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[No. 6907]

DEPARTEMENT VAN DIE EERSTE MINISTER

DEPARTMENT OF THE PRIME MINISTER

566. 28 Maart 1980.

hierby word bekend gemaak dat die Staatspresident sy keuring geheg het aan die onderstaande Wet wat hierby gemene inligting gepubliseer word:—

4 van 1980: Wysigingswet op Misstowwe, Veevoedsel, Landboumiddels en Veemiddels, 1980.

No. 566.

28 March 1980.

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

No. 4 of 1980: Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Amendment Act, 1980.

FERTILIZERS, FARM FEEDS, AGRICULTURAL REMEDIES AND STOCK REMEDIES AMENDMENT ACT, 1980

Act No. 4, 1980

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 Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947, so as to define or further define certain expressions; to provide for the registration of sterilizing plants and pest control operators and for the withdrawal of such registrations; to provide for the renewal of the registration of fertilizers, farm feeds, agricultural remedies, stock remedies, sterilizing plants and pest control operators; to empower the Registrar of Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies to prohibit registered pest control operators from using certain equipment for the administration of any particular agricultural remedies; to prohibit the use of agricultural remedies for reward except by or under the supervision of registered pest control operators; and to extend the power to make regulations; to repeal certain provisions; and to provide for incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 18 March 1980.)

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

1. Section 1 of the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (hereinafter referred to as the principal Act), is hereby amended—
- (a) by the substitution for the definition of “advertisement” of the following definition:
- “‘advertisement’ means any written, illustrated, visual or other descriptive material or oral statement, communication, representation or reference distributed to members of the public or brought to their notice in any other manner and which is intended to promote the sale of fertilizers, farm feeds, agricultural remedies or stock remedies or encourage the use thereof or draw attention to the nature, properties, advantages or uses thereof, and ‘advertisement’ has a corresponding meaning;”;
- (b) by the insertion after the definition of “officer” of the following definition:
- “‘pest control operator’ means a person who as, or in the course of, his trade or occupation administers agricultural remedies for the purposes for which they are intended;”.
- Amendment of section 1 of Act 36 of 1947, as amended by section 32 of Act 28 of 1961, section 1 of Act 60 of 1970, section 1 of Act 17 of 1972, section 16 of Act 13 of 1975 and section 1 of Act 24 of 1977.

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2. The following section is hereby substituted for section 3 of the principal Act:

Substitution of
section 3 of
Act 36 of 1947,
as substituted
by section 3 of
Act 24 of 1977.

“Registration
of fer-
tilizers,
5 farm feeds,
agricultural
remedies,
stock reme-
dies, steri-
lizing plants
and pest
10 control
operators.”

3. (1) (a) **Every** Application for **the** regis-
tration of a fertilizer, farm feed, agricultural
remedy, **or** stock remedy, sterilizing plant or
pest control operator shall be **submitted** made
to the registrar in the **form determined by the**
registrar prescribed manner and shall be
accompanied by the prescribed **registration**
application fee **and**.

(b) Any person **so** applying for registration in
terms of paragraph (a) shall supply or make
available to the registrar, in the manner and at the
time and place that he determines, the samples
and **other** particulars that he **specifies** re-
quires.

(2) If, after consideration of any such application
and after such investigation and enquiry as he may
deem necessary, the registrar is satisfied that—

(a) the fertilizer, farm feed, agricultural remedy or
stock remedy in **question** respect of which
registration is applied for is suitable and suf-
ficiently effective for the purposes for which it is
intended, and complies with such requirements as
may be prescribed, and that it is not contrary to
the public interest that it be registered, and that
the establishment where it is manufactured is
suitable for such manufacture, he shall register
such fertilizer, farm feed, agricultural remedy or
stock remedy;

(b) the sterilizing plant in respect of which regis-
tration is applied for is suitable and sufficiently
effective for the purpose for which it is intended,
and complies with such requirements as may be
prescribed, and that it is not contrary to the
public interest that such sterilizing plant be
registered, he shall register such sterilizing plant;
(c) the pest control operator in respect of whom
registration is applied for has the prescribed
qualifications or is otherwise, to such extent as
may be determined by the registrar, skilled in the
use of agricultural remedies, and that it is not
contrary to the public interest that such pest
control operator be registered, he shall register
such pest control operator.

