

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

The Minister of Agriculture, acting under section 16, read with sections 3, 7 and 11 of the Agricultural Pests Act, 1983 (Act 36 of 1983), has made the regulations set out in the Schedule.

SCHEDULE

In this Schedule "the Regulations" means the regulation published buy Government Notice R.111.of 27 January 1984, as amended by Government Notices, R.2573 of 15 November 1985, No.R.2350 of 14 November 1986, No.R.100 of 16 January 1987, No.R.1521 of 14 July 1989, No.R.75 of 18 January 1991, No.R.1637 of 27 October 1995, No.R.1471 of 20 November 1998, No.R.665 of 28 May 1999, No.R.614 of 23 June 2000, No.R.396 of 18 May 2001, No.R.367 of 5 April 2002, No.R.464 of 4 April 2003, No.R.143 of 9 February 2004, No.R.244 of 24 March 2005, No.R.228 of 17 March 2006, No.R.42 of 26 January 2007, No.R.118 of 8 February 2008, No. R. 257 of 13 March 2009, No. R. 73 of 12 February 2010, No. R. 190 of 11 March 2011, No. R. 130 of 24 February 2012, No. R. 77 of 8 February 2013, No. R. 1003 of 20 December 2013, No. R. 50 of 30 January 2015 and No. R. 67 of 29 January 2016, No. R. 134 of 17 February 2017, No. R. 1417 of 15 December 2017, No. R. 167 of 14 February 2020, No. R. 224 of 19 March 2021, No. R.1774 of 25 February 2022, No. R. 3055 of 17 February 2023, No R. 4436 of 1 March 2024 (Table 1 Fees) and [No R. 5710 of 20 December 2024](#).

SUBDIVISION OF REGULATIONS

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Definitions

1. In these regulations any word or phrase to which a meaning has been assigned in the Act shall have that meaning and, unless the context otherwise indicates-

"Border Management Authority (BMA) officials" means an official appointed in terms of the Border Management Authority Act, 2020 (Act No. 2 of 2020) responsible for the execution of frontline border law enforcement functions related to plant biosecurity control in terms of these Regulations.

"Extended detention" means authorization of imports of plants, plant products and other regulated articles through designated ports of entry for inspection at an approved inland facility, preferably within 10 km radius from the port of entry, as determined by the BMA officials with the concurrence of the Department of Agriculture.

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“the Act” means the Agricultural Pests Act, 1983 (Act No. 36 of 1983);

[Amended by R. 75 of 18 January 1991, R. 5710 of 20 December 2024]

PART I: IMPORTATION OF CONTROLLED GOODS

Applications for permits

2. (1) An application for the issuing of a permit on the authority of which controlled goods may be imported into the Republic shall be made [in the form obtainable from the executive officer or authorized person or accessible from the departmental website/online system](#).
- (2) The application form referred to in subregulation (1) shall be-
 - (a) be completed and submitted to the executive officer at least 30 working days prior to the date of arrival of the controlled goods at the port of entry; and;
 - (b) [accompanied by proof of payment of the applicable tariffs under Table 1 of these regulations; and](#)
 - (c) [sent via electronic mail \(e-mail\) to \[PlantHealthPermit@Dalrrd.gov.za\]\(mailto:PlantHealthPermit@Dalrrd.gov.za\) or delivered by post, addressed to the Department of Agriculture, Directorate Food Import and Export Standards, P.O. Box 40024, Arcadia, Pretoria, 0007; or](#)
 - (d) [delivered by hand to the Department of Agriculture, Directorate Food Import and Export Standards, harvest House, 30 Hamilton Street, Office 541, Arcadia, Pretoria.](#)

[Amended by R. 5710 of 20 December 2024]

Ports of entry

3. (1) [The permit authorizing the importation of controlled goods into the Republic shall be issued to authorize import](#) through the selected port of entry specified in Table 2, unless the executive officer has determined some other place in terms of section 3 (2) (a) of the Act.
- (2) An application for the determination of another port of entry in terms of section 3 (2) (a) of the Act shall be lodged in writing together with an application referred to in regulation 2, and accompanied by reasons why the controlled goods concerned cannot be imported through a port of entry specified in Table 2.
- (3) [The Authority responsible for border law enforcement shall ensure that all designated ports of entry in terms of these Regulations are sufficiently resourced to perform or conduct phytosanitary actions, and where possible within 10 km radius of the port of entry.](#)

