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STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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DEPARTEMENT VAN DIE EERSTE MINISTER

No. 442. 23 Maart 1977.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 24 van 1977: Wysigingswet op Misstowwe, Veevoedsel, Landboumiddels en Veemiddels, 1977.

DEPARTMENT OF THE PRIME MINISTER

No. 442. 23 March 1977.

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 24 of 1977: Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Amendment Act, 1977.

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ACT

To amend the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947, so as to delete the definitions of certain expressions and to define or further define certain expressions; to further regulate the appointment, powers, functions and duties of the Registrar of Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies, the registration of fertilizers, farm feeds, agricultural remedies and stock remedies, and the cancellation of such registration; to provide for the availability, lapse and return of a certificate of registration, the furnishing of reasons for the refusal, imposition of conditions or cancellation of a certificate of registration, and an appeal against decisions of the said Registrar to a board; to further regulate the control over the sale, acquisition, disposal or use of fertilizers, farm feeds, agricultural remedies and stock remedies; to provide for the furnishing of certain particulars before the administration of fertilizers, farm feeds, agricultural remedies and stock remedies in certain circumstances; to further regulate the manufacture and sale of fertilizers and farm feeds containing substances derived from animal carcasses; to make further provision for or in connection with the designation of technical advisers and analysts, the power of entering premises and vehicles, investigations concerning compliance with the provisions of the said Act, and the analysis of samples and seizure of exhibits; to further regulate the import of fertilizers, farm feeds, agricultural remedies and stock remedies; to amend certain penalties; to make further provision in connection with a special defence in case of prosecutions; to extend the power to make regulations; and to limit the liability of the State, the Minister and certain persons in respect of acts done in good faith under the said Act; and to provide for incidental matters.

(English text signed by the State President.)
(Assented to 15 March 1977.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 36 of 1947, as amended by section 32 of Act 28 of 1961, section 1 of Act 60 of 1970, section 1 of Act 17 of 1972 and section 16 of Act 13 of 1975.

1. Section 1 of the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the substitution for the definition of "advertisement" of the following definition:
"'advertisement' means any written, illustrated, visual or other descriptive material or oral statement, communication, representation or reference distributed to members of the public or brought to their

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WET

Tot wysiging van die Wet op Misstowwe, Veevoedsel, Landboumiddels en Veemiddels, 1947, ten einde die omskrywings van sekere uitdrukkings te skrap en sekere uitdrukkings te omskryf of nader te omskryf; die aanstelling, bevoegdhede, werksaamhede en pligte van die Registrateur van Misstowwe, Veevoedsel, Landboumiddels en Veemiddels, die registrasie van misstowwe, veevoedsel, landboumiddels en veemiddels, en die intrekking van sodanige registrasie verder te reël; voorsiening te maak vir die beskikbaarheid, verval en terugsending van 'n registrasiesertifikaat, die verstrekking van redes vir die weiering, oplegging van voorwaardes of intrekking van 'n registrasiesertifikaat, en 'n appèl teen beslissings van die genoemde Registrateur na 'n raad; die beheer oor die verkoop, verkryging, vervreemding of gebruik van misstowwe, veevoedsel, landboumiddels en veemiddels verder te reël; voorsiening te maak vir die verstrekking van sekere besonderhede voor die toediening van misstowwe, veevoedsel en landboumiddels onder sekere omstandighede; die vervaardiging en verkoop van misstowwe en veevoedsel wat stowwe bevat wat van dierkarkasse afkomstig is, verder te reël; verdere voorsiening te maak vir of in verband met die aanwysing van tegniese adviseurs en ontleders, die bevoegdheid tot betreding van persele en voertuie, ondersoeke betreffende die nakoming van die bepalings van genoemde Wet, en die ontleding van monsters en beslaglegging op bewysstukke; die invoer van misstowwe, veevoedsel, landboumiddels en veemiddels verder te reël; sekere strawwe te wysig; verdere voorsiening te maak in verband met 'n spesiale verdediging in geval van vervolgings; die bevoegdheid om regulasies uit te vaardig, uit te brei; en die aanspreeklikheid van die Staat, die Minister en sekere persone ten opsigte van handelinge te goeder trou kragtens genoemde Wet verrig, te beperk; en om vir bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 15 Maart 1977.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 1 van Wet 36 van 1947, soos gewysig deur artikel 32 van Wet 28 van 1961, artikel 1 van Wet 60 van 1970, artikel 1 van Wet 17 van 1972 en artikel 16 van Wet 13 van 1975.

1. Artikel 1 van die Wet op Misstowwe, Veevoedsel, Landboumiddels en Veemiddels, 1947 (hieronder die Hoofwet genoem), word hierby gewysig—

(a) deur die omskrywing van ,,advertensie'' deur die volgende omskrywing te vervang:

,,'advertensie' enige skriftelike, geïllustreerde, visuele of ander beskrywende stof of mondelinge verklaring, mededeling, voorstelling of verwysing wat onder lede van die publiek versprei of op 'n ander wyse

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notice in any other manner and which is intended to promote the sale of fertilizers, farm feeds, agricultural remedies or stock remedies or encourage the use thereof or draw attention to the nature, properties, advantages or uses thereof;";

(b) by the substitution for the definition of "agricultural remedy" of the following definition:

"'agricultural remedy' means any chemical substance or biological remedy, or any mixture or combination of any substance or remedy intended or offered to be used—

(a) for the destruction, control, repelling, attraction or prevention of any undesired microbe, alga, nematode, fungus, insect, plant, vertebrate, invertebrate, or any product thereof, but excluding any chemical substance, biological remedy or other remedy in so far as it is controlled under the Medicines and Related Substances Control Act, 1965 (Act No. 101 of 1965), or the Hazardous Substances Act, 1973 (Act No. 15 of 1973); or

(b) as plantgrowth regulator, defoliant, desiccant or legume inoculant,

and anything else which the Minister has by notice in the *Gazette* declared an agricultural remedy for the purposes of this Act;";

(c) by the insertion after the definition of "analyst" of the following definitions:

"'board' means any board appointed by the Minister in terms of section 6;

'establishment', in relation to a fertilizer, farm feed, agricultural remedy or stock feed, means the premises where such fertilizer, farm feed, agricultural remedy or stock feed is manufactured, controlled, packed, marked or labelled for the purposes of sale;";

(d) by the deletion of the definition of "brand";

(e) by the substitution for the definition of "farm feed" of the following definition:

"'farm feed' means—

(a) (i) any substance obtained by a process of crushing, gristing or grinding, or by the addition to any substance or the removal therefrom of any ingredient; or

(ii) any condimental food, vitamin or mineral substance or other substance which possesses or is alleged to possess nutritive properties; or

(iii) any bone product,

intended or sold for the feeding of domestic animals or livestock; or

(b) any stock lick or substance which can be and is used as a stock lick, whether or not such stock lick or substance possesses medicinal properties,

but does not include straw, chaff, unground hay, silage, any cereal in the grain or any substance which would otherwise be a farm feed but has been ground, crushed, gristed or prepared for any person, in accordance with his directions for his own use, unless the Minister has by notice in the *Gazette* declared such substance a farm feed for the purposes of this Act;";

(f) by the deletion of the definition of "farming requisite";

(g) by the insertion after the definition of "fertilizer" of the following definition:

"'mark' means a mark as defined in section 1 of the Trade Marks Act, 1963 (Act No. 62 of 1963);";

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onder hulle aandag gebring word en wat bedoel is om die verkoop van misstowwe, veevoedsel, landboumiddels of veemiddels te bevorder of die gebruik daarvan aan te moedig of die aandag te vestig op die aard, eienskappe, voordele of gebruike daarvan;'';

(b) deur die omskrywing van „landboumiddel'' deur die volgende omskrywing te vervang:

„'landboumiddel' enige chemiese stof of biologiese middel of 'n mengsel of kombinasie van so 'n stof of middel wat bestem is of aangebied word om gebruik te word—

(a) vir die vernietiging, beheer, afwering, aanlokking of voorkoming van enige ongewenste mikrobe, alg, nematode, swam, insek, plant, gewerwelde dier, ongewerwelde dier of enige produk daarvan, maar met uitsluiting van enige chemiese stof, biologiese middel of ander middel vir sover dit beheer word ingevolge die Wet op die Beheer van Medisyne en Verwante Stowwe, 1965 (Wet No. 101 van 1965), of die Wet op Gevaarhoudende Stowwe, 1973 (Wet No. 15 van 1973); of

(b) as plantgroeireguleerder, ontblaarder, uitdroogmiddel of peulplantentstof,

en enigiets anders wat die Minister by kennisgewing in die *Staatskoerant* tot landboumiddel vir die doeleindes van hierdie Wet verklaar het;'';

(c) deur die volgende omskrywings na die omskrywing van „ontleder'' in te voeg:

„'raad' 'n raad wat deur die Minister ingevolge artikel 6 aangestel is;

'aanleg', met betrekking tot 'n misstof, veevoedsel, landboumiddel of veemiddel, die perseel waar sodanige misstof, veevoedsel, landboumiddel of veemiddel vir die doeleindes van verkoop, vervaardig, beheer, verpak, gemerk of geëtiketteer word;'';

(d) deur die omskrywing van „kenmerk'' te skrap;

(e) deur die omskrywing van „veevoedsel'' deur die volgende omskrywing te vervang:

„'veevoedsel'—

(a) (i) enige stof wat deur opbreking, vergruising of maling, of deur die byvoeging by 'n stof of die verwydering daarvan van een of ander bestanddeel verkry word; of

(ii) enige kruiehoudende voedsel, vitamine of mineraalstof of ander stof wat voedingseienskappe besit of heet te besit; of

(iii) enige beenproduk,

wat bedoel is of verkoop word om huisdiere of lewende hawe te voer; of

(b) enige veelek of stof wat in die plek van 'n veelek gebruik kan word en aldus gebruik word, hetsy daardie veelek of stof geneeskundige eienskappe besit al dan nie,

maar met uitsluiting van strooi, kaf, ongemaalde hooi, kuilvoer, graankorrels of enige stof wat anders 'n veevoedsel sou wees maar wat vir iemand ooreenkomstig sy instruksies vir sy eie gebruik gemaal, gebreek, tot gruis gemaak of berei is, tensy die Minister so 'n stof by kennisgewing in die *Staatskoerant* tot 'n veevoedsel vir die doeleindes van hierdie Wet verklaar;'';

