date on which he intends to destroy or treat such plant: Provided further that a plant may, for the purpose of its destruction or treatment, be removed from any such quarantined area under such conditions or restrictions and to such place as an inspector may determine.

[a3y1973s6]6 Removal of quarantine

(1) If an inspector has under section 19(2) declared a nursery or any portion thereof to be quarantined, the owner or occupier thereof may in writing apply to the Secretary for the removal of the quarantine.

(2) The Secretary shall, within three months after the date of the application, cause a further inspection to be made and, if it is deemed expedient, the quarantine may, subject to the provisions of subsection (4), be removed by written notice, which shall be delivered or transmitted by post to the owner or occupier.

(3) In respect of any inspection of a nursery under this section the owner or occupier shall pay such fee as is prescribed, together with the travelling and like expenses (if any) incurred by the inspector in carrying out that inspection.

(4) No quarantine shall be removed until the said fees and expenses have been paid.

[a3y1973s7]7 Disinfecting and treating of plants

(1) Every owner or occupier of a nursery shall, unless specially exempted by the Secretary, provide and maintain in good order in his nursery, for the disinfecting and treating of plants, such an airtight chamber as may be prescribed.

(2) An inspector may require any plant in the nursery, before it is dispatched therefrom, to be disinfected or treated in such an airtight chamber in the manner prescribed or in such other manner as he may order.

[a3y1973s8]8 Destruction of plants infected with insects or disease

The Minister may destroy, or cause to be destroyed, or order the immediate destruction of-

(a) any plant which is in a nursery and which is infected with any insect or plant disease; or

(b) any plant which is in a nursery and though not proved to be so infected, is in his opinion liable to have become so infected.

PART III

INSECTS PLANT DISEASES AND EXOTIC ANIMALS IN PROCLAIMED AREAS (ss 9-10)

[a3y1973s9]9 Areas in which the cleansing or destruction of plants; insects and plant diseases and destruction of exotic animals shall be compulsory

(1) If it is, in the opinion of the Minister, expedient that the cleansing or destruction of any plant infected with any insect or plant disease or the destruction of any exotic animal be made compulsory in any area, he may by notice in the Gazette declare that area to be an area in which the cleansing or destruction of plants infected with the insect or plant disease in question or the destruction of the exotic animal in question, shall be compulsory on the owners and occupiers of land or premises (including nurseries) situated within that area.

(2) The Minister may, in a notice referred to in subsection (1), determine the steps (including quarantine measures), procedures and directions which shall be followed to regulate the cleansing or destruction of plants or the destruction of any exotic animal.

(3) The provisions of section 6 shall mutatis mutandis apply with reference to land or premises quarantined under this section.

(4) The Minister may from time to time and in like manner withdraw any notice issued under subsection (1), or suspend such notice for such period as he may deem fit or in relation to such portion of the area as he may specify.

[a3y1973s10]10 Owners and occupiers to carry out cleansing operations in proclaimed area

(1) Whenever an area has under section 9 been declared an area in which the cleansing or destruction of any plant or the destruction of any exotic animal is compulsory, every owner and occupier of land or premises (including nurseries) situated within that area shall carry out such cleansing operations or destruction as may be necessary for the eradication of the insect, plant disease or exotic animal referred to in the relevant notice.

(2) If the owner or occupier of land or premises (including nurseries) fails within the prescribed period to carry out any step, procedure or direction determined under section 9(2) or an order given under section 19(2), or if he fails to carry out any such step, procedure,

direction or order to the satisfaction of the Minister, the Minister may, at the expense of the said owner or occupier, as the case may be, cause effect to be given to the step, procedure, direction or order in question.

PART IV

IMPORTATION OF PLANTS, PLANT DISEASES, INSECTS, HONEY BEES AND EXOTIC ANIMALS (ss 11-12)

[a3y1973s11]11 Importation of plants, plant diseases, insects, honey bees and exotic animals

(1) No person shall import or cause to be imported into the Republic-

- (a) any plant, plant disease or insect;
- (b) any honey bee or its larvae or eggs;
- (c) any honey, beeswax, or used beehives or any used accessories or appliances thereof, or anything which has been used to contain or treat honey bees, honey or beeswax; or
- (d) any exotic animal,

except upon a written permit of the Minister.

(2) The Minister may from time to time by notice in the Gazette exclude any country or territory in Africa outside the Republic from the provisions of subsection (1) relating to the importation of any plant, and he may from time to time by like notice declare any such importation from any country or territory so excluded from the said provisions again to be subject to the said provisions.

