

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

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CAPE TOWN, 30TH SEPTEMBER, 1970.

DEPARTEMENT VAN DIE EERSTE MINISTER.

DEPARTMENT OF THE PRIME MINISTER.

No. 1612. 30 September 1970.

No. 1612. 30th September, 1970.

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

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

No. 60 van 1970: Wysigingswet op Misstowwe, Veevoedsel en Middels, 1970.

No. 60 of 1970: Fertilizers, Farm Feeds and Remedies Amendment Act, 1970.

FERTILIZERS, FARM FEEDS AND REMEDIES
AMENDMENT ACT, 1970.

Act No. 60, 1970

ACT

To amend the Fertilizers, Farm Feeds and Remedies Act, 1947, relating to definitions, registration, fertilizers, farm feeds, remedies, inspectors, analysts, offences, regulations and returns.

*(English text signed by the State President.)
(Assented to 21st September, 1970.)*

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 and Remedies Act, 1947 (hereinafter referred to as the principal Act), is hereby amended—

Amendment of section 1 of Act 36 of 1947, as amended by section 32 of Act 28 of 1961.

- (a) by the insertion after the definition of "advertisement" of the following definition:
 "‘agricultural remedy’ means any chemical substance or biological remedy or any mixture or combination of any such substance or remedy intended or offered to be used—
- (a) for the destruction, control, repelling or prevention of any undesired virus, bacterium, alga, nematode, fungus, insect, plant, vertebrate, invertebrate or any product thereof, but excluding any chemical substance, biological remedy or other remedy in so far as it is controlled under the Medical, Dental and Pharmacy Act, 1928 (Act No. 13 of 1928), the Food, Drugs and Disinfectants Act, 1929 (Act No. 13 of 1929), or the Drugs Control Act, 1965 (Act No. 101 of 1965), or any preparation prescribed by a medical practitioner or veterinarian for a particular patient or group of patients; or
- (b) as plantgrowth regulator, defoliant, desiccant or legume inoculant, and anything else which the Minister has by notice in the *Gazette* declared an agricultural remedy for the purposes of this Act;";
- (b) by the substitution for the definition of "farming requisite" of the following definition:
 "‘farming requisite’ means any fertilizer, farm feed, agricultural remedy or stock remedy, or any substance used in the manufacture of a fertilizer, farm feed, agricultural remedy or stock remedy;";
- (c) by the substitution for the definition of "Minister" of the following definition:
 "‘Minister’ means the Minister of Agriculture;";
- (d) by the deletion of the definition of "remedy";
- (e) by the substitution for the definition of "Secretary" of the following definition:

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“‘Secretary’ means the Secretary for Agricultural Technical Services;”;

(f) by the substitution for the definition of “sterilizing plant” of the following definition:

“‘sterilizing plant’ means a plant used for sterilizing of bones or other substances derived from cattle, members of the horse family, sheep, goats, pigs, poultry or ostriches, of any age, or from any vertebrate or invertebrate specified by the Minister from time to time by notice in the *Gazette*;”;

(g) by the insertion after the definition of “sterilizing plant” of the following definition:

“‘stock remedy’ means a substance intended or offered to be used in connection with domestic animals, livestock, poultry or wild animals (including wild birds), for the prevention, treatment or cure of any disease, infection or other unhealthy condition, or for the maintenance or improvement of health, growth, production or working capacity, or for the lasting capacity of carcasses, but excluding any preparation dispensed on the prescription of a veterinarian for a particular patient or group of patients;”.

2. Section 2 of the principal Act is hereby amended by the substitution for the word “remedies” of the words “agricultural remedies, stock remedies”. Amendment of section 2 of Act 36 of 1947.

3. The following section is hereby substituted for section 3 of the principal Act: Substitution of section 3 of Act 36 of 1947.

“Registra-
tion of
fertilizers,
farm feeds,
agricultural
remedies,
stock
remedies and
sterilizing
plants.”

3. (1) Every application for the registration of a fertilizer, farm feed, agricultural remedy, stock remedy or sterilizing plant shall be submitted to the registering officer in the prescribed form and shall be accompanied by the prescribed registration fee which shall not exceed twenty rand.

(2) If after consideration of any such application such officer is satisfied that the fertilizer, farm feed, agricultural remedy, stock remedy or sterilizing plant in question 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, he shall register such fertilizer, farm feed, agricultural remedy, stock remedy or sterilizing plant.

(3) Any registration under this section may be made subject to such conditions as may be determined by the registering officer and shall be valid for such period as may be prescribed.”.