(f) deur die omskrywing van „boerderybenodigdhede'' te skrap;

(g) deur die volgende omskrywing na die omskrywing van „misstof'' in te voeg:

„'merk' 'n merk soos omskryf in artikel 1 van die Wet op Handelsmerke, 1963 (Wet 62 No. van 1963);'';

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(h) by the deletion of the definition of "inspector";

(i) by the insertion after the definition of "Minister" of the following definition:

"'officer' means an officer as defined in section 1 of the Public Service Act, 1957 (Act No. 54 of 1957);";

(j) by the insertion after the definition of "prescribed" of the following definitions:

"'registrar' means the Registrar of Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies designated in terms of section 2, and includes an officer acting under a delegation from or under the control or direction of the registrar;

'regulation' means any regulation made under this Act;";

(k) by the deletion of the definition of "Secretary";

(l) by the substitution for the definition of "sell" of the following definition:

"'sell' includes agree to sell, or to offer, advertise, keep, expose, transmit, convey, deliver or manufacture for sale or to exchange or to dispose of to any person in any manner for any consideration whatever, or to transmit, convey or deliver in pursuance of a sale, exchange or disposal as aforesaid; and 'sale' has a corresponding meaning;";

(m) by the substitution for the definition of "stock remedy" of the following definition:

"'stock remedy' means a substance intended or offered to be used in connection with domestic animals, livestock, poultry, fish or wild animals (including wild birds), for the diagnosis, prevention, treatment or cure of any disease, infection or other unhealthy condition, or for the maintenance or improvement of health, growth, production or working capacity, but excluding any substance in so far as it is controlled under the Medicines and Related Substances Control Act, 1965 (Act No. 101 of 1965);"; and

(n) by the insertion after the definition of "stock remedy" of the following definition:

"'technical adviser' means a technical adviser designated in terms of section 14;".

Substitution of section 2 of Act 36 of 1947, as amended by section 2 of Act 60 of 1970 and section 16 of Act 13 of 1975.

2. The following section is hereby substituted for section 2 of the principal Act:

"Designation of registrar.

2. (1) The Minister shall designate an officer in the Department of Agricultural Technical Services as the Registrar of Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies who shall, subject to any instructions issued by the Minister, exercise the powers, perform the functions and carry out the duties conferred upon, assigned to or imposed upon the registrar under this Act.

(2) *(a)* Any power conferred upon, function assigned to or duty imposed upon the registrar may be exercised, performed or carried out by an officer under a delegation from or under the control or direction of the registrar.

(b) Any decision made or instruction issued by any such officer may be withdrawn or amended by the registrar, and shall, until it has been so withdrawn or amended, be deemed, except for the purpose of this paragraph, to have been made or given by the registrar.".

Substitution of section 3 of Act 36 of 1947.

3. The following section is hereby substituted for section 3 of the principal Act:

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(h) deur die omskrywing van „inspekteur" te skrap;
(i) deur die volgende omskrywing na die omskrywing van „Minister" in te voeg:
„,beampte' 'n beampte soos omskryf in artikel 1 van die Staatsdienswet, 1957 (Wet No. 54 van 1957);";
(j) deur die volgende omskrywings na die omskrywing van „voorgeskryf" in te voeg:
„,registrateur' die Registrateur van Misstowwe, Veevoedsel, Landboumiddels en Veemiddels ingevolge artikel 2 aangewys, en ook 'n beampte wat in opdrag of onder die beheer of op las van die registrateur optree;
,regulasie' 'n regulasie kragtens hierdie Wet uitgevaardig;";
(k) deur die omskrywing van „Sekretaris" te skrap;
(l) deur die omskrywing van „verkoop" deur die volgende omskrywing te vervang:
„,verkoop' ook ooreenkom om te verkoop, of vir verkoop aanbied, adverteer, hou, uitstal, versend, vervoer, lewer of, vervaardig of verruil, of teen enige vergoeding hoegenaamd aan enige persoon op enige wyse vervreem, of ingevolge 'n verkoping, verruiling of vervreemding soos voormeld versend, vervoer of lewer; en het ,verkoop', wanneer dit as 'n naamwoord gebruik word, 'n ooreenstemmende betekenis;";
(m) deur die omskrywing van „veemiddel" deur die volgende omskrywing te vervang:
„,veemiddel' 'n stof wat bestem is of aangebied word om gebruik te word in verband met huisdiere, lewende hawe, pluimvee, vis of wilde diere (met inbegrip van wilde voëls), vir die diagnose, voorkoming, behandeling of genesing van 'n siekte, besmetting of ander ongesonde toestand, of vir die instandhouding of verbetering van gesondheid, groei, produksie of werkvermoë, maar met uitsluiting van 'n stof vir sover dit beheer word ingevolge die Wet op die Beheer van Medisyne en Verwante Stowwe, 1965 (Wet No. 101 van 1965);"; en
(n) deur die volgende omskrywing na die omskrywing van „veemiddel" in te voeg:
„,tegniese adviseur' 'n tegniese adviseur ingevolge artikel 14 aangewys;".

Vervanging van artikel 2 van Wet 36 van 1947, soos gewysig deur artikel 2 van Wet 60 van 1970 en artikel 16 van Wet 13 van 1975.

2. Artikel 2 van die Hoofwet word hierby deur die volgende artikel vervang:

„Aanwysing van registrateur.

2. (1) Die Minister wys 'n beampte in die Departement van Landbou-tegniese Dienste aan as Registrateur van Misstowwe, Veevoedsel, Landboumiddels en Veemiddels wat, behoudens die opdragte van die Minister, die bevoegdhede uitoefen, die werksaamhede verrig en die pligte uitvoer wat kragtens hierdie Wet aan die registrateur verleen, toegewys of opgedra word.

(2) (a) 'n Bevoegdheid verleen of werksaamheid toegewys of plig opgedra aan die registrateur, kan deur 'n beampte in opdrag of onder die beheer of op las van die registrateur uitgeoefen, verrig of uitgevoer word.

(b) 'n Beslissing of opdrag gegee deur so 'n beampte kan deur die registrateur ingetrek of gewysig word, en word, totdat dit aldus ingetrek of gewysig is, behalwe by die toepassing van hierdie paragraaf, geag deur die registrateur gegee te gewees het.".

Vervanging van artikel 3 van Wet 36 van 1947,

3. Artikel 3 van die Hoofwet word hierby deur die volgende artikel vervang:

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as substituted by section 3 of Act 60 of 1970 and amended by section 16 of Act 13 of 1975.

"Registration of fertilizers, farm feeds, agricultural remedies and stock remedies.

3. (1) Every application for the registration of a fertilizer, farm feed, agricultural remedy or stock remedy shall be submitted to the registrar in the form determined by the registrar and shall be accompanied by the prescribed registration fee, and any person so applying shall supply or make available to the registrar, in the manner and at the time and place that he determines, the samples and other particulars that he specifies.

(2) If, after consideration of any such application and after such investigation and enquiry as he may deem necessary, the registrar is satisfied that the fertilizer, farm feed, agricultural remedy or stock remedy in question is suitable and sufficiently effective for the purposes for which it is intended, and complies with such requirements as may be prescribed, and that it is not contrary to the public interest that it be registered, and that the establishment where it is manufactured is suitable for such manufacture, he shall register such fertilizer, farm feed, agricultural remedy or stock remedy.

(3) Any registration under this section may be made subject to such conditions as may be determined by the registrar and shall be valid for such period as may be prescribed and the registrar shall issue in respect of such registration a certificate of registration to the person applying therefor.".

Substitution of section 4 of Act 36 of 1947, as substituted by section 4 of Act 60 of 1970 and amended by section 16 of Act 13 of 1975.

4. The following section is hereby substituted for section 4 of the principal Act:

"Cancellation of registration.

4. The registrar may cancel the registration of any fertilizer, farm feed, agricultural remedy or stock remedy at any time if he is satisfied—

(a) that any person has failed to comply with any condition subject to which such fertilizer, farm feed, agricultural remedy or stock remedy has been registered;

(b) that such fertilizer, farm feed, agricultural remedy or stock remedy is not of the composition and efficacy specified in the application for registration thereof, does not possess the chemical, physical and other properties so specified and does not comply with any requirements that may be prescribed;

(c) that the practices followed and facilities available at or in respect of the establishment or the operation of the undertaking at such establishment are not suitable for the manufacture of the fertilizer, farm feed, agricultural remedy or stock remedy concerned, or that the prescribed records and information are not kept there or furnished in respect thereof;

(d) that the person managing such undertaking does not have sufficient knowledge of the relevant provisions of this Act or of the practices to be followed in the operation of such undertaking;

(e) that it is contrary to the public interest that such fertilizer, farm feed, agricultural remedy or stock remedy, shall remain registered; or

(f) that any incorrect or misleading advertisement is used in connection with such fertilizer, farm feed, agricultural remedy or stock remedy.".

Insertion of section 4A in Act 36 of 1947.

5. The following section is hereby inserted in the principal Act after section 4:

"Availability, lapse and return of certificate of registration.

4A. (1) The person to whom a certificate of registration has been issued in respect of any fertilizer, farm feed, agricultural remedy or stock remedy shall cause that certificate of registration or a copy thereof to be available for inspection by the

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„Registrasie van misstowwe, veevoedsel, landboumiddels en veemiddels.

3. (1) Elke aansoek om registrasie van 'n misstof, veevoedsel, landboumiddel of veemiddel moet in die vorm wat die registrateur bepaal en tesame met die voorgeskrewe registrasiegeld aan die registrateur gestuur word, en iemand wat aldus aansoek doen, moet dié monsters en ander besonderhede wat die registrateur vermeld aan hom verskaf of tot sy beskikking stel op die wyse, tyd en plek wat hy bepaal.

soos vervang deur artikel 3 van Wet 60 van 1970 en gewysig deur artikel 16 van Wet 13 van 1975.

(2) Indien die registrateur na oorweging van so 'n aansoek en na die ondersoek of navraag wat hy nodig ag, oortuig is dat die betrokke misstof, veevoedsel, landboumiddel of veemiddel geskik en doeltreffend genoeg is vir die oogmerk waarvoor dit bestem is, en aan die voorgeskrewe vereistes voldoen, en dat dit nie strydig met die openbare belang is dat dit geregistreer word nie, en dat die aanleg waar dit vervaardig word geskik is vir sodanige vervaardiging, moet hy daardie misstof, veevoedsel, landboumiddel of veemiddel registreer.

