

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 227

19 March 2021

PLANT IMPROVEMENT ACT, 1976
(ACT No. 53 OF 1976)

SOUTH AFRICAN PLANT CERTIFICATION SCHEME FOR WINE GRAPES: AMENDMENT

I, Angela Thokozile Didiza, Minister of Agriculture, Land Reform and Rural Development, acting under section 23 of the Plant Improvement Act, 1976 (Act No. 53 of 1976), after consultation with the Minister of Finance, hereby further amend the South African Plant Certification Scheme for Wine Grapes published under Government Notice No. R. 2437 of 28 August 1992, to the extent set out in the Schedule.


MRS ANGELA THOKOZILE DIDIZA
MINISTER FOR AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT
DATE: 03/02/2021

SCHEDULE

Definitions

1. In this Schedule, "the Scheme" means the South African Plant Certification Scheme for Wine Grapes published by Government Notice No. R. 2437 of 28 August 1992, as amended by Government Notice Nos. R. 3460 of 31 December 1992, R. 1084 of 25 June 1993, R. 494 of 29 March 1996, R. 322 of 19 March 1999, R. 233 of 17 March 2000, R. 814 of 7 September 2007 and R. 43 of 28 January 2011.

Amendment of section 1 of the Scheme

2. Section 1 of the Scheme is hereby amended by –

- (a) the substitution for the expression "grower" with the expression "participant" in the definition of grower and move the definition to the alphabetic correct position;
- (b) the insertion of the definition for "pest" in the alphabetic correct position:

"**pest**" means any species, strain or biotype of plant or animal or pathogenic agent that could cause injury or damage to plants or plant products;"

- (c) the insertion of the definition for "Plant Improvement Organisation" in the alphabetic correct position:

"**Plant Improvement Organisation**" (PIO) means a registered member who may import, breed and select new or improved varieties or clones under the auspices of the Vine Improvement Organisation (the designated authority administering the Scheme). Only PIO's registered in terms of the Scheme are authorised to register clones of

varieties, to establish nucleus-, foundation- and mother units and to propagate and supply certified plant material in terms of the scheme.

- (d) the insertion after the definition of "source plant" of the following definition:

"table and drying grapes" means those varieties of *Vitis* of which the fruit is customarily utilised for fresh consumption or drying;"

- (e) the deletion of the expression "and" at the end of the definition for "virgin soil"

- (f) the insertion of the expression "and" at the end of paragraph (b) in the definition for "visually free"

- (g) the addition of the following definition:

"wine grapes" means those varieties of *Vitis* of which the fruit has been prescribed for the production of wine in terms of section 5(1)(a) of the Liquor Products Act, 1989 (Act No. 60 of 1989)."

Amendment of Section 2 of the Scheme

3. Section 2 of the Scheme is hereby amended by substitution for the expression "Wine Grapes" of the following expression "*Vitis*".

Amendment of Section 3 of the Scheme

4. Section 3 of the Scheme is hereby amended by substitution for subsection 3.2 of the following subsection:

"3.2 The authority shall keep a register of clones of the varieties referred to in subsection 3.1 that are recognised -

- (a) rootstock varieties;
- (b) table- or drying grape varieties; and
- (c) wine grape varieties "

Amendment of Section 5 of the Scheme

5. Section 5 of the Scheme is hereby amended by substitution for paragraphs (b) and (d) of the following paragraphs:

"(b) It shall be cultivated by the participant in whose favour the unit concerned is registered according to Section 6 of this Scheme."

(d) It shall be true to variety and comply with the applicable requirements for plant material referred to in section 12 of this Scheme."

Amendment of Section 6 of the Scheme

6. Section 6 of the Scheme is hereby amended by -

- (a) the substitution for subsection 6.1 of the following subsection:

"6. 1 Application for the registration of an area of land as a unit for the purposes of this Scheme shall be made on a form and in the manner as determined by the authority."