Provided that the registrar may refuse an application
for registration of a fertilizer, farm feed, agricultural
remedy, stock remedy, sterilizing plant or pest control
operator if any previous registration of such a
fertilizer, farm feed, agricultural remedy, stock re-
medy, sterilizing plant or pest control operator has
been cancelled under section 4.

(3) Any registration under this section **may be**
made shall be subject to **such** the prescribed and
any additional conditions as may be determined by
the registrar and shall be valid for such period as may
be prescribed, and the registrar shall issue in respect
of such registration a certificate of registration to the
person applying therefor.

(4) (a) Any registration under this section may be
renewed when the period for which it is valid
has lapsed.

(b) The provisions of subsections (1), (2) and (3)
shall *mutatis mutandis* apply to the renewal of
any registration.”

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3. Section 4 of the principal Act is hereby amended—

Amendment of
section 4 of
Act 36 of 1947,
as substituted
by section 4 of
Act 24 of 1977.

- (a) by the substitution for paragraph (a) of the following paragraphs:

“(a) that a person has in connection with the registration concerned contravened or failed to comply with a provision of this Act;

(aA) that a person has contravened or failed to comply with a condition to which the registration concerned is subject.”;

- (b) by the substitution for paragraph (c) of the following paragraph:

“(c) that the practices followed and facilities available at or in respect of the establishment or the operation of the undertaking at such establishment are not suitable for the manufacture of the fertilizer, farm feed, agricultural remedy or stock remedy concerned; **[or that the prescribed records and information are not kept there or furnished in respect thereof]**”; and

- (c) by the addition of the following subsections at the end thereof, the existing section becoming subsection (1):

“(2) The registrar may cancel the registration of any sterilizing plant at any time if he is satisfied that—

(a) a person has in connection with the registration concerned contravened or failed to comply with a provision of this Act;

(b) a person has contravened or failed to comply with a condition to which the registration concerned is subject;

(c) the sterilizing plant does not comply with the prescribed conditions or is otherwise not effectively equipped for the sterilization of the substances referred to in the definition of ‘sterilizing plant’;

(d) it is contrary to the public interest that the sterilizing plant shall remain registered.

(3) The registrar may cancel the registration of any pest control operator at any time if he is satisfied that—

(a) the pest control operator has contravened or failed to comply with a provision of this Act or a condition of his registration;

(b) the pest control operator has failed to comply with an order issued under section 6A;

(c) it is contrary to the public interest that the pest control operator shall remain registered.”.

4. Section 4A of the principal Act is hereby amended—

Amendment of
section 4A of
Act 36 of 1947,
as inserted
by section 5 of
Act 24 of 1977.

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

“(1) The person to whom a certificate of registration has been issued in **[respect of any fertilizer, farm feed, agricultural remedy or stock remedy]** terms of section 3 (3) shall—

(a) in the case of a fertilizer, farm feed, agricultural remedy or stock remedy, cause that certificate of registration or a copy thereof to be available for inspection by the registrar at all times at the establishment where such fertilizer, farm feed, agricultural remedy or stock remedy is manufactured; or

(b) in the case of a sterilizing plant or a pest control operator, produce that certificate of registration or a copy thereof to the registrar when he is so requested.”;

- (b) by the insertion after subsection (2) of the following subsections:

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“(2A) The registration of any sterilizing plant and the certificate of registration issued in respect of such registration shall lapse if the registered plant ceases to be used as a sterilizing plant.

(2B) The registration of any pest control operator and the certificate of registration issued in respect of such registration shall lapse if the registered person ceases to be a pest control operator.”; and

(c) by the substitution for subsection (3) of the following subsection:

“(3) When the registration of any fertilizer, farm feed, agricultural remedy, ~~for~~ stock remedy, sterilizing plant or pest control operator has lapsed in terms of subsection (2), (2A) or (2B) or has been cancelled in terms of section 4, the certificate of registration in question shall, within the prescribed period, be returned to the registrar by the person to whom it was issued.”.

