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STATE PRESIDENT'S OFFICE

No. 453.

15 March 1989

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

No. 18 of 1989: Agricultural Pests Amendment Act, 1989.

KANTOOR VAN DIE STAATSPRESIDENT

No. 453.

15 Maart 1989

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

No. 18 van 1989: Wysigingswet op Landbouplae, 1989.

Act No. 18, 1989

AGRICULTURAL PESTS AMENDMENT ACT, 1989

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

— Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Agricultural Pests Act, 1983, so as to define or further define certain expressions; to further regulate the delegation of powers and assignment of duties to a person who is not an officer; to extend the powers of the executive officer with regard to imported controlled goods; to oblige users of land to report the presence of red-billed quelea on land; to provide that payment of fees may be required from persons applying for exemption from the provisions of a control measure; to empower the Minister to combat red-billed quelea and to authorize other persons to perform such combating and certain other acts on land; to provide that notice of entry upon land need not be given if the user of the land does not reside upon the land and cannot readily be traced; to extend the powers regarding the recovery of fees and expenses; to create further offences and to increase penalties; and to further provide for the furnishing of evidence; and to provide for matters connected therewith.

(Afrikaans text signed by the acting State President.)
(Assented to 7 March 1989.)

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

Amendment of section 1 of Act 36 of 1983, as amended by section 1 of Act 47 of 1986

1. Section 1 of the Agricultural Pests Act, 1983 (hereinafter referred to as the principal Act), is hereby amended—
 - (a) by the substitution for the definition of "department" of the following definition:
“‘department’ means the Department of **Agriculture** Agricultural Economics and Marketing;”;
 - (b) by the deletion of the definition of “Director-General”; 10
 - (c) by the substitution for the definition of “exotic animal” of the following definition:
“‘exotic animal’ means any vertebrate member of the animal kingdom which is not indigenous to the Republic, and includes the eggs of such a member, but does not include such a member which is an animal to which the Livestock Improvement Act, 1977 (Act No. 25 of 1977), applies or which is a fish as defined in section 1 of the Sea **Fisheries** Fishery Act, **[1973 (Act No. 58 of 1973)]** 1988 (Act No. 12 of 1988);”;
 - (d) by the insertion after the definition of “honey” of the following definition:
“‘import’ means to introduce controlled goods into the Republic or to bring about the introduction of such goods into the Republic;”;
 - (e) by the substitution for the definition of “insect” of the following definition:
“‘insect’ means any invertebrate member of the animal kingdom, irrespective of the stage of development thereof, but not such a member—
 - (a) included in the definition of ‘fish’ in section 1 of the Sea **Fisheries** 25

ALGEMENE VERDUIDELIKENDE NOTA:

- []** Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.
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- Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.
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WET

Tot wysiging van die Wet op Landbouplae, 1983, ten einde sekere uitdrukings te omskryf of nader te omskryf; die delegering van bevoegdhede en opdra van pligte aan iemand wat nie 'n beampete is nie, verder te reël; die bevoegdhede van die uitvoerende beampete met betrekking tot ingevoerde beheerde goedere uit te brei; grondgebruikers te verplig om die teenwoordigheid van rooibekvinke op grond aan te meld; voorsiening te maak dat betaling van gelde vereis kan word van persone wat aansoek doen om vrystelling van die bepalings van 'n beheermaatreël; aan die Minister die bevoegdheid te verleen om rooibekvinke te bestry en om ander persone te magtig om sodanige bestryding en sekere ander handelinge op grond te verrig; te bepaal dat kennis van 'n betreding van grond nie gegee hoeft te word nie indien die grondgebruiker nie op die grond woon nie en nie geredelik opgespoor kan word nie; die bevoegdhede met betrekking tot die verhaal van gelde en uitgawes uit te brei; verdere misdrywe te skep en strawwe te verhoog; en bewyslewering verder te reël; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die waarnemende Staatspresident geteken.)
(Goedgekeur op 7 Maart 1989.)