- (b) the substitution for subsection 6.2 of the following subsection:

"6.2 An application form referred to in subsection 6.1 shall be accompanied by -

- (a) a locality map that clearly indicates where the area of land concerned is situated; and
- (b) the fee determined by the authority for this purpose.”
- (c) the substitution for the expression “form determined” in paragraph 6.3(c)(i) of the expression “format as determined”
- (d) the deletion of subsection 6.4
- (e) the substitution for the expression “grower” in paragraph 6.5(b)(ii) of the expression “participant”
- (f) the substitution for the expression “grower” in subsection 6.7 of the expression “participant”

Substitution of Section 7 of the Scheme

7. The following section is hereby substituted for section 7 of the Scheme:

“7. Term of registration [23; 24(1)(d)]

The registration of a unit shall lapse when all the plant material or plants established thereon are, except in the case of a unit registered for the cultivation of foundation nursery plants, removed therefrom.”

Amendment of Section 8 of the Scheme

8. Section 8 of the Scheme is hereby amended by substitution for the expression “grower” in subsection 8.2 of the expression “participant”

Amendment of Section 9 of the Scheme

9. Section 9 of the Scheme is hereby amended by:

- (a) the substitution for the expression “grower” in paragraph (e) of the expression “participant”
- (b) the deletion of paragraph (f)

Amendment of Section 11 of the Scheme

10. Section 11 of the Scheme is hereby amended by -

- (a) the substitution for paragraph 11.1 (c) of the following paragraph:
 - “(c) (i) The authority may on application grant written approval that plant material from other varieties and clones originating from a recognized plant breeding- or evaluation program as determined by the authority in accordance with section 3.5, be utilised in accordance with the provisions of this Scheme with a view to the cultivation of foundation- and, foundation nursery plants.
 - (ii) An application for such an approval shall be submitted to the authority in writing, and shall specify the grounds for such application and such other particulars as the authority may require.
 - (iii) An approval referred to in subparagraph (i) shall only be granted if the authority is satisfied that the plant material concerned is true to variety and comply with the applicable phytosanitary requirements set out in Schedule 2.

- (iv) A person to whom an approval referred to in subparagraph (i) has been granted, shall for a period of five years following the date of such approval, record full particulars in connection therewith on a form and in a manner determined by the authority."
- (b) the deletion of subsection 11.3
- (c) the substitution for the expression "grower" of the expression "participant" where it occurs in subsection 11.4
- (d) the deletion of subsections 11.5 and 11.6

Amendment of Section 12 of the Scheme

11. Section 12 of the Scheme is hereby amended by the addition of subsection 12.2 in the numeric correct position:

"12.2 Notwithstanding the provisions of section 12.1 (d) –

- (a) plants cultivated from plant material in respect of which an approval was granted in terms of section 11.1 (c) of this Scheme shall be deemed to be foundation plants; and
- (b) the authority may, in the case of Table– and Drying Grapes, on receiving a written application from a PIO, grant approval that plant material obtained from mother plants may be utilised for the cultivation of additional mother plants."

Amendment of Section 15 of the Scheme

12. Section 15 of the Scheme is hereby amended by the substitution for the expression "grower" of the expression "participant" where it occurs in subsections 15.1, 15.2 and 15.4.

Amendment of Section 17 of the Scheme

13. Section 17 of the Scheme is hereby amended by the substitution for the expression "grower" of the expression "participant" in paragraph 17.1(c).

Amendment of Section 18 of the Scheme

14. Section 18 of the Scheme is hereby amended by the substitution for the expression "grower" of the expression "participant" in paragraph 18.1(a).

Amendment of Section 19 of the Scheme

15. Section 19 of the Scheme is hereby amended by –

- (a) the substitution for the expression "grower" of the expression "participant" where it occurs in subsections 19.1, 19.2, 19.3 and 19.4
- (b) the addition of the following subsection:

"19.5 Every nursery must complete a return containing the following information regarding the plant material utilized to produce plants and plant material:

- (a) The name and address of the nursery;
- (b) The names of the varieties and clones established;
- (c) The origin of the varieties and clones established;

- (d) The quantity of plant material of each variety and clone established;
- (e) The category of each quantity of plant material established."

