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DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES

NO. R. 1271

17 NOVEMBER 2017

**AGRICULTURAL PESTS ACT, 1983  
(ACT NO. 36 OF 1983)**

**CONTROL MEASURES: AMENDMENT**

I, Senzeni Zokwana, Minister of Agriculture, Forestry and Fisheries acting under section 6 of the Agricultural Pests Act, 1983 (Act No. 36 of 1983), hereby amend the Control Measures set out in the Schedule in order to prevent and combat the spreading of prohibited pests.

**S. Zokwana**

  
**Minister of Agriculture, Forestry and Fisheries**

**SCHEDULE****Definitions**

1. In this Schedule "the Control Measures" means the control measures published in Government Notice No. R. 110 of 27 January 1984, as amended by Government Notices R.909 of 4 May 1984, R. 1770 of 17 August 1984, R. 845 of 12 April 1985, R.1518 of 12 July 1985, R. 1442 of 11 July 1986, R. 87 of 22 January 1988, R.1349 of 8 July 1988, R.1954 of 30 September 1988, R. 2416 of 16 October 1990, R. 18 of 4 January 1991, R. 2840 of 29 November 1991, R.2 269 of 14 August 1992, R. 2876 of 16 October 1992, R.1560 of 20 August 1993, R. 451 of 11 March 1994, R.1373 of 5 August 1994, R.1636 of 27 October 1995, R.1977 of 22 December 1995, R. 2029 of 13 November 1996 As revoked by, R.1012 of 01 August 1997, R. 288 of 27 February 1998, R.1470 of 20 November 1998, R. 666 of 28 May 1999, R.1016 of 27 August 1999, R. 613 of 23 June 2000, R. 83 of 22 January 2001, R. 397 of 18 May 2001, R. 810 of 31 August 2001, R. 368 of 5 April 2002, R. 714 of 24 May 2002, R. 831 of 21 June 2002, R.1364 of 8 November 2002, R. 465 of 4 April 2003, R.144 of 9 February 2004, R. 243 of 24 March 2005, R. 457 of 20 May 2005 as revoked by, R. 563 of 17 June 2005, R.1223 of 23 December 2005 as corrected by the Correction Notice published on page 2 of Government Gazette No. 28356 of 30 December 2005 and R. 369 of 21 April 2006, R. 43 of 26 January 2007, R. 117 of 8 February 2008, R. 461 of 25 April 2008, R. 258 of 13 March 2009, R. 1148 of 11 December 2009, R. 48 of 5 February 2010, R. 74 of 12 February 2010, R. 19 of 21 January 2011, R.189 of 11 March 2011, R.129 of 24 February 2012, R. 76 of 8 February 2013, R. 1002 of 20 December 2013, R. 442 of 6 June 2014, R. 49 of 30 January 2015, R. 66 of 29 January 2016 and R. 133 of February 2017.

**Amendment of definitions of the Control Measures**

2. The definitions of the Control Measures are hereby amended by the insertion of the following definitions-

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

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

**“test”** means official examination, other than visual, to determine if pests are present or to identify pests.

#### **Amendment of control measure 2 of the Control Measures**

3. The control measure 2 is hereby amended by insertion of the sub-control measure after sub-control measure 2(5):

#### **Prohibition relating to the occurrence and removal of certain pathogens and insects**

“2 (6) No user of land shall remove any plants or plant products from any quarantine area within the Republic without authorization.”

#### **Amendment of control measure 4A of the Control Measures**

4. The control measure 4(A) of the Control Measures is hereby substituted by the following expression:

#### **Exemption from a prohibition**

“4A (1) The executive officer may, by means of a removal permit, exempt a user of a land from a prohibition referred to in-

- (a) Control measure 2, 3, and 4, if the executive officer or authorised person is satisfied that the necessary phytosanitary procedures have been taken to reduce the risk of introduction and spread of prohibited pests which include the cleansing of plants from prohibited pests; and
- (b) Control measure 4(2), if the executive officer or authorised person is satisfied that the plant material for which the permit is required is only obtained from a

mother plant grown in a structure which prevents infection or infestation by the prohibited pests of concerned; and

- (c) Control measure 4(2), if the executive officer or authorised person is satisfied that the plants or plant products is originating from a specified or demarcated area of low pest prevalence or area is free from regulated pest and necessary phytosanitary procedures have been taken.”

- (2) When the executive officer conducts an investigation in connection with an application for a removal permit, the fees specified in Table 10 shall be payable in respect thereof.”

#### **Amendment of control measure 8 of the Control Measures**

5. The control measure 8 is hereby amended by the insertion of the sub-control measure after sub-control measure 8(2):

#### **Compulsory notification**

“8 (3) Upon national pest reporting, the executive officer shall immediately undertake necessary phytosanitary procedures to prevent the establishment and further spread of prohibited pest/s.”