(3) Registrasie kragtens hierdie artikel geskied op die voorwaardes wat die registrateur bepaal en is geldig vir sodanige tydperk as wat voorgeskryf is, en die registrateur moet ten opsigte van sodanige registrasie 'n registrasiesertifikaat uitreik aan die persoon wat daarom aansoek gedoen het.''.

4. Artikel 4 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 4 van Wet 36 van 1947, soos vervang deur artikel 4 van Wet 60 van 1970 en gewysig deur artikel 16 van Wet 13 van 1975.

„Intrekking van registrasie.

4. Die registrateur kan die registrasie van 'n misstof, veevoedsel, landboumiddel of veemiddel te eniger tyd intrek indien hy oortuig is—

(a) dat iemand versuim het om te voldoen aan 'n voorwaarde waarop sodanige misstof, veevoedsel, landboumiddel of veemiddel geregistreer is;

(b) dat sodanige misstof, veevoedsel, landboumiddel of veemiddel nie so saamgestel en so doeltreffend is as wat in die aansoek om registrasie daarvan gespesifiseer is nie, nie die chemiese, fisiese en ander eienskappe aldus gespesifiseer, besit nie en nie voldoen aan die vereistes wat voorgeskryf is nie;

(c) dat die praktyke gevolg en fasiliteite beskikbaar by of ten opsigte van die aanleg of die onderneming wat daar bedryf word nie geskik is vir die vervaardiging van die betrokke misstof, veevoedsel, landboumiddel of veemiddel nie, of dat die voorgeskrewe aantekeninge of inligting nie daar gehou of ten opsigte daarvan verstrek word nie;

(d) dat die persoon wat so 'n onderneming bestuur nie oor voldoende kennis beskik nie ten opsigte van die betrokke bepalings van hierdie Wet of die praktyke wat gevolg moet word in die bedryf van so 'n onderneming;

(e) dat dit strydig met die openbare belang is dat sodanige misstof, veevoedsel, landboumiddel of veemiddel geregistreer bly; of

(f) dat 'n onjuiste of misleidende advertensie in verband met sodanige misstof, veevoedsel, landboumiddel of veemiddel gebruik word.''.

5. Die volgende artikel word hierby in die Hoofwet na artikel 4 ingevoeg:

Invoeging van artikel 4A in Wet 36 van 1947.

„Beskikbaarheid, verval en terugsending van registrasiesertifikaat.

4A. (1) Iemand aan wie 'n registrasiesertifikaat ten opsigte van 'n misstof, veevoedsel, landboumiddel of veemiddel uitgereik is, moet toesien dat daardie registrasiesertifikaat of 'n kopie daarvan te alle tye by die aanleg waar sodanige misstof, veevoedsel, land-

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registrar at all times at the establishment where such fertilizer, farm feed, agricultural remedy or stock remedy is manufactured.

(2) The registration of any fertilizer, farm feed, agricultural remedy or stock remedy and the certificate of registration issued in respect of such registration shall lapse—

(a) if the person to whom that certificate of registration has been issued, ceases to manufacture or sell the fertilizer, farm feed, agricultural remedy or stock remedy in question; or

(b) if the establishment in question is no longer used for the manufacture of such fertilizer, farm feed, agricultural remedy or stock feed.

(3) When the registration of any fertilizer, farm feed, agricultural remedy or stock remedy has lapsed in terms of subsection (2) or has been cancelled in terms of section 4, the certificate of registration in question shall, within the prescribed period, be returned to the registrar by the person to whom it was issued.".

Substitution of section 5 of Act 36 of 1947.

6. The following section is hereby substituted for section 5 of the principal Act:

"Furnishing of reasons for refusal of, determination of conditions on or cancellation of registration.

5. If—

(a) any application for registration in terms of this Act is refused;

(b) conditions are determined under section 3 (3) on registration; or

(c) any registration is cancelled in terms of section 4,

the registrar shall in writing furnish the applicant concerned or the person to whom the certificate of registration in question was issued, with the reasons for such refusal, determination of conditions or cancellation, as the case may be.".

Substitution of section 6 of Act 36 of 1947.

7. The following section is hereby substituted for section 6 of the principal Act:

"Appeal against decisions of registrar.

6. (1) A person who feels aggrieved by any decision referred to in section 5 may, within the period and in the manner prescribed and upon payment of the prescribed fees, appeal to the Minister against such decision.

(2) The Minister shall refer the appeal for consideration and decision to a board of which the members shall be appointed by him, and which shall consist of—

(a) one person designated as chairman on account of his knowledge of law; and

(b) two persons who in the opinion of the Minister command sufficient knowledge regarding the matters which will probably be in issue when the appeal is considered.

(3) Any appeal noted in terms of subsection (1) shall be heard on the date and at the time and place fixed by the chairman of the board and he shall advise the appellant and the registrar in writing thereof.

(4) The chairman of the board may for the purposes of the decision of an appeal—

(a) summon any person who, in his opinion, may give relevant information concerning the issues in the appeal or who has or is suspected to have in his possession or custody or under his control any document which has any bearing upon the issues in the appeal, to appear before the board at a time and place specified in the summons, to be interrogated or to produce that document, and the chairman may retain for examination any document so produced;

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boumiddel of veemiddel vervaardig word ter insae deur die registrateur beskikbaar is.

(2) Die registrasie van 'n misstof, veevoedsel, landboumiddel of veemiddel en die registrasiesertifikaat uitgereik ten opsigte van sodanige registrasie verval—

(a) indien die persoon aan wie die registrasiesertifikaat uitgereik is, ophou om die betrokke misstof, veevoedsel, landboumiddel of veemiddel te vervaardig of verkoop; of

(b) indien die betrokke aanleg nie langer vir die vervaardiging van die misstof, veevoedsel, landboumiddel of veemiddel gebruik word nie.

(3) Wanneer die registrasie van enige misstof, veevoedsel, landboumiddel of veemiddel ingevolge subartikel (2) verval het of ingevolge die bepalings van artikel 4 ingetrek is, moet die betrokke registrasiesertifikaat deur die persoon aan wie dit uitgereik is binne die voorgeskrewe tydperk aan die registrateur teruggestuur word.".

Vervanging van artikel 5 van Wet 36 van 1947.

6. Artikel 5 van die Hoofwet word hierby deur die volgende artikel vervang:

„Verwittiging van redes vir weiering van, bepaling van voorwaardes by of intrekking van registrasie.

5. Indien—

(a) 'n aansoek om registrasie ingevolge hierdie Wet geweier word;

(b) voorwaardes ingevolge artikel 3 (3) by registrasie bepaal word; of

(c) 'n registrasie ingevolge artikel 4 ingetrek word,

moet die registrateur die betrokke aansoeker of die persoon aan wie die betrokke registrasiesertifikaat uitgereik is, skriftelik verwittig van die redes vir sodanige weiering, bepaling van voorwaardes of intrekking, na gelang van die geval.".

Vervanging van artikel 6 van Wet 36 van 1947.

7. Artikel 6 van die Hoofwet word hierby deur die volgende artikel vervang:

„Appèl teen beslissings van registrateur.

6. (1) Iemand wat veronreg voel deur 'n beslissing in artikel 5 bedoel, kan, binne die voorgeskrewe tydperk en op die voorgeskrewe wyse en teen betaling van die voorgeskrewe gelde, by die Minister appèl teen daardie beslissing aanteken.

(2) Die Minister verwys die appèl vir oorweging en beslissing na 'n raad waarvan die lede deur hom aangestel word en wat bestaan uit—

(a) een persoon wat op grond van sy regskennis as voorsitter aangewys word; en

(b) twee persone wat na die oordeel van die Minister oor voldoende kennis beskik aangaande die aangeleenthede wat waarskynlik in geskil sal wees wanneer die appèl oorweeg word.

(3) 'n Appèl wat ingevolge subartikel (1) aangeteken is, word verhoor op die tyd, datum en plek wat die voorsitter van die raad bepaal, en hy stel die appellant en die registrateur skriftelik daarvan in kennis.

(4) Die voorsitter van die raad kan vir die doeleindes van die beslissing van 'n appèl—

(a) iemand wat, na sy oordeel, tersaaklike inligting kan verstrek aangaande die geskilpunte in die appèl of wat wel of na vermoede 'n stuk wat betrekking het op die geskilpunte in die appèl in sy besit of bewaring of onder sy beheer het, dagvaar om op 'n tyd en plek in die dagvaarding vermeld voor die raad te verskyn om ondervra te word of om daardie stuk oor te lê, en die voorsitter kan 'n stuk wat aldus oorgelê is vir ondersoek behou;

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(*b*) administer an oath to or accept an affirmation from any person called as a witness at the hearing of the appeal;

(*c*) call any person present at the hearing of the appeal as a witness and interrogate him and require him to produce any document in his possession or custody or under his control.

(5) The procedure at the hearing of an appeal shall be determined by the chairman of the board in question.

(6) Any person appealing in terms of this section and the registrar may be represented at the hearing of such appeal by an advocate or an attorney.

(7) If a person appointed under subsection (2)—

(*a*) dies during the hearing of the appeal or so soon before the commencement of such hearing that the vacancy cannot be filled in time;

(*b*) is unable to act and another person cannot be appointed in time; or

(*c*) is, after the hearing has commenced, unable to continue therewith,

the appellant and the registrar may agree that the investigation be continued by the remaining members, in which event, where the member who has died or has become incapacitated was or is the chairman of the board, the Minister shall designate one of the remaining members to act as chairman.

(8) (*a*) If the parties do not agree under subsection (7), the hearing shall be adjourned in order that the Minister may appoint a member, in accordance with the requirements of subsection (2), in the place of the member who has died or has become incapacitated.

(*b*) Where an appointment has been made in terms of paragraph (*a*), the hearing shall, if the parties so agree, be continued as from the stage at which the hearing was interrupted by the death or incapacitation of the member in question, or shall, if the parties do not so agree, be commenced *de novo*.

(9) The board may after hearing and considering the appeal—

(*a*) confirm, set aside or vary the relevant decision of the registrar;

(*b*) order the registrar to execute the decision of the board in connection therewith.