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

Wysiging van artikel 1 van Wet 36 van 1983, soos gewysig deur artikel 1 van Wet 47 van 1986

- 5 1. Artikel 1 van die Wet op Landbouplae, 1983 (hieronder die Hoofwet genoem), word hierby gewysig—
 (a) deur die omskrywing van "beampete" deur die volgende omskrywing te vervang:
 "beampete" 'n beampete of werknemer soos omskryf in artikel 1 van die Staatsdienswet, **[1957 (Wet No. 54 van 1957)]** **1984 (Wet No. 111 van 1984);**";
- 10 (b) deur die omskrywing van "departement" deur die volgende omskrywing te vervang:
 "departement" die Departement van **[Landbou]** **Landbou-ekonomiese en -bemarking;**";
- 15 (c) deur die omskrywing van "Direkteur-generaal" te skrap;
 (d) deur die omskrywing van "insek" deur die volgende omskrywing te vervang:
 "insek" 'n ongewerwelde lid van die diereryk, ongeag die stadium van ontwikkeling daarvan, maar nie so 'n lid—
 (a) wat ingesluit is in die omskrywing van 'vis' in artikel 1 van die Wet

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- Fishery Act, [1973 (Act No. 58 of 1973)] 1988 (Act No. 12 of 1988); or
 (b) that can affect man or an animal only;”;
 (f) by the substitution for the definition of “local authority” of the following definition:
 “local authority” means any institution or body contemplated in section 84 (1) (f) of the [Republic of South Africa Constitution] Provincial Government Act, 1961 (Act No. 32 of 1961);”;
 (g) by the substitution for the definition of “officer” of the following definition:
 “officer” means an officer or employee as defined in section 1 of the Public Service Act, [1957 (Act No. 54 of 1957)] 1984 (Act No. 111 of 1984); and
 (h) by the substitution for the definition of “pathogen” of the following definition:
 “pathogen” means any algae, fungus, bacterium, virus, mycoplasm, spiroplasm, viroid or rickettsia-like organism, but does not include any [infectious thing or parasite as defined in section 1 of the Animal Diseases and Parasites Act, 1956 (Act No. 13 of 1956)] such pathogen that can cause a disease in man or an animal only.”;

Amendment of section 2 of Act 36 of 1983

2. Section 2 of the principal Act is hereby amended—

- (a) by the substitution for subsection (4) of the following subsection:
 “(4) (a) If the Minister deems it fit, he may delegate or assign any power or duty conferred or imposed upon [him or] the executive officer under this Act to a person who is not an officer.
 (b) When the Minister thus delegates or assigns a power or duty, he may determine that—
 (i) the power or duty shall be exercised or performed at the expense of the person concerned;
 (ii) the person concerned shall have no recourse against the State for any expenses thus incurred; and
 (iii) the person concerned shall exercise his powers and perform his duties subject to the instructions of the executive officer.
 (c) A juristic person established under any law and to whom a power or duty has thus been delegated or assigned, shall, notwithstanding the absence of any express provision to that effect in the law under which it was established, be deemed to be competent to exercise such power or perform such duty.
 (d) Such juristic person may in writing authorize any person in its employment to exercise the power or to perform the duty concerned.”;
 and
 (b) by the substitution for subsection (5) of the following subsection:
 “(5) Any decision or order of such a person may at any time be withdrawn or amended by the [Minister] executive officer and shall, until it has been so amended or withdrawn and except in the application of this [paragraph] subsection, be deemed to be a decision or order of the [Minister or] executive officer [as the case may be].”.

Amendment of section 3 of Act 36 of 1983

3. Section 3 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

- “(3) The executive officer may, on application by a person [wishing to import] importing controlled goods and against payment of the prescribed fees [grant consent that]—
 (a) [the] carry out an inspection contemplated in subsection (2) (b) [be carried out] at a time other than during the official office hours of the executive officer; or

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op **[Seevisserye, 1973 (Wet No. 58 van 1973)] Seevissery, 1988**
 (Wet No. 12 van 1988), nie; of

