
GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES**NO. 570****27 MAY 2016****AGRICULTURAL PRODUCT STANDARDS ACT, 1990 (ACT No. 119 OF 1990)****PROHIBITION REGARDING THE REMOVAL OF IMPORTED REGULATED AGRICULTURAL PRODUCTS
INTENDED FOR SALE IN THE REPUBLIC OF SOUTH AFRICA FROM THE PRESCRIBED PORTS OF
ENTRY**

1. I, Senzeni Zokwana, Minister of Agriculture, Forestry and Fisheries --

- (1) acting under section 4A(1)(b) of the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990), hereby prohibit the removal of regulated agricultural products imported for sale in the Republic of South Africa from the ports of entry specified in the Table hereto, or any other place as determined by the Executive Officer, unless --
 - (a) each consignment of such product has been inspected, graded, sampled for quality control and approved by the Executive Officer or designated assignee for such purpose; or
 - (b) written permission for the removal of a particular quantity of such product has been granted by the Executive Officer on the conditions which he or she deems necessary; and
- (2) hereby exempt the below-mentioned imported regulated agricultural products from the prohibition referred to in subitem (1) above:
 - (a) Products intended for personal use or personal consumption only.
 - (b) Products intended for use in the manufacture of another product or for the purpose of further processing or repackaging: Provided that each consignment shall --
 - (i) be clearly marked with the expression "for processing purposes only", "for repacking purposes only", or any other wording having a similar meaning, as the case may be; or
 - (ii) on the accompanying documentation clearly declare the intended use.
 - (c) Individual products that have established a history of compliance based on the inspection frequency as determined by the Executive Officer.
 - (d) Products in transit to a neighbouring country: Provided that the accompanying documentation shall clearly reflect the name of the destination country.

2. An application for --

- (a) the inspection, approval and subsequent removal of a consignment of imported regulated agricultural products; or
- (b) the removal of a particular quantity of a consignment of imported regulated agricultural products

from the ports of entry specified in the Table hereto, or any other place as determined by the Executive Officer, shall be made in the manner prescribed in the Annex hereto.

Senzeni Zokwana
Minister: Agriculture, Forestry and Fisheries

ANNEX**PROCEDURE FOR AN APPLICATION FOR INSPECTION AND/OR REMOVAL*****Definitions***

1. In this Annex any word or expression to which a meaning has been assigned in the Act, shall have that meaning, and --

"assignee" means a person, undertaking body, institution, association or board designated as such under section 2(3) of the Act;

"consignment" means a quantity of regulated agricultural products of the same grade, class, kind, cultivar, type or type group, size group or colour group belonging to the same owner and which is delivered at any one time under cover of the same consignment note, delivery note or receipt note, or is delivered by the same conveyance, or if such a quantity is subdivided into different batches, production groups or lots, packing sizes, portions or cuts, grades, classes, kinds, cultivars, types or type groups, sizes or size groups, colour groups, counts or count groups each quantity of each of the different batches, grades, production groups or lots, packing sizes, portions or cuts, grades, classes, kinds, cultivars, types or type groups, sizes or size groups, colour groups, counts or count groups;

"Director General" means the Director-General: Agriculture, Forestry and Fisheries;

"Executive Officer" means the officer designated under section 2(1) of the Act;

"inspector" means the Executive Officer or an officer under his control, or an assignee or an employee of an assignee;

"processing" means any process which will significantly change the nature of the imported regulated agricultural product;

"regulated agricultural products" means products regulated in terms of sections 15 and 3(1) of the Act; and

"the Act" means the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990).

Application for inspection and/or removal

2. (1) An application for --

(a) the inspection, approval and subsequent removal of a consignment of imported regulated agricultural products; or

(b) the removal of a particular quantity of a consignment of imported regulated agricultural products

from a port of entry specified in the Table hereto, or any other place as determined by the Executive Officer, shall be directed in writing to the Executive Officer or the designated assignee concerned, as the case may be.

(2) Such application shall be made at least 48 hours, or as otherwise arranged with the Executive Officer or designated assignee, before arrival of the consignment at the port of entry or any other place as determined by the Executive Officer.

- (3) The following particulars shall be provided when such an application is made:
- (a) Date of arrival at point of entry and name of port of entry, or any other place as determined by the Executive Officer.
 - (b) Mode of transport.
 - (c) Comprehensive description of the commodity.
 - (d) The number of containers in and the mass of the consignment concerned.
 - (e) Name and address of applicant, and where applicable, of his or her agent.
 - (f) The intended use and final destination of the consignment concerned.
 - (g) Name(s) of the country(ies) of import.
 - (h) The date and time when the consignment will be available/ready for inspection.
 - (i) Any other pertinent information concerning the consignment.

Presentation for inspection

3. (1) Each consignment of imported regulated agricultural products shall be presented for inspection and shall, prior to its removal from the port of entry, or any other place as determined by the Executive Officer, be approved by an inspector.

(2) A consignment of imported regulated agricultural products referred to in subitem (1) above, shall be submitted for inspection in such a manner that --

- (a) access to each container therein can be obtained readily; and
- (b) the marks, printing or writing on such containers can readily be read.

Procedure at inspection

4. (1) An inspector shall sample and inspect a consignment of imported regulated agricultural products in accordance with the procedures prescribed in the regulations relevant to the product concerned.

(2) An inspector's finding by virtue of the inspection carried out in subitem (1) above, shall apply as a finding in respect of the whole consignment presented for inspection.