(10) The chairman of the board shall notify the appellant and the registrar in writing of the decision of the board.

(11) If the board sets aside any decision by the registrar, the prescribed fees paid by the appellant in respect of the appeal in question shall be refunded to him or, if the board varies any such decision, it may in its discretion direct that the whole or any part of such fees be refunded to the appellant.

(12) A member of the board who is not in the full-time service of the State may be paid such allowances as the Minister may, with the concurrence of the Minister of Finance, determine.".

Substitution of section 7 of Act 36 of 1947, as substituted by section 5 of Act 60 of 1970.

8. The following section is hereby substituted for section 7 of the principal Act:

"Sale of fertilizers, farm feeds, agricultural remedies and stock remedies.

7. (1) No person shall sell any fertilizer, farm feed, agricultural remedy or stock remedy unless—

(*a*) it is registered under this Act under the name or mark under which it is so sold: Provided that a fertilizer, farm feed, agricultural remedy or stock remedy in respect of which the period of validity

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(b) iemand wat by die verhoor van die appèl as 'n getuie opgeroep word, 'n eed oplê of 'n bevestiging van hom aanneem;

(c) iemand wat by die verhoor van die appèl aanwesig is, as 'n getuie oproep, en hom ondervra en hom aansê om enige stuk in sy besit of bewaring of onder sy beheer oor te lê.

(5) Die prosedure by die verhoor van 'n appèl word deur die voorsitter van die betrokke raad bepaal.

(6) Iemand wat ingevolge hierdie artikel appèl aanteken en die registrateur kan by die verhoor van daardie appèl deur 'n advokaat of 'n prokureur verteenwoordig word.

(7) Indien iemand wat ingevolge subartikel (2) aangestel is—

(a) te sterwe kom tydens die verhoor van die appèl of so kort voor die aanvang van die verhoor dat die vakature nie betyds gevul kan word nie;

(b) nie in staat is om op te tree nie en iemand anders nie betyds aangestel kan word nie; of

(c) nie in staat is om, nadat die verhoor begin het, daarmee voort te gaan nie,

kan die appellant en die registrateur ooreenkom dat die verhoor deur die oorblywende lede voortgesit word, in welke geval, waar die lid wat oorlede is of onbekwaam geword het die voorsitter van die raad was of is, die Minister een van die oorblywende lede aanwys om as voorsitter op te tree.

(8) *(a)* Indien die partye nie ingevolge subartikel (7) ooreenkom nie, word die verhoor verdaag sodat die Minister, ooreenkomstig die voorskrifte van subartikel (2), 'n lid kan aanstel in die plek van die lid wat oorlede is of onbekwaam geword het.

(b) Waar 'n aanstelling ingevolge paragraaf *(a)* gemaak is, word die verhoor, indien die partye aldus ooreenkom, voortgesit vanaf die stadium waarop die verhoor onderbreek is deur die dood of onbekwaamheid van die betrokke lid, of word, indien die partye nie aldus ooreenkom nie, *de novo* begin.

(9) Die raad kan na die verhoor en oorweging van die appèl—

(a) die betrokke beslissing van die registrateur bevestig, tersyde stel of verander;

(b) die registrateur gelas om uitvoering te gee aan die raad se beslissing in verband daarmee.

(10) Die voorsitter van die raad deel die raad se beslissing skriftelik aan die appellant en die registrateur mee.

(11) Indien die raad 'n beslissing van die registrateur tersyde stel, word die voorgeskrewe gelde deur die appellant ten opsigte van die betrokke appèl betaal, aan hom terugbetaal, of, indien die raad sodanige beslissing wysig, kan die raad na goeddunke gelas dat die geheel van sodanige gelde of 'n gedeelte daarvan aan die appellant terugbetaal word.

(12) Aan 'n lid van die raad wat nie in die heeltydse diens van die Staat is nie kan die toelaes betaal word wat die Minister met die instemming van die Minister van Finansies bepaal.".

Vervanging van artikel 7 van Wet 36 van 1947, soos vervang deur artikel 5 van Wet 60 van 1970.

8. Artikel 7 van die Hoofwet word hierby deur die volgende artikel vervang:

„Verkoop van misstowwe, veevoedsel, landboumiddels en veemiddels.

7. (1) Niemand mag 'n misstof, veevoedsel, landboumiddel of veemiddel verkoop nie tensy—

(a) dit kragtens hierdie Wet geregistreer is onder die naam of merk waaronder dit aldus verkoop word: Met dien verstande dat 'n misstof, veevoedsel, landboumiddel of veemiddel ten opsigte waarvan

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of the registration has expired, the certificate of registration has been cancelled in terms of section 4 or has lapsed in terms of section 4A (2) and which, before or on the date of such cancellation or lapse, was no longer under the control of, or owned by the person to whom that certificate of registration was issued, may, subject to the provisions of section 7*bis*, be sold;

(b) it is, subject to the provisions of paragraph *(c)*, packed in such manner and mass or volume as may be prescribed;

(c) the container in which it is sold, complies with the prescribed requirements and is sealed and labelled or marked in such manner as may be prescribed or, if it is not sold in a container, it is accompanied by the invoice referred to in section 9; and

(d) it is of the composition and efficacy specified in the application for registration thereof, possesses all chemical, physical and other properties so specified, and complies with the prescribed requirements.

(2) *(a)* No person shall for reward or in the course of any industry, trade or business use, or recommend the use of, any agricultural remedy or stock remedy for a purpose or in a manner other than that specified on the label on a container thereof or described on such container.

(b) The provisions of paragraph *(a)* shall, in the case of a stock remedy, not apply to a veterinarian registered under the Veterinary Act, 1933 (Act No. 16 of 1933).''.

Substitution of section 7*bis* of Act 36 of 1947, as inserted by section 1 of Act 48 of 1950 and substituted by section 6 of Act 60 of 1970.

9. The following section is hereby substituted for section 7*bis* of the principal Act:

''Prohibition on acquisition, disposal, sale or use of certain fertilizers, farm feeds, agricultural remedies and stock remedies.

7*bis*. (1) The Minister may by notice in the *Gazette*—

(a) prohibit the acquisition, disposal, sale or use of fertilizers, farm feeds, agricultural remedies or stock remedies; or

(b) prohibit such acquisition, disposal, sale or use, except in accordance with such conditions as may be specified in the notice or except under the authority of and in accordance with such conditions as may be specified in a permit issued by the registrar,

and may in like manner repeal or amend any such notice.

(2) Any prohibition issued under subsection (1) may apply—

(a) throughout the Republic or in one or more specified areas;

(b) to any person or to persons belonging to any specified class or group of persons or to persons other than persons belonging to any such class or group of persons; or

(c) in respect of all or one or more classes or kinds of fertilizers, farm feeds, agricultural remedies or stock remedies.

(3) Any condition referred to in subsection (1) shall not be subject to any limitations of whatever nature, and such conditions may differ in respect of different areas, persons or classes or groups of persons.''.

Substitution of section 9 of Act 36 of 1947.

10. The following section is hereby substituted for section 9 of the principal Act:

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die geldigheidsduur van die registrasie verstryk het, die registrasiesertifikaat ingevolge artikel 4 ingetrek is of ingevolge artikel 4A (2) verval het, en wat voor of op die datum van sodanige intrekking of verval nie meer onder die beheer of besit is van die persoon aan wie daardie registrasiesertifikaat uitgereik was nie, behoudens die bepalings van artikel 7*bis* verkoop mag word;

(b) dit, behoudens die bepalings van paragraaf *(c)*, verpak is op sodanige wyse en in sodanige massa of volume as wat voorgeskryf mag word;

(c) die houer waarin dit verkoop word, voldoen aan die voorgeskrewe vereistes en verseël en geëtiketteer of gemerk is op so 'n wyse as wat voorgeskryf mag word of, indien dit nie in 'n houer verkoop word nie, dit deur die in artikel 9 bedoelde faktuur vergesel word; en

(d) dit so saamgestel en so doeltreffend is as wat in die aansoek om registrasie daarvan gespesifiseer is, alle chemiese, fisiese en ander eienskappe aldus gespesifiseer, besit en aan die voorgeskrewe vereistes voldoen.

(2) *(a)* Niemand mag teen vergoeding of in die loop van 'n bedryf, handel of besigheid 'n landboumiddel of veemiddel gebruik, of die gebruik daarvan aanbeveel, vir 'n ander doel of op 'n ander wyse as dié wat aangedui word op die etiket op die houer daarvan of as wat op sodanige houer gespesifiseer word nie.

(b) Die bepalings van paragraaf *(a)* is, in die geval van 'n veemiddel, nie van toepassing nie op 'n veearts geregistreer kragtens die Veeartswet, 1933 (Wet No. 16 van 1933).".

Vervanging van artikel 7*bis* van Wet 36 van 1947, soos ingevoeg deur artikel 1 van Wet 48 van 1950 en vervang deur artikel 6 van Wet 60 van 1970.

9. Artikel 7*bis* van die Hoofwet word hierby deur die volgende artikel vervang:

„Verbod op verkryging, vervreemding, verkoop of gebruik van sekere misstowwe, veevoedsel, landboumiddels en veemiddels.

7*bis*. (1) Die Minister kan by kennisgewing in die *Staatskoerant*—

(a) die verkryging, vervreemding, verkoop of gebruik van misstowwe, veevoedsel, landboumiddels of veemiddels verbied; of

(b) sodanige verkryging, vervreemding, verkoop of gebruik verbied, behalwe ooreenkomstig die voorwaardes in die kennisgewing bepaal of behalwe uit hoofde van en ooreenkomstig die voorwaardes gestel in 'n permit wat deur die registrateur uitgereik is,

en kan so 'n kennisgewing op dergelike wyse herroep of wysig.

(2) 'n Verbod kragtens subartikel (1) uitgevaardig, kan van toepassing wees—

(a) dwarsdeur die Republiek of in een of meer vermelde gebiede;

(b) op enige persoon of op persone wat tot 'n vermelde klas of groep persone behoort of op persone wat nie tot so 'n klas of groep persone behoort nie; of

(c) ten opsigte van alle of een of meer klasse of soorte misstowwe, veevoedsel, landboumiddels of veemiddels.

