

## GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

## DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 875

17 September 2021

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

## SOUTH AFRICAN SEED POTATO CERTIFICATION SCHEME: 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 substitute the Scheme in the Schedule for the South African Seed Potato Certification Scheme published under Government Notice No. R. 664 of 15 May 1998, as amended.

  
MRS ANGELA THOKOZILE DIDIZA  
MINISTER FOR AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT  
DATE: 24-08-2021

## SCHEDULE

*Definition*

1. In this Schedule, "the Scheme" means the South African Seed Potato Certification Scheme published by Government Notice No. R. 664 of 15 May 1998, as amended by Government Notice No. R. 1206 of 1 December 2000, as corrected by Government Notice No. R. 40 of 19 January 2001 and as amended by Government Notice Nos. R. 1382 of 8 November 2002, R. 1185 of 1 December 2006, R. 812 of 7 September 2007, R. 927 of 22 October 2010 and R. 313 of 26 April 2013.

*Substitution of the Scheme*

2. This Scheme is hereby substituted for the Scheme as published under Government Notice No. R. 664 of 15 May 1998, as amended.

## SOUTH AFRICAN SEED POTATO CERTIFICATION SCHEME

*Definitions*

1. In this Scheme, any word or expression to which a meaning has been assigned in **the Act** shall have that meaning and, unless the context otherwise indicates -

"**assignee**" means a natural or a juristic person to whom the registered **grower** has given written permission to act administratively on his or her behalf as approved by the **authority**;

"**authority**" means the **authority** specified in section 3;

"**certification label**" means a label issued in terms of section 26(1) to (7) by the **authority** by means of which certification of **seed potatoes** is confirmed;

"**Certified Commercial seed potatoes**" means **Certified Commercial seed potatoes** which comply with the requirements set out in section 12(1)(c);

"**certified seed potatoes**" means **seed potatoes** which have been certified in terms of this Scheme;

**“deviating plant”** means a **plant** which does not correspond to the description of a typical **plant** of a specific variety;

**“field sample”** means a representative sample of **seed potatoes** taken in accordance with the provisions of the **protocol** for the determination of the occurrence of –

- (a) ***Ralstonia* spp.**; and
- (b) the viruses indicated in Table 4, once the top growth of the **plants** on the **unit** concerned has died off or has been destroyed but before the **seed potatoes** have been removed from the soil;

**“G0 seed potatoes”** means generation 0 **seed potatoes** which comply with the requirements set out in section 12(1)(a);

**“G1 seed potatoes”** means generation 1 **seed potatoes** which comply with the requirements set out in section 12(1)(b);

**“G2 seed potatoes”** means generation 2 **seed potatoes** which comply with the requirements set out in section 12(1)(c);

**“G3 seed potatoes”** means generation 3 **seed potatoes** which comply with the requirements set out in section 12(1)(c);

**“G4 seed potatoes”** means generation 4 **seed potatoes** which comply with the requirements set out in section 12(1)(c);

**“G5 seed potatoes”** means generation 5 **seed potatoes** which comply with the requirements set out in section 12(1)(c);

**“G6 seed potatoes”** means generation 6 **seed potatoes** which comply with the requirements set out in section 12(1)(c);

**“G7 seed potatoes”** means generation 7 **seed potatoes** which comply with the requirements set out in section 12(1)(c);

**“grower”** means a person –

- (a) who meets the eligibility criteria determined from time to time by the **authority**;
- (b) who registers, under the Scheme, plantings, which are produced, harvested, sorted and packed by him or her under his or her **grower** code; and
- (c) to whom a **registration certificate** has been issued in respect of a **unit**;

**“in vitro plants”** means a commodity class for **plants** growing in an aseptic medium in a controlled environment;

**“isolation area”** means the area within 50 metres from a **unit** within which *Solanum tuberosum* L. **plants** and Table 1 crop **plants** may not occur;

**“ISPM”** means International Standards for Phytosanitary Measures;

**“micro tubers”** means tubers that have been cultivated *in vitro* from vegetative *in vitro* propagating material;

**“mini tubers”** means tubers that have been produced from **potato micro-propagative material** in pest-free growing medium in a facility under specified protective conditions;

**“origin”** means the locality of the **unit** or **sub-unit** from which the **seed potatoes** originate as identified by the **registration number**;

**“own planting material”** means planting material retained by the **grower** for himself or herself to be multiplied again under his or her **grower** code;

**“plants”** means living **plants** and parts thereof, including seeds and germplasm;

**“PLRV”** means Potato Leaf Roll Virus;

**“post-control sample”** means a representative sample of **seed potatoes** taken in accordance with the provisions of the **protocol** at the time of tuber inspection -

- (a) for the determination of viruses indicated in Table 4; and
- (b) to determine whether the **seed potatoes** concerned are **true to variety**;

**“potato micro-propagative material”** means *in vitro* plants or micro tubers of the plant *Solanum tuberosum* L.;

**“property”** means a piece of land registered in a deeds registry;

**“protocol”** means the procedures for registration, sampling, testing and certification and related matters as determined by the **authority**;

**“*Ralstonia* spp.”**, previously known as *Pseudomonas solanacearum*, *Burkholderia solanacearum* and *Ralstonia solanacearum*, means bacterial wilt-causing organisms on potatoes;

**“registration certificate”** means the **registration certificate** issued in terms of section 13;

**“registration number”** means a number allocated to a **unit** or **sub-unit** by the **authority** for identification purposes;

**“regulated pest”** means *Globodera rostochiensis* (golden cyst nematode), *Ralstonia* spp. (bacterial wilt) and *Synchytrium endobioticum* (wart disease) as defined in the Agricultural Pests Act, 1983 (Act No. 36 of 1983) or any national Plant Health legislation and regulations, as well as any other exotic pathogen and insect;

**“section”** means a section of this Scheme;

**“seed potatoes”** means tubers, including **micro tubers** and **mini tubers**, cultivated of the plant *Solanum tuberosum* L.;

**“separation area”** means an area two metres wide or a non-planted row;

**“source”** means the propagating material of the previous generation;

**“SRE”** means Soft Rot *Enterobacteriaceae*;

**“store sample”** means a representative sample taken in accordance with the provisions of the **protocol** at the time of storage -

- (a) for the determination of viral diseases; and
- (b) for the determination of bacterial diseases in the case of **potato micro-propagative material** and **G0 seed potatoes**.

**“sub-unit”** means -

- (a) an area of land upon which **seed potatoes**; or
- (b) a container or containers in a greenhouse in which **potato micro-propagative material** or **mini tubers**

of the same variety and generation have been established with a view to the cultivation of **seed potatoes** in accordance with the provisions of this Scheme and which forms part of a **unit**;

**“the Act”** means the Plant Improvement Act, 1976 (Act No. 53 of 1976);

**“TSWV”** means Tomato Spotted Wilt Virus

**“true potato seed”** means the sexual propagating material of hybrid potato varieties that do not reproduce **true to variety**;

**“true to variety”** means, in relation to a particular variety, that such **plant** corresponds with the recognised description referred to in section 17 of **the Act** of a typical **plant** of that variety;

**“unit”** means -

- (a) an area of land upon which **seed potatoes**; or
- (b) a greenhouse in which **in vitro plants, micro tubers or mini tubers** have been established to cultivate **seed potatoes** in accordance with the provisions of this Scheme. Where two **units** are planted within the **isolation area**, 120 days or more apart and the bacterial wilt sampling of the first planted **unit** has been completed, the newly planted **unit** will be regarded as a separate **unit**.