(3) An inspector may at his/her own discretion re-inspect a consignment of imported regulated agricultural products which has already been approved for import, and may confirm or withdraw any previous approval with regard to the consignment concerned: Provided that no inspection fee shall be payable in respect of a re-inspection carried out on demand of an inspector.

Approvals and Rejections

5. (1) If an inspector is satisfied after his/her inspection in terms of item 4 that the consignment of imported regulated agricultural products -

- (a) comply with the requirements of the regulations concerned, he/she shall approve such consignment for import by issuing a certificate which indicates such approval; or

- (b) do not comply with the requirements of the regulations concerned, he/she shall prohibit such consignment for import by issuing a certificate which indicates such prohibition.

(2) In the case of a prohibition referred to in paragraph (b) above, the importer, owner or other person, whoever is in control of the consignment concerned, may --

- (a) rectify any shortcomings identified during inspection and resubmit the consignment concerned for inspection;
- (b) return the consignment concerned to the port of shipment or country of origin;
- (c) apply in writing to the Executive Officer for the removal of the consignment concerned from the port of entry on the conditions he/she deems necessary; or
- (d) lodge an appeal against the decision of the inspector in the manner set out in item 7.

Fees payable for inspection and analysis

6. (1) All handling of and dealing with imported regulated agricultural products shall, in terms of section 3A(4) of the Act, be performed at the expense of the importer, owner or other person, whoever is in control of the consignment concerned.

(2) The following fees shall be payable:

- (a) The prescribed inspection fee when imported regulated agricultural products are presented for inspection.
- (b) The laboratory analysis fee when samples of imported regulated agricultural products are analysed chemically, physically or microbiologically.
- (c) The courier (transport) fee when samples are dispatched to the laboratory.

(3) The Minister or the Executive Officer shall in no case be liable in respect of any claim arising from the detention or examination of imported regulated agricultural products or for costs of such detention or examination.

Appeal

7. (1) Any person who appeals in terms of section 10(1) of the Act against a decision or direction of an inspector, shall submit a written notice of appeal to an inspector within one day after he/she has been notified of the said decision or direction unless that day falls on a Saturday, Sunday or public holiday in which case the appeal shall be submitted on the first following working day.

(2) Such person shall pay the prescribed fee with the inspector or at any office of the Executive Officer, as the case may be: Provided that such fee shall be paid in respect of each separate consignment, and provided further that if the notice of appeal and the fee are not submitted and paid within the period specified in subitem (1), the appellant shall lose his/her right of appeal.

(3) An inspector may apply any mark or marks which he/she may deem necessary for identification purposes to the processed products in respect of which an appeal has been submitted, or to the containers thereof, and such processed products shall not without his consent, be removed from the place where they were inspected or where they are stored.

(4) The Director-General shall designate at least three persons to serve as an appeal board.

(5) Such an appeal board shall give the appellant or his representative a reasonable notice of the time and place determined for the hearing of the appeal and may, after the processed products concerned have

been produced and identified and all interested parties have been heard, instruct all persons to leave the place where the appeal is being considered: Provided that the appeal board may make use of persons to assist in an advisory capacity.

(6) An appeal board shall decide an appeal within 48 hours (excluding Sundays and public holidays) after it was submitted, and its decision shall be final.

(7) If the processed products concerned are not produced at the time and place determined by the appeal board, the amount paid in respect thereof shall be forfeited.

TABLE
SPECIFIED PORTS OF ENTRY

Name of port of entry	Location & Province
A. Seaports	
1. Cape Town harbour	Cape Town, Western Cape
2. East London harbour	East London, Eastern Cape
3. Mossel Bay harbour	Mossel Bay, Western Cape
3. Point (Durban harbor)	Durban, Kwa-Zulu Natal
4. Port Elizabeth harbour	Port Elizabeth, Eastern Cape
5. Port of Ngqura	Port Elizabeth, Eastern Cape
6. Richards Bay harbour	Richards Bay, Kwa-Zulu Natal
7. Saldanha Bay harbour	Saldanha Bay, Western Cape
B. Airports	
1. Bram Fischer International airport	Bloemfontein, Free State
2. Cape Town International airport	Cape Town, Western Cape
3. King Shaka International airport	La Mercy, Kwa-Zulu Natal
4. Lanseria International airport	Lanseria, Gauteng
5. O.R. Tambo International airport	Johannesburg, Gauteng
6. Polokwane International airport	Polokwane, Limpopo
7. Port Elizabeth International airport	Port Elizabeth, Eastern Cape
C. Land Border Posts	
1. Alexander Bay	RSA/Namibia border, Northern Cape
2. Beitbridge	RSA/Zimbabwe border, Limpopo
3. Ficksburg Bridge	RSA/Lesotho border, Free State
4. Golela	RSA/Swaziland border, Kwa-Zulu Natal
5. Grobler's Bridge	RSA/Botswana border, Limpopo
6. Jeppe's Reef	RSA/Swaziland border, Mpumalanga
7. Kopfontein	RSA/Botswana border, North West
8. Kosi Bay	RSA/Swaziland border, Kwa-Zulu Natal
9. Lebombo	RSA/Swaziland border, Mpumalanga
10. Mahamba	RSA/Swaziland border, Mpumalanga
11. Mananga	RSA/Swaziland border, Mpumalanga
12. Maseru Bridge	RSA/Lesotho border, Free State
13. Nakop	RSA/Namibia border, Northern Cape
14. Oshoek	RSA/Swaziland border, Mpumalanga
15. Pont Drift	RSA/Botswana border, Limpopo
16. Ramatlabama	RSA/Botswana border, North West
17. Skilpadshek	RSA/Botswana border, North West
18. Vioolsdrift	RSA/Namibia border, Northern Cape