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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES

NO. R. 63

29 JANUARY 2016

AGRICULTURAL PRODUCT STANDARDS ACT, 1990
(ACT No. 119 OF 1990)**REGULATIONS RELATING TO THE GRADING, PACKING AND MARKING OF MAIZE
PRODUCTS INTENDED FOR SALE IN THE REPUBLIC OF SOUTH AFRICA**

The Minister of Agriculture, Forestry and Fisheries has, under section 15 of the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990) --

- (a) made the regulations in the Schedule;
- (b) determined that the said regulations shall come into operation 12 months from the date of publication; and
- (c) read together with section 3(2) of the said Act, repealed the Regulations published by Government Notice No. R 1739 of 17 September 1993, and R 31 of 25 January 2008.

SCHEDULE***Definitions***

1. Unless the context otherwise indicates, any word or expression in these regulations to which a meaning has been assigned in the act shall have that meaning, and --

"**address**" means a physical address which includes the street or road name, number, and the name of the town, village or suburb and incase of a farm, the name or number of the farm and of the magisterial district in which it is situated;

"**approved fortificant**" means a fortificant as defined in terms of Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972);

"**approved micro nutrients**" means a micro nutrient as defined in terms of Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972);

"**bag**" means a bag made from suitable material;

"**bulk container**" means, any vehicle or container in which bulk maize product is stored or transported;

"**bulk grain probe**" means a double-tubed probe with multiple apertures on one side of both tubes or other similar bulk probe which is suitable for taking a sample of maize products kept in bulk, by means of probing;

"**bulk probe**" means a double-tube probe of suitable length with multiple apertures on the one side thereof or other similar bulk probe which is suitable for taking a sample of a maize product kept in bulk, by means of probing;

"**bulk quantities**" means a quantity of more than 50 kg of maize products, whether sold in containers or bulk containers;

"**consignment**" means a quantity of maize products of the same kind or grade which is delivered at any one time under cover of the same consignment note, delivery note or receipt note, or delivered by the same container, or which is loaded from the same bin of a grain elevator or

from a ship hold or railway truck, or if such a quantity is subdivided into different classes, each quantity of each of the different classes;

"**container**" means a bag or a bulk container or other suitable packing unit or container;

"**enriched maize meal**" means maize meal that is enriched in terms of Foodstuffs, Cosmetics and Disinfectants Act, 1971 (Act No. 54 of 1972);

"**fortified maize meal**" means maize meal that is fortified in terms of Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972);

"**foreign matter**" in relation to maize products, means any material which does not naturally form part of maize products, but excluding an approved fortificant or approved micro nutrients or permitted colourants and flavourants;

"**industrial grade maize product**" means a maize product other than a maize product listed in regulation 3, and which is intended for industrial processing;

"**insect**" means any stored product insect which is injurious to grain products, irrespective of the stage of development of the insect;

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

"**maize**" means the shelled seed or grain of the plant *Zea mays*;

"**maize product**" means a commodity derived from the processing of maize and which includes enriched, fortified and pre-cooked maize meal but excluding an industrial grade maize product;

"**meal**" means the product obtained by the grinding and sifting process of maize;

"**permitted colourants and flavourants**" means colourants and flavourants permitted under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972);

"**pre-cooked maize meal**" means a maize product defined in terms of its cooking properties by the use of the word, expression, reference, particulars or indication such as, but not limited to "par-cooked, quick-cook, cooking time and instant maize product";

"**retail quantities**" means a quantity of 50 kg or less of maize products;

"**sieve**" means a utensil with a woven mesh bottom or perforated metal, constructed from a suitable rigid material used for separating material of varying granulation (grit gauze or wire)) square or round sieve (hand, rotary and automatic sieves);

"**4,0 mm sieve**" means a sieve with wire cloth screening bottom with apertures of 4,0 mm by 4,0 mm and a wire diameter of 1.4 mm;

"**6.35 mm sieve**" means a sieve with a wire cloth screening bottom with apertures of 6.35 mm by 6.35 mm and a wire diameter of or 1.8 mm;

"**2,36 mm sieve**" means a sieve with a wire cloth screening bottom with apertures of 2,36 mm by 2,36 mm and a wire diameter of or 1.0 mm;

"**2,0 mm sieve**" means a sieve with a wire cloth screening bottom with apertures of 2,0 mm by 2,0 mm and a wire diameter of 0.9 mm;

