



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 381. 14 Maart 1973.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring gegee het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 3 van 1973: Wet op Landbouplae, 1973.

DEPARTMENT OF THE PRIME MINISTER.

No. 381. 14th March, 1973.

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 3 of 1973: Agricultural Pests Act, 1973.

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.

(Afrikaans text signed by the State President.)
(Assented to 5th March, 1973.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

ARRANGEMENT OF SECTIONS.

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WET

Om voorsiening te maak vir die registrasie van kwekerye en die beheer oor en die vernietiging van plante, insekte en plantsiektes by kwekerye; die beheer en vernietiging in sekere geproklameerde gebiede oor of van uitheemse diere en plante wat met insekte of plantsiektes besmet is; die beheer oor die invoer in die Republiek van plante, insekte, plantsiektes, heuningbye, heuning en uitheemse diere; die betaling van vergoeding ten opsigte van die vernietiging van plante, heuningbye en uitheemse diere en die uitroeiing van plantsiektes en insekte; en die uitroeiing van sprinkane; om die bevoegdhede van inspekteurs te omskryf; en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 5 Maart 1973.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

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PART I.

DEFINITIONS.

Definitions.

1. In this Act, unless the context otherwise indicates—
 - (i) "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; (xv)
 - (ii) "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; (iii)
 - (iii) "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); (iv)
 - (iv) "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; (v)
 - (v) "local authority" means any institution or body contemplated in section 84 (1) (f) of the Republic of South Africa Constitution Act, 1961 (Act No. 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 No. 13 of 1963); (ix)
 - (vi) "Minister" means the Minister of Agriculture; (vii)
 - (vii) "nursery" means any premises from which plants are sold; (vi)
 - (viii) "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; (viii)
 - (ix) "officer" means an officer of the Department of Agricultural Technical Services; (i)
 - (x) "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; (ii)
 - (xi) "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

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DEEL I.

WOORDBEPALING.

1. In hierdie Wet, tensy uit die samehang anders blyk, Woordbepaling. beteken—

- (i) „beampte” ’n beampte van die Departement van Landbou-tegniese Dienste; (ix)
- (ii) „eienaar”—
 - (a) met betrekking tot grond—
 - (i) die persoon in wie se naam die grond geregistreer is of, indien daardie persoon uit die Republiek afwesig is of sy verblyfplek nie bekend is nie, sy agent of regsverteenwoordiger in die Republiek;
 - (ii) in die geval van staatsgrond verhuur kragtens ’n huurkontrak wat ’n opsie ten gunste van die huurder bevat om die aldus verhuurde grond te koop, die huurder wat sy opsie uitgeoefen het om die grond te koop;
 - (iii) ’n persoon wat staatsgrond gekoop het wat nog nie op sy naam geregistreer is nie; en
 - (iv) in die geval van grond onder die beheer van ’n plaaslike bestuur, daardie plaaslike bestuur;
 - (b) met betrekking tot ’n kwekery, die persoon in wie se naam die kwekery geregistreer is; (x)
- (iii) „heuning” heuning, hetsy in koeke of nie, en ook stuifmeel deur ’n heuningby vergader en ’n preparaat of produk wat heeltemal of gedeeltelik uit heuning bestaan; (ii)
- (iv) „insek”, behalwe ’n insek wat ingevoer word, ’n ongewerwde lid van die diereryk (ongeach die stadium van sy ontwikkeling) met betrekking waartoe die Minister by kennisgewing in die *Staatskoerant* die bepalings van hierdie Wet van toepassing verklaar het, en, in die geval van ’n insek wat ingevoer word, ’n ongewerwde lid van die diereryk (ongeach die stadium van sy ontwikkeling); (iii)
- (v) „inspekteur” ’n beampte aan wie die Minister skriftelik, hetsy in die algemeen of in die besonder, ’n plig ingevolge hierdie Wet opgedra het en, met betrekking tot ’n bevoegdheid wat ingevolge artikel 28 aan ’n doeanebeampte of polisiebeampte verleen is, ook so ’n doeanebeampte of polisiebeampte; (iv)
- (vi) „kwekery” ’n perseel waaruit plante verkoop word; (vii)
- (vii) „Minister” die Minister van Landbou; (vi)
- (viii) „okkupant”, met betrekking tot grond of persele, die persoon wat die eienaar of huurder van die grond of persele is of wat andersins die reg van bestuur, versorging, beheer of gebruik oor die grond of persele het; (viii)
- (ix) „plaaslike bestuur” ’n instelling of liggaam in artikel 84 (1) (f) van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961), beoog en, met betrekking tot die gebied Suidwes-Afrika, ’n plaaslike bestuur soos in artikel 1 van die Munisipale Ordonnansie, 1963 (Ordonnansie No. 13 van 1963), beoog; (v)
- (x) „plant”, behalwe ’n plant wat ingevoer word, ’n boom, struik of gewas wat die Minister by kennisgewing in die *Staatskoerant* verklaar het ’n plant te wees, en ook die vrug, blare, steggies of bas van so ’n plant en ’n lewende deel van so ’n plant, hetsy geskei daarvan of vas daaraan, en ’n dooie gedeelte of ’n produk van so ’n plant, maar nie ook die saad van so ’n plant nie, tensy die Minister by kennisgewing in die *Staatskoerant* sodanige saad tot ’n plant verklaar het, en, in

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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;

- (x)
- (xii) "plant disease", other than a plant disease which is imported, means any fungus, bacterium, virus, mycoplasma, spiroplasma 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, spiroplasma or pathogen to which plants are subject; (xi)
- (xiii) "prescribed" means prescribed by regulation; (xvii)
- (xiv) "regulation" means a regulation made under this Act; (xii)
- (xv) "Republic" includes the territory of South West Africa; (xiii)
- (xvi) "Secretary" means the Secretary for Agricultural Technical Services; (xiv)
- (xvii) "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. (xvi)

PART II.