- (b) wat slegs die mens of 'n dier kan aantas nie;"
- 5 (e) deur na die omskrywing van "insek" die volgende omskrywing in te voeg: "invoer om beheerde goedere in die Republiek in te bring of die inbring van sodanige goedere in die Republiek te bewerkstellig;"
- (f) deur die omskrywing van "patogeen" deur die volgende omskrywing te vervang: "patogeen 'n alg, swam, bakterie, virus, mikoplasma, spiroplasma, viroïde of rickettsia-agtige organisme maar nie ook **['n besmetlike ding of parasiet soos omskryf in artikel 1 van die Wet op Dieresiektes en -parasiete, 1956 (Wet No. 13 van 1956)]** so 'n patogeen wat slegs by die mens of 'n dier 'n siekte kan veroorsaak nie;"
- 10 (g) deur die omskrywing van "plaaslike bestuur" deur die volgende omskrywing te vervang: "plaaslike bestuur" 'n instelling of liggaam bedoel in artikel 84 (1) (f) van die **[Grondwet van die Republiek van Suid-Afrika] Wet op Proviniale Bestuur, 1961** (Wet No. 32 van 1961); en
- 15 (h) deur die omskrywing van "uitheemse dier" deur die volgende omskrywing te vervang: "uitheemse dier" 'n gewerwelde lid van die diereryk wat nie in die Republiek inheems is nie, en ook die eiers van so 'n lid, maar nie ook so 'n lid wat 'n dier is waarop die Veeverbeteringswet, 1977 (Wet No. 25 van 1977), van toepassing is of wat 'n vis is soos omskryf in artikel 1 van die Wet op **[Seevisserye, 1973 (Wet No. 58 van 1973)] Seevissery, 1988** (Wet No. 12 van 1988), nie;"

Wysiging van artikel 2 van Wet 36 van 1983

2. Artikel 2 van die Hoofwet word hierby gewysig—

- (a) deur subartikel (4) deur die volgende subartikel te vervang:
 - 30 "(4) (a) Indien die Minister dit goedvind, kan hy enige bevoegdheid of plig wat kragtens hierdie Wet aan **[hom of]** die uitvoerende beampete verleen of opgedra is, aan 'n persoon wat nie 'n beampete is nie, deleger of opdra.
 - (b) Wanneer die Minister 'n bevoegdheid of plig aldus deleger of opdra, kan hy bepaal dat—
 - 35 (i) die bevoegdheid of plig op die koste van die betrokke persoon uitegoef en verrig word;
 - (ii) die betrokke persoon geen verhaalsreg teen die Staat het vir enige koste aldus aangegaan nie; en
 - (iii) die betrokke persoon sy bevoegdhede en pligte behoudens die opdragte van die uitvoerende beampete uitoefen of verrig.
 - (c) 'n Regspersoon wat kragtens die een of ander wet ingestel is en aan wie 'n bevoegdheid of plig aldus gedeleger of opgedra is, word, ondanks die afwesigheid van enige uitdruklike bepaling te dien effekte in die wet waarkragtens dit ingestel is, geag bevoeg te wees om sodanige bevoegdheid of plig uit te oefen of te verrig.
 - 40 (d) So 'n regspersoon kan iemand in sy diens skriftelik magtig om die betrokke bevoegdheid of plig uit te oefen of te verrig."; en
- (b) deur subartikel (5) deur die volgende subartikel te vervang:
 - 45 "(5) 'n Beslissing of lasgewing van so 'n persoon kan te eniger tyd deur die **[Minister]** uitvoerende beampete ingetrek of gewysig word en word, totdat dit aldus ingetrek of gewysig is en behalwe by die toepassing van hierdie **[paragraaf]** subartikel, geag 'n beslissing of lasgewing van die **[Minister of die]** uitvoerende beampete **[na gelang van die geval]** te wees."

Wysiging van artikel 3 van Wet 36 van 1983

- 55 3. Artikel 3 van die Hoofwet word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

- "(3) Die uitvoerende beampete kan, op aansoek van 'n persoon wat beheerde goedere **[wil]** invoer en teen betaling van die voorgeskrewe gelde **[toestemming verleen dat]**—
 - 50 (a) die ondersoek bedoel in subartikel (2) (b) op 'n ander tyd as gedurende die amptelike kantoorure van die uitvoerende beampete **[uitgevoer word]** uitvoer; of

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(b) perform any other function in respect of such controlled goods.”.