"**1,4 mm sieve**" means a sieve with a wire cloth screening bottom with apertures of 1,4 mm by 1,4

mm and a wire diameter of 0.71 mm;

"**1,18 mm sieve**" means a sieve with a wire cloth screening bottom with apertures of 1,18 mm by 1,18 mm and a wire diameter of 0.63 mm;

"**1,0 mm sieve**" means a sieve with a wire cloth screening bottom with apertures of 1,0 mm by 1,0 mm and a wire diameter of 0.56 mm;

"**0,850 mm sieve**" means a sieve with a wire cloth screening bottom with apertures of 0,850 mm by 0,850 mm and a wire diameter of 0.50 mm;

"**0,3 mm sieve**" means a sieve with a wire cloth screening bottom with apertures of 0,3 mm by 0,3 mm and a wire diameter of 0.20 mm;

"**0,5 mm sieve**" means a sieve with a wire cloth screening bottom with apertures of 0,5 mm by 0,5 mm and a wire diameter of 0.315 mm;

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

"**unspecified maize product**" means a maize product which in form or texture is similar to any of the mentioned products but which does not comply with the requirements of any of the grades as prescribed in this regulation.

Restrictions on the sale of maize products

2. (1) No person shall sell a consignment of maize products in the Republic of South Africa --
- (a) unless the maize products are sold according to the grades referred to in regulation 3;
 - (b) unless the maize products comply with the specifications regarding quality referred to in regulation 4;
 - (c) unless such maize products are packed in a container and in the manner prescribed in regulation 5; and
 - (d) unless such maize products are marked with the particulars and in the manner prescribed in regulation 6.
- (2) The Executive officer may grant written exemption, entirely or partially, to any person on such condition as he or she may deem necessary, from the subregulation (1).

QUALITY STANDARDS

Grades

3. There are 19 grades of maize products for sale in the Republic of South Africa, namely:
- (a) Samp;
 - (b) Maize rice;
 - (c) Maize grits; (brewing, snacks and cereal grits)
 - (d) Maize flour;
 - (e) Super fine maize meal;
 - (f) Super maize meal;
 - (g) Special maize meal;

- (h) Sifted maize meal;
- (i) Unsifted maize meal;
- (j) No. 1 straightrun maize;
- (k) No. 2 straightrun maize;
- (l) Sifted crushed maize;
- (m) Unsifted crushed maize;
- (n) Fine crushed maize;
- (o) Maize germ meal;
- (p) Fine maize bran;
- (q) Coarse maize bran; and
- (r) Unspecified maize product.

Specifications

4. (1) All grades of maize products mentioned in regulation 3 shall --
- (a) be free from a mouldy, sour or rancid smell or taste;
 - (b) be free from wet and caked patches;
 - (c) have a moisture content not exceeding **14** percent with the exception of Maize Germ Meal, Fine and Coarse Maize Bran;
 - (d) in the case of Maize Bran and Maize Germ have a moisture content not exceeding 18 percent;
 - (e) be free from foreign matter;
 - (f) be free from insects; and
 - (g) not exceed the permissible deviations regarding toxins, chemical or other substance that renders it unfit for human or animal consumption as prescribed in terms of Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972).
- (2) The grades super maize meal; special maize meal; Super fine maize meal; sifted maize meal and unsifted maize meal shall be fortified in terms of Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972).
- (3) Subject to the provisions of subregulation (1) and (2), all grades of maize products mentioned in regulation 3, shall also comply with the specifications for fibre contents, fat content and fineness or granulation as set out in the Table 1 of the Annexure.

PACKING AND MARKING REQUIREMENTS

Packing requirements

5. (a) Maize products of different grades shall not be packed in the same container.
- (b) Bags shall be filled in accordance with the mass depicted and properly closed.

Marking requirements

6. (1) Each container in which a maize product is packed shall be marked in clearly legible symbols, letters and figures with --

- (a) the name and physical address of the manufacturer, packer, processor, distributor and/or importer of the maize product concerned;
- (b) the grade of the maize product as mentioned in regulation 3; and
- (c) the net mass of the maize product concerned in that container as prescribed in terms of the Trade Metrology Act 1973 (Act No. 77 of 1973).

(2) Each container in which a fortified maize product is packed, shall contain the particulars in terms of Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972).