**“unit number”** means the dedicated code number allocated to a particular **unit** by the **grower**;

**“visually free”** with regard to the occurrence of a particular insect or pathogen on a **plant** or **seed potato** of such **plant** means that -

- (a) the occurrence of that insect or pathogen on such a **plant** or **seed potato** cannot be visually observed unless a microscope or magnifying glass is used; or
- (b) the symptoms characteristic of those caused by that insect or pathogen on such **plant** or **seed potato** of such **plant** has been visually observed without the use of a microscope or magnifying glass, but the testing, examination or analysis of such **plant** or **seed potato** in a laboratory for confirmation, do not reveal the occurrence of the insect or pathogen concerned thereon.

### **Name of Scheme**

2. This Scheme is called the South African Seed Potato Certification Scheme.

### **Designation of authority**

- 3.(1) The Independent Certification Council for Seed Potatoes, a juristic person by virtue of a provision to this effect in its constitution, is hereby designated as the **authority** which exercises the powers, performs the functions and carries out the duties conferred upon, assigned to or imposed upon the **authority** under this Scheme.
- (2) The powers, duties and functions referred to in section 32(1) shall be exercised, performed and carried out by the **authority** at its own cost and subject to the directions of the registrar; and the **authority** shall not have any right of recourse against the State for any costs so incurred.
- (3) Any reference to the **authority** shall include, where appropriate, reference to the person authorized to exercise, perform or carry out any power, function or duty of that **authority** as contemplated in Section 24(2)(a) of the Act.

### **Application of Scheme**

- 4.(1) This Scheme applies to -
  - (a) **plants, true potato seed** and seed tubers of the varieties of the genus *Solanum tuberosum* L. of which the denominations are entered in the varietal list; and
  - (b) varieties and breeding lines that have been included for evaluation purposes and for which written applications have been received and approved by the **authority**.
- (2) The provisions of this Scheme are binding on a **grower** as from the date of registration of a **unit** in terms of section 13.

### **Requirements for acceptance as seed potato grower**

- 5.(1) New **growers**, as well as existing **growers** who did not register a **seed potato** planting under the Scheme for four years, must obtain a certificate from the **authority**, as proof of their knowledge of the Scheme, **protocol**, applicable legal aspects and **seed potato** production.
- (2) For purposes of subsection (1), such **growers** are required to write and pass an open-book exam, compiled for this purpose by the **authority**.
- (3) The provisions of subsections (1) and (2) also applies *mutatis mutandis* to newly appointed members of the **authority** as well as **growers** who failed to adhere to the Scheme and **protocol**.

### **Requirements for units and *in vitro* multiplication facilities**

- 6.(1) Greenhouses and *in vitro* multiplication facilities require approval by the **authority** on a biennial basis, based on the guidelines of ISPM 10, 33 and 34.
- (2) In the case of a greenhouse -

- (a) the **unit** must be insect proof; and
- (b) the floor area of the greenhouse must be covered in such a manner that the roots of **plants** kept in containers thereon, cannot penetrate the soil on which the greenhouse is erected.
- (3) In the case of a **unit** intended for the cultivation of -
  - (a) **G0 seed potatoes**, the growing medium and any water used must be free from disease causing organisms, or have been effectively decontaminated;
  - (b) **G1 seed potatoes**, the **unit** must, for a period of at least the preceding 6 years, have been free of -
    - (i) the host **plants** specified in Table 1; and
    - (ii) any **plants** of *Solanum tuberosum* L., unless the **authority** determines otherwise.
  - (c) **G2 and G3 seed potatoes**, the **unit** must, for at least the preceding 4 years, have been free of -
    - (i) the host **plants** specified in Table 1; and
    - (ii) any **plants** of *Solanum tuberosum* L., unless the **authority** determines otherwise.
  - (d) **G4, G5, G6, G7 and Certified Commercial seed potatoes**, the **unit** must, for at least the preceding 3 years, have been free of -
    - (i) the host **plants** specified in Table 1; and
    - (ii) any **plants** of *Solanum tuberosum* L., unless the **authority** determines otherwise.
- (4) In the case of **G2 or G3 seed potatoes** that have been established on the same **unit** with **seed potatoes** of the generations referred to in subsection (3)(d), the **unit** must, for at least the preceding 4 years, have been free of -
  - (a) the host **plants** specified in Table 1; and
  - (b) any **plants** of *Solanum tuberosum* L., unless the **authority** determines otherwise.

#### **Separation requirements**

- 7.(1) **Sub-units** must be separated from one another by a **separation area** in the case of different varieties and different generations of the same variety.
- (2) **Sub-units** planted as **potato micro-propagative material** must be separated from each other by a suitable separation to prevent any **plant** part getting into contact with the **plants** from the adjacent **sub-unit**.
- (3) Different generations of **seed potatoes** may be planted together on a **unit**: Provided that
  - (a) such generations are separated from one another by a **separation area**;
  - (b) the **unit** conforms to the requirements for the **sub-unit** intended for the earliest generation planting;
  - (c) no potatoes nor any of the host **plants** specified in Table 1 of the Scheme are present in the **separation area** as stipulated in paragraph (a).
- (4) It is not allowed in terms of this Scheme that -
  - (a) **plants** of *Solanum tuberosum* L., that are not registered in terms of the Scheme; or
  - (b) **crop plants** specified in Table 1;
 may be grown -
  - (c) together with **plants** established on a registered **unit**; or
  - (d) in the **isolation area**.
- (5) If **seed potatoes** differing by more than three generations are planted on the same **unit**, the earliest generation shall be downgraded to a generation which is within three generations of the latest generation.

#### **Regulated pests**

- 8.(1) A **grower** shall notify the **authority** of the occurrence or presumed occurrence of **regulated pests** on -
  - (a) a **unit**;
  - (b) land within the **isolation area** from a **unit**; or
  - (c) land under his or her control upon which crops are being cultivated or are going to be cultivated.
- (2) A **unit** shall be regarded as a presumably infected **unit** if -
  - (a) it is situated on **property** upon which a **regulated pest** occurs or had occurred;
  - (b) it is situated on **property** adjacent to or within 50 metres of a **property** upon which a **regulated pest** occurs or had occurred;



- (c) it is situated on **property** where livestock occurs, and such livestock previously had access to land upon which a **regulated pest** occurs or had occurred and the **authority** regards such livestock as carriers of the **regulated pest**;
- (d) **seed potatoes** on the **unit** concerned originated from an **origin** which is or was infected with a **regulated pest**;
- (e) water that flows over the **unit** originates from land upon which a **regulated pest** occurs or had occurred;
- (f) the **unit** is irrigated with water which flows off land upon which a **regulated pest** occurs or had occurred;
- (g) the **plants** that occur on the **unit** may be infected with a **regulated pest**; or
- (h) equipment that has previously been used for the cultivation of land, upon which a **regulated pest** occurs or has occurred, is used on the **unit** concerned, without decontamination thereof.
- (3) (a) If, in the case of an uncovered plot of land, a **regulated pest** occurs on the **property** or an adjacent **property**, the **unit** must be surrounded by an **isolation area** in which no host **plants** specified in Table 1 or **plants** of *Solanum tuberosum* L. may occur.
- (b) The **isolation area** shall be at least 50 metres wide or as wide as the **authority** may determine after inspection.
- (4) Equipment used in soil that is infected with a **regulated pest** may not be used again for the cultivation of **seed potatoes** unless it has been effectively decontaminated.
- (5) If a **regulated pest** has been detected on or in a **unit**, -
  - (a) no **plants** of *Solanum tuberosum* L.; and
  - (b) in the case of *Ralstonia* spp., no crop **plants** specified in Table 1; may be planted on or in the **unit** for a period of 8 years unless the **authority** determines otherwise.
- (6) Soya beans (*Glycine max* (L.)) and oilseed rape (*Brassica napus* (L.)) may not be planted in the crop rotation or **isolation area** during the eight-year withholding period of host **plants** of bacterial wilt on a **unit** that previously tested positive for bacterial wilt.
- (7) For purposes of testing for Golden Cyst Nematode (*Globodera rostochiensis*),
  - (a) all fields located in the Sandveld production area as well as fields not previously sampled in the Ceres district, intended for registration under the Scheme, must be sampled, unless the **authority** determines otherwise; and
  - (b) the **authority** may from time to time determine that any other field in another location must be sampled as well.

