

Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

As 'n Nuusblad by die Poskantoor Geregistreer

Registered at the Post Office as a Newspaper

PRYS + 1c AVB 20c PRICE + 1c GST
BUITELANDS 30c ABROAD
POSVRY · POST FREE

KAAPSTAD, 28 MAART 1980

CAPE TOWN, 28 MARCH 1980

[No. 6907]

DEPARTEMENT VAN DIE EERSTE MINISTER

DEPARTMENT OF THE PRIME MINISTER

566. 28 Maart 1980.

No. 566.

28 March 1980.

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

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

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

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:
- 10 "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 'adver-
- 15 tise' has a corresponding meaning;" and
- (b) by the insertion after the definition of "officer" of the following definition:
- 20 "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.

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

Act No. 4, 1980

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 fertilizers, farm feeds, agricultural remedies, stock remedies, sterilizing plants and pest control operators.

10

15

20

25

30

35

40

45

50

55

60

65

3. (1) (a) **Every** Application for **the** registration 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** requires.

(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 sufficiently 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 registration 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 remedy, 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.”

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

Act No. 4, 1980

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:

5 “(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.”;

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

15 “(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

20 (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—**

25 (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;

30 (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’;

35 (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—

40 (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.”

45 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:

50 “(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—

55 (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**

60 (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:

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

Act No. 4, 1980

5 “(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.
 10 (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
 15 (c) by the substitution for subsection (3) of the following subsection:
 “(3) When the registration of any fertilizer, farm feed, agricultural remedy, **[or]** 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 **6A. If the registrar is of opinion that any equipment**
 may order pest control operator to discontinue use of certain equipment.
 25 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.

30 “(a) No person shall for reward or in the course of any industry, trade or business—
 35 (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;
 40 (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.

45 “(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.

50 (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;”;
 55 (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);”; and

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

Act No. 4, 1980

- (c) by the substitution for paragraph (ii) of subsection (1) of the following paragraph:
 5 “(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—
 10 (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
 15 (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;
 20 (hC) prescribing the records to be kept and the returns to be rendered by registered pest control operators;”.
10. The following long title is hereby substituted for the long title of the principal Act:
 25 “ACT
 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
 40 repealed.
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
 45 proclamation in the *Gazette*.
 (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*.

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.

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

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

Short title and commencement.