(3) The provisions of this sub-regulation (1 and 2) shall not apply with regard to a maize product which --

- (a) is sold in bulk; or
- (b) is repacked in quantities of less than 50 kg, where the mass concerned is measured in the presence of the buyer of that maize product or his agent, and is taken from a container which is marked as contemplated in subregulation (1).

Prohibited particulars

7. No wording, illustration or other device of expression which constitutes a misrepresentation or which directly or by implication can create a misleading impression of the contents shall appear on the container containing any grade of maize products or on a label affixed thereto or which is displayed therewith.

SAMPLING**Obtaining a sample**

8. (1) An inspector shall for the purpose of the application of these regulations, take random sample of maize product in the following manner and shall satisfy himself/herself that the samples so drawn are the representative of the consignment concerned.

(a) In the case of maize products packed in retail quantities, samples shall be taken in accordance with the table below:

SAMPLING FREQUENCY

1 Number of containers comprising quantity of maize products	2 Minimum number of containers to be selected at random
< 10	2
10-50	4
> 50	6

(b) In the case of a consignment in bulk quantities --

samples of maize products which are presented for inspection in bulk containers, excluding grain elevators, shall be drawn at six different places with a bulk probe in such a manner that the samples taken will be representative of the contents of the bulk container. Samples may also be taken with a suitable container at regular intervals while a bulk container is being emptied.

(2) The collective sample obtained in subregulation (1)(a) or (b) shall --

(a) Have a total mass of at least 10 kg; and

(b) Be thoroughly mixed.

(3) Samples drawn as prescribed in subregulation (1) shall first be examined for deviations in quality standards as set out in regulation 4, which can be determined by feeling, smelling and visual inspection and shall subsequently be subjected to further examination. A sample taken in terms of these regulations is considered to be representative of the consignment from which it was taken.

(4) If an inspector should notice during the course of obtaining the representative samples that any of the quantities of maize products drawn from any bag or portion of a bulk container are obviously inferior to, or differ from, that drawn from the remainder of the bags or from the other parts of the bulk container, she/he shall draw samples only out of such bags or portion of the bulk container from which the inferior or differing maize products have been taken, place them in a collecting tray and mix them thoroughly. Samples drawn in this manner shall, in the application of this regulation be considered as deviating samples.

(5) Any bags or containers of which the contents do not comply in any respect with the requirements of this regulation or bags and containers from which deviating samples have been taken, shall be marked with a distinguishing mark.

Obtaining of a working sample

9. (1) A working sample shall be obtained by dividing the representative or deviating sample of the consignment according to ICC (International Association for Cereal Science and Technology) 101/1 (approved 1982) method.

Determination of Fineness or Granulation

10. The particle size of maize products shall be determined by any suitable sieving method in accordance with the prescribed apertures and diameter of the sieve as specified in the table below.

Table 2: Sieve Specifications

DIMENSION OF SIEVE	SIZE OF APERTURE	DIAMETER OF WIRE
1	2	3
0.3 mm	0.30mm by 0.30mm	0.20mm
0.850 mm	0.850 mm by 0.850 mm	0.50mm
0.5 mm	0.50mm by 0.50mm	0.315mm
1.0 mm	1.0mm by 1.0mm	0.56mm
1.18 mm	1.18mm by 1.18mm	0.63mm
1.4 mm	1.4mm by 1.4mm	0.71mm
2.0 mm	2.0mm by 2.0mm	0.9mm
2.36 mm	2.36mm by 2.36mm	1.0mm
4.0 mm	4.0mm by 4.0mm	1.4mm
6.35 mm	6.35mm by 6.35mm	1.8mm

Determination of the percentage of whole maize kernels

11. The percentage of whole maize kernels shall be determined as follows:

- (a) Obtain a working sample of at least 50 g from either a representative or a deviating sample, as the case may be.
- (b) Sort out the working sample by hand in such a manner that the whole maize kernels are retained.
- (c) Determine the mass of whole kernels so obtained and express it as a percentage of the mass of the working sample.

Determination of the moisture content

12. The moisture content of a consignment of maize products may be determined according to any suitable method: Provided that the results thus obtained are in accordance with the maximum permissible deviation for a class 1 moisture meter as detailed in ISO 7700/1 based on the results of the applicable oven dried method (AACC International Approved Method 44-15A).