[Amended by R. 5710 of 20 December 2024]

Presentation of controlled goods for inspection

4. When controlled goods imported [through the port of entry](#) into the Republic on the authority of a permit, they shall be presented [to the authorized person or BMA officials](#) for inspection in terms of section 3 (2) (b) of the Act in such manner that-
 - (a) access to the controlled goods concerned or the containers thereof can readily be obtained; and
 - (b) all marks, printing or writing on the containers of the controlled goods concerned or on the labels attached thereto can readily be read.

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[Amended by R. 5710 of 20 December 2024]

Extended detention for importation of controlled goods

- 4A (1) Extended detention for all imports shall be authorized by the BMA official with the concurrence of the Department of Agriculture.
- (2) All authorized imports of controlled goods for extended detention through the ports of entry shall be:
- (a) verified at the designated ports of entry prior to release to an approved facility,
 - (b) released by affixing seals, marks and release documents issued at the port of entry to ensure consignment integrity,
 - (c) monitored for traceability,
 - (d) inspected at an approved facility.
- (3) The seals must only be removed by an authorized person during inspection,
- (4) Controlled goods should not be sold or distributed unless they have been inspected and cleared for distribution in the Republic.
- (5) The authorized persons within the responsible authority, entity and department shall:
- (a) coordinate their inspection activities;
 - (b) perform any other functions to manage the risk of pest introduction;
 - (c) provide feedback report after inspection to the relevant authority.
- (6) It is the responsibility of the importer or agent on behalf of the importer or consignee that controlled goods reach the intended place for inspection as instructed by the BMA official at the port of entry.
- (7) In cases where a regulated pest is detected or intercepted in the controlled goods during inspection, such controlled goods will either be treated or destroyed under supervision, depending on the level of risk identified.

[Amended by R. 5710 of 20 December 2024]

Inspections outside the official office hours

5. (1) If a person requires that an inspection of controlled goods in terms of section 3 (2) (b) of the Act be carried out at a time other than during the official office hours of the **authorized person**, an application for consent in terms of section 3 (3) of the Act in this connection shall be made on a form which is obtainable from the **authorized person** for this purpose.
- (2) The amount specified in Table 1 in terms of these regulation shall be payable in respect of an inspection of controlled goods which is carried out outside the official office hours of the **BMA official or authorized person**.
- (3) The amount specified in Table 1, in terms of the regulation shall be payable in respect of an inspection of controlled goods.

[Amended by R. 5710 of 20 December 2024]

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PART II: ORDERS

Serving of orders

6. (1) An order shall be served to the user of land or a person referred to in sections 4 and 7 of the Act by-
- (a) forwarding it by registered post or mail;
 - (b) delivering it to the user of land or such person or to his or her authorised representative;
 - (c) delivering it at the residence or place of business of the user of land or such person, to some person who is apparently not younger than 18 years of age who resides or is employed there; or at the registered office of the juristic person/s.

[Amended by R. 2350 of 14 November 1986, R. 5710 of 20 December 2024]

(2) When an order is served in terms of sub-regulation (1) (a) the authorized person shall place it in an envelope addressed to the user of land concerned.

(3) After the order has been served in terms of sub-regulation (1) (b) (c), the person by whom it has been delivered shall make a copy of that order to indicate the manner in which, the person to whom, the place at which and the data on and approximate time at which the order concerned has been delivered.

(4) The entries referred to in sub-regulation (3) shall immediately after having been made, be signed by the person by whom the order has been delivered.

[Amended by R. 5710 of 20 December 2024]

Evidence of service of orders

7. (1) If an order is served in terms of regulation 6 (1) (a), the executive officer shall obtain and preserve the following documents as evidence of the service thereof:
- (a) The certificate of posting of the registered letter concerned, which was issued by the post office at which such letter was registered.
 - (b) The acknowledgement of receipt or receipt from referred to in regulation 6 (2) (b), for the registered letter concerned.

(2) If an order is served in terms of regulation 6 (1) (b), (c) or (d), the executive officer shall obtain the copy of the order concerned on which the entries and signature respectively referred to in regulation 6 (3) and (4) appear from the person by whom that direction was served and preserved it as evidence of service.