NURSERIES.

Registration of nurseries.

2. 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.

Cancellation of registration.

3. 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.

Sale of plants.

4. (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

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die geval van 'n plant wat ingevoer word, 'n boom, struik of gewas, met inbegrip van die saad, vrug, blare, steggies of bas van so 'n plant en 'n lewende deel van so 'n plant, hetsy geskei daarvan of vas daaraan, en 'n dooie gedeelte of 'n produk van so 'n plant; (xi)

- (xi) „plantsiekte”, behalwe 'n plantsiekte wat ingevoer word, 'n swam, bakterie, virus, mikoplasma, spiroplasma of patogeen waaraan plante onderhewig is en met betrekking waartoe die Minister by kennisgewing in die *Staatskoerant* die bepalings van hierdie Wet van toepassing verklaar het, en, in die geval van 'n plantsiekte wat ingevoer word, 'n swam, bakterie, virus, mikoplasma, spiroplasma of patogeen waaraan plante onderhewig is; (xii)
- (xii) „regulasie” 'n regulasie ingevolge hierdie Wet uitgevaardig; (xiv)
- (xiii) „Republiek” ook die gebied Suidwes-Afrika; (xv)
- (xiv) „Sekretaris” die Sekretaris van Landbou-tegniese Dienste; (xvi)
- (xv) „uitheemse dier” 'n gewerwelde lid van die diereryk wat nie in die Republiek inheems of daaraan eie is nie, en ook die eiers van so 'n lid, maar nie ook 'n bees, skaap, bok, perd, donkie, muil, vark, volstruis, hond of kat of pluimvee of die eiers van pluimvee of 'n volstruis nie; (i)
- (xvi) „verkoop” ook vir verkoop aanbied, adverteer, hou, uitstal, versend, vervoer of lewer, of ruil, of teen enige vergoeding hoegenaamd van die hand sit, of ingevolge 'n verkoping, ruil of vandiehandsetting soos voormeld, versend, vervoer of lewer; (xvii)
- (xvii) „voorgeskryf” of „voorgeskrewe” by regulasie voorgeskryf. (xiii)

DEEL II.

KWEKERYE.

2. Elke eienaar of okkupant van 'n kwekery moet, tensy die Registrasie van kwekerye. kennisgewing in die *Staatskoerant* van registrasie vrygestel is, die kwekery jaarliks by die Sekretaris registreer op die wyse en tyd en onderhewig aan enige voorwaarde wat voorgeskryf is, en moet jaarliks ten opsigte van sodanige registrasie die voorgeskrewe geld, wat nie honderd rand te bowe gaan nie, betaal.

3. Indien die Sekretaris oortuig is dat 'n eienaar of okkupant van 'n kwekery— Intrekking van registrasie.

- (a) versuim het om te voldoen aan 'n voorwaarde waaraan die registrasie van die kwekery onderhewig is;
- (b) versuim het om 'n bevel uit te voer wat ingevolge artikel 19 uitgereik is;
- (c) 'n dooie of lewende plant in of van 'n kwarantyngebied van 'n kwekery uitgehaal, verwyder of vernietig het of laat uithaal, verwyder of vernietig het of daarmee gepeuter het;
- (d) versuim het om kennis aan 'n inspekteur te gee ooreenkomstig die eerste voorbehoudsbepaling by artikel 5; of
- (e) aan 'n in artikel 34 (1) bedoelde misdryf skuldig is, kan hy die betrokke registrasie intrek.

4. (1) Niemand mag 'n plant uit 'n kwekery verkoop nie, Verkoop van plante. tensy—

- (a) die kwekery ingevolge artikel 2 geregistreer is of ingevolge daardie artikel in die algemeen of in die besonder deur die Minister by kennisgewing in die *Staatskoerant* van registrasie vrygestel is;
- (b) voldoen is aan die bepalings wat ingevolge paragrawe (e), (f) en (g) van artikel 33 (1) voorgeskryf is; en

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- (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.

Prohibition of
handling of plants
under quarantine.

5. 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.

Removal of
quarantine.

6. (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.

Disinfecting and
treating of plants.

7. (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.

Destruction of
plants infected
with insects or
disease.

8. 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.

Areas in which
the cleansing or
destruction of

9. (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

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- (c) die naam en adres van die kwekery of, in die geval waar die verkoper nie self die kweker van bedoelde plant is nie, die naam en adres van die kwekery waar dit gekweek is, op leesbare en duursame wyse aan die plant of die houer waarin dit groei of verpak is, aangebring is.

(2) Die Minister kan, ondanks die vrystelling van 'n kwekery van registrasie, voorwaardes bepaal waarop plante uit so 'n kwekery verkoop mag word.

5. As 'n inspekteur 'n kwekery of 'n gedeelte daarvan kragtens artikel 19 (2) onder kwarantyn geplaas het, mag niemand sonder 'n skriftelike permit van 'n inspekteur 'n dooie of lewende plant in of van so 'n kwekery of so 'n gedeelte uithaal, verwyder of vernietig of laat uithaal, verwyder of vernietig of daarmee peuter nie: Met dien verstande dat waar die eienaar of okkupant van die betrokke kwekery voornemens is om 'n plant uit hoofde van 'n permit van 'n inspekteur te vernietig of te behandel, hy die inspekteur veertien dae vooraf per aangetekende pos kennis moet gee van die datum waarop hy voornemens is om bedoelde plant te vernietig of te behandel: Met dien verstande voorts dat 'n plant vir die doeleindes van die vernietiging of behandeling daarvan, uit so 'n kwarantyngebied verwyder mag word onderhewig aan die voorwaardes of beperkings, en na die plek, wat 'n inspekteur bepaal.

Verbod op hantering van plante onder kwarantyn.