(3) The Minister may issue a permit in terms of subsection (1) on such conditions, including a condition relating to the number or other quantity which may be imported, as he may deem fit.

(4) Any importation in terms of this section shall be by post or through the port of Cape Town, Durban, East London or Port Elizabeth or through the airport of Jan Smuts, J. G. Strijdom, Louis Botha or D. F. Malan or through any other port or airport or any inland port of entry specified by the Minister by notice in the Gazette.

(5) The Minister may as a condition of a permit under subsection (3) determine that any importation in terms of this section shall be through a specified port, airport or inland port of entry.

[a3y1973s12]12 Importation of insect or exotic animal by State

The Minister may import into the Republic and distribute therein any insect or exotic animal if its importation or distribution is in his opinion necessary or desirable for the destruction of any noxious plant or insect, or otherwise in the interests of any branch of farming, and neither he nor any person acting under his instructions nor the State shall be liable for any damage or loss suffered by any person as a result of such importation or distribution.

PART V

COMPENSATION (ss 13-15)

[a3y1973s13]13 Minister to pay compensation

The Minister shall, subject to the provisions of section 14, out of moneys appropriated by Parliament for the purpose, pay such compensation as he may deem reasonable in the circumstances, to the owner or occupier of any land or premises in respect of any plant or any honey bee or its larvae or eggs, or any honey or beeswax, or any beehive or any accessories or appliances thereof, or any exotic animal destroyed, or any plant disease or insect eradicated, under section 19, 24 or 25.

[a3y1973s14]14 Instances in which compensation not payable

No compensation shall be payable-

(a) in respect of the cost incurred in connection with the destruction of any plant or any honey bee or its larvae or eggs, or any honey or beeswax, or any beehive or any accessories or appliances thereof or any exotic animal, or the eradication of any plant disease or insect, under the provisions of section 8 or, as the case may be, section 19, 24 or 25;

(b) where the owner or, as the case may be, the occupier concerned has to comply with any order or notice under this Act relating to the destruction or eradication referred to in paragraph (a);

(c) in respect of any loss of income in consequence of the destruction or eradication referred to in paragraph (a);

(d) in respect of any plant destroyed in terms of section 8;

(e) in respect of any plant planted, cultivated, kept, sold, removed or imported in contravention of any provision of this Act or any regulation;

(f) in respect of any plant which, due to contact with any plant referred to in paragraph (d) or (e), is infected or which, in the opinion of the Minister, may have become infected with any insect or plant disease which the Minister considers to be dangerous; or

(g) in respect of the destruction of any honey bee or its larvae or eggs, or any honey or beeswax, or any beehive or any accessories or appliances thereof or any exotic animal, or the eradication of any plant disease or insect, imported or, as the case may be, kept, sold or removed in contravention of any provision of this Act or any regulation.

[a3y1973s15]15 Compensation in respect of injury, loss or destruction resulting from the exercise of power under this Act or regulation

Save as is specially provided in this Act, no compensation shall be payable by the State, the Minister, the Secretary or any officer or inspector in respect of injury to or loss or destruction of any plant, exotic animal or other article resulting from the exercise of any power under this Act or any regulation.

PART VI

LOCUSTS (ss 16-17)

[a3y1973s16]16 Notification of appearance of flying locusts and voetgangers and deposit of eggs

(1) Any owner or occupier of land whereon flying locusts appear or have appeared, or whereon flying locusts are depositing or have deposited eggs or whereon any voetgangers appear or have appeared, shall immediately give notice thereof to the magistrate of the district wherein such land is situated or to any justice of the peace or police officer in that district or to any officer or inspector appointed for that purpose in that district.

(2) The owner or occupier shall in such notice define as accurately as possible the locality on the land where flying locusts have appeared or are depositing or have deposited eggs or where voetgangers have appeared, and give such other information as may be prescribed.

(3) Every owner or occupier of land whereon voetgangers or flying locusts appear or have appeared or whereon flying locusts are depositing or have deposited eggs, shall give such assistance to an officer or inspector or any other person specially authorized thereto, as may be prescribed or as may be directed by the Minister.

[a3y1973s17]17 Action to be taken on receipt of notice

(1) On receipt of a notice referred to in section 16, the person to whom the notice is given shall as soon as possible transmit the import thereof to the Secretary.

(2) The Minister may take such steps (including the appointment of persons) for the eradication of any locusts or locust eggs on any land as he may deem advisable or as may be prescribed.