4. The following section is hereby substituted for section 4 of the principal Act: Substitution of section 4 of Act 36 of 1947.

“Cancellat-
ion of
registration.”

4. If the registering officer is satisfied—

(a) that any person has failed to comply with any condition subject to which any fertilizer, farm feed, agricultural remedy, stock remedy or sterilizing plant has been registered; or

(b) that any fertilizer, farm feed, agricultural remedy, stock remedy or sterilizing plant registered under this Act does not comply with any requirements that may be prescribed; or

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- (c) that any sterilizing plant registered under this Act does not sterilize substances contemplated in the definition of 'sterilizing plant' effectively; or
- (d) that it is contrary to the public interest that any fertilizer, farm feed, agricultural remedy, stock remedy or sterilizing plant shall remain registered; or
- (e) that any incorrect or misleading advertisement is used intentionally in connection with any fertilizer, farm feed, agricultural remedy or stock remedy,
- he may cancel the registration thereof at any time."

5. The following section is hereby substituted for section 7 of the principal Act: Substitution of section 7 of Act 36 of 1947.

- "Sale of fertilizers, farm feeds, agricultural remedies and stock remedies.
7. No person shall sell any fertilizer, farm feed, agricultural remedy or stock remedy unless—
- (a) it is registered under this Act;
- (b) it is packed in such manner as may be prescribed;
- (c) the container in which it is sold, complies with the prescribed requirements and is branded, labelled, marked or sealed in such manner as may be prescribed or if, in the case of any fertilizer, farm feed or agricultural remedy, it is not sold in a container, the invoice referred to in section 9 is accompanied by a label complying with the prescribed directions for labelling aforesaid; and
- (d) it is of the composition, efficacy, fineness and purity specified in the application for registration thereof, possesses all other properties so specified and complies with the prescribed requirements."

6. The following section is hereby substituted for section 7bis of the principal Act: Substitution of section 7bis of Act 36 of 1947.

- "Prohibition on acquisition, disposal or use of fertilizers or farm feeds.
- 7bis. (1) The Minister may, by notice in the *Gazette*—
- (a) prohibit the acquisition, disposal or use of fertilizers or farm feeds; or
- (b) prohibit such acquisition, disposal or use, except in accordance with such conditions as may be specified in the notice or except under the authority of and in accordance with such conditions as may be specified in a permit issued subject to the directions of the Minister by the Secretary or any person designated by him, and may in like manner repeal or amend any such notice.
- (2) Any prohibition issued under subsection (1) may apply—
- (a) throughout the Republic or in one or more specified areas;
- (b) to any person or to persons belonging to any specified class or group of persons or to persons other than persons belonging to any such class or group of persons; or
- (c) in respect of all or one or more classes or kinds of fertilizers or farm feeds.

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(3) Any condition referred to in subsection (1) shall not be subject to any limitations of whatever nature, and such conditions may differ in respect of different areas, persons or classes or groups of persons.”.

7. The following section is hereby substituted for section 9 of the principal Act: Substitution of section 9 of Act 36 of 1947.

“Invoices required in case of sale of fertilizers, farm feeds and agricultural remedies. 9. Any person who sells any fertilizer, farm feed or agricultural remedy shall give to the purchaser at the time of delivery or send to him at the time of despatch an invoice setting forth such particulars in respect of such fertilizer, farm feed or agricultural remedy as may be prescribed.”.

8. The following section is hereby substituted for section 13 of the principal Act: Substitution of section 13 of Act 36 of 1947.

“Exclusion of any fertilizer, farm feed, agricultural remedy or stock remedy from operation of Act. 13. The Minister may by notice in the *Gazette* exclude, subject to such conditions as he may determine, any fertilizer, farm feed, agricultural remedy or stock remedy from the operation of any or all of the provisions of this Act.”.

9. The following section is hereby substituted for section 14 of the principal Act: Substitution of section 14 of Act 36 of 1947, as amended by section 35 of Act 28 of 1961.

“Appointment of inspectors and analysts. 14. For the purpose of this Act, the Minister may from time to time appoint inspectors and analysts of fertilizers, farm feeds, agricultural remedies or stock remedies who may be officers in the public service.”.

10. Section 15 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph: Amendment of section 15 of Act 36 of 1947, as amended by section 36 of Act 28 of 1961.

“(a) enter upon any premises, place, vehicle or vessel at or in which there is or is on reasonable grounds suspected to be any farming requisite or any sterilizing plant or where any agricultural remedy or stock remedy has been applied or is on reasonable grounds suspected to have been applied.”.