6. (1) As 'n inspekteur 'n kwekery of 'n gedeelte daarvan kragtens artikel 19 (2) onder kwarantyn geplaas het, kan die eienaar of okkupant daarvan skriftelik by die Sekretaris om die opheffing van die kwarantyn aansoek doen.

Opheffing van kwarantyn.

(2) Die Sekretaris laat binne drie maande na die datum van die aansoek 'n verdere ondersoek instel en die kwarantyn kan, indien dit wenslik geag word, maar behoudens die bepalinge van subartikel (4), by skriftelike kennisgewing wat per pos aan die eienaar of okkupant gelewer of deurgestuurd word, opgehef word.

(3) Die eienaar of okkupant betaal ten opsigte van 'n ondersoek van 'n kwekery ingevolge hierdie artikel die gelde wat voorgeskryf is, tesame met die reiskoste en dergelike uitgawes (as daar is) deur die inspekteur in die uitvoering van bedoelde ondersoek aangegaan.

(4) 'n Kwarantyn word nie opgehef alvorens genoemde gelde en uitgawes betaal is nie.

7. (1) Elke eienaar of okkupant van 'n kwekery moet, tensy uitdruklik deur die Sekretaris daarvan vrygestel, in sy kwekery, vir die ontsmetting en behandeling van plante, die lugdigte kamer soos voorgeskryf voorsien en in goeie orde in stand hou.

Ontsmetting en behandeling van plante.

(2) 'n Inspekteur kan gelas dat 'n plant in 'n kwekery, alvorens dit daaruit verwyder word, in so 'n lugdigte kamer op die wyse wat voorgeskryf is of op die ander wyse wat hy gelas, ontsmet of behandel word.

8. Die Minister kan—

- (a) 'n plant wat in 'n kwekery is en wat met 'n insek of plantsiekte besmet is; of

- (b) 'n plant wat in 'n kwekery is en wat, hoewel nie bewys is dat dit aldus besmet is nie, na sy oordeel moontlik aldus besmet kon geword het,

Vernietiging van plante met insekte of siekte besmet.

vernietig of laat vernietig of die onmiddellike vernietiging daarvan gelas.

DEEL III.

INSEKTE, PLANTSIEKTES EN UITHEEMSE DIERE IN GEPROKLAAMEERDE GEBIEDE.

9. (1) Indien dit, na die oordeel van die Minister, wenslik is dat die skoonmaak of vernietiging van 'n plant wat met 'n insek of plantsiekte besmet is of die vernietiging van 'n uitheemse

Gebiede waarin die skoonmaak of vernietiging

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plants, insects
and plant diseases
and destruction of
exotic animals
shall be
compulsory.

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.

Owners and
occupiers to
carry out cleansing
operations in
proclaimed area.

10. (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.

Importation of
plants, plant
diseases, insects,
honey bees and
exotic animals.

11. (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.

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dier in 'n gebied verpligtend gemaak word, kan hy by kennisgewing in die *Staatskoerant* daardie gebied tot 'n gebied verklaar waarin die skoonmaak of vernietiging van plante wat met die betrokke insek of plantsiekte besmet is of die vernietiging van die betrokke uitheemse dier, vir die eienaars en okkupante van grond of persele (met inbegrip van kwekerye) binne daardie gebied geleë, verpligtend is.

van plante,
insekte en
plantsiektes en
vernietiging van
uitheemse diere
verpligtend is.

(2) Die Minister kan in 'n in subartikel (1) bedoelde kennisgewing die maatreëls (met inbegrip van kwarantynmaatreëls), prosedures en voorskrifte bepaal wat gevolg moet word om die skoonmaak of vernietiging van plante of die vernietiging van 'n uitheemse dier te reël.

(3) Die bepalinge van artikel 6 is *mutatis mutandis* van toepassing met betrekking tot grond of persele wat ingevolge hierdie artikel onder kwarantyn geplaas word.

(4) Die Minister kan van tyd tot tyd en op dergelike wyse 'n kragtens subartikel (1) uitgereikte kennisgewing intrek, of so 'n kennisgewing vir die tydperk wat hy goedvind of met betrekking tot die gedeelte van die gebied wat hy bepaal, opskort.

10. (1) Wanneer 'n gebied ingevolge artikel 9 tot 'n gebied verklaar is waarin die skoonmaak of vernietiging van 'n plant of die vernietiging van 'n uitheemse dier verpligtend is, moet elke eienaar of okkupant van grond of persele (met inbegrip van kwekerye) binne daardie gebied geleë, die skoonmaakwerkzaamhede verrig of die vernietiging uitvoer wat nodig is vir die uitroeiing van die in die betrokke kennisgewing bedoelde insek, plantsiekte of uitheemse dier.

Eienaars en
okkupante moet
skoonmaak-
werkzaamhede in
geproklameerde
gebied verrig.

(2) Indien die eienaar of okkupant van grond of persele (met inbegrip van kwekerye) versuim om binne die voorgeskrewe tydperk 'n kragtens artikel 9 (2) bepaalde maatreël, prosedure of voorskrif of 'n kragtens artikel 19 (2) uitgereikte bevel uit te voer, of indien hy versuim om so 'n maatreël, prosedure, voorskrif of bevel tot bevrediging van die Minister uit te voer, kan die Minister, op koste van bedoelde eienaar of okkupant, na gelang van die geval, uitvoering aan die betrokke maatreël, prosedure, voorskrif of bevel laat gee.

DEEL IV.

INVOER VAN PLANTE, PLANTSIEKTES, INSEKTE, HEUNINGBYE EN UITHEEMSE DIERE.

11. (1) Niemand mag—

- (a) 'n plant, plantsiekte of insek;
- (b) 'n heuningby of sy larwes of eiers;
- (c) heuning, byewas, of gebruikte byekorwe of gebruikte toebehore of apparate daarvan, of enigiets wat gebruik is om heuningbye, heuning of byewas te hou of te behandel; of
- (d) 'n uitheemse dier,

Invoer van
plante,
plantsiektes,
insekte,
heuningbye en
uitheemse diere

in die Republiek invoer of laat invoer nie behalwe met 'n skriftelike permit van die Minister.