PART VII

POWERS OF INSPECTORS (ss 18-26)

[a3y1973s18]18 Powers of inspectors to enter on land for purposes of Act or regulations

Every owner or occupier of land or premises (including nurseries) shall permit an inspector, on production of his authority, to enter upon his land or premises to carry out any of the provisions of this Act or the regulations or any order which may be carried out by an inspector.

[a3y1973s19]19 Inspection and quarantining of land or premises, or order on owner to eradicate insects or plant disease

(1) An inspector may, without any obligation to pay compensation, inspect any plant on any land or premises (including nurseries) and remove any plant therefrom, and ascertain by the exposing of roots or the removal of bark or branches or the cutting of fruit or flowers or in any other manner whether there exists on such land or premises any insect or plant disease.

(2) If an inspector discovers at any nursery the presence of any insect, plant disease or exotic animal or reasonably suspects the presence thereof at any nursery, or discovers upon any land or premises (including nurseries) situated within an area with reference to which a notice under section 9 applies, the presence of any insect, plant disease or exotic animal referred to in that notice or reasonably suspects the presence thereof on such land or premises, he may -

(a) by notice in writing served on the owner or occupier of the nursery or the land or premises, declare the whole of such nursery, land or premises or any specified portion thereof to be quarantined for a definite or an indefinite period; or

(b) by order in writing served on the owner or occupier of the nursery or the land or premises, require the owner or occupier to carry out in the manner and within the time mentioned in the order such measures as may be necessary for the purpose of eradicating or combating the insect, plant disease or exotic animal, as the case may be.

(3) An inspector may, if he considers it necessary for the eradication of any insect or plant disease, by order under subsection (2)(b) require the owner or occupier of the nursery or the land or premises in question to destroy, in the manner specified in the order, any plant growing in his nursery or on his land and to keep his nursery or his land free of any such plant for a period specified in the order: Provided that no order for the destruction of any plant shall be issued by an inspector without the prior approval of the Minister.

(4) No person shall, without the permission of an inspector, remove or otherwise interfere with any stake, peg, tag or other mark placed by or on the order of an inspector in or near a quarantined area.

(5) If the owner or occupier of any nursery or any land or premises quarantined under subsection (2) is charged with a contravention of subsection (4) and it is proved that a stake, peg, tag or other mark placed by or on the order of an inspector was removed or otherwise interfered with in contravention of the said subsection, such owner or occupier, as the case may be, shall be presumed to have so removed or interfered with such stake, peg, tag or mark, unless he proves that he forbade the act constituting the contravention.

(6) The provisions of section 6 shall mutatis mutandis apply with reference to land or premises quarantined under this section.

[a3y1973s20]20 Method of serving notice or order.

A notice or order under section 19(2) shall be deemed to have been duly served on the owner or occupier of the nursery or the land or premises in question-

- (a) when it has been handed to the owner or occupier personally; or
- (b) when, in the absence of the owner or occupier, it-
 - (i) has been handed to his duly authorized representative; or
 - (ii) has been sent by registered post to the last-known place of residence of the owner or occupier.

[a3y1973s21]21 Examination of plant on importation

(1)(a) Any inspector may examine any plant imported into the Republic, together with the packing material or covering thereof, for the purpose of discovering whether it is infected with any insect or plant disease, and the consignee or his agent shall, at the request of an inspector, remove the coverings and afford the inspector every facility for conducting the examination.

(b) When an inspection in terms of this subsection is conducted outside the prescribed hours, the fees prescribed shall be payable.

(2) An inspector may cleanse, disinfect or otherwise treat or cause to be cleansed, disinfected or otherwise treated, in such manner as he may deem fit, any such plant which is so infected or which is suspected to be so infected, together with the packing material or covering thereof, and the consignee or his agent shall pay in respect thereof the fees and charges prescribed.

(3) An inspector may at his discretion destroy or cause to be destroyed any plant imported into the Republic in contravention of section 11, together with its container and the packing material or covering thereof, or permit the dispatch of such plant, together with the packing material or covering thereof, at the expense and on the responsibility of the consignee, to any other country, including the country of origin of such plant.

(4) If the cleansing, disinfection or treatment is carried out at a place specially provided for the purpose, delivery of the plant shall not be made until the fees and charges prescribed have been paid to the inspector or the Secretary.

(5) Any person to whom any plant imported into the Republic has been consigned shall, when required by an inspector, furnish a certificate stating-

- (a) the name and address of the consignor;
- (b) the number and the kind of packages;
- (c) the names, quantities, varieties and grade marks of the plants in the consignment;
- (d) the place of origin of each such plant; and
- (e) the phytosanitary conditions required by the Secretary in respect of such plant.

