

NOTICE 1675 OF 2005**DEPARTMENT OF AGRICULTURE****PUBLICATION OF REGULATIONS REGARDING THE REGISTRATION OF
PEST CONTROL OPERATORS**

I, Angela Thokozile Didiza, Minister of Agriculture hereby publish the Regulations Regarding the Registration of Pest Control Operators, for comment by the general public. Comments must be submitted in writing within 30 days of publication of this notice to:

Dr Mokantla

The Registrar: Act No. 36 of 1947

Directorate: FSQA

Private Bag X 343

Pretoria

0001

Physical Address: The Registrar: Act No. 36 of 1947
Department of Agriculture
Agriculture Place
20 Beatrix Street
Pretoria
0001

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A.T. Didiza
Minister of Agriculture

DEPARTMENT OF AGRICULTURE**FERTILIZER, FARM FEEDS, AGRICULTURAL REMEDIES AND STOCK REMEDIES ACT, 1947
(ACT No. 36 OF 1947)****PROPOSED REGULATIONS REGARDING THE REGISTRATION OF PEST CONTROL
OPERATORS****1. Definitions**

Words and phrases in these regulations shall have the meaning assigned hereto in the Act, and unless the context otherwise indicates:

"pest control operator" means a pest control operator who is registered in terms of section 3(2) (c) of the Act;

"the **Act**" means the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, **1947** (Act No 36 of **1947**).

PART I**REGISTRATION*****Application for registration***

2, (1) An application in terms of Section 3(1) of the Act for the registration of a pest control operator shall be submitted to the registrar on a form which is obtainable from the Registrar for the purpose or on a clearly legible facsimile thereof.

(2) Such application shall -

- (a) be made by a person who is resident in the Republic or who is in possession of a temporary permit issued to him in terms of the Immigration Act 2002 (Act No. 13 of 2002), and who complies with the requirements referred to in subregulation (3);
- (b) be accompanied by the applicable application fee, and
- (c) in the case of a pest control operator referred to in subregulation (3) (b), also be accompanied by any written proof, in the form of an *affidavit*, that such a person has administered agricultural remedies satisfactorily for at least ~~two~~ years continuously, with an indication of the pest control which were personally performed, the types of pests which were combated and the types of apparatus and agricultural remedies which were used in combating such pests;
- (d) further be accompanied by certified copies of any other documents relating to the skill of the applicant concerned in the administration of agricultural remedies and the handling of the appropriate apparatus.

(3) An application shall be made by a person who -

(a) has obtained a National Certificate accredited with the relevant South African Qualification Authority Body in one of the following subjects, namely:

- (i) aerial application - advisory or application;
- (ii) plant pests and diseases;
- (iii) weed control - agricultural or industrial;
- (iv) structural pest control;
- (v) fumigation - stored products or Marine or soil or structures or furniture
- (vi) wood preservation
- (vii) rodent control; or
- (viii) any other relevant specialisation

(b) in the course of a business in the presence and under the supervision of a registered pest control operator, has administered agricultural remedies continuously for at least two years,

(c) is at least 18 years of age, unless agreed otherwise in writing by the Registrar

Period of registration

3. (1) Subject to the provisions of section 4, a registration in terms of section 3 of the Act shall in the case of a pest control operator, be valid until 30 June in each year. Provided that if a registration is granted within three months prior to 30 June, it shall be valid until 30 June in the following calendar year.

(2) If the Registrar deems it in the public interest, determine that the registration shall be valid for a shorter period indicated on the certificate of registration concerned.

(3) the holder of the pest control operator certificate shall perform only those uses that the certificate authorises the holder to perform and no other uses.

Renewal of registration

4. (1) An application in terms of section 3(4) (a) of the Act for the renewal of the registration of a pest control operator shall be submitted to the registrar on a form which is obtainable from the Registrar for the purpose or on a clearly legible facsimile thereof.

(2) Such application shall -

- (a) be made by a person who possesses a certificate of registration in terms of subregulation 2.
- (b) be submitted to the Registrar not later than 14 days prior to the expiry date of the registration concerned but not more than three months prior to such expiry date;
- (c) be accompanied by -
 - (i) the certificate of registration concerned as issued by the Registrar;



- (ii) the applicable application fee
- (3) An application made in terms of subregulation 4(1) which -
 - (a) is received by the Registrar after 30 June, but not more than 30 days after such expiry date, shall be considered only if it is addition to the applicable application fee referred to in subregulation (2)(c)(ii), also be accompanied by the applicable additional late application fee or
 - (b) which is received by the Registrar after the days of grace referred to in paragraph (a) expired, shall not be considered and an application for the registration of a pest control operator concerned may be made anew in terms of regulation 2: Provided the fact that such pest control operator registered previously, shall not necessarily imply that it will again be acceptable for registration.

Return of certificate of registration

5. A certificate of registration which is returned in terms of section 4A (3) of the Act shall reach the Registrar within 14 days of the date on which -

- (a) the Registrar notified the holder in writing given personally or by post of a suspension or cancellation of the certificate in terms of section 5 of the Act if satisfied that -
 - (i) the holder made a false statement or furnished false information in applying for certificate; or
 - (ii) the holder has been found guilty of an offence against the Act or these regulations or any law relating to pesticides; or
 - (iii) the holder is for any other reason no longer fit and proper to hold a licence.
- (b) the registration of a pest control operator concerned has lapsed in terms of section 4A (2a) or (28) of the Act, as the case may be.