Amendment of section 4 of Act 36 of 1983, as amended by section 2 of Act 47 of 1986**4. Section 4 of the principal Act is hereby amended—**

- (a) by the substitution in subsection (1) for the words preceding subparagraph (i) of paragraph (b) of the following words:
“(b) order the person by whom or on whose behalf such goods have been imported, or the person in possession or in charge of such goods—”;
- (b) by the substitution for paragraphs (c) and (d) of subsection (1) of the following paragraphs, respectively:
“(c) **[order that]** destroy or cause to be destroyed such goods or such part thereof as he may determine **[be destroyed]**, after having given the person by whom or on whose behalf those goods have been imported or the person in possession or in charge of those goods at least seven days’ written notice of his intention to do so: Provided that where in the opinion of the executive officer the destruction of the goods is urgently required or the giving of notice is impracticable, notice need not be given;
- (d) where a person refuses or neglects to carry out any provision of an order contemplated in paragraph (a) or (b), **[order that]** destroy or cause to be destroyed the goods in question **[be destroyed]**;”.

Substitution of section 5 of Act 36 of 1983**5. The following section is hereby substituted for section 5 of the principal Act:****“Compulsory notification of presence of certain pests on land**

5. (1) A user of land shall forthwith notify the nearest available magistrate, justice of the peace, police officer or officer of the department if flying locusts or voetgangers have appeared on the land concerned or if flying locusts have deposited eggs thereon or roosting or breeding swarms of red-billed quelea are present thereon, describe to him as accurately as possible where on such land the flying locusts, 30 voetgangers, or eggs or red-billed quelea occur, and give him such further relevant information as he may request.

(2) A person who has been notified as provided in subsection (1), shall forthwith convey the information concerned to the Director-General of the department.”.

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Amendment of section 6 of Act 36 of 1983**6. Section 6 of the principal Act is hereby amended by the addition of the following paragraph to subsection (3):**

- “(c) set out the fees payable by a person applying for a permit referred to in paragraph (b).”.

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Amendment of section 8 of Act 36 of 1983**7. Section 8 of the principal Act is hereby amended—**

- (a) by the substitution for paragraph (a) of the following paragraph:
“(a) combat flying locusts **[and]**, voetgangers and red-billed quelea, and destroy eggs of flying locusts;”;
- (b) by the addition of the following subsections, the existing section becoming subsection (1):
“(2) The Minister may authorize any person to perform at the expense of such person and subject to the control of the Minister, the acts referred to in subsection (1) (a) and (b), and such person shall have no recourse against the State for any expenses so incurred.”.

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- (b) enige ander werksaamheid met betrekking tot sodanige beheerde goedere verrig.”.

Wysiging van artikel 4 van Wet 36 van 1983, soos gewysig deur artikel 2 van Wet 47 van 1986

- 5 4. Artikel 4 van die Hoofwet word hierby gewysig—
 (a) deur in subartikel (1) die woorde wat subparagraph (i) van paragraaf (b) voorafgaan, deur die volgende woorde te vervang:
 “(b) die persoon deur of ten behoeve van wie daardie goedere ingevoer is, of die persoon in besit of beheer van daardie goedere, gelas om dié goedere of dié deel daarvan wat hy bepaal, met inbegrip van enige houer of materiaal wat gebruik is by die invoer daarvan”; en
 (b) deur paragrawe (c) en (d) van subartikel (1) deur onderskeidelik die volgende paragrawe te vervang:
 “(c) nadat hy aan die persoon deur of ten behoeve van wie die goedere ingevoer is of die persoon in besit of beheer van daardie goedere minstens sewe dae skriftelik van sy voorneme om aldus op te tree, kennis gegee het, [gelas dat] dié goedere of dié deel daarvan wat hy bepaal, vernietig [word] of laat vernietig: Met dien verstande dat waar die vernietiging van die goedere na die mening van die uitvoerende beampete dringend vereis word of die gee van kennis ondoenlik is, kennis nie gegee hoof te word nie;
 (d) waar 'n persoon weier of versuim om enige bepaling van 'n lasgewing bedoel in paragraaf (a) of (b) uit te voer, [gelas dat] die betrokke goedere vernietig [word] of laat vernietig.”.

25 Vervanging van artikel 5 van Wet 36 van 1983

5. Artikel 5 van die Hoofwet word hierby deur die volgende artikel vervang:

“Verpligte aanmelding van teenwoordigheid van sekere plae op grond

- 30 5. (1) 'n Grondgebruiker verwittig die naaste beskikbare landdros, vrederegter, polisiebeampte of beampete van die departement onverwyld indien daar treksprinkane of voetgangers op die betrokke grond verskyn het of treksprinkane eiers daarop gelê het, of slaap- of broeiswerms van rooibekvinke daarop voorkom, beskryf aan hom so noukeurig as moontlik waar op daardie grond die treksprinkane, voetgangers, [of] eiers of rooibekvinke voorkom, en verstrek aan hom die nadere tersaaklike inligting waarom hy mag vra.
 (2) Iemand wat verwittig is soos bepaal in subartikel (1), dra die betrokke inligting onverwyld aan die Direkteur-generaal van die departement oor.”.