5. The following section is hereby inserted in the principal Act after section 6:

Insertion of
section 6A in
Act 36 of 1947.

20 “Registrar
may order
pest control
operator to dis-
continue
use of certain equip-
ment.

6A. If the registrar is of opinion that any equipment used by any registered pest control operator for the administration of any particular agricultural remedy is so unsuited for the administration of such remedy that the purpose for which the remedy is administered may be defeated, he may order the pest control operator to discontinue the use of such equipment when administering the said remedy.”.

6. Section 7 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (2) of the following paragraph:

Amendment of
section 7 of
Act 36
of 1947,
as substituted
by section 8 of
Act 24 of 1977.

“(a) No person shall for reward or in the course of any industry, trade or business—

(i) use, or recommend the use of, any agricultural remedy or stock remedy for a purpose or in a manner other than that specified on the label on a container thereof or described on such container;

(ii) use any agricultural remedy unless he is a pest control operator registered in terms of this Act or otherwise than in the presence and under the supervision of a pest control operator so registered.”.

7. Section 10 of the principal Act is hereby amended by the addition in subsection (1) of the following paragraph:

Amendment of
section 10 of
Act 36 of 1947,
as inserted
by section 11 of
Act 24 of 1977.

“(d) the number of his certificate of registration, if he is a registered pest control operator.”.

8. Section 18 of the principal Act is hereby amended—

Amendment of
section 18 of
Act 36 of 1947,
as substituted
by section 16 of
Act 24 of 1977.

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

“(bB) fails to comply with an order issued under section 6A;”;

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

“(c) contravenes or fails to comply with the provisions of section 7, 8, 10, 12 or 16 or with any condition [imposed under] contemplated in section 3 (3), 16 (2) or 16 (3) (d);”;

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

“(ii) in the case of a contravention under paragraph (bB), (c), (c)bis, [(d),] (e), (f), (g), (h), (i), (j) or (k) to a fine not exceeding one thousand rand or imprisonment for a period not exceeding two years or to both such fine and such imprisonment.”.

9. Section 23 of the principal Act is hereby amended—

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

“(a) prescribing the manner in which fertilizers, farm feeds, agricultural remedies, stock remedies, [and] sterilizing plants and pest control operators may be registered, [the forms to be used for and] the manner in which any such registration may be renewed and the information to be furnished and the fees to be paid with any application for registration and [the fee to be paid for registration] renewal of registration;” and

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

“(hB) prescribing the records to be kept and the returns to be rendered in respect of registered sterilizing plants;

(hC) prescribing the records to be kept and the returns to be rendered by registered pest control operators;”.

Amendment of section 23 of Act 36 of 1947, as amended by section 42 of Act 28 of 1961, section 13 of Act 60 of 1970, section 16 of Act 13 of 1975 and section 20 of Act 24 of 1977.

10. The following long title is hereby substituted for the long title of the principal Act:

“ACT

Substitution of long title of Act 36 of 1947, as substituted by section 22 of Act 24 of 1977.

30 To provide for the appointment of a Registrar of Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies; for the registration of fertilizers, farm feeds, agricultural remedies, [and] stock remedies, sterilizing plants and pest control operators; to regulate or prohibit the importation, sale, acquisition, disposal or use of fertilizers, farm feeds, agricultural remedies and stock remedies; to provide for the designation of technical advisers and analysts; and to provide for matters incidental thereto.”.

11. Section 16 and the Schedule of the Animal Slaughter, Meat and Animal Products Hygiene Amendment Act, 1975, are hereby repealed.

Repeal of section 16 and Schedule of Act 13 of 1975.

12. (1) This Act shall be called the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Amendment Act, 1980, and shall, subject to the provisions of subsection (2), come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

Short title and commencement.

(2) Section 6 shall not come into operation on the date contemplated in subsection (1), but on a later date to be fixed by the State President by proclamation in the *Gazette*.