11. Section 18 of the principal Act is hereby amended— Amendment of section 18 of Act 36 of 1947, as amended by section 2 of Act 48 of 1950 and section 38 of Act 28 of 1961.

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

“(c)*bis* acquires, disposes of or uses fertilizers or farm feeds contrary to a prohibition issued under section 7*bis*; or”;

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

“(f) makes use, in connection with any fertilizer, farm feed, agricultural remedy or stock remedy of any certificate, invoice or other document issued in respect of any other fertilizer, farm feed, agricultural remedy or stock remedy or which is no longer valid; or”;

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

“(g) makes any false or misleading statement in connection with any fertilizer, farm feed, agricultural remedy or stock remedy—

(i) in an application for the registration thereof; or

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- (ii) in any invoice issued in terms of section 9;
or
- (iii) in any advertisement thereof; or
- (iv) in the course of the sale thereof; or
- (v) in an application for a permit referred to in section 7*bis* (1) (b); or”;
- (d) by the substitution for paragraph (h) of subsection (1) of the following paragraph:
“(h) sells any fertilizer, farm feed, agricultural remedy or stock remedy upon the container of which a false or misleading statement in connection with such contents is printed or written; or”;
- (e) by the substitution of subparagraphs (i) and (ii) of section (1) of the following subparagraphs:
“(i) in the case of a contravention under paragraph (a) or (b) to a fine not exceeding two hundred rand or imprisonment for a period not exceeding six months, or to both such fine and such imprisonment; and
(ii) in the case of a contravention under paragraph (c), (c)*bis*, (d), (e), (f), (g), (h) or (i) to a fine not exceeding five hundred rand or imprisonment for a period not exceeding twelve months, or to both such fine and such imprisonment;”;
- (f) by the substitution in subsection (2) for the word “Crown” of the word “State”.

12. Section 21 of the principal Act is hereby amended by the substitution for the words “or remedy”, wherever they occur, of the words “agricultural remedy or stock remedy”.

Amendment of section 21 of Act 36 of 1947, as amended by section 40 of Act 28 of 1961.

13. (1) Section 23 of the principal Act is hereby amended—
- (a) by the substitution for the word “Governor-General”, wherever it occurs, of the word “Minister”;
 - (b) by the substitution in subsection (1) (a) for the word “remedies” of the words “agricultural remedies, stock remedies”;
 - (c) by the substitution in subsection (1) for the words “or remedy”, wherever they occur, of the words “agricultural remedy or stock remedy”;
 - (d) by the substitution in subsection (1) for the words “or remedies”, wherever they occur, of the words “agricultural remedies or stock remedies”;
 - (e) by the insertion in subsection (1) of the following paragraph after paragraph (f):
“(fA) prohibiting the sale of stock remedies specified in the regulations and which in the opinion of the Minister are potentially harmful drugs, except under the authority of and in accordance with such conditions as may be stated in a permit issued by the registering officer or a person designated by him or except on the prescription of a veterinarian;”;
 - (f) by the substitution in subsection (2) for the words “and remedies” of the words “agricultural remedies and stock remedies”;
 - (g) by the addition of the following subsection:
“(5) Any regulation involving financial matters shall be made in consultation with the Minister of Finance.”.

Amendment of section 23 of Act 36 of 1947, as amended by section 42 of Act 28 of 1961.

(2) Any regulation made under the provisions of section 23 of the principal Act prior to the commencement of this Act, shall be deemed to have been made under those provisions, as amended by this Act.

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14. Section 24 of the principal Act is hereby repealed.

Repeal of
section 24 of
Act 36 of 1947.

15. The following section is hereby substituted for section 26
of the principal Act:

Substitution of
section 26 of
Act 36 of 1947.

“Short
title. 26. This Act shall be called the Fertilizers, Farm
Feeds, Agricultural Remedies and Stock Remedies
Act, 1947.”.

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

Substitution of
long title of
Act 36 of 1947.

“Act to provide for the registration of fertilizers, farm
feeds, agricultural remedies, stock remedies and sterilizing
plants; to regulate or prohibit the importation, sale,
acquisition, disposal or use of fertilizers, farm feeds, agri-
cultural remedies and stock remedies; and to provide for
matters incidental thereto.”.

17. This Act shall be called the Fertilizers, Farm Feeds and
Remedies Amendment Act, 1970, and shall come into operation
on a date to be fixed by the State President by proclamation in
the *Gazette*.

Short title.