(2) Die Minister kan van tyd tot tyd by kennisgewing in die *Staatskoerant* 'n land of gebied in Afrika buite die Republiek uitsluit van die bepalinge van subartikel (1) betreffende die invoer van 'n plant, en hy kan van tyd tot tyd by dergelike kennisgewing so 'n invoer van 'n land of gebied aldus van bedoelde bepalinge uitgesluit weer aan bedoelde bepalinge onderworpe verklaar.

(3) Die Minister kan 'n permit ingevolge subartikel (1) uitreik op die voorwaardes, met inbegrip van 'n voorwaarde betreffende die getal of ander hoeveelheid wat ingevoer kan word, wat hy goedvind.

(4) 'n Invoer ingevolge hierdie artikel geskied per pos of deur die hawe van Kaapstad, Durban, Oos-Londen of Port Elizabeth of deur die lughawe Jan Smuts, J. G. Strijdom, Louis Botha

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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.

Importation of
insect or exotic
animal by State.

12. 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.

Minister to pay
compensation.

13. 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.

Instances in
which
compensation
not payable.

14. 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.

Compensation in
respect of injury,
loss or destruction
resulting from the
exercise of power
under this Act or
regulation.

15. 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.

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of D. F. Malan of deur 'n ander hawe of lughawe of binnelandse plek van binnekoms deur die Minister by kennisgewing in die *Staatskoerant* vermeld.

(5) Die Minister kan as 'n voorwaarde van 'n permit ingevolge subartikel (3) bepaal dat 'n invoer ooreenkomstig hierdie artikel deur 'n bepaalde hawe, lughawe of binnelandse plek van binnekoms moet geskied.

12. Die Minister kan 'n insek of uitheemse dier na die Republiek invoer en daarin versprei indien die invoer of verspreiding daarvan na sy oordeel vir die uitroeiing van 'n skadelike plant of insek nodig of wenslik is, of andersins in belang van 'n vertakking van die boerdery is, en nòg hy nòg iemand wat op sy instruksies handel nòg die Staat is aanspreeklik vir skade of verlies deur iemand as gevolg van sodanige invoer of verspreiding gely.

Invoer van
insek of
uitheemse dier
deur Staat.

DEEL V.

VERGOEDING.

13. Die Minister moet, behoudens die bepalinge van artikel 14, uit gelde wat vir dié doel deur die Parlement bewillig is, die vergoeding wat hy in die omstandighede redelik ag aan die eienaar of okkupant van grond of persele betaal ten opsigte van 'n plant of 'n heuningby of die larwes of eiers daarvan, of heuning of byewas, of 'n byekorf of toebehore of apparate daarvan, of 'n uitheemse dier of 'n plantsiekte of insek ingevolge artikel 19, 24 of 25 vernietig of uitgeroei.

Minister moet
vergoeding betaal.

14. Geen vergoeding is betaalbaar nie—

- (a) ten opsigte van die koste aangegaan in verband met die vernietiging van 'n plant of 'n heuningby of die larwes of eiers daarvan of heuning of byewas, of 'n byekorf of toebehore of apparate daarvan, of 'n uitheemse dier, of die uitroeiing van 'n plantsiekte of insek ingevolge die bepalinge van artikel 8 of, na gelang van die geval, artikel 19, 24 of 25;
- (b) waar die betrokke eienaar of okkupant, na gelang van die geval, uitvoering moet gee aan 'n bevel of kennisgewing ingevolge hierdie Wet betreffende die in paragraaf (a) bedoelde vernietiging of uitroeiing;
- (c) ten opsigte van verlies aan inkomste ten gevolge van die in paragraaf (a) bedoelde vernietiging of uitroeiing;
- (d) ten opsigte van 'n plant wat ingevolge artikel 8 vernietig is;
- (e) ten opsigte van 'n plant wat strydig met 'n bepaling van hierdie Wet of 'n regulasie geplant, gekweek, gehou, verkoop, verwyder of ingevoer is;
- (f) ten opsigte van 'n plant wat, vanweë kontak met 'n in paragraaf (d) of (e) bedoelde plant, besmet is of wat, na die oordeel van die Minister, moontlik besmet kon geraak het met 'n insek of plantsiekte wat die Minister as gevaarlik beskou; of
- (g) ten opsigte van die vernietiging van 'n heuningby of die larwes of eiers daarvan of heuning of byewas, of 'n byekorf of toebehore of apparate daarvan, of 'n uitheemse dier, of die uitroeiing van 'n plantsiekte of insek, wat strydig met 'n bepaling van hierdie Wet of 'n regulasie ingevoer of, na gelang van die geval, gehou, verkoop of verwyder is.

Gevalle waarin
vergoeding nie
betaalbaar is nie.

15. Behalwe soos uitdruklik in hierdie Wet bepaal, is geen vergoeding betaalbaar deur die Staat, die Minister, die Sekretaris of 'n beampte of inspekteur ten opsigte van die beskadiging, verlies of vernietiging van 'n plant, uitheemse dier of ander voorwerp wat uit die uitoefening van 'n bevoegdheid ingevolge hierdie Wet of 'n regulasie voortspruit nie.

Vergoeding ten
opsigte van
beskadiging,
verlies of
vernietiging wat
voortspruit uit
die uitoefening
van bevoegdheid
ingevolge hierdie
Wet of regulasie.

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PART VI.

LOCUSTS.

Notification of appearance of flying locusts and voetgangers and deposit of eggs.

16. (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.

Action to be taken on receipt of notice.

17. (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.

Powers of inspectors to enter on land for purposes of Act or regulations.

18. 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.

Inspection and quarantining of land or premises, or order on owner to eradicate insects or plant disease.

19. (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

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DEEL VI.