Determination of Fibre Content

13. (1) The fibre content of a consignment of maize products may be determined by any suitable method: Provided that the results thus obtained are in accordance with (0.2 %) with the results obtained by means of crude fibre method (AACC International Approved 32-10.01).

Determination of Fat content

14. The fat content of a maize product shall be determined by any suitable method: Provided that the results thus obtained are in accordance with (0.3%) with the results obtained by means of the Petroleum Ether Soxhlet Extraction method (AACC International Approved 30-25.01).

Offences and Penalties

15. Any person who contravenes or fails to comply with the provisions of these regulations shall be guilty of an offence and upon conviction be liable to a fine or imprisonment for a period not exceeding two years or both such fine and imprisonment.

Other Legislation

16. The provisions of these regulations shall be in addition to and not in substitution for regulations published under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972) and Trade Metrology Act 1973 (Act No, 77 of 1973).

ANNEXURE

TABLE 1.

COMPOSITION OF MAIZE PRODUCTS

	Class of Maize Products	Fat content by mass (%)		Fibre content by mass (%)		Fineness or Granulation by mass
		Minimum	Maximum	Minimum	Maximum	
A	Samp	*	1.5	*	0.8	Not more than 5% shall be whole grain, and not more than 5% shall pass through a 2.36 mm sieve.
B	Maize Rice	*	1.5	*	0.8	At least 90% shall pass through a 4.0 mm sieve, and not more than 5% shall pass through a 1.18 mm sieve.
C	Maize Grits					
	• Snack	*	1.5	*	0.8	At least 90% shall pass through a 2.0 mm sieve and not more than 5% shall pass through a 0.850 mm sieve.
	• Brewing	*	1.5	*	0.8	At least 90% shall pass through a 4.0 mm sieve and not more than 5% shall pass through a 0.50 mm sieve.
	• cereal	*	1.5	*	0.8	Not more than 5% shall be whole grain and at least 90% shall pass through a 6.35 mm sieve and not more than 5% shall pass through a 0.50 mm sieve.
D	Maize Flour	*	<2.0	*	0.8	At least 90% shall pass through a 0.3 mm sieve.
E	Super Fine Maize Meal	*	<2.0	*	0.8	At least 80% shall pass through a 0.3 mm sieve.
F	Super Maize Meal	*	<2.0	*	0.8	At least 90% shall pass through a 1.4 mm sieve, and less than 90% shall pass through a 0.3 mm sieve.
G	Special Maize Meal	2.0	<3.0	*	1.2	At least 90% shall pass through a 1.4 mm sieve.
H	Sifted Maize meal	3.0	<4.0	*	1.2	At least 90% shall pass through a 1.4 mm sieve.
I	Unsifted Maize Meal	3.5	<4.5	>1.2	2.5	At least 90% shall pass through a 1.4 mm sieve.

	Class of Maize Products	Fat content by mass (%)		Fibre content by mass (%)		Fineness by mass
		Minimum	Maximum	Minimum	Maximum	
J	No.1 Straightrun Maize Meal	3.7	*	18	2.5	At least 90% shall pass through a 2.36 mm sieve.
K	No.2 Straightrun Maize Meal	3.7	*	>2.5	6.5	At least 90% shall pass through a 2.36 mm sieve.
L	Sifted crushed Maize	1.5	*	*	2.0	Not more than 5% shall be whole grain, and not more than 5% shall pass through a 1.18 mm sieve.
M	Unsifted crushed Maize	3.2	*	*	2.5	Not more than 5% shall be whole grain, and not more than 40% shall pass through a 2.36 mm sieve.
N	Fine crushed Maize	1.5	*	*	2.0	At least 90% shall pass through a 2.36 mm sieve, and not more than 10% shall pass through a 1.0 mm sieve.
O	Maize Germ Meal	10.0	*	*	*	*
P	Fine Maize Bran	*	*	*	*	At least 90% shall pass through a 2.00 mm sieve, and not more than 50% shall pass through a 1.4 mm sieve.
Q	Coarse Maize Bran	*	*	*	*	*
R	Unspecified Maize Product	*	*	*	*	*

DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES

NO. R. 64

29 JANUARY 2016

**AGRICULTURAL PRODUCT STANDARDS ACT, 1990
(ACT No.119 OF 1990)****REGULATIONS RELATING TO THE GRADING, PACKING AND MARKING OF
BREAD WHEAT INTENDED FOR SALE IN THE REPUBLIC OF SOUTH AFRICA**

The Minister of Agriculture, Forestry and Fisheries, acting under section 15 of the Agricultural Product Standards Act 119 of 1990, has

- (a) made the regulations in the Schedule;
- (b) determined that the said regulations shall come into operations on the date of publication; and
- (c) read together with section 3(1) of the said Act, repealed the Regulations published by Government Notice No. R1186 of December 2010.