Wysiging van artikel 6 van Wet 36 van 1983

- 40 6. Artikel 6 van die Hoofwet word hierby gewysig deur die volgende paragraaf by subartikel (3) te voeg:
 “(c) die gelde uiteenis wat betaalbaar is deur iemand wat aansoek doen om 'n permit in paragraaf (b) bedoel.”.

Wysiging van artikel 8 van Wet 36 van 1983

- 45 7. Artikel 8 van die Hoofwet word hierby gewysig—
 (a) deur paragraaf (a) deur die volgende paragraaf te vervang:
 “(a) treksprinkane [en], voetgangers en rooibekvinke te bestry en eiers van treksprinkane te vernietig”; en
 (b) deur die volgende subartikels by te voeg, terwyl die bestaande artikel subartikel (1) word:
 “(2) Die Minister kan 'n persoon magtig om op die koste van daardie persoon en onderworpe aan die beheer van die Minister, die in subartikel (1) (a) en (b) bedoelde handelinge te verrig, en so 'n persoon het geen verhaalsreg teen die Staat vir enige koste aldus aangegaan nie.”.

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(3) Any act referred to in subsection (1) (a) may be performed by a person referred to in subsection (2) on land forming part of a park or the parks as defined in section (1) of the National Parks Act, 1976 (Act No. 57 of 1976), only after having obtained the consent of the National Parks Board of Trustees established under section 5 (1) of the said Act, or any officer or employee of such board authorized thereto by the board.”.

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Amendment of section 9 of Act 36 of 1983

8. Section 9 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (2) of the following paragraph:

“(a) after having notified the user of land concerned of his intention to do so, take with him such persons, animals, vehicles, goods and material as he may require for the purposes of an act referred to in subsection (1) when he enters upon or proceeds over that land: Provided that such notice need not be given if the user of the land concerned does not reside on that land and cannot readily be traced.”.

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Substitution of section 10 of Act 36 of 1983

9. The following section is hereby substituted for section 10 of the principal Act:

“Recovery of fees and expenses

10. (1) Any amount owing in respect of fees contemplated in section 3 (3), 6 (3) or 7 (3), expenses incurred [by the State] in the exercise of any power mentioned in section 4 (1) (c) or (d) or 8 (1) (b) and the interest mentioned in subsection (3) shall constitute a debt to the State or any person authorized in terms of section 8 (2), as the case may be, by the person or user of land concerned from the dates contemplated in subsections (2) and (3), respectively.

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(2) Where such fees [contemplated in section 3 (3) or 7 (3)] are owing or where [the State has incurred] such expenses [as contemplated in subsection (1)] have been incurred, the executive officer or the authorized person concerned, as the case may be, shall determine the amount thereof and shall cause a notice to be served on the person or user of land concerned in which he is ordered to pay that amount not later than a date specified in the notice.

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(3) If the amount owing is unpaid on the specified date, interest thereon shall be payable from the day following immediately on that date at the standard rate of interest determined in terms of section 26 (1) of the Exchequer and Audit Act, 1975 (Act No. 66 of 1975), and applicable on the date of the notice mentioned in subsection (2).”.

35

Amendment of section 13 of Act 36 of 1983, as amended by section 1 of Act 17 of 1985

10. Section 13 of the principal Act is hereby amended—

(a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:

“(a) contravenes or refuses or fails to comply with the provisions of section 3 (1) or (2), including any condition imposed in connection with a permit, or any condition in a notice referred to in section 3 (4);”;

(b) by the insertion of the following paragraph after paragraph (a) of subsection (1):

“(AA) if found in possession of controlled goods in respect of which there is a reasonable suspicion that such goods were imported without a permit referred to in section 3 (1), or contrary to a condition of such a permit or a condition set out in a notice issued under section 3 (4), and who is not able to give a satisfactory account of such possession;”;

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(3) 'n Handeling in subartikel (1) (a) bedoel, kan deur 'n persoon in subartikel (2) bedoel, verrig word op grond wat deel uitmaak van 'n park of die parke soos omskryf in artikel 1 van die Wet op Nasionale Parke, 1976 (Wet No. 57 van 1976), slegs nadat hy die toestemming verkry het van die Raad van Kuratore vir Nasionale Parke ingestel kragtens artikel 5 (1) van genoemde Wet, of 'n beampie of werknemer van sodanige raad wat deur die raad daartoe gemagtig is.".