Amendment and withdrawal of orders

8. If an application for the amendment or withdrawal of an order with respect to a quarantine area has been made in terms of section 7 (3) of the Act, the amounts specified in Table 1 shall be payable with regard to each inspection conducted by the authorized person; and each test, examination or analysis of a sample taken during the inspection, which is carried out in a laboratory of the department.

[Amended by R. 5710 of 20 December 2024]

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PART III: APPEALS

Submission of appeals

9. (1) A person who wishes to appeal in terms of section 11 of the Act against a refusal or conduct by the executive officer or [authorized person](#), may appeal against it to the [Minister](#) within 60 days of the date of the refusal or conduct by the executive officer or [authorized person](#).

[Amended by R. 5710 of 20 December 2024]

(2) Such appeal shall be in the form of a written statement which has been confirmed on oath and shall specify-

- (a) the refusal or conduct against which is appealed; and
- (b) the grounds on which the appeal is based.

(3) The amount specified in paragraph 4 of Table 1 shall accompany such appeal.

(4) If such appeal is noted by a person who is not the user of land in respect of the land or the owner of the article to which the refusal or action concerned relates, the appeal shall be accompanied by a statement in which that person discloses his interest in such refusal or conduct.

Inquiries into appeals

10. (1) The Director-General shall refer an appeal which has been noted terms of regulation 9 (1), for inquiry and a report to an officer of the department other than the executive officer or another officer concerned in the refusal or conduct against which that appeal is brought.

(2) An appellant may request or be requested to appear before the officer concerned at an inquiry referred to in subregulation (1) to be heard and questioned, and he may be assisted or represented by a legal representative.

(3) A request in terms of subregulation (2) by an appellant to appear before the officer concerned to be heard and questioned shall be made in writing and shall accompany the appeal concerned.

(4) An appellant shall be notified in writing of the date on which, the time at which and place at which he is to appear before the officer designated to report on an appeal, to be heard and questioned.

(5) The Director-General shall submit each appeal and his recommendation, thereanent, together with the report of the officer who conducted the investigation referred to in subregulation (1), as well as all other relevant documents, to the Minister for consideration.

Address for noting of appeals

11. An appeal which is noted in terms of regulation 9 (1) shall-

- (a) forwarded by post and be addressed to the [Minister of Agriculture](#), Private Bag X250, Pretoria, 0001; and or
- (b) delivered by hand to the [Minister of Agriculture](#), 600 Lillian Ngoyi, Berea Park, Pretoria.

[Amended by R. 5710 of 20 December 2024]

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PART IV: GENERAL

Calculation of traveling expenses

12. *deleted by R. 75 of 18 January 1991]*

Payment of fees

13. (1) The cost of any application or other document which is submitted or furnished in terms of these regulations, as well as on or of anything pertaining thereto, shall be paid by the sender thereof.

(2) Any amount which is payable in terms of these regulations shall be paid by [cash or at the bank and proof of payment submitted together with such document to the executive officer.](#)

(3) The amount referred to in regulation 9 (3) shall be paid in cash [or electronic payments.](#)

(4) Subject to the provisions of section 11 (3) of the Act, an amount which has been paid in terms of these regulations shall not be refunded.

[Amended by R. 5710 of 20 December 2024]

Address for the submission of documents

14. An application, notice or document, as well as anything else pertaining thereto, which in terms of the Act or these regulations is required to be submitted to the executive officer shall-

(a) forwarded by post, be addressed to the [Director: Plant Health; Directorate Plant Health, Private Bag X 14, Gezina 0031 and or P.O. Box 40024, Gezina 0031](#); or

(b) delivered by hand to the [Director Plant Health Harvest House, 30 Hamilton Street, Arcadia, Pretoria.](#)

[Amended by R. 1637 of 27 October 1995, R. 5710 of 20 December 2024]

