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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

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## DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 121

12 February 2021

AGRICULTURAL PESTS ACT, 1983  
(ACT No. 36 OF 1983)**Control Measures relating to Asian citrus psyllid (*Diaphorina citri*)  
and  
Citrus greening: Asian and American strains (*Candidatus Liberibacter  
asiaticus* and *Candidatus Liberibacter americanus*)**

The Minister of Agriculture, Land Reform and Rural Development, acting under section 6 of the Agricultural Pests Act, 1983 (Act No. 36 of 1983), hereby prescribe the Control Measures set out in the Schedule.

  
AT DIDIZA**Minister of Agriculture, Land Reform and Rural Development**

## SCHEDULE

### Definitions

1. In these Control Measures any word or expression to which a meaning has been assigned in the Act shall have that meaning and, unless the context otherwise indicates—

**“authority”** means any officer of the Department Agriculture, Land Reform and Rural Development in the national, provincial or local sphere of government or any person authorized by the Department Agriculture, Land Reform and Rural Development;

**“executive officer”** means an officer designated in terms of section 2 of the Agricultural Pests Act, 1983 (Act No.36 of 1983);

**“official control”** means the active enforcement of mandatory phytosanitary regulations and the application of mandatory phytosanitary procedures with the objective of eradication or containment of quarantine pests or for the management of regulated non-quarantine pests;

**“phytosanitary actions”** means an official operation, such as inspection, testing, surveillance or treatment, undertaken to implement phytosanitary measures;

**“phytosanitary measure”** means any legislation, regulation or official procedure as provided for under this regulation having the purpose to prevent the introduction or spread of quarantine pests or to limit the economic impact of regulated non-quarantine pests;

**“phytosanitary procedure”** means any official method for implementing phytosanitary measures including the performance of inspections, tests, surveillance or treatments in connection with regulated pests;

**“phytosanitary regulation”** means an official rule to prevent the introduction or spread of quarantine pests, or to limit the economic impact of regulated non-quarantine pests, including establishment of procedures for phytosanitary certification;

**“plant”** refers to any live or dead part of a plant and any derivation of a plant;

**“quarantine area”** means an area within which a quarantine pest is present and is being officially controlled;

**“quarantine pest”** means a pest of potential economic importance to the area endangered thereby and not yet present there, or present but not widely distributed and being officially controlled;

**“regulated article”** means any plant, plant product, storage place, packaging, conveyance, container, soil and any other organism, object or material capable of harbouring or spreading pests, deemed to require phytosanitary measures;

**“regulated pest”** means a quarantine pest or a regulated non-quarantine pest;

**“the Act”** means the Agricultural Pests Act, 1983 (Act No. 36 of 1983).

### **Compulsory notification**

2. (1) Every user of land within the Republic shall immediately notify the authority of any occurrence or suspected occurrence of regulated pests listed in Table 1.

(2) Any individual or organization or institution that has identified or recorded regulated pests listed in Table 1 to be present in a pest free area shall immediately report it to the authority.

### **Responsibilities of the authority**

3. (1) Upon notification of the occurrence or suspected occurrence of regulated pests listed in Table 1, the authority shall immediately within 6 days take the necessary phytosanitary measures and/or phytosanitary actions to identify and confirm the presence of regulated pests specified in Table 1 in an area and to prevent the spread.

(2) The authority may at any time if it deems necessary revoke and/or amend the phytosanitary measures and/or phytosanitary actions taken to manage or control regulated pests specified in Table 1.

**Issuance of an official order**

4. (1) The authority shall issue an official order which shall be complied with in terms of section 7 of the Act in any area infested/infected or suspected infested/infected with regulated pests specified in Table 1.

(2) Official orders may relate to:

- (a) demarcate a quarantine area;
- (b) destroy regulated articles listed in Table 2 that tested positive for regulated plant pathogens listed in Table 1;
- (c) prohibit the movement of regulated articles listed in Table 2 from a quarantine area;
- (d) treat all regulated articles listed in Table 2 occurring in the quarantine area to prevent spread of the regulated pests listed in Table 1.

(3) Official order must remain in force until the phytosanitary measures have been implemented successfully or eradication has been declared successful.