(6) If any plant not specified in the certificate referred to in subsection (5) is found in the consignment or, if so specified, is specified under a false or misleading name or description, the inspector may, subject to the approval of the Minister, cause that plant to be destroyed.

(7) Any person who under subsection (5) furnishes a certificate which is false in any material respect, shall be guilty of an offence.

[a3y1973s22]22 Examination of other importations under Act

(1) An inspector may examine any plant disease or insect, or any honey bee or its larvae or eggs, or any honey or beeswax, or any beehive or any accessories or appliances thereof, or any exotic animal or any other article imported into the Republic under this Act,

together with any packing material or covering, for the purpose of establishing whether any provision of this Act or the regulations or the conditions laid down in a permit referred to in section 11 have been complied with, and the consignee or his agent shall, at the request of an inspector, remove the coverings and afford the inspector every facility for conducting the examination.

(2) The provisions of section 21, excluding subsection (1)(a), shall mutatis mutandis apply with reference to any examination under subsection (1) of this section.

[a3y1973s23]23 Issue of clearance certificate

Whenever, in respect of any importation under this Act, an inspector is satisfied that the provisions of this Act and the regulations have been complied with, he shall, at the request of the consignee, deliver or transmit to him a certificate to that effect.

[a3y1973s24]24 Inspection, disinfection or destruction of plant diseases, insects, honey bees, honey accessories, places or exotic animals

(1) Any inspector may -

(a) inspect any consignment reasonably suspected of containing any plant disease or insect, or any honey bee or its larvae or eggs, or any honey or beeswax, or any beehive or any accessories or appliances thereof, or any exotic animal or any other article imported in contravention of this Act or any regulation;

(b) inspect any place where any plant disease or insect is kept;

(c) inspect any place where honey bees or any beehive or any accessories or appliances thereof are kept;

(d) inspect any honey or beeswax which is intended for sale;

(e) inspect any premises where any exotic animal is kept,

and may give such directions for the eradication or, as the case may be, the cleansing, disinfection or destruction of any such plant disease, insect, honey bee or its larvae or eggs, honey, beeswax, beehive or its accessories or appliances, place or premises, as will secure the eradication or prevention of any plant disease, insect or bee disease, or may give such directions relating to the supervision or control of any exotic animal as will prevent it from becoming dangerous or harmful: Provided that no direction for the destruction of any plant disease, bee, beehive or its accessories or appliances, or any place or premises, shall be given by an inspector without the prior approval of the Minister.

(2) Any person who fails to carry out any direction under subsection (1) within the period stated in the direction, shall be guilty of an offence.

(3) If any person fails to carry out any such direction within the period stated therein, the Minister may, at the expense of that person, do all such acts as are reasonably necessary for securing the eradication or prevention of any plant disease, insect or bee disease in question, or, as the case may be, for the supervision or control of any exotic animal in question, and may recover the costs incurred in doing such acts.

[a3y1973s25]25 Destruction of exotic animals

The Minister may, in writing, empower any inspector to take such steps on any land or premises as may be necessary for destroying any exotic animal which, in the opinion of the Minister, is dangerous or harmful, or may become dangerous or harmful.

[a3y1973s26]26 Powers of officers or inspectors to trace and destroy, locusts
voetgangers or locust eggs

An officer or inspector or any other person specially empowered thereto in writing by the Minister, may enter upon any land for the purpose of making such investigations or taking

such other action as is necessary or expedient for the purpose of tracing and destroying flying locusts, voetgangers or locust eggs.

PART VIII

GENERAL PROVISIONS (ss 27-37)

[a3y1973s27]27 Power of Minister to extend provisions of Act

If the Minister finds it expedient he may by notice in the Gazette-

(a) prohibit or limit the planting, keeping or selling of any plant or the keeping of any plant disease, insect or exotic animal;

(b) prohibit or limit the conveying of any plant, insect, plant disease or exotic animal from one place to another within the Republic.

[a3y1973s28]28 Conferring of inspector's power on customs or police officer

(1) The Minister may by notice in the Gazette confer any power which under this Act may be exercised by an inspector and which shall be specified in the notice, on any customs officer or police officer who occupies a particular post or any post at a particular place.

(2) For the purposes of subsection (1) "customs officer" means an officer as defined in section 1 of the Customs and Excise Act, 1964 (Act 91 of 1964), and "police officer" means a member of a police force established under any law.