Wysiging van artikel 9 van Wet 36 van 1983

8. Artikel 9 van die Hoofwet word hierby gewysig deur paragraaf (a) van 10 subartikel (2) deur die volgende paragraaf te vervang:

"(a) nadat hy die betrokke grondgebruiker van sy voorneme om aldus op te tree in kennis gestel het, die persone, diere, vervoermiddels, goedere en materiaal wat hy vir die doeleindes van 'n handeling vermeld in subartikel 15 (1) nodig het, met hom saamneem wanneer hy daardie grond betree of daaroor gaan: Met dien verstande dat sodanige kennis nie gegee hoof te word nie indien die betrokke grondgebruiker nie op daardie grond woon nie en hy nie geredelik opgespoor kan word nie;".

Vervanging van artikel 10 van Wet 36 van 1983

9. Artikel 10 van die Hoofwet word hierby deur die volgende artikel vervang:

20 "Verhaal van gelde en uitgawes

10. (1) 'n Bedrag verskuldig ten opsigte van gelde bedoel in artikel 3 (3), 6 (3) of 7 (3), uitgawe **[deur die Staat]** aangegaan by die uitoefening van enige bevoegdheid vermeld in artikel 4 (1) (c) of (d) of 8 (1) (b) en die rente vermeld in subartikel (3) is 'n skuldverpligting van die betrokke persoon of grondgebruiker aan die Staat of 'n persoon wat ingevolge artikel 8 (2) gemagtig is, na gelang van die geval, vanaf die datums bedoel in onderskeidelik subartikels (2) en (3).

30 (2) Waar sodanige gelde [bedoel in artikel 3 (3) of 7 (3)] verskuldig is of [die Staat] sodanige uitgawe aangegaan [het soos bedoel in subartikel (1)] is, bepaal die uitvoerende beampie of die betrokke gemagtigde persoon, na gelang van die geval, die bedrag daarvan en laat hy 'n kennisgewing aan die betrokke persoon of grondgebruiker beteken waarin hy gelas word om daardie bedrag nie later nie as 'n datum in die kennisgewing vermeld, te betaal.

35 (3) Indien die verskuldigde bedrag op die vermelde datum onbetaald is, is rente daarop betaalbaar vanaf die dag wat onmiddellik op daardie datum volg teen die standaardrentekoers wat ingevolge artikel 26 (1) van die Skatkis- en Ouditwet, 1975 (Wet No. 66 van 1975), bepaal is en wat van toepassing is op die datum van die kennisgewing vermeld in subartikel (2)."

Wysiging van artikel 13 van Wet 36 van 1983, soos gewysig deur artikel 1 van Wet 17 van 1985

10. Artikel 13 van die Hoofwet word hierby gewysig—
 (a) deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:
 "a) die bepalings van artikel 3 (1) of (2), met inbegrip van 'n voorwaarde in verband met 'n permit opgelê, of 'n voorwaarde in 'n kennisgewing in artikel 3 (4) bedoel, oortree of weier of versuim om daaraan te voldoen;";
 50 (b) deur die volgende paragraaf na paragraaf (a) van subartikel (1) in te voeg:
 "aA) in besit gevind word van beheerde goedere ten opsigte waarvan daar redelike verdenking bestaan dat dit sonder 'n permit in artikel 3 (1) bedoel, of in stryd met 'n voorwaarde van so 'n permit of 'n voorwaarde vermeld in 'n kennisgewing kragtens artikel 3 (4) uitgevaardig, ingevoer is, en wat nie in staat is om voldoende rekenskap van sodanige besit te gee nie;"; en