#### **Establishment requirements**

- 9.(1) **Plants** established on a **unit** must -
  - (a) be clearly identified according to variety;
  - (b) be **true to variety**;
  - (c) be cared for in a manner that is conducive to the cultivation of **seed potatoes**;
  - (d) not be overgrown with weeds;
  - (e) be free from **regulated pests**; and
  - (f) not exceed the maximum percentage permissible with regard to **deviating plants** and pathogen infected **plants** specified in Table 2 and virus infected **plants** specified in Table 3.
- (2) A **grower** must remove all **deviating plants** and tubers and all suspected **deviating plants** and tubers from a **unit** on a continuous basis.

#### **Requirements with regard to source of potato micro-propagative material**

- 10.(1) **Potato micro-propagative material** cultivated on a **unit** must be **true to variety**.
- (2) All the **potato micro-propagative material** must have originated from an *in vitro* facility approved by the **authority**.
- (3) Proof shall be furnished to the satisfaction of the **authority** that the **potato micro-propagative material** is **true to variety** and that it complies with the phytosanitary status referred to in subsections (4), (5) and (6).
- (4) Phytosanitary status indicates that the initial **potato micro-propagative material** (imported clones or newly established clones) has been tested in the controlling laboratory, which laboratory must be approved by the **authority** as such and registered with the Registrar of Plant Improvement, in accordance with recognised methods and
  - (a) tested negative for the presence of **PLRV**, **TSWV** and Potato Viruses X, M, A, S and Y;
  - (b) tested negative for the presence of *Ralstonia* spp., and **SRE**;
  - (c) is **visually free** from symptoms characteristic of any other pests; and
  - (d) tested negative in an enriching medium for general microbial contamination.

- (5) Subsequent **potato micro-propagative material** must have tested negative for the presence of **Ralstonia spp.** and **SRE** when transferred to another **grower**.
- (6) The **authority** may at its own discretion, require further tests in respect of **potato micro-propagative material** before such plantings are registered in terms of section 13.

#### **Requirements with regard to propagating material**

- 11.(1) Propagating material cultivated on a **unit** must -
  - (a) be **true to variety**;
  - (b) test free from **Ralstonia spp.** in a laboratory approved by the **authority** in accordance with recognised methods;
  - (c) in the case of **G0 seed potatoes**, also test free from **SRE** in the controlling laboratory approved by the **authority** in accordance with recognised methods.
  - (d) not exceed the maximum percentage permissible with regard to -
    - (i) virus infected **seed potatoes** as specified in Table 4 but not exceeding 2,5% of the total virus content according to the result of the **field or store sample** as tested in a laboratory approved by the **authority** in accordance with recognised methods;
    - (ii) potato tuber moth damage and pathogen infected **seed potatoes** as specified in Tables 5 and 7;
    - (iii) non-pathogenic deviations as specified in Table 6; and
    - (iv) deviating tubers as specified in Table 2.
- (2) Only **seed potatoes** that comply with the requirements for **G0 to G7 seed potatoes**, Class Elite and Class 1 as specified in Tables 2, 5, 6 and 7 may be used as propagating material.
- (3) The **authority** may, in consultation with the Registrar of Plant Improvement, determine the requirements in respect of propagating material that has been retained by a **grower** for his or her own use.

#### **Requirements with regard to source of seed potatoes**

- 12.(1) Only **seed potatoes** which have been certified in terms of this Scheme may be established on a **unit** and such **source** must, in the case of the cultivation of -
  - (a) **G0 seed potatoes**, be **potato micro-propagative material** from an *in vitro* facility approved by the **authority**;
  - (b) **G1 seed potatoes**, be **G0 seed potatoes (mini tubers)**; and
  - (c) any other generation, be any earlier generation than the generation of the propagating material established on the unit.

#### **Registration of units**

- 13.(1) An application for the registration of an area of land or a container or containers in a greenhouse as a **unit** must be made on the form and in the manner determined by the **authority**.
- (2) The application for registration -
  - (a) must be submitted by the person who intends to cultivate **seed potatoes** for certification or by the **assignee** of that person; and
  - (b) must be submitted in time to allow the **authority** to carry out the first field inspection, as described in the **protocol**.
- (3) An application for registration must, subject to the provisions of subsection (4), be accompanied by -
  - (a) full particulars of the planting;
  - (b) in the case of an area of land, a map of the site clearly indicating where the **unit** concerned is located;
  - (c) in the case of a container in a greenhouse, a map of the site indicating where the different **units** are situated;
  - (d) in the case of -
    - (i) local **seed potatoes**, a label confirming the **source** and **origin** of the **seed potatoes**; or
    - (ii) imported **seed potatoes**, proof to the satisfaction of the **authority**, of the **origin** of those **seed potatoes**;
  - (e) the fee determined by the **authority**; and
  - (f) in the case of a variety that is subject to a **plant breeder's right** in terms of the Plant Breeders' Rights Act, 1976 (Act No. 15 of 1976), written permission from the license holder/agent of the variety authorising the applicant to cultivate that variety.
- (4) The **property** map referred to in subsection (3)(b) is submitted on one occasion only, unless additional fields on the specific **property** are contemplated for the cultivation of **seed potatoes**.

- (5) The **authority** shall issue a **registration certificate** upon approval of an application.
- (6) The provisions of this Scheme are binding on the person in whose favour the **unit** concerned is registered from the date on which such **unit** is registered.
- (7) If a person was not registered as a **grower** in terms of this Scheme during the previous four years, such person shall be regarded as a new **grower**.
- (8)
  - (a) Each **unit** must be clearly identified by means of a name plate indicating the variety cultivated on that **unit**, as well as the **unit** or **sub-unit number**;
  - (b) Subject to the provisions of paragraph (a), distinct boards must be erected to distinguish between **units** on which **plants** of the same variety but of different seed sources are cultivated.
- (9) All labels and waybills with regard to **seed potatoes** that have been planted on a **unit**, must, upon request of the **authority**, be made available in order to verify the **origin** of the seed.

#### ***Refusal of application for registration as a unit***

- 14.(1) An application for the registration of a **unit** may be refused if -
- (a) the applicant -
    - (i) will by reason of a lack of knowledge or lack of facilities at his or her disposal, probably not be able to cultivate **seed potatoes** that will be suitable for certification; and
    - (ii) previously failed to comply with the provisions of this Scheme or a condition determined thereunder;
  - (b) the **unit** concerned -
    - (i) is situated in an area where a **regulated pest** occurs; or
    - (ii) cannot at all times readily be reached for the purposes of inspection in terms of this Scheme;
  - (c) the application concerned contains a substantial misrepresentation; or
  - (d) the applicable provisions of this Scheme with regard to a **unit** have not been complied with.

#### ***Terms of registration***

15. The registration of a **unit** shall, subject to earlier termination in terms of this Scheme, be valid from the date of issue of the **registration certificate** to the date on which the post-control results of the seed crop of the growing season, to which such registration relates, are available.

#### ***Transfer of registration***

- 16.(1) The registration of a **unit** is only transferable on condition that the provisions of subsections (2) and (3) are complied with.
- (2) If a **grower** transfers his or her rights in respect of a **unit** to another person, the **grower** shall within 21 days of the date of such transfer of rights notify the **authority** in writing thereof.
  - (3) If a person to whom rights in respect of a **unit** have been transferred as referred to in subsection (2) desires to continue with participation in this Scheme in respect of that **unit**, an application for the registration of that **unit** in his or her name in terms of section 13 must forthwith be lodged by such person. Such transferee will be bound by this Scheme and must comply with its provisions.