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TABLE 1
FEES PAYABLE

NATURE OF SERVICE	TARIFF
1	2
1. Import Control: (a) During official office hours	
(i) Inspection outside the port of entry. This tariff includes consignments imported through official ports of entry and granted an extended detention	R 290.00 for 30 minutes or portion thereof
(ii) Re-examination of imported controlled goods that were cleaned, disinfected or treated after examination	R 290.00 for 30 minutes or portion thereof including Travelling
(iii) Supervision over cleaning, disinfection or treatment of imported controlled goods	R 290.00 for 30 minutes or portion thereof including travelling
(iv) Purification of imported controlled goods of declared organisms (excluding quarantine organisms)	R 290.00 for 30 minutes or portion thereof
(v) Issuing of a permit to authorize importation of controlled goods	R 230.00 per permit (Maximum of 10 plant genera)
(vi) Issuing of amendment letters	R 380.00 per letter
(vii) Issuing of copies	R 230.00 per copy
(b) Outside official office hours	
(i) Examination of imported controlled goods [Reg.5(2)]	

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Weekdays from 16:00 – 20:00/ 06:00 – 07:30 and Saturdays from 06:00 – 20:00	R 430.00 for 30 minutes or portion thereof including travelling
Weekdays and Saturdays from 20:00 – 06:00 Sundays and Public holidays	R 550.00 for 30 minutes or portion thereof including Travelling
(ii) Re-examination of imported controlled goods that were cleaned, disinfected or treated after examination	
Weekdays from 16:00 – 20:00/ 06:00 – 07: 30 and Saturdays from 06:00 – 20:00	R 430.00 for 30 minutes or portion thereof including Travelling
Weekdays and Saturdays from 20:00 – 06:00 Sundays and Public holidays	R 550.00 for 30 minutes or portion thereof including travelling
(iii) Supervision over cleaning, disinfection or treatment of imported controlled goods	
Weekdays from 16:00 – 20:00/ 06:00 – 07: 30 and Saturdays from 06:00 – 20:00	R 430.00 for 30 minutes or portion thereof including Travelling
Weekdays and Saturdays from 20:00 – 06:00 Sundays and Public holidays	R 550.00 for 30 minutes or portion thereof including Travelling
(c) Laboratory tests Laboratory examinations of imported controlled goods:	
(i) Test for occurrence of bacteria	R 344.00 per isolation
(ii) Test for occurrence of fungi	R244.00 per isolation
(iii) Test for occurrence of nematodes	R 167.00 per extraction
(iv) Test for occurrence of insects or mites	R 179.00 per sample
(v) Morphological identifications of insects, mites, nematodes or fungi	R 344.00 per identification
(vi) Biochemical tests for the identification of bacteria	R 288.00 per test
(vii) BIOLOG tests for the identification of bacteria	R 362.00 per test plate

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(viii) PCR tests for the identification and/or detection of bacteria, fungi, nematodes, insects, mites, viruses and phytoplasmas	R 640.00 per sample for the first test plus R115.00 for every additional test
(ix) Sequencing for the identification of bacteria fungi, nematodes, insects, phytoplasmas	R 482.00 per sample
(x) ELISA tests for identification and/or detection of organisms/ entities	R 175.00 per test
(xi) Herbaceous indexing for the detection of viruses	R 307.00 per sample
2. Quarantine	
2.1 Approval of quarantine facilities (outside/ open quarantine) for evaluation of imported controlled goods	R 314.00 for 30 minutes or portion thereof
2.2 Transport, sampling, examination and inspection of imported controlled goods	R 613.00 for 30 minutes or portion thereof
2.3 Laboratory examinations of imported controlled Goods	
(i) Test for occurrence of bacteria	R 344.00 per isolation
(ii) Test for occurrence of fungi	R 244.00 per isolation
(iii) Test for occurrence of nematodes	R 167.00 per extraction
(iv) Test for occurrence of insects and mites	R 179.00 per sample
(v) Morphological identification of insects, mites, nematodes or fungi	R 344.00 per identification
(vi) Biochemical tests for the identification of bacteria	R 288.00 per test
(vii) BIOLOG tests for the identification of bacteria	R 362.00 per test plate
(viii) PCR tests for the identification of and/or detection of bacteria, fungi, nematodes, insects, mites, viruses and phytoplasmas	R 640.00 per sample for the first test plus R 115.00 for every additional test
(ix) Sequencing for the identification of bacteria, fungi, nematodes, insects, mites, viruses and phytoplasmas	R 482.00 per sample
(x) ELISA tests for identification and/or detection of organisms/ entities	R 175.00 per test
(xi) Herbaceous indexing for the detection of viruses	R 307.00 per sample