SPRINKANE.

16. (1) 'n Eienaar of okkupant van grond waarop vlieënde treksprinkane verskyn of verskyn het, of waarop vlieënde treksprinkane eiers lê of gelê het of waarop voetgangers verskyn of verskyn het, moet onmiddellik kennis daarvan gee aan die landdros van die distrik waarin bedoelde grond geleë is of aan 'n vrederegtter of polisiebeampte in daardie distrik of aan 'n beampte of inspekteur wat vir daardie doel in daardie distrik aangestel is.

Kennisgewing van verskyning van vlieënde treksprinkane en voetgangers en lê van eiers.

(2) Die eienaar of okkupant moet in bedoelde kennisgewing die plek op die grond waar vlieënde treksprinkane verskyn het of eiers lê of gelê het of waar voetgangers verskyn het, so noukeurig moontlik omskrywe, en die ander inligting verstrek wat voorgeskrif is.

(3) Elke eienaar of okkupant van grond waarop voetgangers of vlieënde treksprinkane verskyn of verskyn het of waarop vlieënde treksprinkane eiers lê of gelê het, moet die bystand aan 'n beampte of inspekteur of ander uitdruklik daartoe gemagtigde persoon verleen wat voorgeskrif is of deur die Minister gelas word.

17. (1) By ontvangs van 'n in artikel 16 bedoelde kennisgewing, moet die persoon aan wie die kennisgewing verstrek word so gou doenlik die inhoud daarvan aan die Sekretaris deurstuur.

Stappe wat by ontvangs van kennisgewing gedoen moet word.

(2) Die Minister kan die maatreëls (met inbegrip van die aanstelling van persone) vir die uitroeiing van sprinkane of sprinkaaneiers op enige grond tref wat hy wenslik ag of wat voorgeskrif is.

DEEL VII.

BEVOEGDHEDE VAN INSPEKTEURS.

18. Elke eienaar of okkupant van grond of persele (met inbegrip van kwekerye) moet 'n inspekteur, by voorlegging van sy magtiging, toelaat om sy grond of perseel te betree om enige van die bepalings van hierdie Wet of die regulasies of 'n bevel wat deur 'n inspekteur uitgevoer kan word, uit te voer.

Bevoegdheid van inspekteurs om grond te betree vir doeleindes van Wet of regulasies.

19. (1) 'n Inspekteur kan, sonder enige verpligting om vergoeding te betaal, 'n plant op enige grond of perseel (met inbegrip van kwekerye) ondersoek en 'n plant daaruit verwyder, en deur die blootlegging van wortels of die verwydering van bas of takke of die oopsny van vrugte of blomme of op enige ander wyse vasstel of daar op daardie grond of perseel 'n insek of plantsiekte aanwesig is.

Ondersoek en plasing onder kwarantyn van grond of perseel, of bevel aan eienaar om insekte of plantsiekte uit te roei.

(2) Indien 'n inspekteur by 'n kwekery die aanwesigheid van 'n insek, plantsiekte of uitheemse dier vasstel of die aanwesigheid daarvan by 'n kwekery redelikerwys vermoed, of op enige grond of perseel (met inbegrip van kwekerye) geleë binne 'n gebied met betrekking waartoe 'n kennisgewing ingevolge artikel 9 van toepassing is, die aanwesigheid vasstel van 'n insek, plantsiekte of uitheemse dier waarna in bedoelde kennisgewing verwys word, of die aanwesigheid daarvan op bedoelde grond of perseel redelikerwys vermoed, kan hy—

- (a) by skriftelike kennisgewing beteken aan die eienaar of okkupant van die kwekery of die grond of perseel, die geheel van bedoelde kwekery, grond of perseel of 'n bepaalde gedeelte daarvan verklaar onder kwarantyn te wees vir 'n bepaalde of 'n onbepaalde tydperk; of
- (b) by skriftelike bevel beteken aan die eienaar of okkupant van die kwekery of die grond of perseel, die eienaar of okkupant aansê om op die wyse en binne die tydperk

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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.

Method of
serving notice
or order.

20. 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.

Examination of
plant on
importation.

21. (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.

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in die bevel vermeld, die maatreëls uit te voer wat nodig is ten einde die insek, plantsiekte of uitheemse dier, na gelang van die geval, uit te roei of te bekamp.

(3) 'n Inspekteur kan, indien hy dit nodig ag vir die uitroeiing van 'n insek of plantsiekte, by bevel ingevolge subartikel (2) (b) die eienaar of okkupant van die betrokke kwekery of grond of perseel aansê om op die in die bevel vermelde wyse 'n plant wat in sy kwekery of op sy grond groei, te vernietig en om sy kwekery of sy grond vir 'n in die bevel vermelde tydperk van daardie plant skoon te hou: Met dien verstande dat 'n bevel vir die vernietiging van 'n plant nie deur 'n inspekteur uitgereik word sonder die voorafgaande goedkeuring van die Minister nie.

(4) Niemand mag sonder die toestemming van 'n inspekteur 'n steekbaken, pen, etiket of ander merk wat deur of op las van 'n inspekteur in of naby 'n kwarantyngebied aangebring is, verwyder of andersins daarmee peuter nie.

(5) Indien die eienaar of okkupant van 'n kwekery of enige grond of perseel wat ingevolge subartikel (2) onder kwarantyn geplaas is, weens 'n oortreding van subartikel (4) aangekla word en dit bewys word dat 'n steekbaken, pen, etiket of ander merk wat deur of op las van 'n inspekteur aangebring is, in stryd met bedoelde subartikel verwyder is of andersins mee gepeuter is, word bedoelde eienaar of okkupant, na gelang van die geval, geag bedoelde steekbaken, pen, etiket of merk aldus te verwyder het of aldus daarmee te gepeuter het, tensy hy bewys dat hy die handeling wat die oortreding uitmaak, verbied het.