#### ***Termination of registration***

- 17.(1) The registration of a **unit** shall lapse if the **grower** concerned transfers his or her rights in respect of that **unit** without notifying the **authority** thereof in terms of section 16(2).
- (2) The registration of a **unit** may at any time be withdrawn if -
- (a) the applicable provisions of this Scheme with regard to **unit** requirements have not been complied with;
  - (b) adequate proof of the **source** of the **seed potatoes** established on the **unit** cannot be furnished;
  - (c) a nutritional deficiency, drying-out, weed infestation or physiological, chemical, hail, cold, insect or pathogen damage or any other damage to the **plants** on the **unit** concerned makes it impossible to observe the varietal properties of those **plants** or the occurrence of insects or pathogens thereon;
  - (d) circumstances prevail or information has come to light which, if it had prevailed or came to light earlier, would have resulted in a refusal to register the **unit** concerned;
  - (e) the **grower** refuses or fails to present samples of **plants** or tubers cultivated on the **unit** for inspection or certification;
  - (f) the directives determined by the **authority** with regard to the prevention of the spreading of **regulated pests** to the **unit** had not been complied with; or



- (g) the certification of the **seed potatoes** has been withdrawn in terms of section 31.

#### **Inspection of units**

- 18.(1) The **authority** shall carry out an inspection with regard to the requirements set out in sections 6, 7 and 9.
- (2) The **grower** must notify the **authority** within 30 days after emergence of the **plants** in order for the first inspection to be carried out.
- (3) The **authority** shall carry out as many additional inspections as the **authority** may deem necessary.
- (4) If the **authority** fails to carry out the inspections referred to in subsections (1) and (2), the certification of **seed potatoes** cultivated on the **unit** may not be refused solely on account thereof.
- (5) Records of the particulars of the inspection and decisions and instructions which arise therefrom shall be made available to the **grower** or his or her **assignee** on request.

#### **Field sample**

- 19.(1) In the case of a **field sample** to determine the virus status of a **unit** -
- (a) the **grower** must notify the **authority** forthwith when the top growth of **plants** has died off or has been destroyed and the skins of the tubers have set;
  - (b) the **grower** must forthwith make an appointment with the **authority** to draw the virus **field sample**;
  - (c) a representative tuber sample must be taken in accordance with the provisions of the **protocol**;
  - (d) only one tuber per **plant** shall be taken;
  - (e) unless otherwise determined by the **authority**, the size of the sample for testing for certification shall, in the case of -
    - (i) **G0 seed potatoes**, be 2 tubers per 100 **plants** or a portion thereof;
    - (ii) **G1 and G2 seed potatoes**, be 400 tubers per 2.5 hectares or a portion thereof;
    - (iii) **G3 seed potatoes**, be 400 tubers per 5 hectares or a portion thereof; and
    - (iv) **G4, G5, G6, G7 and Certified Commercial seed potatoes**, be 200 tubers per 5 hectares or a portion thereof.
  - (f) the **grower** may request that the sample size applicable to **G3 seed potatoes** referred to in paragraph (e)(iii) be taken for **G4, G5, G6, G7 and Certified Commercial seed potatoes**;
  - (g) in the case of greenhouse plantings (**potato micro-propagative material** planted), the **grower** may request that leaf samples be taken, in which case the size of the sample for testing for certification shall be 2 composite leaves per 100 **plants** or a portion thereof, and tested in accordance with the prescriptions of the **protocol** for the presence of viruses instead of testing tubers;
  - (h) in the case of **TSWV** detected during field inspection, the virus **field sample** will be tested for **TSWV** in accordance with recognised methods;
  - (i) on **units** smaller or equal to 0.5 hectare, the sample size shall be as follows -
    - (i) 80 tubers for plantings less or equal to 0.1 hectare;
    - (ii) 160 tubers for plantings bigger than 0.1 hectare to 0.25 hectare;
    - (iii) 240 tubers for plantings bigger than 0.25 hectare to 0.4 hectare;
    - (iv) 320 tubers for plantings bigger than 0.4 hectare to 0.5 hectare; and
 if more than 0.5 hectare, the normal sample size applies; and
  - (j) in the case of regrowth, the **field sample** result will be ignored, and certification shall only be awarded on a favourable virus **store sample** result.
- (2) In the case of a **field sample** to determine the presence of *Ralstonia* spp. in the case of **G0** to **Certified Commercial seed potatoes**, and to determine the presence of **SRE** in the case of **G0 seed potatoes** -
- (a) the **grower** must forthwith make an appointment with the **authority** to draw the bacterial sample;
  - (b) the sample shall be taken as late as possible during the growing season or after the foliage has died off and the skins of the tubers have set;
  - (c) one sample shall be taken in accordance with the provisions of the **protocol** from plantings on a **unit** or **units** within the **isolation area**;
  - (d) only one tuber per **plant** shall be taken; and
  - (e) unless otherwise determined by the **authority**, the size of the sample shall, in the case of -
    - (i) **G0 seed potatoes**, be 4 tubers per 100 **plants** or a portion thereof;
    - (ii) **G1 seed potatoes**, be 1 tuber every 10 metres in each row to a maximum of 4 605 tubers over the whole planting;

- (iii) **G2 to Certified Commercial seed potatoes**, be 4 605 tubers taken in accordance with the provisions of the **protocol** in plantings on a **unit** or **units** in the **isolation area**; or
- (iv) **G2 to Certified Commercial seed potatoes** planted on **units** of 1 hectare or smaller, be 1 tuber every ten meters in each row to a maximum of 4 605 tubers over the whole planting.
- (3) In the case where the growth stages of **seed potatoes** on **units** in the **isolation area** overlap, certification of such **seed potatoes** may only take place once **field sample** results of all the **units** concerned are known and the provisions of section 24 have been complied with.
- (4) All **field samples** must be taken according to the prescriptions of the **protocol**, under supervision of a certification official or a person designated by the **authority**.
- (5) Where a **sub-unit**, or a **unit** within the **isolation area**, is rejected or withdrawn from certification, bacterial wilt samples must be taken on the rejected or withdrawn **unit** prior to harvesting. Failure to comply will result in the termination of the certification process on all **units** concerned.

### Store sample

- 20.(1) A **store sample** shall be taken if –
  - (a) a virus **field sample** has not been taken on the **unit**;
  - (b) there is doubt with regard to the **origin** of the **seed potatoes**;
  - (c) there is doubt with regard to the virus status of a **unit**;
  - (d) if Tomato Spotted Wilt Virus symptoms have been detected during tuber inspection and the **field sample** was not tested for Tomato Spotted Wilt Virus; or
  - (e) initial **potato micro-propagative material** or **mini tubers** need to be registered in terms of this Scheme.
- (2) Unless otherwise determined by the **authority**, the size of the **store sample** shall, in the case of –
  - (a) initial **potato micro-propagative material**, be –
    - (i) 1% of the number of **plants** per variety per clone for testing for the presence of Potato Viruses X, M, A, S, Y, **PLRV** and **TSWV**; and
    - (ii) 1% of the number of **plants** per variety per clone for testing for the presence of **Ralstonia spp.**, as well as **SRE** and general microbial contamination; with a minimum of 12 **plants** each;
  - (b) **potato micro-propagative material** for subsequent multiplication purposes, be –
    - (i) 1% of the number of **plants** per variety per clone for testing for the presence of Potato Viruses X, M, A, S, Y and **PLRV**; and
    - (ii) 1% of the number of **plants** per variety per clone for testing for the presence of **Ralstonia spp.**, as well as **SRE**; with a minimum of 12 **plants** each;
  - (c) imported **mini tubers**, be –
    - (i) 1% of the number of **mini tubers** imported per variety for testing for the presence of Potato Viruses X, M, A, S, Y, **PLRV** and **TSWV**; and
    - (ii) 1% of the number of **mini tubers** imported per variety for testing for the presence of **Ralstonia spp.**, as well as **SRE**; with a minimum of 5 tubers;
  - (d) **G0 seed potatoes**, be –
    - (i) 2 tubers per 100 **plants** or a portion thereof for virus testing; and
    - (ii) 4 tubers per 100 **plants** or a portion thereof for testing for the presence of **Ralstonia spp.**, as well as **SRE**; and
  - (e) **G1 to Certified Commercial seed potatoes**, be 400 tubers per 5 000 x 25 kg containers or a portion thereof for virus testing.
- (3) In determining the virus content of **seed potatoes**, where a **grower** opts for a **store sample** to be taken instead of a **field sample**, and **TSWV** was observed during a field inspection, the **store sample** must be tested for **TSWV**.
- (4) A **store sample** shall be taken from closed containers identified by an attached **grower** label, save in the event of **own planting material**, in which case the containers must be adequately marked to the satisfaction of the **authority**.
- (5) Virus **store samples** may not be stimulated for sprouting, except in the case of **G0 seed potatoes**.
- (6) All **store samples** shall be taken under the supervision of a certification official, or a person designated by the **authority**, and be tested to the satisfaction of the **authority**.