(3) 'n Voorwaarde in subartikel (1) bedoel, is aan geen beperkings van watter aard ook al onderworpe nie, en sodanige voorwaardes kan ten opsigte van verskillende gebiede, persone of klasse of groepe persone verskil.".

Vervanging van artikel 9 van Wet 36 van 1947.

10. Artikel 9 van die Hoofwet word hierby deur die volgende artikel vervang:

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as substituted by section 7 of Act 60 of 1970.

"Invoices required in case of sale of fertilizers, farm feeds, agricultural remedies and stock remedies not in a container.

9. Any person who sells any fertilizer, farm feed, agricultural remedy or stock remedy not in a container, shall give to the purchaser at the time of delivery or send to him at the time of despatch an invoice setting forth such particulars in respect of such fertilizer, farm feed, agricultural remedy or stock remedy as may be prescribed.".

Insertion of section 10 in Act 36 of 1947.

11. The following section is hereby inserted in the principal Act after section 9:

"Furnishing of particulars before administration of fertilizers, farm feeds and agricultural remedies.

10. (1) Any person who at the request of the owner or the person in control of a thing administers for consideration any fertilizer, farm feed or agricultural remedy to the said thing, shall, before such administration, notify such owner or person of—

(a) the purpose of such administration;

(b) the registered name and number of the fertilizer, farm feed or agricultural remedy so to be administered;

(c) the precautions to be taken before, during and after such administration.

(2) The notification referred to in subsection (1) may be furnished verbally provided it is confirmed in writing within three days after the administration concerned.".

Substitution of section 12 of Act 36 of 1947.

12. The following section is hereby substituted for section 12 of the principal Act:

"Manufacture and sale of fertilizers and farm feeds containing substances derived from animal carcasses.

12. No person shall manufacture or sell any fertilizer or farm feed containing bone or any other substance derived from an animal carcass, unless such bone or substance—

(a) has been sterilized in such manner as may be prescribed; or

(b) has, subject to the provisions of section 16, been imported in terms of a permit issued under the Animal Diseases and Parasites Act, 1956 (Act No. 13 of 1956).".

Substitution of section 14 of Act 36 of 1947, as substituted by section 9 of Act 60 of 1970.

13. The following section is hereby substituted for section 14 of the principal Act:

"Designation of technical advisers and analysts.

14. For the purpose of this Act, the Minister may from time to time designate persons, including officers, as—

(a) technical advisers who shall advise the registrar in regard to matters referred to them by the registrar; and

(b) analysts to analyse samples of fertilizers, farm feeds, agricultural remedies or stock remedies referred to them by the registrar, and to report thereon in the form and manner prescribed.".

Substitution of section 15 of Act 36 of 1947, as amended by section 36 of Act 28 of 1961, section 10 of Act 60 of 1970 and section 16 of Act 13 of 1975.

14. The following section is hereby substituted for section 15 of the principal Act:

"Power of entering premises, examinations, analysis of samples, and seizure.

15. (1) The registrar may at all reasonable times—

(a) enter upon and examine any place, premises or vehicle in respect of which he has reason to believe that on or in it there is manufactured, processed, treated, prepared, graded, classified, packed, marked, labelled, held, bottled, removed, transported, exhibited, sold or used any fertilizer, farm feed, agricultural remedy or stock remedy, and examine or test any such fertilizer, farm feed, agricultural remedy, stock remedy or any ingredient thereof;

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„Fakture nodig in geval van verkoop van misstowwe, veevoedsel, landboumiddels en veemiddels nie in 'n houer nie.

9. Iemand wat 'n misstof, veevoedsel, landboumiddel of veemiddel nie in 'n houer verkoop nie, moet 'n faktuur met sodanige besonderhede ten opsigte van so 'n misstof, veevoedsel, landboumiddel of veemiddel as wat voorgeskryf mag wees, ten tyde van aflewering aan die koper oorhandig of ten tyde van versending aan hom stuur.".

soos vervang deur artikel 7 van Wet 60 van 1970.

Invoeging van artikel 10 in Wet 36 van 1947.

11. Die volgende artikel word hierby in die Hoofwet na artikel 9 ingevoeg:

„Verstrekking van besonderhede voor toediening van misstowwe, veevoedsel en landboumiddels.

10. (1) Iemand wat op versoek van die eienaar of die persoon in beheer van 'n saak, enige misstof, veevoedsel of landboumiddel teen vergoeding aan daardie saak toedien, moet voor sodanige toediening daardie eienaar of persoon in kennis stel van—

(a) die doel van sodanige toediening;

(b) die geregistreerde naam en nommer van die misstof, veevoedsel of landboumiddel wat aldus toegedien gaan word;

(c) die voorsorgmaatreëls wat voor, tydens en na sodanige toediening getref moet word.

(2) Die kennisgewing in subartikel (1) bedoel, kan mondelings verstrek word mits dit binne drie dae na die betrokke toediening skriftelik bevestig word.".

Vervanging van artikel 12 van Wet 36 van 1947.

12. Artikel 12 van die Hoofwet word hierby deur die volgende artikel vervang:

„Vervaardiging en verkoop van misstowwe en veevoedsel wat stowwe afkomstig van dierkarkasse bevat.

12. Niemand mag 'n misstof of veevoedsel wat been of 'n ander stof afkomstig van die karkas van 'n dier bevat, vervaardig of verkoop nie tensy sodanige been of stof—

(a) op sodanige wyse as wat voorgeskryf mag wees, gesteriliseer is; of

(b) behoudens die bepalings van artikel 16, ingevolge 'n permit uitgereik kragtens die Wet op Dieresiektes en -parasiete, 1956 (Wet No. 13 van 1956) ingevoer is.".

Vervanging van artikel 14 van Wet 36 van 1947, soos vervang deur artikel 9 van Wet 60 van 1970.

13. Artikel 14 van die Hoofwet word hierby deur die volgende artikel vervang:

„Aanwysing van tegniese adviseurs en ontleders.

14. Die Minister kan van tyd tot tyd vir die doeleindes van hierdie Wet persone, met inbegrip van beamptes, aanwys as—

(a) tegniese adviseurs wat die registrateur van advies moet dien aangaande aangeleenthede wat deur die registrateur na hulle verwys word; en

(b) ontleders om monsters van misstowwe, veevoedsel, landboumiddels of veemiddels wat deur die registrateur na hulle verwys word, te ontleed en op die voorgeskrewe vorm en wyse daaroor verslag te doen.".

Vervanging van artikel 15 van Wet 36 van 1947, soos gewysig deur artikel 36 van Wet 28 van 1961, artikel 10 van Wet 60 van 1970 en artikel 16 van Wet 13 van 1975.

14. Artikel 15 van die Hoofwet word hierby deur die volgende artikel vervang:

„Bevoegdheid tot betreding van persele, ondersoeke, ontleding van monsters, en beslaglegging.

15. (1) Die registrateur kan te alle redelike tye—

(a) 'n plek, perseel of voertuig betree en ondersoek ten opsigte waarvan hy rede het om te glo dat daarop of daarin 'n misstof, veevoedsel, landboumiddel of veemiddel vervaardig, verwerk, behandel, berei, gegradeer, geklassifiseer, verpak, gemerk, geëtiketteer, gehou, gebottel, verwyder, vervoer, uitgestal, verkoop of gebruik word, en enige sodanige misstof, veevoedsel, landboumiddel, veemiddel of bestanddeel daarvan ondersoek of toets;

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(b) examine all books and documents on or in any place, premises or vehicle referred to in paragraph (a) in respect of which he has reasonable grounds for believing that they relate to any fertilizer, farm feed, agricultural remedy, stock remedy or an ingredient thereof, and make copies of or extracts from such books or documents;

(c) examine any operations or processes carried out at any place or premises referred to in paragraph (a) in connection with the manufacture, processing, treatment, preparation, grading, classification, packing, marking, labelling, holding, bottling, removal, transport, exhibition, selling or use of any fertilizer, farm feed, agricultural remedy or stock remedy, and demand from the person in charge of such operations or processes, or the owner of or the person having the custody of any fertilizer, farm feed, agricultural remedy or stock remedy or an ingredient thereof, any relevant information or explanation relating to any such operations or processes, or fertilizer, farm feed, agricultural remedy, stock remedy or ingredient;

(d) demand from the owner or any person having the custody of any book or document referred to in paragraph (b) an explanation relating to any record or entry therein;

(e) seize any book, document, fertilizer, farm feed, agricultural remedy or stock remedy which may furnish proof of an offence in terms of this Act, or any quantity of any fertilizer, farm feed, agricultural remedy or stock remedy in respect of which there is reason to believe that any such offence has been committed, and remove from or leave on or in the place, premises or vehicle in question, any book, document, fertilizer, farm feed, agricultural remedy or stock remedy, or any quantity thereof, which has so been seized, and may in his discretion place on such book, document, fertilizer, farm feed, agricultural remedy or stock remedy, or the container thereof, such identification mark or seal as he may deem necessary;

(f) take samples or cause samples to be taken of any fertilizer, farm feed, agricultural remedy, stock remedy or an ingredient thereof, and open any container which contains or is suspected to contain anything used or intended for use in the manufacture, processing, treatment, preparation, grading, classification, packing, marking, labelling, holding, bottling, removal, transport, exhibition or sale of any fertilizer, farm feed, agricultural remedy or stock remedy, and examine, analyse, grade or classify such samples, or cause such samples to be examined, analysed, graded or classified.

(2) Where the registrar carries out any examination in terms of subsection (1) in the presence of any person affected thereby, he shall first produce his written authority to such person.