**Quarantine area**

5. (1) Any area infected/infested or suspected infected/infested with regulated pests specified in Table 1 will be quarantined;

(2) A quarantine area may be removed from quarantined status:

- (i) after the regulated pests specified in Table 1 have been declared eradicated;
- (ii) when there has been no detection of a regulated insect pest specified in Table 1 in such area for six months;
- (iii) when no regulated articles specified in Table 2 infected with regulated plant pathogens specified in Table 1 have been detected for a period of at least 3 years.

**Prohibition relating to the removal and the keeping of infested/infected plants**

6. (1) No user of land shall remove any infected/infested or suspected infected/infested regulated article specified in Table 2 from:

- (a) any quarantined area;
- (b) an area where an order has been issued.

(2) No user of land shall keep or plant or cultivate any regulated article specified in Table 2 that is infected with plant pathogens specified in Table 1.

(3) No user of land shall keep or plant or cultivate any regulated article specified in Table 2 that is infested with an insect pest specified in Table 1 without effectively treating for the insect pest.

#### **Movement of regulated articles**

7. (1) No user of land shall move any regulated article as specified in Table 2 from a quarantined area to any other area within the Republic without authorisation.

(2) The movement of any regulated article as specified in Table 2 from the quarantined area may be authorised by means of a permit when the regulated article is certified by the authority to be free from the regulated pests specified in Table 1.

#### **Destruction of regulated articles**

8. (1) If the authority has established that regulated articles have been kept or cultivated, removed or conveyed contrary to the provisions of these Control Measures, the authority may-

- (a) destroy such regulated articles;
- (b) order that the user of land or owner of land destroy such regulated articles;
- (c) subject a person in question to an offence in terms of section 13 of the Act.

#### **Responsibility of user of land or owner of land or organization or institution**

9. (1) Any user of land or owner of land or organization or institution must take all reasonable measures as prescribed or specified in the relevant guidelines or action plans to manage, eradicate and control the regulated pests specified in Table 1.

#### **Issuance of guideline or action plan**

10. (1) The authority may where it deems appropriate, issue action plans or guidelines, reasonable measures or operational procedures for the implementation of these regulations and for the management, eradication and control of regulated pests specified in Table 1.

**Application for a removal permit**

**11. (1)** An application for a removal permit which may be issued by the authority under a control measure in order to exempt a user of land or owner of land or organization or institution from the prohibition or obligation contained in such control measure shall be made on a form which is obtainable from the executive officer of the Act for this purpose.

**(2)** Such application form shall-

- (a)** be completed by the user of land or owner of land or organization or institution requiring such permit;
- (b)** after having been thus completed, be submitted to the authority ;
- (c)** a removal permit will be valid for 30 days.

**Exemption from a prohibition**

**12. (1)** The authority may by means of a removal permit, exempt a user of a land from a prohibition of these control measures-

- (a)** If the authority is satisfied that the necessary phytosanitary procedures and phytosanitary actions have been taken to reduce the risk of introduction and spread of regulated pests specified in Table 1;
- (b)** If the authority is satisfied that the regulated article specified in Table 2 for which the removal permit is required is obtained from a mother plant grown in a structure which prevents infection or infestation by the regulated pests specified in Table 1; and
- (c)** If the authority is satisfied that the regulated article listed in Table 2 is originating from a specified or demarcated area managed to be free from regulated pests specified in Table 1 and necessary phytosanitary procedures and phytosanitary actions have been taken.

**TABLE 1****Regulated pests**

<b>Scientific name</b>	<b>Common name</b>
<i>Diaphorina citri</i>	Asian citrus psyllid: insect pest
<i>Candidatus Liberibacter asiaticus</i>	Citrus greening (Asian strain) or Huanglongbing: plant pathogen
<i>Candidatus Liberibacter americanus</i>	Citrus greening (American strain): plant pathogen

**TABLE 2****Regulated articles:**

**the listed host plant or parts of host plants, excluding seeds and excluding fruit without leaves**

<b>Scientific name</b>	<b>Common name</b>
<i>Citrus</i>	All types
<i>Fortunella</i>	Kumquat
<i>Poncirus</i>	Trifoliate
<i>Murraya</i>	Curry Leaf and Orange Jasmine
<i>Choisya</i>	Mexican Orange Blossom
Species and hybrids of the above genera	