**Post-control sample**

- 21.(1) A **post-control sample** shall be taken during tuber inspections of a presentation in terms of section 28 -
- (a) in order to confirm the virus results of all **seed potatoes** certified as **G1 to Certified Commercial seed potatoes**; and
  - (b) in order to confirm whether the **seed potatoes** are **true to variety**.
- (2) The **authority** may withdraw the certification of **seed potatoes** in accordance with the provisions of section 31 if the results of the **post-control sample** exceed 15% for Potato Virus Y, 5% for **PLRV**, 5% for **TSWV** and 15% total virus content.
- (3) The size of the **post-control sample** drawn shall, with regard to -
- (a) the purpose contemplated in subsection (1)(a) -
    - (i) in the case of **G1 to Certified Commercial seed potatoes**, be 200 tubers per 5 000 x 25 kg containers or a portion thereof; and
    - (ii) in the case of not more than 25 x 25 kg bags, be 80 tubers and each tuber will be tested separately.
  - (b) the purpose contemplated in subsection (1)(b), be 60 tubers per 5 000 x 25 kg containers or a portion thereof.
- (4) All **post-control samples** shall be taken under the supervision of a certification official, or a person designated by the **authority**, and be tested to the satisfaction of the **authority**.
- (5) **Post-control samples** shall be taken from at least 25 x 25 kg containers per 5 000 x 25 kg containers or a portion thereof for each presentation.

**Ad hoc sampling**

- 22.(1) In the case of sampling to trace and confirm a disease condition, a sample consisting of a single **plant** or tuber may be taken at any time during the registration period of a **unit**.
- (2) All samples must be taken according to the prescriptions of the **protocol**, under supervision of a certification official or a person designated by the **authority**.

**Harvesting and storage requirements**

- 23.(1) If potato tubers from an infected or a presumably infected **unit**, as referred to in section 8, have been lifted, transported from or sorted, the equipment used for the lifting, transporting or sorting of such tubers shall be effectively decontaminated with a suitable agent before it is used again for the lifting, transporting or sorting of **seed potatoes**.
- (2) **Seed potatoes** intended for certification or that have been certified shall at all times be stored in a manner so that -
- (a) it is protected against physiological and physical damage;
  - (b) **seed potatoes** cultivated on different **units** can be identified clearly and conspicuously;
  - (c) **seed potatoes** of different varieties can be identified clearly and conspicuously;
  - (d) it is not kept or handled simultaneously in the same store with potatoes originating from unregistered **units**; and
  - (e) notwithstanding the provisions of paragraph (d), where potatoes from unregistered **units** are handled by the **grower** in the same store as potatoes from registered **units**, the store and all apparatus shall be disinfected with a suitable agent, prior to the handling and sorting of **seed potatoes** intended for certification.

**Conditions for certification**

- 24.(1) **Seed potatoes** may be certified in terms of this Scheme if -
- (a) the **seed potatoes** are cultivated on a **unit** that has been registered in terms of section 13;
  - (b) the **seed potatoes** are cultivated by or on behalf of the **grower** concerned;
  - (c) the **unit** upon which the **seed potatoes** have been cultivated has been separated in accordance with the provisions of section 7;
  - (d) the **seed potatoes** were obtained from **potato micro-propagative material** in accordance with the provisions of section 10;
  - (e) the **seed potatoes** are **true to variety**;
  - (f) the **seed potatoes** were established in accordance with the provisions of sections 11 and 12;
  - (g) each **unit** on which the **seed potatoes** were cultivated, has been identified in accordance with the provisions of section 13(8);
  - (h) the **unit** on which the **seed potatoes** were cultivated, was inspected in accordance with the provisions of section 18;

- (i) the **seed potatoes** are contained in containers as referred to in section 25;
- (j) the containers referred to in paragraph (i) are labelled in accordance with the provisions of section 26;
- (k) the **seed potatoes** have been presented for certification in accordance with section 28;
- (l) the **seed potatoes** do not exceed the maximum percentage permissible –
  - (i) for deviating tubers as specified per generation in Table 2 for second field inspection;
  - (ii) with regard to virus infected **seed potatoes** as specified per generation in Table 4 and 7;
  - (iii) with regard to potato tuber moth damage and pathogen infected **seed potatoes** as specified per generation and class in Table 5; and
  - (iv) with regard to non-pathogenic deviations as specified per generation and class in Table 6;
- (m) the **seed potatoes** for **own planting material** exceed the disease tolerance specified for *Rhizoctonia*, but comply with **Certified Commercial seed potatoes** requirements and are also treated, same can be certified within generation as Class 1 **seed potatoes**;
- (n) the **seed potatoes** comply with the disease tolerance specified for Black Dot / Silver Scurf for **Certified Commercial seed potatoes** and are treated, same can be certified within generation as Class 1 **seed potatoes**;
- (o) the **seed potatoes** exceed the disease tolerance specified for Black Dot / Silver Scurf for **Certified Commercial seed potatoes** but are treated, same can be certified as **Certified Commercial seed potatoes**;
- (p) the **seed potatoes** have been classified in accordance to the class requirements specified in Tables 5 and 6: Provided that the classification as Class Elite be awarded only to **seed potatoes** of which the virus content, according to the laboratory result of a **field or store sample**, is less than or equal to 2.5%; and
- (q) all other provisions of this Scheme with regard to **seed potatoes** have been complied with.

### Containers

- 25.(1) When presented for certification, **seed potatoes** must at all times during certification be contained in containers that must –
  - (a) in the case of retail containers, be unused; and
  - (b) in the case of mass containers, be containers that were approved by the **authority**.
- (2) The containers in which **seed potatoes** are harvested or stored before presentation for certification, must be –
  - (a) bags or crates that were not previously used for the harvesting or storage of potatoes which were infected with a **regulated pest**; or
  - (b) bags or crates that were disinfected with an effective agent if such bags or crates were used previously for potatoes infected with a **regulated pest**.
- (3) In the case of **seed potatoes** intended to be used by a **grower** for his or her **own planting material**, which are presented for certification, the containers may be used containers.

### Labelling of seed potatoes

- 26.(1) Each container of **seed potatoes** shall be provided with a self-sealing label that is issued by the **authority**.
- (2) The colour of the label, will in the case of –
  - (a) **G0 seed potatoes**, be gold;
  - (b) **G1 seed potatoes**, be red;
  - (c) **G2 seed potatoes**, be yellow;
  - (d) **G3 seed potatoes**, be purple;
  - (e) **G4 seed potatoes**, be green;
  - (f) **G5 seed potatoes**, be white;
  - (g) **G6 seed potatoes**, be pink;
  - (h) **G7 seed potatoes**, be orange; and
  - (i) **Certified Commercial seed potatoes**, be light green.
- (3) Class indication for Class 1 will be green.
- (4) Class indication for Class Elite will be red.
- (5) G0 and **Certified Commercial seed potatoes** will have no class indication.
- (6) Upon completion of the tuber inspection, the **grower** must within 24 hours affix the labels issued to him or her to the containers in a manner determined by the **authority**.
- (7) No particulars other than those required by the **authority** shall appear on such label.



