



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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WINDHOEK - 27 June 2012

No. 4975

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Government Notices

MINISTRY OF AGRICULTURE, WATER AND FORESTRY

No. 157

2012

COMMENCEMENT OF THE PLANT QUARANTINE ACT, 2008

In terms of section 24 of the Plant Quarantine Act, 2008 (Act No. 7 of 2008), I determine that the Act comes into operation on the date of 1 July 2012.

J. MUTORWA
MINISTER OF AGRICULTURE,
WATER AND FORESTRY

Windhoek, 7 June 2012

MINISTRY OF AGRICULTURE, WATER AND FORESTRY

No. 158

2012

**REGULATIONS RELATING TO ISSUING OF IMPORT PERMITS, EXAMINATION
OF IMPORTED PLANTS, DISEASES OR INSECTS, AND LODGING OF APPEALS:
PLANT QUARANTINE ACT, 2008**

In terms of section 22 of the Plant Quarantine Act, 2008 (Act No. 7 of 2008), and in consultation with the Minister responsible for Finance, I made the regulations set out in the Schedule.

J. MUTORWA
MINISTER OF AGRICULTURE,
WATER AND FORESTRY

Windhoek, 16 May 2012

SCHEDULE**Definitions**

1. In these regulations a word or expression to which a meaning has been given in the Act bears that meaning, and unless the context indicates otherwise -

“regulated material” means any plant, plant product or other regulated articles; and

“the Act” means the Plant Quarantine Act, 2008 (Act No. 7 of 2008).

Application for permit

2. (1) An application for the permit referred to in section 4(1) of the Act must be made on Form AP 1 set out in Annexure 1.

(2) An application referred to in subsection (1) must be accompanied by fees as set out in paragraph A of Annexure 2.

Issue of permit

3. (1) The Minister must consider an application made in terms of regulation 2 and may, subject to section 4(1) of the Act, reject or grant the application and issue or cause to be issued an import permit in the Form AP 2 set out in Annexure 1.

(2) A permit issued in terms of subregulation (1) is valid for a period indicated on the permit after which a new permit has to be applied for if the permit holder still wishes to import.

Port of entry

4. (1) For the purposes of section 4 (2) (a) of the Act, importation of regulated material can only be done at the following ports or airports:

- (a) Hosea Kutako International airport;
- (b) Port of Walvis Bay;
- (c) Port of Lüderitz;
- (d) Ariamsvlei;

- (e) Noord Oewer;
- (f) Velloorsdrift;
- (g) Oranjemund;
- (h) Klein Menasse;
- (i) Holweg;
- (j) Ngoma;
- (k) Wenela;
- (l) Muhembo;
- (m) Impalila;
- (n) Oshikango;
- (o) Ruacana;
- (p) Buitepost;
- (q) Eros Airport;
- (r) Mpacha Airport;
- (s) Windhoek Rail Way Station;
- (t) Grootfontein Rail Way Station;
- (u) Tsumeb Rail Way Station;
- (v) Otjiwarongo Rail Way Station;
- (w) Gobabis Rail Way Station;
- (x) PX Post Office; or
- (y) Keetmanshoop Rail Station.

Inspection of imported plants, plant products and regulated article

5. (1) Any inspection referred to in section 5(1) of the Act or regulations made under section 22(1) of the Act must be carried between the hours of 08:00 to 17:00, from Monday to Friday.

(2) Any inspection carried out outside the specified hours referred to in subregulation (1) is subject to the payment of the amount set out in paragraph B of Annexure 2.

Clearance certificate

6. On payment of the fee specified in paragraph C of Annexure 2, an inspector must issue a clearance certificate on Form AP 3 set out in Annexure 1.

Phytosanitary certificates

7. (1) A person who wishes to export from Namibia any regulated material contemplated in section 4 of the Act must apply for a phytosanitary certificate to the Permanent Secretary, Ministry of Agriculture, Water and Forestry.

(2) An application referred to in subregulation (1) must be made on Form AP 4 set out in Annexure 1 and must be accompanied by the fee set out in paragraph D of Annexure 2.

(3) On receipt of an application made in terms of subregulation (1) the Permanent Secretary must cause the regulated material to be inspected by the plant quarantine officer and the provisions of section 5 of the Act applies with the necessary changes, to such an inspection.

(4) If after an inspection has been carried out in terms of this regulation, and the plant quarantine officer is satisfied that the regulated material to be exported are free from insects or disease as contemplated in regulations made under section 22 of the Act, the plant quarantine officer must refer the application together with his or her findings to the Minister or a person designated in writing by the Minister, who must issue to the applicant a phytosanitary certificate on Form AP 5 set out in Annexure 1.

Replacement permit or certificate

8. A permit or certificate issued in terms of these regulations may be replaced on payment of the fees set out in paragraph E of Annexure 2.