Amendment of Section 20 of the Scheme

16. Section 20 of the Scheme is hereby amended by the substitution for the expression "grower" of the expression "participant" where it appears in subsections 20.2 and 20.3.

Amendment of Section 22 of the Scheme

17. Section 22 of the Scheme is hereby amended by the substitution for the expression "grower" of the expression "participant" where it occurs in paragraphs 22.4(a) and 22.4(b).

Amendment of Section 24 of the Scheme

18. Section 24 of the Scheme is hereby amended by –

- (a) the substitution for the expression "grower" of the expression "participant" in paragraph 24.1(a)
- (b) the substitution for paragraph 24.1(b) of the following paragraph:

"24.1(b) The applicable amount determined by the authority shall be payable by an applicant or a grower, as the case may be, in respect of –

 - (i) the examination of plants and shoots for the occurrence of a pest;
 - (ii) a laboratory examination for a pest;
 - (iii) analysis of a soil sample;
 - (iv) analysis of a water sample;
 - (v) woody indexing; and
 - (vi) DNA sequence analysis to identify a variety."
- (c) the substitution for paragraph 24.2(b) of the following paragraph:

"24.2(b) be thus paid by means of an electronic payment in favour of the Vine Improvement Association."

Amendment of Section 25 of the Scheme

19. Section 25 of the Scheme is hereby amended by –

- (a) the substitution for subsection 25.1 of the following subsection:

"25.1 Any application, notice or other document, as well as anything else pertaining thereto, that is in terms of this Scheme required to be submitted to the authority shall be addressed to the Secretary, Vine Improvement Association, and be forwarded to him by electronic post, or by post at P.O. Box 166, Paarl, 7622, or be delivered by hand at the Agri Western Cape Building, 11 Market Street, Paarl."
- (b) the substitution for the expression "Beatrix Street" in paragraph 25.2(b) of the expression "20 Steve Biko Street".

Amendment of Schedule 1 of the Scheme: Requirements for Units

20. Paragraph 1 of Schedule 1 is hereby amended by the substitution for subparagraph 1.6.2 of the following subparagraph:

“1.6.2 be free of any vectors of all known harmful vine viral diseases as well as vectors of phytoplasmas”

21. Paragraph 2 of Schedule 1 is hereby amended by:

- (a) the deletion of subparagraphs 2.1 and 2.3
- (b) the substitution for the expression “25 metres” in subparagraph 2.5.2 of the expression “three metres”
- (c) the substitution for the expression “five metres” in subparagraph 2.6 of the expression “three metres”
- (d) the substitution for the whole of subparagraph 2.7 the following subparagraph:

“2.7 Irrigation water used in such unit shall be free of any vectors of grapevine fanleaf”

22. Paragraph 3 of Schedule 1 is hereby amended by:

- (a) the deletion of subparagraph 3.3
- (b) the substitution for the expression “25 metres” in subparagraph 3.5.2 of the expression “three metres”
- (c) the substitution for the expression “five metres” in subparagraph 3.6 of the expression “three metres”
- (d) the substitution for the whole of subparagraph 3.7 of the following subparagraph:

“3.7 Irrigation water used in such unit shall be free of any vectors of fanleaf virus.”

23. Paragraph 4 of Schedule 1 is hereby amended by:

- (a) the deletion of subparagraph 4.1
- (b) the substitution for subparagraph 4.2 of the following subparagraph:

“4.2 The soil of the unit must be free from vectors of grapevine fanleaf”
- (c) the deletion of subparagraph 4.3
- (d) the substitution for subparagraph 4.5.1 of the following subparagraph:

“4.5.1 be free of any plants of any nature; and”
- (e) the deletion of the expression “otherwise” in subparagraph 4.5.2