- (8) **Growers** shall provide an additional label on the containers in which **seed potatoes** are packed with the following information-
- (a) the variety concerned;
  - (b) the date of packing;
  - (c) the **grower** code as allocated by the **authority**;
  - (d) the **unit** or **sub-unit number**;
  - (e) the mass of the container at the time of packing; and
  - (f) the tuber count in the case of **G0 seed potatoes**.
- (9) The letters and figures used to indicate particulars on the label referred to in section 26(8) must be -
- (a) of a letter type that is clearly legible;
  - (b) of a colour that is in clear contrast with the colour of the label on which it appears;
  - (c) entered indelibly.
- (10) The label referred to in subsection (8) must be attached to all containers presented for inspection by the **grower** prior to inspection by the **authority**.
- (11) In the case of treated **seed potatoes**, a label with information of the chemical used and date of treatment must be attached to all bags of treated seed.
- (12) No information may be contained on the label referred to in subsection (8) which -
- (a) creates a false or misleading impression with regard to the certification of the **seed potatoes** concerned; or
  - (b) is untrue, inaccurate or vague with regard to the **seed potatoes** or the **grower**.

#### ***Removal of seed potatoes***

- 27.(1) **Seed potatoes** may not, prior to the certification thereof, be removed from the premises where it has been sorted without the written approval of the **authority**.
- (2) The application for removal referred to in subsection (1) must be submitted to the **authority** in writing and must indicate -
- (a) the quantity of **seed potatoes** in respect of each variety to be removed;
  - (b) the address of the premises to which the **seed potatoes** will be removed and the name of the owner of the premises concerned; and
  - (c) the particulars used to identify those **seed potatoes**.

#### ***Presentation for certification***

- 28.(1) The containers referred to in section 25(1) must be stored in such a manner so as to enable easy access to each container for the purposes referred to in section 29(2).
- (2) The containers, if stacked, may not be stacked higher than 10 containers.
- (3) Unless otherwise determined by the **authority**, the **seed potatoes** must be packed in quantities of 25 kg per container.
- (4) The containers must be stored in such a manner that the labelling and sealing of the containers can take place without delay.
- (5) The **grower** must, to the satisfaction of the **authority**, present a realistic quantity of **seed potatoes** obtained from a **unit**, on each occasion for certification.
- (6) The **grower** must, to the satisfaction of the **authority**, make an inspection table with a smooth surface available to the **authority** in a place with sufficient light and which is suitable for the efficient inspection of **seed potatoes** for certification.

#### ***Certification of seed potatoes***

- 29.(1) A **grower** must notify the **authority** at least two days in advance of the date on which the **seed potatoes** will be ready to be presented for certification.
- (2) The **authority** must on or as soon as possible after the date on which the **seed potatoes** will be ready to be presented for certification as contemplated in subsection (1) -
- (a) inspect the **seed potatoes** concerned in order to determine whether it may be certified; and
  - (b) draw a representative **post-control sample** of the **seed potatoes** concerned.
- (3) The certification of the **seed potatoes** shall be confirmed by an inspection report in the form determined by the **authority**.
- (4) The label referred to in section 26(1) to (7) shall be proof of the certification of the **seed potatoes** in that container and must be of a type that cannot be removed or re-used without being damaged.
- (5) If the **authority** is satisfied that all provisions of this Scheme with regard to the **seed potatoes** concerned have been complied with, the **authority** shall certify those **seed potatoes**.
- (6) The **authority** may, upon written request of the **grower**, in exceptional circumstances, approve **G1 to Certified Commercial seed potatoes** as "not finally certified" before the virus results are known,



provided that should the virus content exceed the permissible tolerance for the certified generation, the approval as "not finally certified" will lapse and the final certification will be awarded, in which case the **certification labels** will be replaced or removed.

- (7) The **authority** may, at the request of the **grower**, downgrade the **seed potatoes** in generation and class.

#### **Records and returns**

- 30.(1) Each **grower**, with regard to **seed potatoes** supplied by him or her, must keep record of -
- (a) the name and address of each person to whom a quantity of that **seed potatoes** has been issued;
  - (b) the denomination of the variety or breeding line that has been issued; and
  - (c) the quantity of **seed potatoes** of each variety issued to each person.
- (2) Each **grower**, with regard to each quantity of **certified seed potatoes** received by him or her, must keep record of -
- (a) the name and address of the person from whom such lot has been received;
  - (b) the denomination of the variety or breeding line of that **seed potatoes**; and
  - (c) the quantity of **seed potatoes** of each variety received from each person.
- (3) Each **grower**, with regard to labels issued in terms of section 26(1) during a year, must keep record of -
- (a) the number of labels received by him or her;
  - (b) the number of labels affixed to containers; and
  - (c) the number of labels damaged or destroyed.
- (4) The **authority** may request a **grower** to submit a report on a date, form and in a manner determined by the **authority**, of the particulars recorded in terms of section 30.
- (5) Inspection reports must be signed by the **grower** or his or her **assignee**.

#### **Withdrawal of certification**

- 31.(1) The **authority** may at any time withdraw the certification of **seed potatoes** if -
- (a) the **seed potatoes** are not **true to variety**;
  - (b) information has come to light which, if it came to light earlier, would have resulted in the certification being refused; or
  - (c) any provision of this Scheme with regard to **seed potatoes** has not been complied with.
- (2) Prior to issuing a notice as contemplated in subsection (5), the **authority** must notify the **grower** in writing of the **authority's** intention to withdraw the certification and the reasons for such intended withdrawal.
- (3) The **grower** may furnish reasons as to why the certification should not be withdrawn, provided that such reasons must be furnished in writing and within 14 days after receipt by the **grower** of the **authority's** notification of intention to withdraw the certification.
- (4) The **authority** shall, after considering reasons furnished by the **grower** in terms of subsection (3) and still being convinced that certification must be withdrawn, notify the **grower** in writing of the decision to withdraw the certification.
- (5) A **grower** who has been notified of the withdrawal of the certification of the **seed potatoes** must forthwith -
- (a) remove the labels referred to in sections 26(1) and 29(4) from the containers of **seed potatoes** in respect of which certification has been withdrawn and is still in his or her possession;
  - (b) notify each person to whom a quantity of the **seed potatoes** concerned has been delivered, in writing of the withdrawal of the certification thereof, and request each such person in writing to remove such labels from the containers of **seed potatoes** concerned; and
  - (c) furnish the authority with a copy of each such notice issued by him.
- (6) The **authority** may by notice in the *Government Gazette* make known the relevant particulars of the withdrawal of the certification of the **seed potatoes** and the name and address of the **grower** affected thereby.

#### **Powers of inspections**

- 32.(1) The powers of inspection referred to in sections 24A and 25(1) of the **Act** are hereby granted to the **authority** for the purpose of the application of this Scheme and to any person authorised in writing by the **authority** to enforce any provision of this Scheme.
- (2) A person acting under subsection (1) may demand from the owner or custodian of the premises concerned all reasonable assistance that such person may deem necessary to enable him or her to

- carry out the inspection concerned or to perform any other act in connection with the application of this Scheme.
- (3) No compensation shall be payable by the **authority** in respect of -
    - (a) assistance rendered in terms of subsection (2); or
    - (b) any sample taken during an inspection.
  - (4) An inspection or analysis in terms of this Scheme will be carried out in accordance with the methods determined by the **authority**.
  - (5) The quantity of **plants** inspected on a **unit** and the quantity of **seed potatoes** drawn as sample shall be deemed to be representative of all **plants** on the **unit** concerned and all **seed potatoes** from which the sample concerned was drawn.
  - (6) The quantity of **seed potatoes** inspected for certification shall be deemed to be representative of the quantity so presented.