[a3y1973s29]29 Duties of owners or occupiers

Every owner or occupier of land or premises (including nurseries) shall, when required by an inspector to do so, disclose to him the places on the land or premises where any plants, plant disease, insects, honey bees, honey, beehives or any accessories or appliances thereof, or exotic animals or any containers thereof are kept, and shall comply with any lawful order of any such inspector in respect thereof.

[a3y1973s30]30 Offence of obstructing officers

Any person who obstructs or hinders any officer or inspector or any person appointed under this Act in the execution of his duties under this Act or the regulations, or in the execution of any order under this Act, or who fails to furnish to such officer, inspector or person any information which he may lawfully require thereunder, shall be guilty of an offence.

[a3y1973s31]31 Delegation of powers

(1) The Minister may delegate to the Secretary or any officer or inspector any of the powers conferred on him by this Act, other than the power referred to in this subsection or in section 33.

(2) The Secretary may delegate to an officer or inspector any of the powers conferred on him by this Act.

(3) When a power is delegated under subsection (1) or (2), the same power may be delegated to more than one officer or inspector.

[a3y1973s32]32 Appeal to Minister

A person who feels aggrieved by any decision or action by the Secretary or any officer, inspector or a person specially appointed under this Act may, within the period and in the manner prescribed, appeal against such decision or action to the Minister, and the decision of the Minister shall be final.

[a3y1973s33]33 Regulations

(1) The Minister may make regulations, not inconsistent with this Act, prescribing-

(a) any matter which may be prescribed under this Act;

(b) the manner in which and place at which any registration, inspection, disinfection, cleansing, eradication or destruction authorized under this Act shall be carried out;

(c) the conditions and restrictions governing the importation and keeping of plants, insects, plant diseases, honey bees, articles, exotic animals and anything whatsoever dealt with under this Act;

(d) the form of any licence, permit, certificate, application or notice under this Act;

(e) the standards and phytosanitary quality requirements with which plants that are for sale shall comply;

(f) the manner in which plants that are for sale, shall be cultivated, grown, kept or sold, and prescribing the records which shall be kept of any plants cultivated, grown, kept or sold;

(g) the soil or material in the containers in which plants that are for sale shall be kept, and the manner in which such soil or material shall be treated;

(h) the fees to be charged in respect of any matter with reference to which the charging of fees is authorized under this Act;

(i) generally any matter which he deems it necessary to prescribe for the better achievement of the objects and purposes of this Act.

(2) Any regulation made under subsection (1) and relating to State revenue or expenditure shall be made in consultation with the Minister of Finance.

[a3y1973s34]34 Offences and penalties

(1) Any person who contravenes any provision of this Act or the regulations or of any notice or order issued thereunder or who fails to comply with any provision thereof or who fails to comply with any provision thereof if it is his duty to comply therewith and such failure is not elsewhere declared an offence, shall be guilty of an offence and, where no punishment is expressly provided for the offence, on conviction be liable to a fine not exceeding one thousand rand or to imprisonment for a period not exceeding one year.

(2) The court may in its discretion, in the case of a second or subsequent conviction for any such offence, sentence the person convicted to such imprisonment without the option of a fine.

[a3y1973s35]35 Repeal of laws

(1) Subject to the provisions of subsection (2), the laws mentioned in the Schedule are hereby repealed to the extent set out in the third column of the Schedule.

(2) Any proclamation, regulation, notice, order, direction, authority, permit, certificate, permission or exemption issued, made, promulgated, given or granted or any other action taken under any provision of a law repealed by subsection (1), shall be deemed to have been issued, made, promulgated, given, granted or taken under the corresponding provision of this Act.

[a3y1973s36]36 Application of Act in South West Africa

This Act and any amendment thereof shall apply also in the territory of South West Africa, including the Eastern Caprivi Zipfel.

[a3y1973s37]37 Short title and date of commencement

This Act shall be called the Agricultural Pests Act, 1973, and shall come into operation on a date to be fixed by the State President by proclamation in the Gazette.

Schedule

LAWS REPEALED

| No. and year of law | Title | Extent of repeal |
|---------------------|--|------------------|
| Act 26 of 1947 | Orchards and Cultivated Plants Cleansing Act, 1947 | The whole |
| Act 42 of 1957 | Agricultural Pests Act, 1957 | The whole |
| Act 15 of 1963 | Agriculture Pests Amendment Act, 1963 | The whole |
| Act 14 of 1967 | Agricultural Pests Amendment Act, 1967 | The whole |
| Act 59 of 1970 | Agricultural Pests Amendment Act, 1970 | The whole |

[a54y1976]