PART II

APPEALS

Submission of appeals

6. (1) An appeal in terms of section 6 of the Act shall be submitted to the Director-General: Agriculture within 60 days of date of which the reasons for the decision against which is appealed, were furnished in terms of section 5 of the Act.

- (2) Such appeal shall -
 - (a) be in the form of a written statement which is sworn to;
 - (b) state the reference number and date of the document by means of which such applicant or person was given notice of that decision.
 - (c) state the grounds on which the appeal is based;

(d) be accompanied by the documents relating to the subject of the appeal and;

(e) be accompanied by the applicable application fee.

(3) If such appeal is submitted by a person other than the person in respect of whom the decision concerned was furnished, the appeal concerned shall be accompanied by a statement in which the person concerned discloses his/her interest in that decision or action.

(4) The amount referred to in subregulation (2)(e) shall be paid by cheque, postal order or money order made out in favour of the Director-General: Agriculture: Provided that if the appeal concerned is delivered by hand, such amount may be paid in cash.

Address for submission of appeals

7. An appeal referred to in regulation 6(1) shall -

- (a) when forwarded by post, be addressed to the Director-General, Department of Agriculture, Private Bag 343, Pretoria 0001; and
- (b) when delivered by hand, be delivered to the Director-General, Department of Agriculture, Agriculture Place, Beatrix Street, Pretoria.

PART III

PEST CONTROL OPERATORS

Skill

8. (1) A pest control operator shall be skilled in -

- (a) the use and calibration of the apparatus used for the application of a particular agricultural remedy;
- (b) the calculation and measurement of the applicable dosages;
- (c) safety precautions and first aid relating to the use of a particular agricultural remedy; and
- (d) the handling of poisonous chemicals.

(2) The registrar may request a pest control operator to do a test in the use of agricultural remedies at the time and place which he/she may determine in order to ascertain whether such pest control operator has the skill as contemplated in subregulation (1) and whether knowledge of the applicable provisions of the Act and of the applicable codes of premise for the use of agricultural remedies, as compiled by the South African Bureau of Standards, is of such a standard that it would be in the public interest that applicant be registered.

Records to be kept

9. (1) A registered pest control operator or business which instructs a pest control operator to administer an agricultural remedy shall in respect of each separate administration of an agricultural remedy, keep comprehensive records of -

- (a) the name and address of the owner or person in charge of the place where agricultural remedy was administered;

- (b) the place where such administration was performed, description and identification of such place;
- (c) the size, expressed in cubic metres, square metres or hectares, as the case may be, of such a place;
- (d) trade name of agricultural remedy used with "L" registration number;
- (e) the purpose for which such place was treated and, if applicable, the crop grown thereon or the commodity kept therein at the time of the administration concerned;
- (f) the approximate extent to which the place, crop or commodity was infected with the pest concerned at the time of the administration concerned;
- (g) the date and time on which the administration concerned commenced;
- (h) the quantity of agricultural remedy which was used and, if applicable, the rate of dilution in the final mixture which was administered;
- (i) the type of apparatus used for the administration concerned;
- (j) the particulars of which the owner or person referred to in paragraph (a) was notified in terms of section 10(1) of the Act: Provided that a copy of the written notice referred to in section 10(2) of the Act may be attached to the particulars to be recorded in terms of this subregulation; and
- (k) if applicable -
 - (i) any spillage of the agricultural remedy concerned which occurred during the administration concerned;
 - (ii) any case of poisoning of a person or animal resulting from the administration concerned; and
 - (iii) any complaint received in connection with the administration concerned.

(2) The documents in which the particulars referred to in subregulation (1) are recorded, shall be preserved at the address of the registered pest control operator or business referred to in subregulation (1) concerned, or at such other place as may on application be approved by the registrar, for at least two years after the day on which the administration concerned was made: Provided that if a complaint was received in connection with such administration, the records in respect thereof shall not be destroyed within two years after the date of such complaint.

PART IV

GENERAL

Offences and penalties

10. Any person who refuses or fails to comply with the provisions of regulations shall be guilty of an offence and liable on conviction to a fine or imprisonment for a period not exceeding two years or to both such fine and imprisonment.

Payment of fees

11. (1) The postage on and delivery costs of any application or document submitted in terms of these regulations, as well as on or of anything else pertaining thereto, shall be paid by the consigner.

(2) Any fee payable in terms of these regulations shall be paid by means of a cheque, postal order or money order made out in favour of the Director-General: Agriculture: Provided that if such fee is delivered by hand, it may be paid in cash.

(3) Fees which are paid in terms of these regulations shall subject to section 6 of the Act, not be refundable.

Address for submission of documents

12. Any application or document or anything else pertaining thereto, which is required in terms of these regulations to be submitted to the Registrar shall -

(a) when forwarded by post, be addressed to;

The Registrar: Act No. 36 of 1947, Private Bag X343, Pretoria, 0001.