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3. Inspection of a quarantine area in respect of which an application, adaptation or withdrawal of an instruction has been submitted [Reg. 8(a)]	R 290.00 for 30 minutes or portion thereof including travelling
4. Test, examination or analysis of a sample taken in the course of an examination as intended in 3 [Reg.8 (b) of the Regulations]	
(i) Test occurrence of bacteria	R 344.00 per isolation
(ii) Test occurrence of fungi	R 244.00 per isolation
(iii) Test occurrence of nematodes	R 167.00 per extraction
(iv) Test occurrence of insects and mites	R 179.00 per sample
(v) Morphological identifications of insects, mites, nematodes or fungi	R 344.00 per identification
(vi) Biochemical tests for the identification of bacteria	R 288.00 per test
(vii) BIOLOG tests for the identification of bacteria	R 362.00 per test plate
(viii) PCR tests for the identification and/or detection of bacteria, fungi, nematodes, insects, mites, viruses and phytoplasmas	R 640.00 per sample for the first test plus R115.00 for every additional test
(ix) Sequencing for the identification of bacteria, fungi, nematodes, insects, mites, viruses and phytoplasmas	R 482.00 per sample
(x) ELISA tests for identification and/or detection of organisms/ entities	R 175.00 per test
(xi) Herbaceous indexing for the detection of viruses	R 307.00 per sample
5. Appeal in terms of section 11 of the Act [Reg. 9(3) of the Regulations]	R 8 744.00 per appeal

This amendment effective 01 April 2024

[Amended by R. 5710 of 20 December 2024]

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TABLE 2
PORTS OF ENTRY
(Reg.3)

1. The harbours of -	Cape Town, Durban, East London, Gqeberha (Port Elizabeth), Ngqura and Richards Bay.
2. The container depots at-	Cape Town, City Deep, Durban, East London and Terminals (Pretcon and Eastcon).
3. The international airports-	Cape Town International Airport, King Shaka International Airport, Kruger Mpumalanga International Airport, Lanseria International Airport, O.R. Tambo (Johannesburg) International Airport and Chief Dawid Stuurman (Port Elizabeth) International Airport.
4. The border control ports at-	Baitbridge, Caledonspoor, Ficksburg Bridge, Golelea, Grobler's Bridge, Jeppes Reef, Kopfontein, Kosi Bay, Lebombo Mahamba, Mananga, Maseru Bridge, Nakop, Nerston, Oshoek, Qacha's Nek, Ramatlabama, Skilpadhsek, Van Rooyen's Hek and Vioolsdrift.

[Amended by R. 5710 of 20 December 2024]

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ANNEXURE

**APPLICATION FOR A PERMIT FOR THE IMPORTATION OF CONTROLLED GOODS
IN TERMS OF THE PROVISIONS OF THE**

AGRICULTURAL PESTS ACT, 1983 (ACT No. 36 OF 1983)

STANDARD APPLICATION: Must be submitted at least 30 days prior to the date of arrival of the goods concerned in South Africa to:

OTHER APPLICATIONS: Application will be notified of handling procedures.

DIRECTOR: DIRECTORATE: PLANT HEALTH AND QUALITY, PRIVATE BAG X258,,
PRETORIA, 0001; OR

FAX: 27 12 319 6101 / E-MAIL JeremiahMA@daff.gov.za / TEL: 27 12 319 6102/6396

I, the undersigned, hereby apply for a permit in terms of section 3(1) of the Agricultural Pests Act, 1983 (Act No 36 of 1983), to import the controlled goods of which the particulars appear hereunder, into South Africa. I hereby declare that the goods concerned do not contain any genetically manipulated organisms.

*Description of controlled goods	Name of variety of plants (where applicable)	Quantity (number or mass)	Full name and address of foreign supplier	Port of entry	Purpose of which imported

Country of origin...../Applicant/ Name of company/Applicant.....

Postal Address of applicant.....

Code.....Telephone no. Fax no.

E-mail address.....

.....

..... SIGNATURE OF APPLICANT

PRINTED: NAME AND SURNAME OF APPLICANT DATE

* In the case of a plant (including seed), pathogen, insect or exotic animal, the scientific as well as the common name thereof shall be specified

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