SCHEDULE***Definitions***

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

"**animal filth**" means dead rodents, dead birds and dung;

"**bag**" means a bag manufactured from --

- (a) jute or phormium or a mixture of jute and phormium; or
- (b) polypropylene that complies with SANS specification CKS632 1246:2012;

"**bulk container**" means any vehicle or container in which bulk wheat is stored or transported;

"**consignment**" means --

- (a) a quantity of wheat of the same class, which belongs to the same owner, delivered at any one time under cover of the same consignment note, delivery note or receipt note, or delivered by the same vehicle or bulk container, or loaded from the same bin of a grain elevator or from a ship's hold; or
- (b) in the case where a quantity referred to in paragraph (a), is subdivided into different grades, each such quantity of each of the different grades.

"**container**" means a bag or bulk container;

"**damaged wheat**" means wheat--

- (a) which have been damaged by insects;
- (b) which have been distinctly discoloured (orange-brown, dark brown or black) by external heat or as a result of heating caused by internal fermentation in wheat with an excessive moisture content, excluding wheat kernels in respect of which the discolouration is confined to the germ end;
- (c) which are immature and have a distinctly green colour; and
- (d) in which germination has proceeded to such an extent that the skin covering the embryo has been broken or the developing sprouts and/or rootlets are clearly visible.

"**ergot sclerotia**" means the sclerotia of the fungus *Claviceps purpurea*; and "ergot" has a corresponding meaning;

"**falling number**" means the time in seconds according to Hagberg-Perten as a measure of the degree of Alpha-Amylase activity in grain and flour;

"**field fungi-infected wheat**" means wheat of which the kernels are visibly infected with fungi, and that--

- (a) clearly have greyish brush-ends that are discoloured as a whole; or where field fungi growth is present from the brush-ends into the crease; and
- (b) have a dull, lifeless, chalky or pinkish and shrunken appearance as a result of *Fusarium* infection.

"**foreign matter**" means all matter excluding wheat, other grain and unthreshed ears. Coal, dung, glass and metal shall not be present in the consignment concerned;

"**heavily frost-damaged wheat**" means --

- (a) wheat which have been damaged by severe frost during the milk to soft dough stage and which is characterised by the kernels being fairly plump, but covered entirely with small blisters extending into the crease, excluding --
 - (i) kernels in which blistering is confined to the back of the kernel; and
 - (ii) immature wrinkled kernels in which wrinkling has been caused by frost while the kernels were still immature; and
- (b) kernels which have a slightly flaked-off bran coat due to frost: Provided that evidence of frost damage is present and that the bran coat had not been rubbed off due to handling.

"**hectolitre mass**" means the mass in kilogram per hectolitre;

"**insect**" means any live grain insect that is injurious to stored grain irrespective of the stage of development of that insect;

"**other grain**" means the kernels or pieces of kernels of barley, oats, triticale, maize, rye and sorghum;

"**poisonous seeds**" means the seeds or bits of seeds of plant species that may in terms of the Foodstuffs, Cosmetics and Disinfectants Act 54 of 1972 represent a hazard to human or animal health when consumed, including seeds of *Argemone mexicana*, *Convolvulus spp.*, *Crotalaria spp.*, *Datura spp.*, *Ipomoea purpurea*, *Lolium temulentum*, *Ricinus communis* or *Xanthium spp.*;

"**protein content**" means the percentage protein in wheat on a 12% moisture basis;

"**screenings**" means all material that passes through the standard sieve;

"**standard sieve**" means a slotted sieve --

- (a) with a flat bottom of metal sheet of 1,0 mm thickness with apertures 12,7 mm long and 1,8 mm wide with rounded ends. The spacing between the slots in the same row must be 2,43 mm wide and the spacing between the rows of slots must be 2,0 mm wide. The slots must be alternately orientated with a slot always opposite the solid inter segment of the next row of slots;
- (b) of which the upper surface of the sieve is smooth;
- (c) with a round frame of suitable material with an inner diameter of between 300 mm and 310 mm maximum and at least 50 mm high; and
- (d) that fits onto a tray with a solid bottom and must be at least 20 mm above the bottom of the tray.