(3) Any sample taken in terms of subsection (1) shall—

(a) be taken in accordance with the prescribed method;

(b) be taken in the presence of the owner or the person having the custody of that fertilizer, farm feed, agricultural remedy, stock remedy or ingredient thereof, or, if such owner or person is not available, in the presence of any other witness; and

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(*b*) al die boeke en stukke op of in 'n plek, perseel of voertuig bedoel in paragraaf (*a*) nagaan ten opsigte waarvan hy redelike gronde het om te glo dat hulle op 'n misstof, veevoedsel, landboumiddel, veemiddel of bestanddeel daarvan betrekking het, en afskrifte van of uittreksels uit daardie boeke of stukke maak;

(*c*) werksaamhede of prosesse ondersoek wat in verband met die vervaardiging, verwerking, behandeling, bereiding, gradering, klassifisering, verpakking, merk, etikettering, hou, bottelering, verwydering, vervoer, uitstalling, verkoop of gebruik van 'n misstof, veevoedsel, landboumiddel of veemiddel, verrig word op 'n plek of perseel bedoel in paragraaf (*a*) en van die persoon wat oor sodanige werksaamhede of prosesse toesig hou, of van die eienaar van 'n misstof, veevoedsel, landboumiddel, veemiddel of bestanddeel daarvan, of van die persoon wat dit in sy bewaring het, enige tersaaklike inligting of verduideliking eis aangaande daardie werksaamhede of prosesse, of misstof, veevoedsel, landboumiddel, veemiddel of bestanddeel;

(*d*) van die eienaar van 'n boek of stuk bedoel in paragraaf (*b*), of die persoon wat dit in sy bewaring het, 'n verduideliking eis aangaande 'n aantekening of inskrywing daarin;

(*e*) beslag lê op enige boek, stuk, misstof, veevoedsel, landboumiddel of veemiddel wat bewys kan lewer van 'n misdryf ingevolge hierdie Wet, of op enige hoeveelheid van 'n misstof, veevoedsel, landboumiddel of veemiddel ten opsigte waarvan daar rede is om te glo dat so 'n misdryf gepleeg is, en enige boek, stuk, misstof, veevoedsel, landboumiddel of veemiddel, of enige hoeveelheid daarvan, waarop aldus beslag gelê is, van die betrokke plek, perseel of voertuig verwyder of daarop of daarin laat, en na goeddunke op sodanige boek, stuk, misstof, veevoedsel, landboumiddel of veemiddel of 'n houer daarvan, die identifikasiemerk of -seël aanbring wat hy nodig ag;

(*f*) monsters neem of laat neem van 'n misstof, veevoedsel, landboumiddel, veemiddel of bestanddeel daarvan, en 'n houer oopmaak wat wel of na vermoede enigiets bevat wat gebruik word of bestem is vir gebruik by die vervaardiging, verwerking, behandeling, bereiding, gradering, klassifisering, verpakking, merk, etikettering, hou, bottelering, verwydering, vervoer, uitstalling of verkoop van enige misstof, veevoedsel, landboumiddel of veemiddel, en daardie monsters ondersoek, ontleed, gradeer of klassifiseer, of laat ondersoek, ontleed, gradeer of klassifiseer.

(2) Waar die registrateur 'n ondersoek ingevolge subartikel (1) uitvoer in die teenwoordigheid van iemand wat daardeur geraak word, toon hy eers sy skriftelike magtiging aan so 'n persoon.

(3) 'n Monster wat ingevolge subartikel (1) geneem is, moet—

(*a*) volgens die voorgeskrewe metode geneem word;

(*b*) in die teenwoordigheid van die eienaar van die misstof, veevoedsel, landboumiddel, veemiddel of bestanddeel daarvan, of van die persoon wat dit in sy bewaring het, geneem word, of, indien sodanige eienaar of persoon nie beskikbaar is nie, in die teenwoordigheid van enige ander getuie; en

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(c) in the presence of such owner or person, or such witness, be divided into three parts, and each part shall be packed in a suitable container and sealed with a seal and be labelled or marked in such manner as the nature thereof permits, so that such sample may be readily identified.

(4) One part each of the sample which has been thus divided shall—

(a) be handed or forwarded by registered post to such owner or person;

(b) together with a certificate in the prescribed form be forwarded to an analyst who shall as soon as practicable test, examine or analyse the said part in accordance with the methods which the registrar may determine, and the result of such test, examination or analysis shall be recorded by such analyst on the prescribed form and be submitted to the registrar; and

(c) be retained by the registrar.

(5) The owner of anything from which any sample referred to in subsection (1) *(f)* was taken, may claim from the registrar an amount equal to the market value of such sample.".

Substitution of section 16 of Act 36 of 1947, as amended by section 37 of Act 28 of 1961 and section 2 of Act 17 of 1972.

15. The following section is hereby substituted for section 16 of the principal Act:

"Import of fertilizers, farm feeds, agricultural remedies and stock remedies.

16. (1) No person shall import any fertilizer, farm feed, agricultural remedy or stock remedy into the Republic unless—

(a) such fertilizer farm feed, agricultural remedy or stock remedy is registered in terms of this Act, is of the composition and efficacy specified in the application for registration thereof, possesses all chemical, physical and other properties so specified and complies with the requirements prescribed in respect thereof and is packed in a sealed container which is marked or labelled in the prescribed manner with the prescribed particulars;

(b) in the case of a fertilizer or farm feed containing bone or any other substance derived from the carcass of an animal, a permit referred to in section 12 has been issued in respect thereof.

(2) Notwithstanding the provisions of subsection (1) the registrar may, in his discretion and on such conditions as he may determine, in writing permit the import of any consignment of any fertilizer, farm feed, agricultural remedy or stock remedy which does not comply with the requirements referred to in subsection (1) *(a)*.

(3) Fertilizers, farm feeds, agricultural remedies or stock remedies imported shall—

(a) only be imported through a prescribed port or place;

(b) if the registrar directs that a sample thereof be taken, not be removed from any such port or place without the written authority of the registrar;

(c) if the registrar thus directs, be made available for examination and the taking of a sample at any such port or place in the prescribed manner; and

(d) if a sample thereof has thus been taken, not be sold in the Republic except on the written authority of the registrar and subject to the conditions specified therein.

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(c) in die teenwoordigheid van sodanige eienaar of persoon, of sodanige getuie, in drie dele verdeel en elke deel moet in 'n geskikte houer verpak en met 'n seël verseël word en op so 'n wyse as wat die aard daarvan toelaat, geëtiketteer of gemerk word sodat daardie monster geredelik geïdentifiseer kan word.

(4) Een deel elk van die monster wat aldus verdeel is, moet—

(a) aan sodanige eienaar of persoon oorhandig of per geregistreerde pos gestuur word;

(b) tesame met 'n sertifikaat in die voorgeskrewe vorm aan 'n ontleder gestuur word wat die genoemde deel so spoedig doenlik moet toets, ondersoek of ontleed ooreenkomstig die metodes wat deur die registrateur bepaal word, en die uitslag van so 'n toets, ondersoek of ontleding moet deur daardie ontleder op die voorgeskrewe vorm aangeteken en aan die registrateur voorgelê word; en

(c) deur die registrateur bewaar word.

(5) Die eienaar van iets waaruit 'n monster bedoel in subartikel (1) *(f)* geneem is, kan 'n bedrag gelykstaande met die markwaarde van daardie monster van die registrateur eis.".

Vervanging van artikel 16 van Wet 36 van 1947, soos gewysig deur artikel 37 van Wet 28 van 1961 en artikel 2 van Wet 17 van 1972.

15. Artikel 16 van die Hoofwet word hierby deur die volgende artikel vervang:

„Invoer van misstowwe, veevoedsel, landboumiddels en veemiddels.

16. (1) Niemand mag 'n misstof, veevoedsel, landboumiddel of veemiddel in die Republiek invoer nie tensy—

(a) daardie misstof, veevoedsel, landboumiddel of veemiddel kragtens hierdie Wet geregistreer is, so saamgestel en so doeltreffend is as wat in die aansoek om registrasie daarvan gespesifiseer is, alle chemiese, fisiese en ander eienskappe aldus gespesifiseer, besit, voldoen aan die vereistes wat ten opsigte daarvan voorgeskryf is en verpak is in 'n verseëlde houer wat op die voorgeskrewe wyse met die voorgeskrewe besonderhede gemerk of geëtiketteer is;

(b) in die geval van 'n misstof of veevoedsel wat been of 'n ander stof afkomstig van die karkas van 'n dier bevat, 'n permit bedoel in artikel 12 daarvoor uitgereik is.

(2) Ondanks die bepalings van subartikel (1) kan die registrateur na goeddunke en op die voorwaardes wat hy bepaal, skriftelik die invoer van enige besending misstof, veevoer, landboumiddel of veemiddel toelaat wat nie voldoen aan die vereistes bedoel in subartikel (1) *(a)* nie.

(3) Misstowwe, veevoedsel, landboumiddels of veemiddels wat ingevoer word—

(a) mag slegs deur 'n voorgeskrewe hawe of plek ingevoer word;

(b) mag, indien die registrateur gelas dat 'n monster daarvan geneem moet word, nie sonder die skriftelike magtiging van die registrateur van so 'n hawe of plek verwyder word nie;

(c) moet, indien die registrateur aldus gelas, op die voorgeskrewe wyse vir ondersoek en die neem van 'n monster by so 'n hawe of plek beskikbaar gestel word; en

(d) mag, indien 'n monster daarvan aldus geneem is, nie in die Republiek verkoop word nie behalwe ingevolge 'n skriftelike magtiging van die registrateur en onderworpe aan die voorwaardes daarin uiteengesit.

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(4) The provisions of section 15 relating to samples shall *mutatis mutandis* apply with reference to a sample taken in terms of this section.

(5) If any fertilizer, farm feed, agricultural remedy or stock remedy, which in terms of subsection (3) *(b)* may not be removed from a port or place, is found to comply with the requirements of this Act, no rent charges shall be payable by the importer in respect of the period in which it could not be so removed, or where the Railways Administration is required to deliver or to forward that fertilizer, farm feed, agricultural remedy or stock remedy, in respect of any portion of the period in question which is subsequent to the presentation to the Railways Administration of a delivery order, or a forwarding order, as the case may be.

(6) *(a)* If any fertilizer, farm feed, agricultural remedy or stock remedy has been imported contrary to the provisions of this section, such fertilizer, farm feed, agricultural remedy or stock remedy shall at the option of the importer thereof—

(i) at the expense of such importer be removed by him from the Republic within such period as the registrar may determine; or

(ii) be forfeited to the State and be either destroyed or otherwise disposed of as the registrar may direct,

and if such importer fails to remove such fertilizer, farm feed, agricultural remedy or stock remedy in terms of the provisions of subparagraph (i) within the period referred to in that subparagraph, it shall be forfeited to the State, and be either destroyed or otherwise disposed of as the registrar may direct.

(b) Any costs incurred by the State in connection with the destruction or disposal of any fertilizer, farm feed, agricultural remedy or stock remedy in terms of the provisions of paragraph *(a)*, may be recovered from the importer concerned.".