#### ***Discretionary powers of authority***

- 33.(1) The **authority** may -
  - (a) consider any application or request submitted to it in writing in terms of this Scheme;
  - (b) carry out any investigation or enquiry in connection with an application referred to in paragraph (a) which the **authority** may deem necessary;
  - (c) for the purposes of an investigation or enquiry referred to in paragraph (b), require that the applicant submit to the **authority** any other documentation or evidence as the **authority** may require;
  - (d) with the concurrence of the Registrar of Plant Improvement designated in terms of section 3 (1) of **the Act** and the Executive Officer designated in terms of section 2(1) of the Agricultural Pests Act, 1983 (Act No. 36 of 1983) exempt any **grower** in writing, either entirely or partially, on such conditions as the **authority** deem necessary, from the provisions of this Scheme; and
  - (e) institute disciplinary action against a **grower** if the **grower** fails to comply with the provisions of the Scheme and may impose such penalties or restrictions as the **authority** may deem fit in the circumstances.
- (2) The **authority** may withdraw the registration of a **unit** or refuse to certify **seed potatoes** presented for certification.
- (3) Permissions, approvals or authorisations, decisions or orders by the **authority** in terms of this Scheme may -
  - (a) be made subject to such conditions as the **authority** may in each case determine in writing; and
  - (b) in a particular case, be amended or withdrawn by the **authority** in writing if the **authority** deems it necessary.
- (4) Permissions, approvals, authorisations, decisions or orders by a person authorized to exercise, perform or carry out any power, function or duty of the **authority**, under Section 24(2)(a) of **the Act**, may be withdrawn or amended by the **authority**: Provided that any permission, approval, authorisation, decision or order by such a person shall, until it is so withdrawn or amended, be deemed to have been given or made by the **authority**.
- (5) The procedure to be followed and the grounds upon which the **authority** may consider the withdrawal or amendment of any permission, approval, authorisation, decision or order of an authorized person contemplated under subsection (4), shall be set out in the **protocol**.
- (6) The **authority** must notify the applicant or person concerned in writing of its decision made in terms of section 33 and of the grounds on which it is based.
- (7) If a withdrawal or refusal referred to in subsection (2) arises from a deficiency that can be rectified through the application of some or other act or treatment, the **authority** shall advise the **grower** concerned of such deficiency and remedial act or treatment.
- (8) The **authority** may, at the request of a **grower** who took remedial action or applied a treatment of which he or she has been notified as contemplated in subsection (7), approve that the **unit** or **sub-unit** concerned be re-inspected or the **seed potatoes** concerned be re-inspected for certification.
- (9) The **authority** may, in exceptional cases, reclassify the generation of **seed potatoes** and such reclassification shall be final.
- (10) The **authority** may reclassify the class of **seed potatoes** and such reclassification shall be final.
- (11) The **authority** may grant written approval to establish **seed potatoes** other than **seed potatoes** referred to in section 12.
- (12) An application for the approval referred to in subsection (11) must be in writing and accompanied by such particulars as required by the **authority** in each case.
- (13) The **authority** may at any time withdraw such approval referred to in subsection (11), if it is of the opinion that the **plants** obtained from the **seed potatoes** concerned do not comply with the requirements of this Scheme.

**Appeals**

34. The provisions of section 32 of **the Act** shall *mutatis mutandis* apply with regard to any person who feels aggrieved by any decision or action taken by the **authority** in connection with this Scheme.

**Payment of fees**

- 35.(1) An applicant or **grower**, as the case may be, must pay to the **authority** an amount, as determined by the **authority**, in respect of the functions performed under and in terms of the Scheme, including but not limited to -
- (a) an inspection or re-inspection carried out by the **authority** in terms of sections 18 and 29 (2);
  - (b) the determination to test whether the **seed potatoes** are **true to variety**; and
  - (c) viral and bacterial determinations.
- (2) If more than ten hectares are registered, -
- (a) a new **grower**, who receives a **grower** code for the first time in terms of this Scheme; or
  - (b) an existing **grower** who did not register for a period of four years,
- must pay, in addition to the normal registration fee, an administration fee in respect of the functions referred to in subsection (1), which administrative fee will be equal to the registration fee per hectare determined by the **authority** multiplied by the number of hectares registered. The administration fee shall be payable during the first two consecutive plantings, with the understanding that plantings made 120 days after the first planting are to be considered consecutive plantings. Registration fees for new **growers** are fully payable upon registration. Should the aforesaid plantings not be certified, the administrative fee shall be payable in respect of each planting until two consecutive plantings are certified.
- (3) The provisions of subsection (2) shall not apply in respect of a new **grower** who registers plantings of ten hectares or less under the Scheme.
- (4) Postage on and delivery costs of any application, notice, appeal or other documentation which is submitted in terms of this Scheme, as well as on or of anything else pertaining thereto, shall be prepaid by the sender thereof.
- (5) An amount payable in terms of this Scheme -
- (a) shall be recovered by means of levies and tariffs and be paid to the **authority**; and
  - (b) must be paid by means of a bank deposit or electronic transfer.
- (6) An amount that has been paid in terms of this Scheme shall not be refundable.
- (7) If an applicant or a **grower** refuses or fails to pay any amount owing by him or her in terms of this Scheme, the **authority** may suspend the certification of the **seed potatoes** presented by such applicant or **grower** until the amount concerned has been paid.

**Addresses for submission of documents**

- 36.(1) Any application, notice or other documentation or anything pertaining thereto that is in terms of this Scheme required to be submitted to the **authority** must be submitted at the **grower's** regional office or the head office of the **authority** as may be applicable.
- (2) Information pertaining to the regional office or the head office of the **authority** referred to in subsection (1) may be obtained from -

The Executive Chair  
Independent Certification Council for Seed Potatoes  
Private Bag X135  
**PRETORIA**  
0001

Potato House  
6 De Havilland Crescent  
**PERSEQUOR TECHNOPARK**  
0020

Telephone number: +27 (0) 60 716 2607  
Web address: [www.potatocertification.co.za](http://www.potatocertification.co.za)

**TABLE 1**  
Common host plants of *Ralstonia* spp. (bacterial wilt disease) other than *Solanum tuberosum* L.

Scientific name	Common name
<b>Crops</b>	
<i>Arachis hypogaea</i> L. ....	Groundnut
<i>Brassica oleracea</i> L. *	Cabbage crops*
<i>Capsicum</i> L. ....	Pepper
<i>Citrullus lanatus</i> (Thunb.) Matsum. et Nakai .....	Watermelon
<i>Cucurbita</i> L. ....	Pumpkins
<i>Gossypium hirsutum</i> L. ....	Cotton
<i>Helianthus annuus</i> L. ....	Sunflower
<i>Lycopersicon lycopersicum</i> L. (=L. <i>Esulentum</i> , <i>Solanum Lycopersicon</i> ) .....	Tomato
<i>Nicotiana tabacum</i> L. ....	Tobacco
<i>Solanum melongena</i> L. var. <i>esculentum</i> Nees .....	Eggfruit
<b>Weeds</b>	
<i>Amaranthus deflexus</i> L. ....	Pigweed
<i>Bidens bipinnata</i> L. ....	Spanish blackjack
<i>Datura ferox</i> L. ....	Large thorn apple
<i>Datura stramonium</i> L. ....	Common thorn apple
<i>Nicotiana physalodes</i> (L.) Gaertn. ....	Apple of Peru
<i>Nicotiana glauca</i> R. C. Grah. ....	Wild tobacco
<i>Physalis angulata</i> L. ....	Wild gooseberry
<i>Ricinus communis</i> L. ....	Castor-oil plant
<i>Solanum nigrum</i> L. ....	Black nightshade