#### **Insertion of control measure 9 of the Control Measures**

#### **6. “Destruction of plants, plant products and other regulated articles**

9. (1) If the executive officer has suspected on reasonable grounds or established that plants, plant products and other regulated articles have been kept or cultivated, removed or conveyed contrary to the provisions of these Control Measures, may-

- (a) destroy such plants, plant products and other regulated articles;
- (b) order that such products in question are sent back to a specified quarantine area;
- (c) subject a person in question to an offence in terms of section 13 of this Act.

(2) If the executive officer has identified and/or confirmed or suspected occurrence of a regulated pest or any pest specified in these Control Measures in a pest free area, place of production or production site, may-

- (a) destroy infested or infected plants, plant products and other regulated articles;

(b) order that infested or infected plants, plant products and other regulated articles be destroyed.”

#### Amendment of Table 1 of the Control Measures

7. Table 1 of the Control Measures is hereby amended by the insertion of the following pest:

**TABLE 1**  
PROHIBITED PATHOGENS  
[Control measure 2]

Scientific name	Common name
<i>Banana bunchy top virus</i>	Bunchy top of banana

”

#### Amendment of Table 2 of the Control Measures

8. Tables 2 of the Control Measures is hereby amended due to the change of the pest name: *Bactrocera invadens* to *Bactrocera dorsalis*, as follows:

**“TABLE 2**  
PROHIBITED INSECTS  
[Control measure 2]

Scientific name	Common name
<i>Bactrocera dorsalis</i>	Oriental Fruit Fly

”

**Amendment of Table 6 of the Control Measures**

9. Table 6 of the Control Measures is hereby amended by substitution of item 6 of the table with the following expression:

**"TABLE 6**

**PLANTS WHICH THE REMOVAL TO CERTAIN AREAS IS PROHIBITED EXCEPT ON AUTHORITY  
OF PERMIT**

[Control measure 4(2)]

No.	Kind of plant and pest of concern	Area from which removal is prohibited	Area to which removal is prohibited
6.	Species of the genera <i>Achra</i> , <i>Anacardium</i> , <i>Annona</i> , <i>Averrhoa</i> , <i>Blighia</i> , <i>Capsicum</i> , <i>Carica</i> , <i>Chrysophyllum</i> , <i>Citrullus</i> , <i>Citrus</i> , <i>Coffea</i> , <i>Cordia</i> , <i>Cordyla</i> , <i>Cydonia</i> , <i>Cucumis</i> , <i>Cucurbita</i> , <i>Diospyros</i> , <i>Dracaena</i> , <i>Eriobotrya</i> , <i>Ficus</i> , <i>Flacourtia</i> , <i>Fortunella</i> , <i>Garcinia</i> , <i>Hylocereus</i> , <i>Juglans</i> , <i>Irvingia</i> , <i>Landolphia</i> , <i>Lichi</i> , <i>Luffa</i> , <i>Maerua</i> , <i>Malus</i> , <i>Manilkara</i> , <i>Mangifera</i> , <i>Momordica</i> , <i>Morus</i> , <i>Murraya</i> , <i>Musa</i> (ripe bananas), <i>Opuntia</i> , <i>Passiflora</i> , <i>Persea</i> , <i>Physalis</i> , <i>Poncirus</i> , <i>Prunus</i> , <i>Psidium</i> , <i>Pyrus</i> , <i>Punica</i> , <i>Richardella</i> , <i>Sarcocyphalus</i> , <i>Sclerocarya</i> , <i>Solanum</i> , <i>Sorindeia</i> , <i>Spondias</i> , <i>Strychnos</i> , <i>Syzygium</i> , <i>Terminalia</i> , <i>Theobroma</i> , <i>Vitellaria</i> , <i>Vitis</i> and <i>Ziziphus</i> ; only the fruits thereof due to <i>Bactrocera dorsalis</i> .	The provinces of, Limpopo, Mpumalanga, North West, Gauteng, Kwazulu-Natal (excluding magisterial districts of Amajuba, uMgungundlovu, uMzinyathi, uThukela and Zululand).	The provinces of Western Cape, Northern Cape, Eastern Cape and Free State.

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**Amendment of Table 9 of the Control Measures**

10. Table 9 of the Control Measures is hereby amended due to the change of the pest name: *Bactrocera invadens* to *Bactrocera dorsalis*, as follows:

**“TABLE 9**  
**PROHIBITED PATHOGENS AND INSECTS**  
[Control measure 2]

<b>Scientific name</b>	<b>Common name</b>
<i>Bactrocera dorsalis</i>	Oriental Fruit Fly

”