Substitution of section 18 of Act 36 of 1947, as amended by section 2 of Act 48 of 1950, section 38 of Act 28 of 1961, and by section 11 of Act 60 of 1970.

16. The following section is hereby substituted for section 18 of the principal Act:

"Offences and penalties.

18. (1) Any person who—

(a) fails to comply with the provisions of section 9;

(b) obstructs or hinders the registrar, any technical adviser or any analyst in the exercise of his powers or performance of his duties under this Act;

*(b*A*)* fails to make any statement or give any explanation if he is requested thereto by the registrar in the exercise of his powers or the performance of his duties under this Act;

(c) contravenes or fails to comply with the provisions of section 7, 10, 12 or 16 or with any condition imposed under section 3 (3), 16 (2) or 16 (3) *(d)*;

(c)bis acquires, disposes of, sells or uses fertilizers, farm feeds, agricultural remedies or stock remedies contrary to a prohibition issued under section 7*bis*;

(e) tampers with any sample taken in terms of this Act, or with anything seized in terms of this Act;

(f) makes use, in connection with any fertilizer, farm feed, agricultural remedy or stock remedy, of any certificate, invoice or other document issued in respect of any other fertilizer, farm feed, agricultural remedy or stock remedy, or which is no longer valid;

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(4) Die bepalings van artikel 15 betreffende monsters is *mutatis mutandis* van toepassing op 'n monster wat kragtens hierdie artikel geneem word.

(5) Indien bevind word dat 'n misstof, veevoedsel, landboumiddel of veemiddel wat ingevolge subartikel (3) *(b)* nie van 'n hawe of plek verwyder mag word nie aan die vereistes van hierdie Wet voldoen, dan is daar geen geld deur die invoerder betaalbaar ten opsigte van die tydperk waarin dit nie so verwyder mag word nie, of, indien van die Spoorwegadministrasie verlang word om daardie misstof, veevoedsel, landboumiddel of veemiddel af te lewer of aan te stuur, ten opsigte van enige gedeelte van die bedoelde tydperk wat volg op die indiening by die Spoorwegadministrasie van 'n afleweringsopdrag, of, na gelang van die geval, van 'n versendingsopdrag.

(6) *(a)* Wanneer 'n misstof, veevoedsel, landboumiddel of veemiddel strydig met die bepalings van hierdie artikel ingevoer is, word die misstof, veevoedsel, landboumiddel of veemiddel na die keuse van die invoerder daarvan—

(i) op die koste van bedoelde invoerder deur hom uit die Republiek verwyder binne die tydperk deur die registrateur bepaal; of

(ii) aan die Staat verbeur en word dit òf vernietig òf op 'n ander wyse mee gehandel, na gelang die registrateur gelas,

en indien bedoelde invoerder versuim om sodanige misstof, veevoedsel, landboumiddel of veemiddel binne die tydperk bedoel in subparagraaf (i) ingevolge die bepalings van daardie subparagraaf te verwyder, word dit aan die Staat verbeur, en word dit òf vernietig òf op 'n ander wyse mee gehandel na gelang die registrateur gelas.

(b) Enige koste deur die Staat aangegaan in verband met die vernietiging van of handeling met 'n misstof, veevoedsel, landboumiddel of veemiddel ingevolge die bepalings van paragraaf *(a)*, kan op die betrokke invoerder verhaal word.".

Vervanging van artikel 18 van Wet 36 van 1947, soos gewysig deur artikel 2 van Wet 48 van 1950, artikel 38 van Wet 28 van 1961 en artikel 11 van Wet 60 van 1970.

16. Artikel 18 van die Hoofwet word hierby deur die volgende artikel vervang:

"Oortredings en strafbepalings.

18. (1) Iemand wat—

(a) versuim om aan die bepalings van artikel 9 te voldoen;

(b) die registrateur, 'n tegniese adviseur of 'n ontleder by die uitoefening van sy bevoegdhede of die uitvoering van sy pligte ingevolge hierdie Wet hinder of dwarsboom;

(bA) in gebreke bly om 'n verklaring te maak of 'n verduideliking te verstrek wanneer hy deur die registrateur by die uitoefening van sy bevoegdhede of uitvoering van sy pligte kragtens hierdie Wet daarom versoek word;

(c) die bepalings van artikel 7, 10, 12 of 16 of van 'n voorwaarde opgelê kragtens artikel 3 (3), 16 (2) of 16 (3) *(d)* oortree of versuim om daaraan te voldoen;

(c)bis in stryd met 'n kragtens artikel 7*bis* uitgevaardigde verbod misstowwe, veevoedsel, landboumiddels of veemiddels verkry, vervreem, verkoop of gebruik;

(e) aan 'n monster wat ooreenkomstig hierdie Wet geneem is, of aan enigiets waarop ooreenkomstig hierdie Wet beslag gelê is, peuter;

(f) in verband met 'n misstof, veevoedsel, landboumiddel of veemiddel gebruik maak van 'n sertifikaat, faktuur of ander dokument wat in verband met 'n ander misstof, veevoedsel, landboumiddel of veemiddel uitgereik is of wat nie meer geldig is nie;

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(g) makes any false or misleading statement in connection with any fertilizer, farm feed, agricultural remedy or stock remedy—
   (i) in an application for the registration thereof;
   (ii) in any invoice issued in terms of section 9;
   (iii) in any advertisement thereof;
   (iv) in the course of the sale thereof;
   (v) in an application for a permit referred to in section 7*bis* (1) *(b)*;
   (vi) in a notice referred to in section 10;
   (vii) if he acts in accordance with the provisions of section 16 (1) *(b)*;

(h) sells any fertilizer, farm feed, agricultural remedy or stock remedy upon the container of which a false or misleading statement in connection with such contents is printed or written;

(i) sells any fertilizer, farm feed, agricultural remedy or stock remedy which is not of the kind, nature, composition, strength, potency or quality described or represented when so sold;

(j) having been duly summoned in terms of section 6 (4) *(a)* to appear before the board, fails without lawful excuse so to appear;

(k) having appeared as a witness before the board, refuses without lawful excuse to be sworn or to make affirmation or to produce any document or answer any question which he may be lawfully required to produce or answer;

(l) fails to comply with the provisions of section 4A (1) or (3),

shall be guilty of an offence and liable on conviction—
   (i) in the case of a contravention under paragraph *(a)*, *(b)*, *(b*A*)* or *(l)* to a fine not exceeding five hundred rand or imprisonment for a period not exceeding twelve months or to both such fine and such imprisonment; and
   (ii) in the case of a contravention under paragraph *(c)*, *(c)bis*, *(d)*, *(e)*, *(f)*, *(g)*, *(h)*, *(i)*, *(j)* or *(k)* to a fine not exceeding one thousand rand or imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

(2) The court convicting any person of an offence under this Act, may, upon the application of the prosecutor, declare any fertilizer, farm feed, agricultural remedy or stock remedy in respect of which the offence has been committed and all fertilizers, farm feeds, agricultural remedies or stock remedies of a similar nature to that in respect of which such person has been convicted, and of which such person is the owner, or which are in his possession, to be forfeited to the State.

(3) All fertilizers, farm feeds, agricultural remedies or stock remedies forfeited under this Act shall be destroyed or otherwise dealt with as the Minister may direct.".

Amendment of section 20 of Act 36 of 1947, as amended by section 39 of Act 28 of 1961.

17. Section 20 (1) of the principal Act is hereby amended by the substitution in paragraphs *(a)* and *(d)* for the words "farming requisite" of the words "fertilizer, farm feed, agricultural remedy or stock remedy".

Substitution of section 21 of Act 36 of 1947.

18. The following section is hereby substituted for section 21 of the principal Act:

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(g) in verband met enige misstof, veevoedsel, landboumiddel of veemiddel 'n valse of misleidende verklaring maak—
(i) in 'n aansoek om registrasie daarvan;
(ii) in 'n faktuur ingevolge artikel 9 uitgereik;
(iii) in 'n advertensie daarvan;
(iv) by die verkoop daarvan;
(v) in 'n aansoek om 'n in artikel 7*bis* (1) *(b)* bedoelde permit;
(vi) in 'n kennisgewing bedoel in artikel 10;
(vii) wanneer hy ooreenkomstig die bepalings van artikel 16 (1) *(b)* optree;

(h) 'n misstof, veevoedsel, landboumiddel of veemiddel op die houer waarvan 'n valse of misleidende bewering in verband met die inhoud daarvan gedruk of geskryf is, verkoop;

(i) 'n misstof, veevoedsel, landboumiddel of veemiddel verkoop wat nie van die soort, aard, samestelling, sterkte, vermoë of gehalte is nie wat beskryf of voorgegee word wanneer dit aldus verkoop word;

(j) nadat hy behoorlik kragtens artikel 6 (4) *(a)* gedagvaar is om voor die raad te verskyn, sonder wettige rede versuim om aldus te verskyn;

(k) nadat hy as 'n getuie voor die raad verskyn het, sonder wettige rede weier om beëdig te word of 'n bevestiging te doen, of om 'n stuk oor te lê of 'n vraag te beantwoord wat hy wettiglik aangesê kan word om oor te lê of te beantwoord;

(l) in gebreke bly om te voldoen aan die bepalings van artikel 4A (1) of (3),

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar—
(i) in die geval van 'n oortreding ingevolge paragraaf *(a)*, *(b)*, *(b*A*)* of *(l)* met 'n boete van hoogstens vyfhonderd rand of gevangenisstraf vir 'n tydperk van hoogstens twaalf maande of met sowel daardie boete as daardie gevangenisstraf; en
(ii) in die geval van 'n oortreding ingevolge paragraaf *(c)*, *(c)bis*, *(d)*, *(e)*, *(f)*, *(g)*, *(h)*, *(i)*, *(j)* of *(k)* met 'n boete van hoogstens eenduisend rand of gevangenisstraf vir 'n tydperk van hoogstens twee jaar of met sowel daardie boete as daardie gevangenisstraf.