\* Samples originating from units, where crops indicated with an \* above have been planted in rotation with potatoes or within the isolation area, must be warmed up before testing for bacterial wilt disease

**TABLE 2**  
**Maximum percentage of deviating and pathogen infected plants permissible**

GENERATION	FIELD INSPECTION	**DEVIATING PLANTS	DISEASE		
			BACTERIA		FUNGI
			<i>Ralstonia</i> spp. BACTERIAL WILT	Soft Rot <i>Enterobacteriaceae</i> (SRE)* *BLACKLEG	<i>Verticillium albo-atrum</i> <i>Verticillium dahliae</i> *VERTICILLIUM WILT
G0	First	0.0	0.00	0.00	0.00
	Second	0	0.00	0.00	0.00
G1 – 3	First	0.1	0.00	0.50	0.50
	Second	0	0.00	0.10	0.10
G4 – 6	First	2.0	0.00	1.50	1.50
	Second	0	0.00	0.50	0.50
G7 – Certified Commercial	First	3.0	0.00	5.00	5.00
	Second	0	0.00	2.00	2.00
		0			

\* Infected plants together with tubers must be removed to the satisfaction of the authority.

\*\* True potato seed must comply with the recognised description as provided for in section 17 of the Act.



**TABLE 3****Maximum percentage of virus infected plants permissible**

GENERATION	FIRST FIELD INSPECTION			SECOND FIELD INSPECTION		
	PVY and other %	PLRV%	Total Virus %	PVY & other viruses %	PLRV %	Total Virus %
G0	0.00	0.00	0.00	0.00	0.00	0.00
G1	0.00	0.00	0.00	0.00	0.00	0.00
G2	0.00	0.00	0.00	0.10	0.10	0.10
G3	0.25	0.25	0.25	0.10	0.10	0.10
G4	0.50	0.50	0.50	0.25	0.25	0.25
G5	1.00	1.00	1.00	0.50	0.50	0.50
G6	2.50	1.00	2.50	1.00	0.50	1.00
G7	5.00	1.00	5.00	2.50	0.50	2.50
Certified Commercial	7.50	1.00	7.50	2.50	1.50	2.50

Percentage represents the highest percentage permissible for PLRV, Potato Virus Y, TSWV and other viruses separately or jointly.

**TABLE 4****Maximum percentage of virus infected seed potatoes permissible**

GENERATION	MAXIMUM PERCENTAGE PERMISSIBLE			
	PVY %	PLRV %	TSWV %	Total Virus %
G0	0.00	0.00	0.00	0.00
G1	0.00	0.00	0.00	0.00
G2	0.25	0.25	0.25	0.25
G3	0.50	0.50	0.50	0.75
G4	1.00	1.00	1.00	1.25
G5	2.50	2.50	2.50	3.00
G6	5.00	2.50	5.00	7.50
G7	7.50	2.50	5.00	10.00
Certified Commercial	15.00	5.00	5.00	15.00

The respective maximum permissible virus percentages for each virus within generations may not be exceeded in the calculation of the total virus value.

TABLE 5

Maximum percentage potato tuber moth damage and pathogen infected seed potatoes permissible

ORGANISM OR CONDITION		G0	G1 – G3		G4 – G6		G7		Cert. Com.**
Scientific name	Common name	-	Elite	C1*	Elite	C1*	Elite	C1*	
A									
<i>Globodera rostochiensis</i>	Golden Cyst nematode	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<i>Ralstonia</i> spp.	Bacterial wilt disease	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<i>Synchytrium endobioticum</i>	Wart disease	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
B									
<i>Oospora pustulans</i>	Skin spot	0.00	0.00	0.20	0.10	0.50	0.50	3.00	4.00
<i>Rhizoctonia solani</i>	Black scurf	0.00	0.50	1.00	1.00	8.00	1.00	8.00	20.00
<i>Spongospora subterranea</i>	Powdery scab	0.00	0.00	0.20	0.10	0.50	0.50	3.00	4.00
<i>Streptomyces</i> spp.	Common scab	0.00	0.10	0.50	0.50	1.00	1.00	3.00	8.00
Maximum joint percentage permissible for B		0.00	0.50	1.00	1.00	8.00	1.00	8.00	20.00
C									
<i>Fusarium</i> spp.	Dry rot	0.00	0.20	0.50	0.50	1.00	1.00	3.00	5.00
	Stem-end rot	0.00	0.20	0.50	0.50	1.00	1.00	2.00	3.00
<i>Phoma exigua</i>	Gangrene	0.00	0.20	0.50	0.50	1.00	1.00	3.00	5.00
<i>Phytophthora infestans</i>	Late blight	0.00	0.10	0.10	0.10	0.10	0.10	0.10	0.20
Maximum joint percentage permissible for C		0.00	0.20	0.50	0.50	1.00	1.0	3.00	5.00
D									
<i>Meloidogyne</i> spp.	Root knot eelworm	0.00	0.10	0.20	0.10	0.50	0.20	0.50	1.00
<i>Pratylenchus</i> spp.	Lesion nematode	0.00	0.10	0.50	0.50	1.00	1.00	2.00	5.00
Maximum joint percentage permissible for D		0.00	0.10	0.50	0.50	1.00	1.00	2.00	5.00
E									
<i>Phthorimaea operculella</i>	Potato tuber moth: eye damage	0.00	0.20	0.50	1.00	2.00	1.00	2.00	3.00
	Potato tuber moth: surface damage	0.00	0.20	1.00	2.00	3.00	2.00	3.00	4.00
Maximum joint percentage permissible for E		0.00	0.20	1.00	2.00	3.00	2.00	3.00	4.00
F									
<i>Colletotrichum coccodes</i>	Black dot	0.00	0.50	2.00	5.00	15.00	10.00	20.00	30.00
<i>Helminthosporium solani</i>	Silver scurf	0.00	0.50	2.00	5.00	15.00	10.00	20.00	30.00
Maximum joint percentage permissible for F		0.00	0.50	2.00	5.00	15.00	10.00	20.00	30.00

\* C1 – Class 1

\*\* Cert. Com. – Certified Commercial

**TABLE 6**  
**Maximum percentage non-pathogenic deviations permissible in seed potatoes**

ORGANISM OR CONDITION	Common name	G0	G1 – G3		G4 – G6		G7		Cert. Com.**
			Elite	C1*	Elite	C1*	Elite	C1*	
Wet rot		-							
Rotting of a hollow heart seed potato		0.00	0.10	0.10	0.10	0.10	0.10	0.10	0.20
Frost damage, Sunscald		0.00	1.00	2.00	1.00	2.00	1.00	2.00	3.00
Pink eye		0.00	0.10	0.10	0.10	0.20	0.10	0.20	0.50
Washed seed potatoes		0.00	0.10	0.10	0.10	0.10	0.10	0.10	1.00
		0.00	0.10	0.10	0.10	0.10	0.10	0.10	0.20
<b>Maximum joint percentage permissible</b>		<b>0.00</b>	<b>1.00</b>	<b>2.00</b>	<b>1.00</b>	<b>2.00</b>	<b>1.00</b>	<b>2.00</b>	<b>3.00</b>

\* – Class 1

\*\* – Certified Commercial

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TABLE 7

Maximum percentage Potato Tuber Necrotic Ringspot Disease permissible in seed potatoes

GENERATION	MAXIMUM PERCENTAGE PERMISSIBLE
	Potato Tuber Necrotic Ringspot Disease (PTNRD)
G0	0.00
G1	0.00
G2	0.00
G3	0.00
G4	0.50
G5	0.50
G6	0.50
G7	0.50
Certified Commercial	0.50