Reviews

9. (1) This regulation is subject to the review procedures set out in section 20 of the Act.

(2) An application for a review referred to in subregulation (1) must be made to the Minister within 30 days of receipt of the decision to be reviewed.

(3) The application must -

(a) be in writing;

(b) set out grounds for the review as well as any supporting documentation on which such an review is based; and

(c) be accompanied by the prescribed fee set out in paragraph F of Annexure 2.

(4) The applicant must serve copies of the application on the person whose decision is being reviewed and on any other interested person and both must have the right to reply to each ground of review raised and such reply must also be served on the applicant.

(5) The Minister must, as soon as is reasonably possible but not later than 21 days after receiving the application for review, consider the applications and he or she may -

(a) request more information; or

(b) call the parties for a hearing.

(6) An application for review must be submitted to the following addresses: The Permanent Secretary, Ministry of Agriculture, Water and Forestry, Private Bag 13184, Windhoek

or The Permanent Secretary, Ministry of Agriculture, Water and Forestry, Government Office Park, Luther street, Windhoek or by electronic means to such an e-mail address given by the Ministry for that purpose.

ANNEXURE 1**FORMS AND CERTIFICATES**

1. Form AP 1 Application for import permit
2. Form AP 2 Import permit
3. Form AP 3 Clearance certificate
4. Form AP 4 Application for phytosanitary certificate
5. Form AP 5 Phytosanitary certificate

ANNEXURE 2**FEES**

- | | | |
|----|---|------------|
| A. | Application for import permit | N\$150-00 |
| B. | Amount for each hour or part thereof that an examination is carried out in terms of regulation 5(2) | N\$100-00 |
| C. | Issue of clearance certificate | N\$ 150-00 |
| D. | Application for phytosanitary certificate | N\$ 150-00 |
| E. | Replacement permit or clearance certificate | N\$200-00 |
| F. | Review fee: section 20 of the Act | N\$500-00 |

FORM AP 1



REPUBLIC OF NAMIBIA

MINISTRY OF AGRICULTURE, WATER AND FORESTRY

Tel: (061) 2087465/67/96/61/7061/7241

Department of Agriculture

Directorate: Extension and Engineering Services

Fax: (061) 2087786

Private Bag 13184

Windhoek

**Application for an Import Permit/Intransit Permit
(Section 4 or 13, Regulation 3)**

Name and Postal address of applicant: Prof/Dr/Mr/Ms.
.....
.....

Contact Details: Tel: Fax Mobile

Hereby apply for a permit in terms of Section 4 or 13 of the Plant Quarantine Act, 2008 (Act No. 7 of 2008) to import into or in transit through Namibia the regulated goods of which the particulars appear below;

1. Name and address of Foreign Supplier
.....
.....

Contact Details: Tel: Fax: Mobile:

- 2. Country of Origin:
- 3. Distinguish Marks (if any)
- 4. Name and quantity of regulated goods to be imported (NB: specify common and botanical name).
.....
.....
.....

(please use additional sheet if the space is not enough)

- 5. Port of entry or exit
- 6. Expected date of entry
- 7. Purpose of import (consumption, propagating etc)
- 8. Address of final destination

.....
Signature of applicant

.....
Date

(Note: This form shall be submitted to the Ministry of Agriculture, Water and Forestry Private Bag 13184, Windhoek at least 30 days prior to the date of arrival of the article concerned in Namibia). In the case of a plant, a plant product, pathogen or an insect the common name as well as the scientific name thereof shall be specified.)

All Official correspondence must be addressed to the Permanent Secretary

FORM AP 2



REPUBLIC OF NAMIBIA

MINISTRY OF AGRICULTURE, WATER AND FORESTRY

Tel: 061 208 7461/4/5/7/96/7061/7241
Fax: 061 208 7786

Department of Agriculture
Directorate Extension and Engineering Services
Private Bag 13184
WINDHOEK
NAMIBIA

Intransit/Import Authorisation No:
(Section 4 or 13)

Authorisation is hereby granted to: (Company)

1. Address:
.....
.....

2. For the importation of.
.....
.....

3. Name and address of foreign suppliers:
.....
.....

Through: (Port of Entry/Exit)

4. This authorisation is valid till:

This authorisation is subject to compliance with the Plant Protection requirements set out below and is subject thereto that the intended importation meets with the provision of this Act. This authorisation may be withdrawn should any false information be discovered in the application. This authorisation is not transferable.

This authorisation does not exempt the importer from any other law.

5. This authorisation is subject to the following conditions:

5.1. An importer or other person in charge of imported regulated articles transported in transit through Namibia must ensure -

- (a) that no such article is removed from the conveyance on which it is being carried at any place within Namibia or is transferred to any other conveyance, except in the manner directed or approved by a plant quarantine officer; and
- (b) that the requirements and conditions prescribed in relation to consignments of regulated articles in transit or imposed on the permit are at all times complied with.