(2) Die hof wat iemand weens 'n oortreding ingevolge hierdie Wet veroordeel, kan op aansoek van die aanklaer enige misstof, veevoedsel, landboumiddel of veemiddel in verband waarmee die oortreding begaan is, en alle misstowwe, veevoedsel, landboumiddel of veemiddels van 'n aard soortgelyk aan dié ten opsigte waarvan so 'n persoon veroordeel is en waarvan daardie persoon die eienaar is, of wat hy in sy besit het, aan die Staat verbeurd verklaar.

(3) Alle kragtens hierdie Wet verbeurdverklaarde misstowwe, veevoedsel, landboumiddels of veemiddels word vernietig of andersins mee gehandel soos die Minister gelas.".

Wysiging van artikel 20 van Wet 36 van 1947, soos gewysig deur artikel 39 van Wet 28 van 1961.

17. Artikel 20 (1) van die Hoofwet word hierby gewysig deur in paragrawe *(a)* en *(d)* die woord „boerderybenodigdheid" deur die woorde „misstof, veevoedsel, landboumiddel of veemiddel" te vervang.

Vervanging van artikel 21 van Wet 36 van 1947,

18. Artikel 21 van die Hoofwet word hierby deur die volgende artikel vervang:

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as amended by section 40 of Act 28 of 1960 and section 12 of Act 60 of 1970.

"Special defence in case of prosecutions.

21. It shall be a sufficient defence for a person charged with the sale of any fertilizer, farm feed, agricultural remedy or stock remedy in contravention of section 7 (1) *(d)* if he proves to the satisfaction of the court—

(a) that he purchased such fertilizer, farm feed, agricultural remedy or stock remedy under a registered name or mark as being the same in all respects as the article which he purported to sell;

(b) that he had no reason to believe at the time of the sale that it was in any respect different from such article;

(c) that he sold it in the original container and in the state in which it was when he purchased it; and

(d) that the container thereof complied with the prescribed requirements and was sealed and labelled or marked in the prescribed manner with the prescribed particulars.".

Amendment of section 22 of Act 36 of 1947, as amended by section 41 of Act 28 of 1961.

19. Section 22 (1) of the principal Act is hereby amended by the substitution for the words "farming requisite" of the words "fertilizer, farm feed, agricultural remedy or stock remedy".

Amendment of section 23 of Act 36 of 1947, as amended by section 42 of Act 28 of 1961, section 13 of Act 60 of 1970 and section 16 of Act 13 of 1975.

20. Section 23 of the principal Act is hereby amended—

(a) by the substitution for paragraph *(b)* of subsection (1) of the following paragraph:

"*(b)* prescribing the description and conditions under which any substance may be registered, imported or sold as a fertilizer, farm feed, agricultural remedy or stock remedy under any particular name or mark;";

(b) by the substitution for paragraph *(e)* of subsection (1) of the following paragraph:

"*(e)* prescribing the composition, efficacy, chemical, physical or other property required in respect of any substance in order that it may be imported, sold or registered as a fertilizer, farm feed, agricultural remedy or stock remedy, as the case may be;";

(c) by the substitution for paragraph *(g)* of subsection (1) of the following paragraph:

"*(g)* prescribing requirements as to the mass and volume and containers in which fertilizers, farm feeds, agricultural remedies or stock remedies shall be packed, the manner in which they shall be packed into such containers, the manner in which such containers shall be sealed and labelled or marked and the particulars which shall appear on such labels and containers;";

(d) by the insertion in subsection (1) after paragraph *(h)* of the following paragraph:

"*(h*A*)* prescribing the requirements with which any establishment shall comply, the practices which shall be followed in the operation of any undertaking at any establishment, the facilities which shall be available at any establishment, and the records to be kept and the information to be furnished in respect of any establishment and the operation of any undertaking at any establishment;";

(e) by the deletion of paragraph *(l*A) of subsection (1); and

(f) by the substitution for subsection (2) of the following subsection:

"(2) Different regulations may be made under this section in respect of different classes or kinds of fertilizers, farm feeds, agricultural remedies and stock remedies, and in respect of different kinds of establishments and different classes or groups of persons.".

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„Spesiale verdediging in geval van vervolgings.

21. Indien iemand beskuldig word van die verkoop van 'n misstof, veevoedsel, landboumiddel of veemiddel in stryd met die bepalings van artikel 7 (1) *(d)* is dit 'n voldoende verdediging as hy tot bevrediging van die hof bewys— (soos gewysig deur artikel 40 van Wet 28 van 1961 en artikel 12 van Wet 60 van 1970.)

(a) dat hy daardie misstof, veevoedsel, landboumiddel of veemiddel onder 'n geregistreerde naam of merk gekoop het, asof dit in alle opsigte dieselfde was as die artikel wat hy voorgegee het om te verkoop;

(b) dat hy ten tyde van die verkoping geen rede gehad het om te vermoed dat dit in enige opsig van daardie artikel verskil nie;

(c) dat hy dit in die oorspronklike houer en in die toestand waarin dit was toe hy dit aangekoop het, verkoop het; en

(d) dat die houer daarvan aan die voorgeskrewe vereistes voldoen het en op die voorgeskrewe wyse verseël en met die voorgeskrewe besonderhede geëtiketteer of gemerk was.".

Wysiging van artikel 22 van Wet 36 van 1947, soos gewysig deur artikel 41 van Wet 28 van 1961.

19. Artikel 22 (1) van die Hoofwet word hierby gewysig deur die woord „boerderybenodigdheid" deur die woorde „misstof, veevoedsel, landboumiddel of veemiddel" te vervang.

Wysiging van artikel 23 van Wet 36 van 1947, soos gewysig deur artikel 42 van Wet 28 van 1961, artikel 13 van Wet 60 van 1970 en artikel 16 van Wet 13 van 1975.

20. Artikel 23 van die Hoofwet word hierby gewysig—

(a) deur paragraaf *(b)* van subartikel (1) deur die volgende paragraaf te vervang:

„*(b)* wat die beskrywing en voorwaardes waaronder 'n stof onder 'n besondere naam of merk as 'n misstof, veevoedsel, landboumiddel of veemiddel geregistreer, ingevoer of verkoop mag word, voorskryf;";

(b) deur paragraaf *(e)* van subartikel (1) deur die volgende paragraaf te vervang:

„*(e)* wat die samestelling, doeltreffendheid, chemiese, fisiese of ander eienskap wat ten opsigte van een of ander stof vereis word sodat dit as 'n misstof, veevoedsel, landboumiddel of veemiddel, na gelang van die geval, ingevoer, verkoop of geregistreer kan word, voorskryf;";

(c) deur paragraaf *(g)* van subartikel (1) deur die volgende paragraaf te vervang:

„*(g)* wat vereistes betreffende die massa en volume en houers waarin misstowwe, veevoedsel, landboumiddels of veemiddels verpak moet word, die wyse waarop hulle in sodanige houers verpak moet word, die wyse waarop sodanige houers verseël en geëtiketteer of gemerk moet word, en die besonderhede wat op sodanige etikette en houers moet verskyn, voorskryf;";

(d) deur in subartikel (1) na paragraaf *(h)* die volgende paragraaf in te voeg:

„*(h*A*)* wat die vereistes waaraan 'n aanleg moet voldoen, die praktyke wat gevolg moet word in die bedryf van 'n onderneming by 'n aanleg, die fasiliteite wat by 'n aanleg beskikbaar moet wees, en die aantekeninge wat gehou en die inligting wat ten opsigte van 'n aanleg en die bedryf van 'n onderneming by 'n aanleg verstrek moet word, voorskryf;";

(e) deur paragraaf *(l*A*)* van subartikel (1) te skrap; en

(f) deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Verskillende regulasies kan kragtens hierdie artikel uitgevaardig word ten opsigte van verskillende klasse of soorte misstowwe, veevoedsel, landboumiddels en veemiddels en ten opsigte van verskillende soorte aanlegginge en verskillende klasse of groepe persone.".

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Insertion of section 23A in Act 36 of 1947.

21. The following section is hereby inserted in the principal Act after section 23:

"Limitation of liability.

23A. Except where it is expressly otherwise provided for in this Act, no compensation shall be payable by the State, the Minister or the registrar in respect of any act done in good faith under this Act.".

Substitution of long title of Act 36 of 1947.

22. The following long title is hereby substituted for the long title of the principal Act:

"ACT

To provide for the appointment of a Registrar of Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies; for the registration of fertilizers, farm feeds, agricultural remedies and stock remedies; to regulate or prohibit the importation, sale, acquisition, disposal or use of fertilizers, farm feeds, agricultural remedies and stock remedies; to provide for the designation of technical advisers and analysts; and to provide for matters incidental thereto.".

Short title and commencement.

23. (1) This Act shall be called the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Amendment Act, 1977, and shall come into operation on ~~a date to be fixed by the State President by proclamation in the *Gazette*~~. 10-6-77 No 119, 1c G.G. 55

(2) Different dates may in terms of subsection (1) be fixed in respect of different provisions of this Act.

S1-14 }
S16-22 } commence 26/5/77 No 119.

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21. Die volgende artikel word hierby in die Hoofwet na artikel 23 ingevoeg: — Invoeging van artikel 23A in Wet 36 van 1947.

„Beperking van aanspreeklikheid. **23A.** Behalwe waar daar uitdruklik in hierdie Wet anders bepaal word, is geen vergoeding deur die Staat, die Minister of registrateur betaalbaar ten opsigte van 'n handeling wat te goeder trou kragtens hierdie Wet verrig is nie.".

22. Die lang titel van die Hoofwet word hierby deur die volgende lang titel vervang: — Vervanging van lang titel van Wet 36 van 1947.

„WET

Om voorsiening te maak vir die aanstelling van 'n Registrateur van Misstowwe, Veevoedsel, Landboumiddels en Veemiddels; vir die registrasie van misstowwe, veevoedsel, landboumiddels en veemiddels; om die invoer, verkoop, verkryging, vervreemding of gebruik van misstowwe, veevoedsel, landboumiddels en veemiddels te reël of te verbied; om voorsiening te maak vir die aanwysing van tegniese adviseurs en ontleders; en om vir daarmee in verband staande aangeleenthede voorsiening te maak.".

23. (1) Hierdie Wet heet die Wysigingswet op Misstowwe, Veevoedsel, Landboumiddels en Veemiddels, 1977, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal. — Kort titel en inwerkingtreding.

(2) Verskillende datums kan ingevolge subartikel (1) ten opsigte van verskillende bepalings van hierdie Wet bepaal word.