(6) Die bepalinge van artikel 6 is *mutatis mutandis* van toepassing met betrekking tot grond of persele wat ingevolge hierdie artikel onder kwarantyn geplaas is.

20. 'n Kennisgewing of bevel ingevolge artikel 19 (2) word geag behoorlik aan die eienaar of okkupant van die betrokke kwekery of grond of perseel beteken te gewees het—

Wyse waarop kennisgewing of bevel beteken word.

(a) wanneer dit aan die eienaar of okkupant persoonlik oorhandig is; of

(b) wanneer dit, in die afwesigheid van die eienaar of okkupant—

(i) aan sy behoorlik gemagtigde verteenwoordiger oorhandig is; of

(ii) per aangetekende pos aan die laasbekende woonplek van die eienaar of okkupant gestuur is.

21. (1) (a) 'n Inspekteur kan 'n plant wat na die Republiek ingevoer is, tesame met die verpakkingsmateriaal of omhulsel daarvan, ondersoek ten einde vas te stel of dit met 'n insek of plantsiekte besmet is, en die geadresseerde of sy agent moet, op versoek van 'n inspekteur, die omhulsels verwyder en die inspekteur alle fasiliteite by die uitvoering van die ondersoek verleen.

Ondersoek van plant by invoer.

(b) Wanneer 'n ondersoek ingevolge hierdie subartikel na die voorgeskrewe ure plaasvind, is die gelde betaalbaar wat voorgeskryf is.

(2) 'n Inspekteur kan so 'n plant wat aldus besmet is of wat na vermoede aldus besmet is, tesame met die verpakkingsmateriaal of omhulsel daarvan, op die wyse wat hy goedvind, skoonmaak, ontsmet of andersins behandel of laat skoonmaak of ontsmet of andersins laat behandel, en die geadresseerde of sy agent moet die gelde en koste ten opsigte daarvan betaal wat voorgeskryf is.

(3) 'n Inspekteur kan na goeë dunnke 'n plant wat in stryd met artikel 11 in die Republiek ingevoer is, tesame met die houer en die verpakkingsmateriaal of omhulsel daarvan, vernietig of laat vernietig, of die versending van so 'n plant, tesame met die verpakkingsmateriaal of omhulsel daarvan, na enige ander land, met inbegrip van die land van herkoms van daardie plant, op koste en die verantwoordelikheid van die geadresseerde, toelaat.

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(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.

Examination of
other
importations
under Act.

22. (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.

Issue of clearance
certificate.

23. 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.

Inspection,
disinfection or
destruction of
plant diseases,
insects, honey
bees, honey,
accessories, places
or exotic animals.

24. (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.

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(4) Indien die skoonmaak, ontsmetting of behandeling op 'n plek geskied wat uitdruklik vir daardie doel voorsien is, geskied lewering van die plant nie alvorens die gelde en koste wat voorgeskryf is aan die inspekteur of die Sekretaris betaal is nie.

(5) Iemand aan wie 'n plant geadresseer is wat in die Republiek ingevoer is, moet, wanneer 'n inspekteur dit vereis, 'n sertifikaat verstrek met vermelding van—

- (a) die naam en adres van die afsender;
- (b) die aantal en die soort pakkette;
- (c) die name, hoeveelhede, variëteite en graadmerke van plante in die besending;
- (d) die plek van herkoms van elke sodanige plant; en
- (e) die fitosanitêre voorwaardes deur die Sekretaris ten opsigte van sodanige plant vereis.

(6) Indien 'n plant wat nie in 'n in subartikel (5) bedoelde sertifikaat vermeld is nie in die besending gevind word of, indien aldus vermeld, onder 'n vals of misleidende naam of beskrywing vermeld word, kan die inspekteur, onderworpe aan die goedkeuring van die Minister, daardie plant laat vernietig.

(7) Iemand wat ingevolge subartikel (5) 'n sertifikaat verstrek wat in 'n wesentlike opsig vals is, is aan 'n misdryf skuldig.

22. (1) 'n Inspekteur kan 'n plantsiekte of insek, of 'n heuningby of die larwes of eiers daarvan of heuning of byewas, of 'n byekorf of toebehore of apparate daarvan, of 'n uitheemse dier of ander voorwerp wat ingevolge hierdie Wet in die Republiek ingevoer is, tesame met die verpakkingsmateriaal of omhulsel daarvan, ondersoek ten einde vas te stel of 'n bepaling van hierdie Wet of die regulasies of die voorwaardes in 'n in artikel 11 bedoelde permit vervat, nagekom is, en die geadresseerde of sy agent moet, op versoek van 'n inspekteur, die omhulsels verwyder en die inspekteur alle fasiliteite by die uitvoering van die ondersoek verleen.

Ondersoek van
ander invoere
ingevolge Wet.

(2) Die bepalinge van artikel 21, met uitsondering van subartikel (1) (a), is *mutatis mutandis* van toepassing met betrekking tot 'n ondersoek ingevolge subartikel (1) van hierdie artikel.

23. Wanneer 'n inspekteur ten opsigte van 'n invoer ingevolge hierdie Wet oortuig is dat die bepalinge van hierdie Wet en die regulasies nagekom is, moet hy, op versoek van die geadresseerde, 'n sertifikaat met daardie strekking aan hom lewer of stuur.

Uitreiking van
klaringsbewys.