"**stinking smut infection**" means wheat that is infected with *Tilletia spp.* with the exception of wheat infected with *Tilletia indica* (karnal bunt). Wheat is considered to be infected by stinking smut if one or more of the following characteristics are present--

- (a) an unmistakable stinking smut odour; or
- (b) wheat kernels that are smeared with stinking smut; or
- (c) more than four stinking smut balls (or pieces of balls equal to four stinking smut balls) per 100 g of wheat.

"**storage fungi infected wheat**" means wheat that are visibly infected with fungi, and that show --

- (a) blue, green, blackish or yellow fungal growth anywhere on the kernel; or
- (b) visible mould beneath the bran.

"**the Act**" means the Agricultural Product Standards Act 119 of 1990;

"**unthreshed ears**" means ears and bits of ears of wheat, barley, triticale and rye that still contain seeds that are completely covered with glumes; and

"**wheat**" means the kernels and pieces of kernels of the species *Triticum aestivum*.

Restrictions on sale of wheat

2. (1) No person shall sell a consignment of wheat in the Republic of South Africa --
- (a) unless the wheat is sold according to the classes set out in regulation 3;
 - (b) unless the wheat complies with the standards for the classes set out in regulation 4;
 - (c) unless the wheat, where applicable, complies with the grades of wheat and the standards for grades set out in regulations 5 and 6 respectively;
 - (d) unless the wheat is packed in accordance with the packing requirements set out in regulation 7;
 - (e) unless the containers or sale documents, as the case may be, are marked in accordance with the marking requirements set out in regulation 8; and
 - (f) if such wheat contains a substance that renders it unfit for human consumption or for processing into or utilisation thereof as food or feed.
- (2) The Executive Officer may grant written exemption, entirely or partially, to any person on such conditions as he or she may deem necessary, from the provisions of sub-regulation (1).

PART I**QUALITY STANDARDS****Classes of wheat**

3. The classes of wheat are --
- (a) Bread Wheat; and
 - (b) Other Wheat.

Standards for classes

4. (1) Notwithstanding the provisions of sub-regulations (2) and (3), a consignment of wheat shall --
- (a) be free from any toxin, chemical or any other substance that renders it unsuitable for human consumption or for processing into or utilisation thereof as food or feed and may not exceed the permissible deviations regarding aflatoxin in terms of the Foodstuffs, Cosmetics and Disinfectants Act 54 of 1972;
 - (b) not contain more poisonous seeds or ergot sclerotia than permitted in terms of the Foodstuffs, Cosmetics and Disinfectants Act 54 of 1972;
 - (c) be free from organisms of phytosanitary importance as determined in terms of the Agricultural Pest Act 36 of 1983;
 - (d) be free from mould infected, sour and rancid other grain and foreign matter;
 - (e) be free from any undesired odour, taste or colour not typical of undamaged and sound wheat;
 - (f) be free from animal filth;

- (g) be free from stones, glass, metal, coal or dung;
- (h) with the exception of Class Other Wheat, be free from grain insects;
- (i) with the exception of Class Other Wheat, be free from stinking smut infection; and
- (j) with the exception of Class Other Wheat, have a moisture content not exceeding 13 percent.

(2) A consignment shall be classified as Bread Wheat if --

- (a) the wheat in the consignment consists of at least 95 percent (m/m) of one or more of the bread wheat seeds; and
- (b) it complies with the standards for Grade 1, Grade 2, Grade 3, Grade 4 or Utility Grade set out in regulation 6.

(3) A consignment of wheat shall be classified as Class Other Wheat if it does not comply with the standards for Bread Wheat.

Grades of wheat

5. (1) The grades for Bread Wheat shall be as follows:

- (a) Grade 1.
- (b) Grade 2.
- (c) Grade 3.
- (d) Grade 4; and
- (e) Utility grade.

(2) No grades are determined for Class Other Wheat.