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- (c) by the substitution for subparagraphs (i), (ii) and (iii) of subsection (3) of the following subparagraphs:
- (i) on a first conviction of an offence in terms of paragraph (a) or (aA), to a fine not exceeding R20 000 or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment;
- (ii) on a first conviction of an offence in terms of paragraph (b), (c), (d) or (e), to a fine not exceeding R4 000 or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment;
- (iii) on a second or subsequent conviction of an offence mentioned in subparagraph (i), whether the same or some other offence mentioned in that subparagraph, in the case of a natural person, to imprisonment for a period not exceeding ten years, and in the case of a juristic person, to a fine not exceeding R50 000;
- (iv) on a second or subsequent conviction of an offence mentioned in subparagraph (ii), whether the same or some other offence mentioned in that subparagraph, to a fine not exceeding R8 000 or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment;
- (v) on conviction of an offence in terms of paragraph (f), (g), (h), (i) or (j), to a fine not exceeding R2 000 or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.”.

Amendment of section 14 of Act 36 of 1983

11. Section 14 of the principal Act is hereby amended by the insertion after paragraph (c) of the following paragraph:

“(cA) any statement or entry contained on any parcel or in a book or document kept by or purported to be issued by any person, or by the manager, agent or employee of such a person, shall be admissible in evidence against such person as proof of the facts set forth in that statement or entry, unless it is proved that such statement or entry was not made by such person, or by the manager, agent or employee of such person in the course of his work as manager or in the course of his agency or employment;”.

Short title

13. This Act shall be called the Agricultural Pests Amendment Act, 1989.

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- (c) deur subparagrawe (i), (ii) en (iii) van subartikel (1) deur die volgende subparagrawe te vervang:
- “(i) by ’n eerste skuldigbevinding weens ’n misdryf ingevolge paragraaf (a) of (aA), strafbaar met ’n boete van hoogstens R20 000 of met gevengenisstraf vir ’n tydperk van hoogstens vyf jaar of met daardie boete sowel as daardie gevengenisstraf;
- (ii) by ’n eerste skuldigbevinding weens ’n misdryf ingevolge paragraaf (b), (c), (d) of (e), strafbaar met ’n boete van hoogstens R4 000 of met gevengenisstraf vir ’n tydperk van hoogstens een jaar of met daardie boete sowel as daardie gevengenisstraf;
- (iii) by ’n tweede of daaropvolgende skuldigbevinding weens ’n misdryf vermeld in subparagraaf (i), hetsy dieselfde of enige ander misdryf vermeld in daardie subparagraaf, strafbaar, in die geval van ’n natuurlike persoon, met gevengenisstraf vir ’n tydperk van hoogstens tien jaar, en in die geval van ’n regspersoon, met ’n boete van hoogstens R50 000;
- (iv) by ’n tweede of daaropvolgende skuldigbevinding weens ’n misdryf vermeld in subparagraaf (ii), hetsy dieselfde of enige ander misdryf vermeld in daardie subparagraaf, strafbaar met ’n boete van hoogstens R8 000 of met gevengenisstraf vir ’n tydperk van hoogstens twee jaar of met daardie boete sowel as daardie gevengenisstraf;
- (v) by skuldigbevinding weens ’n misdryf ingevolge paragraaf (f), (g), (h), (i) of (j), strafbaar met ’n boete van hoogstens R2 000 of met gevengenisstraf vir ’n tydperk van hoogstens ses maande of met daardie boete sowel as daardie gevengenisstraf.”.

Wysiging van artikel 14 van Wet 36 van 1983

11. Artikel 14 van die Hoofwet word hierby gewysig deur die volgende paragraaf na paragraaf (c) in te voeg:

- “(cA) is ’n verklaring of inskrywing wat verskyn op ’n pakket of in ’n boek of stuk wat gehou of uitgereik heet te wees deur iemand, of deur die bestuurder, agent of werknemer van so ’n persoon, toelaatbaar as getuenis teen so iemand as bewys van die feite uiteengesit in daardie verklaring of inskrywing, tensy daar bewys kan word dat daardie verklaring of inskrywing nie deur so iemand of deur die bestuurder, agent of werknemer van so iemand in die loop van sy werk as bestuurder of in die loop van sy agentskap of diens gemaak is nie;”.

Kort titel

13. Hierdie Wet heet die Wysigingswet op Landbouplae, 1989.

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