24. (1) 'n Inspekteur kan—

- (a) 'n besending ondersoek wat redelikerwys vermoed word 'n plantsiekte of insek, of 'n heuningby of die larwes of eiers daarvan, of heuning of byewas, of 'n byekorf of toebehore of apparate daarvan, of 'n uitheemse dier of 'n ander voorwerp wat in stryd met hierdie Wet of 'n regulasie ingevoer is, te bevat;
- (b) 'n plek ondersoek waar 'n plantsiekte of insek gehou word;
- (c) 'n plek ondersoek waar heuningbye of 'n byekorf of toebehore of apparate daarvan gehou word;
- (d) heuning of byewas ondersoek wat vir verkoop bestem is;
- (e) 'n perseel ondersoek waar 'n uitheemse dier aangehou word,

Ondersoek,
ontsmetting of
vernietiging van
plantsiektes,
insekte,
heuningbye,
heuning,
toebehore, plekke
of uitheemse
diere.

en kan die lasgewings vir die uitroeiing of, na gelang van die geval, die skoonmaak, ontsmetting of vernietiging van so 'n plantsiekte, insek, heuningby of die larwes of eiers daarvan, heuning, byewas, byekorf of toebehore of apparate daarvan, plek of perseel, uitreik wat die uitroeiing of voorkoming van 'n plantsiekte, insek of byesiekte sal verseker, of kan die lasgewings betreffende die toesig of beheer oor 'n uitheemse dier uitreik wat sal voorkom dat dit gevaarlik of skadelik word: Met dien verstande dat geen lasgewing vir die vernietiging van 'n plantsiekte, by, byekorf of toebehore of apparate daarvan of 'n plek of perseel, deur 'n inspekteur uitgereik word sonder die voorafgaande goedkeuring van die Minister nie.

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(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.

Destruction of exotic animals.

25. 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.

Powers of officers or inspectors to trace and destroy locusts, voetgangers or locust eggs.

26. 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.

Power of Minister to extend provisions of Act.

27. 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.

Conferring of inspector's power on customs or police officer.

28. (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 No. 91 of 1964), and "police officer" means a member of a police force established under any law.

Duties of owners or occupiers.

29. 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.

Offence of obstructing officers.

30. 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.

Delegation of powers.

31. (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.

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(2) Iemand wat versuim om 'n lasgewing ingevolge subartikel (1) binne die tydperk uit te voer wat in die lasgewing vermeld word, is aan 'n misdryf skuldig.

(3) Indien iemand versuim om so 'n lasgewing binne die daarin vermelde tydperk uit te voer, kan die Minister, op koste van daardie persoon, al die handelinge verrig wat redelikerwys nodig is om die uitroeiing of voorkoming van 'n betrokke plantsiekte, insek of byesiekte te verseker, of, na gelang van die geval, vir die toesig of beheer oor 'n betrokke uitheemse dier, en kan hy die koste verhaal wat by die verrigting van bedoelde handelinge aangegaan word.

25. Die Minister kan 'n inspekteur skriftelik magtig om die maatreëls op enige grond of perseel te tref wat nodig is om 'n uitheemse dier uit te roei wat, na die oordeel van die Minister, gevaarlik of skadelik is of gevaarlik of skadelik kan word. Uitroeiing van uitheemse diere.

26. 'n Beampte of inspekteur of iemand anders wat skriftelik deur die Minister uitdruklik daartoe gemagtig is, kan enige grond betree ten einde die ondersoek te doen of sodanige ander handeling te verrig wat nodig of dienstig is ten einde vlieënde treksprinkane, voetgangers of sprinkaaneiers op te spoor en uit te roei. Bevoegdhe van beamptes of inspekteurs om sprinkane, voetgangers of sprinkaaneiers op te spoor en uit te roei.

DEEL VIII.

ALGEMENE BEPALINGS.

27. Indien die Minister dit dienstig vind, kan hy by kennisgewing in die *Staatskoerant*— Bevoegdheid van Minister om bepaling van Wet uit te brei.

- (a) die plant, hou of verkoop van 'n plant of die hou van 'n plantsiekte, insek of uitheemse dier verbied of beperk;
- (b) die vervoer van 'n plant, insek, plantsiekte of uitheemse dier van een plek na 'n ander binne die Republiek verbied of beperk.

28. (1) Die Minister kan by kennisgewing in die *Staatskoerant* 'n bevoegdheid wat ingevolge hierdie Wet deur 'n inspekteur uitgeoefen kan word en wat in die kennisgewing vermeld word, aan 'n doeanebeampte of polisiebeampte verleen wat 'n bepaalde pos of 'n pos by 'n bepaalde plek beklee. Verlening van bevoegdheid van inspekteur aan doeane- of polisiebeampte.

(2) By die toepassing van subartikel (1) beteken „doeanebeampte” 'n beampte soos in artikel 1 van die Doeane- en Aksynswet, 1964 (Wet No. 91 van 1964), omskryf, en beteken „polisiebeampte” 'n lid van 'n polisiemag wat kragtens 'n wet ingestel is.

29. Elke eienaar of okkupant van grond of persele (met inbegrip van kwekerye) moet, wanneer deur 'n inspekteur daartoe aangesê, aan hom die plekke op die grond of persele uitwys waar plante, plantsiekte, insekte, heuningbye, heuning, byekorwe of toebehore of apparate daarvan, of uitheemse diere of houters daarvan gehou word, en moet 'n wettige bevel van so 'n inspekteur ten opsigte daarvan nakom. Pligte van eienaars of okkupante.

30. Iemand wat 'n beampte of inspekteur of 'n persoon kragtens hierdie Wet aangestel by die uitvoering van sy pligte ingevolge hierdie Wet of die regulasies of by die uitvoering van 'n bevel ingevolge hierdie Wet belemmer of hinder, of wat versuim om aan so 'n beampte, inspekteur of persoon inligting te verstrek wat hy wettiglik daarkragtens vereis, is aan 'n misdryf skuldig. Misdryf van belemmering van beamptes.

31. (1) Die Minister kan aan die Sekretaris of 'n beampte of inspekteur enige van die bevoegdhede wat deur hierdie Wet aan hom verleen word, behalwe die in hierdie subartikel of in artikel 33 bedoelde bevoegdheid, deleger. Delegering van bevoegdhede.

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(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.

Appeal to Minister.

32. 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.

Regulations.

33. (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.

Offences and penalties.

34. (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.

Repeal of laws.

35. (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.