Standards for grades of wheat

6. (1) Subject to the provisions of subregulations (2), (3) and (4), a consignment of wheat shall be graded as --

- (a) Grade 1 if the nature of deviation, specified in column 1 of Table 1 of the Annexure, in that consignment does not exceed the percentage specified in column 2 of the said table opposite the deviation concerned;
- (b) Grade 2 if the nature of deviation, specified in column 1 of Table 1 of the Annexure, in that consignment does not exceed the percentage specified in column 3 of the said table opposite the deviation concerned;
- (c) Grade 3 if the nature of deviation, specified in column 1 of Table 1 of the Annexure, in that consignment does not exceed the percentage specified in column 4 of the said table opposite the deviation concerned;
- (d) Grade 4 if the nature of deviation, specified in column 1 of Table 1 of the Annexure, in that consignment does not exceed the percentage specified in column 5 of the said table opposite the deviation concerned; and

- (e) Utility Grade if the nature of deviation, specified in column 1 of Table 1 of the Annexure, in that consignment does not exceed the percentage specified in column 6 of the said table opposite the deviation concerned.
- (2) The minimum hectolitre masses for the different grades are as follows:
- (a) Grade 1 - 77 kg.
 - (b) Grade 2 - 76 kg.
 - (c) Grade 3 - 74 kg.
 - (d) Grade 4 - 72 kg; and
 - (e) Utility Grade - 70 kg.
- (3) (a) Grade 1, Grade 2 and Grade 3 shall have a minimum falling number value of not less than 250 seconds.
- (b) Grade 4 shall have a minimum falling number value of not less than 200 seconds.
- (c) Utility Grade shall have a minimum falling number value of not less than 150 seconds.
- (d) Notwithstanding the provision of paragraph (a), wheat shall be deemed to comply with the requirements of the paragraph concerned if it deviates with not more than 30 seconds lower than the minimum prescribed for Grade 1, Grade 2 and Grade 3, as the case may be.
- (4) The minimum protein content (on a 12 percent moisture basis) for the different grades shall be as follows:
- (a) Grade 1 - 12 percent.
 - (b) Grade 2 - 11 percent.
 - (c) Grade 3 - 10 percent.
 - (d) Grade 4 - 9 percent; and
 - (e) Utility Grade - 8 percent.

PART II

PACKING AND MARKING REQUIREMENTS

Packing requirements

7. Wheat of different grades shall be packed in different containers, or stored separately.

Marking requirements

8. (1) Every container or the accompanying sale documents of a consignment of wheat shall be marked or endorsed by means of appropriate symbols specified in sub-regulation (2), with --

- (a) the class of the wheat; and
 - (b) the grade.
- (2) The symbols referred to in sub-regulation (1) shall appear in the order of class and grade.
- (3) The symbols used to indicate the different --
- (a) classes shall be --
 - (i) B in the case of Bread Wheat; and
 - (ii) O in the case of Other Wheat.
 - (b) grades shall be --
 - (i) 1 in the case of Grade 1;
 - (ii) 2 in the case of Grade 2;
 - (iii) 3 in the case of Grade 3;
 - (iv) 4 in the case of Grade 4; and
 - (v) UT in the case of Utility Grade.

PART III

SAMPLING

Taking of sample

9. (1) A sample of a consignment of wheat shall --
- (a) in the case of wheat delivered in bags and subject to regulation 10, be obtained by sampling at least ten percent of the bags, chosen from that consignment at random, with a bag probe: Provided that at least 25 bags in a consignment shall be sampled and where a consignment consists of less than 25 bags, all the bags in that consignment shall be sampled; and
 - (b) in the case of wheat delivered in bulk and subject to regulation 10, be obtained by sampling that consignment throughout the whole depth of the layer, in at least six different places, chosen at random in that bulk quantity, with a bulk sampling apparatus.
- (2) The collective sample obtained in sub-regulation (1) (a) or (b) shall --
- (a) have a total mass of at least 10 kg; and
 - (b) be thoroughly mixed by means of dividing before further examination.
- (3) If it is suspected that the sample referred to in sub-regulation (1)(a) is not representative of that consignment, an additional five percent of the remaining bags, chosen from that consignment at random, shall be emptied into a suitable bulk container and sampled in the manner contemplated in sub-regulation (1) (b).

(4) If it is suspected that the sample referred to in sub-regulation (1)(b) is not representative of that consignment, an additional representative sample shall be obtained by using an alternative sampling pattern, apparatus or method.