24. Paragraph 5 of Schedule 1 is hereby amended by:

- (a) the deletion of the expression “in virgin soil, or” in subparagraph 5.1
- (b) the deletion of subparagraph 5.3
- (c) the substitution for the expression “one metre” in subparagraph 5.5.2 of the expression “800mm”

Amendment of Schedule 2 of the Scheme: Phytosanitary requirements for plants and shoots

25. Paragraph 1 of Schedule 2 is hereby amended by:

- (a) the substitution for subparagraph 1.1.1 of the following subparagraph:

“1.1.1 be free from the following viral disease and phytoplasmas:

Grapevine fanleaf
Aster Yellows;”

- (b) the substitution for subparagraph 1.2.1 of the following subparagraph:

“1.2.1 be free from the following viral disease and phytoplasmas:

Grapevine fanleaf
Aster Yellows;”

26. Paragraph 2 of Schedule 2 is hereby amended by:

- (a) the substitution for subparagraph 2.1.1 of the following subparagraph:

“2.1.1 be free from the following viral disease and phytoplasmas:

Grapevine fanleaf
Aster Yellows;”

- (b) the substitution for subparagraph 2.2.1 of the following subparagraph:

“2.2.1 be free from the following viral disease and phytoplasmas:

Grapevine fanleaf
Aster Yellows;”

- (c) the deletion of the following expressions in subparagraph 2.2.3

Daktulosphaura vitifoliae (Phylloxera)
Margarodes spp
Meloidogyne spp
Pseudococcus longispinus (Vine longtailed mealybug)”

Amendment of Schedule 3 of the Scheme: Physical requirements for plant material

27. Paragraph 2 of Schedule 3 is hereby amended by:

- (a) the substitution for the heading of Paragraph 2 of the following heading: “Scions for grafting”
- (b) the substitution for the expression “Scion graft shoots” in subparagraph 2.1 of the expression “Scions”
- (c) the substitution for the expression “graft shoots” in subparagraph 2.1.1 of the expression “being”
- (d) the substitution for the expression “6mm” in subparagraph 2.4 of the expression “6.5mm”

28. Paragraph 3 of Schedule 3 is hereby amended by:

- (a) the substitution for the heading of Paragraph 3 of the expression “Scions for rooting”

- (b) the substitution for the expression “Scion plant shoots” in subparagraph 3.1 of the expression “Scions”
 - (c) the substitution for subparagraph 3.6 of the following subparagraph:

“3.6 Such shoots shall be straight enough to fit lengthwise between two straight parallel lines 30 mm apart”
 - (d) the insertion of subparagraphs 3.8 and 3.9 after 3.7:

“3.8 Such shoots shall not have more than seven nodes.

3.9 There shall be a bud within 15 mm from the top of each shoot.”
29. Paragraph 4 of Schedule 3 is hereby amended by:
- (a) the substitution for the heading of Paragraph 4 of the following heading: “Rootstocks for grafting”
 - (b) the substitution for the expression “Rootstock graft shoots” in subparagraph 4.1 of the expression “Rootstocks”
 - (c) the substitution for subparagraph 4.7 of the following subparagraph:

“4.7 Such shoots shall be straight enough to fit lengthwise between two parallel straight lines 30 mm apart.”
30. Paragraph 5 of Schedule 3 is hereby amended by:
- (a) the substitution for the heading of Paragraph 5 of the following heading: “Rootstocks for rooting”
 - (b) the substitution for the expression “Rootstock plant shoots” in subparagraph 5.1 of the expression “Rootstocks”
 - (c) the substitution for subparagraph 5.8 of the following subparagraph:

“5.8 Such shoots shall be straight enough to fit lengthwise between two parallel straight lines 30 mm apart.”
31. Paragraph 6 of Schedule 3 is hereby amended by:
- (a) the substitution for subparagraph 6.1.2 of the following subparagraph:

“6.1.2 have at least two well developed roots at the base thereof; and”
 - (b) the insertion of the expression “off” at the end of subparagraph 6.1.3 after the expression “well-hardened”
 - (c) the substitution for the expression “260mm” of the expression “200mm” in subparagraph 6.2.1
 - (d) the insertion of the expression “off” after the expression “well-hardened” in subparagraph 6.2.2
 - (e) the substitution for subparagraph 6.2.3 of the following subparagraph:

“6.2.3 have at least two well developed roots at the base thereof; and”

- (f) the insertion of the expression “off” at the end of subparagraph 6.2.4 after the expression “well hardened”
32. Paragraph 7 of Schedule 3 is hereby amended by the substitution for subparagraph 7.2 of the following subparagraph:
- “7.2 The portion older than one year of each such plant shall be at least 250 mm in length with a minimum diameter of 5 mm. If the plant will be established as a mother plant, the length of the rootstock must be at least 150 mm.”
33. Paragraph 8 of Schedule 3 is hereby amended by:
- (a) the substitution for the expression “adhesive tapes” in subparagraph 8.1.1 of the expression “grafting tape”
- (b) the substitution for subparagraph 8.1.2 of the following subparagraph:
- “8.1.2 in the case of top grafting, be firmly callused right around: Provided that in the case of a one-year old plant grafted from dormant wood, the graft union shall withstand the bend and twist test.”
- (c) the substitution for the expression “5mm” in subparagraph 8.3 of the expression “6.5mm”
- (d) the substitution for subparagraph 8.5 of the following subparagraph:
- “8.5 Each such plant shall have at least three well-developed roots at the base thereof.”
- (e) the insertion of the expression “off” at the end of subparagraph 8.6 after the expression “well hardened”
34. Paragraph 9 of Schedule 3 is hereby amended by:
- (a) the substitution for the expression “adhesive” in subparagraph 9.1.1 of the expression “grafting”
- (b) the substitution for the expression “turn” in subparagraph 9.1.2 of the expression “twist”
- (c) the substitution for the expression “living” in subparagraph 9.5 of the expression “live”
- (d) the substitution for the subparagraph 9.6.1 of the following subparagraph:
- “9.6.1 in the case of plants of the varieties Barlinka, Dauphine, Muscat d’Alexandrie and Sugrasixteen, be at least 100 mm in length; and”
35. Paragraph 10 of Schedule 3 is hereby amended by:
- (a) the substitution for subparagraph 10.4 of the following subparagraph:
- “10.4 Each one-year old plant, when not dormant, shall have at least one green shoot with a minimum length of 80 mm”
- (b) the substitution for subparagraph 10.6 of the following subparagraph:
- “10.6 Each plant shall have at least three well-developed roots at the base thereof.”
36. The following paragraphs are hereby added after paragraph 10:

"11. Rooted scion plants in containers

11.1 Each rooted scion plant grown from a one-bud cutting and established in a container shall have—

11.1.1 at least one shoot with a minimum length of 100 mm which, when dormant, is matured over at least two thirds of the length thereof;

11.1.2 at least two well-developed roots at the base thereof; and

11.1.3 upper growth in the growing stage that is well hardened off.

12. Rooted scion plants that have not been grafted and that are not in containers

12.1 Each rooted scion plant not grafted in a container shall have –

12.1.1 a stem of which the portion older than two years, must be at least 150 mm long and with an internode diameter of at least 5 mm; and

12.1.2 at least two well-developed roots at the base thereof.

12.2 No dead parts shall occur on such plant.

12.3 The roots of such plant shall not be cut back to shorter than 100 mm."

Amendment of Schedule 4 of the Scheme

37. Schedule 4 of the Scheme is hereby amended by the substitution for the table of the following table:

Category of plant material	Minimum number of plants, shoots or graftable buds per bundle
1	2
1. Scions for grafting	1 000 grafts or 2 000 graftable buds
2. Scions for rooting	500 shoots
3. Rootstocks for grafting	500 graftable shoots
4. Rootstocks for rooting	500 shoots
5. Rooted rootstocks	50 plants
6. Rooted grafted plants	25 / 50 plants