5.2. All plants, plant products or propagating material to be the produce of and grown in the country as indicated in paragraph 3.

5.3. The importer must ensure to declare the consignment upon arrival for inspection by a plant Quarantine Officer.

5.4. The importing country reserves the right to treat, destroy or refuse the importation.

6. Each consignment has to be accompanied by:

6.1 a copy of this permit;

6.2 a phytosanitary certificate (International model or its equivalent) if required.

Failure to produce the required certificates may result in the entry of the product being prohibited.

7. Special conditions:

.....

.....

Name of Issuing Officer

Signature

Official Date Stamp

FORM AP 3



REPUBLIC OF NAMIBIA

MINISTRY OF AGRICULTURE, WATER AND FORESTRY

Tel: (061) 2087465/67/96/61/7061/7241

Department of Agriculture

Directorate: Extension and Engineering Services

Fax: (061) 2087786

Private Bag 13184

Windhoek

**Authorisation/Consent for Removal of Imported Controlled Goods/Products
(Section 5, Regulation 6)**

Name and Postal address of applicant: Prof/Dr/Mr/Ms:

.....

.....

Contact Details: Tel: Fax: Mobile:

.....
Signature of applicant

.....
Date

In Terms of Section 8 of the Plant Quarantine Act 2008, Act 7 of 2008, consent is granted, subject to the conditions stated hereunder for the removal/release/destruction/return to original destination of the controlled goods/plants/plant products/propagating material as per:

1. Import permit/Import Authorization No.

2. Name and Quantity of detained products:

.....

3. Conditions/Instructions by Plant Quarantine Officer (Treatment/Removal/Destruction/Disposal)

.....

.....

.....

.....

.....
PLANT QUARANTINE OFFICER

.....
DATE

FORM AP 4



REPUBLIC OF NAMIBIA

MINISTRY OF AGRICULTURE, WATER AND FORESTRY

Tel: (061) 2087465/67/96/61/7061/7241

Department of Agriculture

Directorate: Extension and Engineering Services

Fax: (061) 2087786

Private Bag 13184

Windhoek

**Application for the issuance of a Phytosanitary certificate
(Regulation 7)**

1. Name and Postal address of applicant: Prof/Dr/Mr/Ms:

.....

.....

Contact Details: Tel: Fax: Mobile:

Hereby apply for the issue of a Phytosanitary certificate in respect of the consignment, the particulars of which are indicated below.

2. Name and address of Consignee:

.....

.....

Contact Details: Tel: Fax: Mobile:

3. Number and description of packages:

4. Distinguish Marks (if any):

5. Declared means of conveyance:

6. Ports of exit and entry: /

7. Name of product/produce and Quantity (NB: specify common and botanical name):

.....

8. Disinfestation and / or Disinfection Treatment as required by Importing Contracting Party:

8.1 *(The Ministry must be notified of the place, the date and time of treatment)*

8.2 *(A copy of the Import Authorization by the Importing Country must be attached)*

8.3 *(A copy of the treatment certificate as required by the importing country must be attached)*

9. Additional declarations as required by the Importing Contracting Party:

(A copy of the Import Authorization by the Importing Country must be attached)

10. Physical address where the inspection can be undertaken:


.....

.....
Signature of applicant

.....
Date

(Note: This form shall be submitted to the Ministry of Agriculture, Water and Forestry Private Bag 13184, Windhoek at least 14 days prior to export. The relevant documents as required under Paragraph 8 must accompany this application)

All Official correspondence must be addressed to the Permanent Secretary

	GOVERNMENT REPUBLIC OF NAMIBIA PHYTOSANITARY CERTIFICATE (Regulation 7)		Serial Number:
			FORM AP 5
			Certificate Number.
To: The Plant Protection Organisation of	Place of Issue		
DESCRIPTION OF CONSIGNMENT			
1. Name and Address of Exporter		2. Declared name and address of consignee	
3. Number and description of packages		4. Distinguishing marks	
5. Place of origin		5. Declared means of conveyance	
7. Declared point of entry			
8. Name of produce and quantity declared			
Name of produce		Botanical name	Quantity
<p>This is to certify that the plants, plant products or other regulated articles described herein have been inspected and /or tested accordingly to appropriate official procedures and are considered to be free from the quarantine pests specified by the importing contracting party and to conform with the current phytosanitary requirements of the importing contracting party, including those for regulated non-quarantine pests</p>			
DISINFESTATION AND / OR DISINFECTION TREATMENT			
9. Date		10. Treatment	
11. Chemical (Active ingredient)		12. Duration and Temperature	
13. Concentration		14. Additional Information	
15. Additional declaration			
Stamp of the Organization		17. Signature of Authorized Officer	
16 Date of issue		18. Name of Authorized Officer	
No financial liability with respect to this certificate shall be attached to the Government Republic of Namibia or to any of its officers or representatives.			