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(2) Die Sekretaris kan aan 'n beampte of inspekteur enige van die bevoegdhede deleger wat deur hierdie Wet aan hom verleen word.

(3) Wanneer 'n bevoegdheid ingevolge subartikel (1) of (2) gedelegeer word, kan dieselfde bevoegdheid aan meer as een beampte of inspekteur gedelegeer word.

32. Iemand wat veronreg voel deur 'n beslissing of handeling deur die Sekretaris of 'n beampte, inspekteur of 'n persoon uitdruklik kragtens hierdie Wet aangestel, kan binne die tydperk en op die wyse wat voorgeskryf is na die Minister teen so 'n beslissing of handeling appelleer, en die beslissing van die Minister is afdoende. Appel na Minister.

33. (1) Die Minister kan regulasies wat nie met hierdie Wet onbestaanbaar is nie, uitvaardig wat— Regulasies.

- (a) 'n aangeleentheid voorskryf wat kragtens hierdie Wet voorgeskryf kan word;
- (b) die wyse waarop en plek waar 'n kragtens hierdie Wet gemagtigde registrasie, ondersoek, ontsmetting, skoonmaakwerk, uitroeiing of vernietiging uitgevoer moet word, voorskryf;
- (c) die voorwaardes en beperkings voorskryf wat die invoer en hou reël van plante, insekte, plantsiektes, heuningbye, voorwerpe, uitheemse diere en enigiets hoegenaamd waaroor hierdie Wet handel;
- (d) die vorm voorskryf van 'n lisensie, permit, sertifikaat, aansoek of kennisgewing ingevolge hierdie Wet;
- (e) die standaard en fitosanitêre kwaliteitsvereistes voorskryf waaraan plante moet voldoen wat te koop is;
- (f) die wyse voorskryf waarop plante wat te koop is, verbou, gekweek, gehou of verkoop moet word, en wat die registers voorskryf wat gehou moet word van plante wat verbou, gekweek, gehou of verkoop word;
- (g) die grond of materiaal in die houe waar in plante wat te koop is, gehou moet word, en die wyse waarop sodanige grond of materiaal behandel moet word, voorskryf;
- (h) die gelde voorskryf wat hef moet word ten opsigte van 'n aangeleentheid met betrekking waartoe die heffing van gelde ingevolge hierdie Wet gemagtig is;
- (i) in die algemeen enige aangeleentheid voorskryf wat hy nodig ag om vir die meer doeltreffende verwesenliking van die oogmerke en doelstellinge van hierdie Wet voor te skryf.

(2) 'n Regulasie ingevolge subartikel (1) uitgevaardig en wat op staatsinkomste of -uitgawe betrekking het, word in oorleg met die Minister van Finansies uitgevaardig.

34. (1) Iemand wat 'n bepaling van hierdie Wet of die regulasies of van 'n daarkragtens uitgereikte kennisgewing of bevel oortree of wat versuim om aan 'n bepaling daarvan te voldoen of wat versuim om aan 'n bepaling daarvan te voldoen as dit sy plig is om daaraan te voldoen en so 'n versuim nie elders tot 'n misdryf verklaar is nie, is aan 'n misdryf skuldig en, waar geen straf uitdruklik vir die misdryf bepaal is nie, by skuldigbevinding strafbaar met 'n boete van hoogstens duisend rand of met gevangenisstraf vir 'n tydperk van hoogstens 'n jaar. Misdrywe en strawwe.

(2) Die hof kan na goeddunke, in die geval van 'n tweede of latere skuldigbevinding weens so 'n misdryf, die veroordeelde persoon tot bedoelde gevangenisstraf sonder die keuse van 'n boete vonnis.

35. (1) Behoudens die bepalinge van subartikel (2), word Herroeping van die in die Bylae vermelde wette hierby herroep in die mate wette. in die derde kolom van die Bylae uiteengesit.

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(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.

Application of
Act in South
West Africa.

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

Short title and
date of
commencement.

37. 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 No. 26 of 1947	Orchards and Cultivated Plants Cleansing Act, 1947	The whole.
Act No. 42 of 1957	Agricultural Pests Act, 1957	The whole.
Act No. 15 of 1963	Agricultural Pests Amendment Act, 1963	The whole.
Act No. 14 of 1967	Agricultural Pests Amendment Act, 1967	The whole.
Act No. 59 of 1970	Agricultural Pests Amendment Act, 1970	The whole.

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(2) 'n Proklamasie, regulasie, kennisgewing, bevel, lasgewing, voorskrif, magtiging, permit, sertifikaat, toestemming of vrystelling uitgereik, uitgevaardig, afgekondig, verstrekk of verleen of enige ander handeling verrig ingevolge 'n bepaling van 'n wet by subartikel (1) herroep, word geag uitgereik, uitgevaardig, afgekondig, verstrekk, verleen of verrig te gewees het ingevolge die ooreenstemmende bepaling van hierdie Wet.

36. Hierdie Wet en 'n wysiging daarvan is ook in die gebied Suidwes-Afrika, met inbegrip van die Oostelike Caprivi Zipfel, van toepassing. Toepassing van
Wet in
Suidwes-Afrika.

37. Hierdie Wet heet die Wet op Landbouplae, 1973, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal. Kort titel en
datum van
inwerkingtreding.

Bylae

WETTE HERROEP

No. en jaar van wet	Titel	In hoeverre herroep
Wet No. 26 van 1947	Wet op Skoonmaak van Boorde en Gekweekte Plante, 1947.	Die geheel.
Wet No. 42 van 1957	Wet op Landbouplae, 1957	Die geheel.
Wet No. 15 van 1963	Wysigingswet op Landbouplae, 1963	Die geheel.
Wet No. 14 van 1967	Wysigingswet op Landbouplae, 1967	Die geheel.
Wet No. 59 van 1970	Wysigingswet op Landbouplae, 1970	Die geheel.

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