(5) A sample taken in terms of these regulations shall be deemed to be representative of the consignment from which it was taken.

Sampling if contents differ

10. (1) If, after an examination of the wheat taken from different bags in a consignment in terms of regulation 9(1) (a), it appears that the contents of those bags differ substantially --

- (a) the bags concerned shall be placed separately;
- (b) all the bags in the consignment concerned shall be sampled with a bag probe in order to do such separation; and
- (c) each group of bags with similar contents in that consignment shall for the purposes of these regulations be deemed to be a separate consignment.

(2) If, after the discharge of a consignment of wheat in bulk has commenced, it is suspected that the consignment could be of a class or grade other than that determined by means of the initial sampling, the discharge shall immediately be stopped and the part of the consignment remaining in the bulk container as well as the wheat already in the hopper shall be sampled anew with a bulk sampling apparatus or by catching at least 20 samples, by means of a suitable container, at regular intervals throughout the whole offloading period from the stream of wheat flowing in bulk.

Working sample

11. A working sample is obtained by dividing the representative sample of the consignment according to the latest revision of the ICC (International Association for Cereal Science and Technology) 101/1 method.

PART IV

DETERMINATION OF OTHER SUBSTANCES

Determination of undesirable odours and harmful substances

12. A consignment of wheat or a sample of a consignment of wheat shall be sensorially assessed or chemically analysed in order to determine whether--

- (a) it contains a substance that renders the wheat unfit for human consumption or for processing into or for utilisation as food or feed such as poisonous seeds, stones, glass, metal, coal or dung; and
- (b) it has a musty, sour, rancid or other undesirable odour: Provided that a working sample of unscreened wheat that is ground in a grain mill to a fine meal may be used for the determination concerned.

PART V**DETERMINATION OF CLASS, HECTOLITRE MASS,
MOISTURE CONTENT, PROTEIN CONTENT AND FALLING NUMBER*****Determination of class***

13. The class of a consignment of wheat shall be determined as follows:

- (a) Obtain a working sample of at least 500 g and screen the working sample in the manner prescribed in regulation 18.
- (b) Take at least 100 g of the screened wheat and remove all other grain, un threshed ears and foreign matter by hand.
- (c) Obtain a working sample of at least 25 g each after all other grain, unthreshed ears and foreign matter have been removed and separate the different cultivars.
- (d) Determine the combined mass of all of the cultivars that belong to the same class and express the mass thus determined as a percentage of the mass of the working sample.
- (e) Such percentage represents the percentage of all the cultivars that belong to the same class in the consignment.

Determination of the hectolitre mass

14. The hectolitre mass of a consignment of unscreened wheat may be determined by any suitable instrument: Provided that the instrument complies with and has been calibrated to the specifications detailed in ISO (International Organization for Standardization) 7971-3.

Determination of moisture content

15. The moisture content of a consignment wheat may be determined by any suitable method: Provided that the results thus obtained is in accordance with the maximum permissible deviation for a class 1 moisture meter as detailed in ISO (International Organization for Standardization) 7700/1 based on the results of the 72 hour, 103°C oven dried method [the latest revision of the AACCI (American Association of Cereal Chemists International) Method 44-15A].

Determination of protein content

16. The percentage of protein of a consignment of wheat may be determined according to any suitable method: Provided that --

- (a) the determination shall be conducted on a sample which had been sifted using a screen with the same apertures as the standard sieve and from which other grain, un threshed ears and foreign matter had been removed by hand; and
- (b) the results thus obtained are in accordance ($\pm 0,3$ percent) with the results obtained by the Dumas Combustion Analysis Method [the latest revision of the AACCI (American Association of Cereal Chemists International) Method 46-30].

Determination of falling number in wheat

17. (1) The falling number of a consignment of wheat may be determined according to any suitable method: Provided that --

- (a) the determination shall be conducted on a sample which had been sifted using a screen with the same apertures as the standard sieve and from which other grain, unthreshed ears and foreign matter had been removed by hand; and
- (b) the results thus obtained are in accordance (± 5 percent) with the results obtained by the latest revision of the ICC (International Association for Cereal Science and Technology) 107/1 method.

(2) If the falling number of a consignment of wheat is determined according to the latest revision of the ICC (International Association for Cereal Science and Technology) 107/1 method --

- (a) the sampling in the mentioned method shall be replaced with the manner prescribed in regulation 9; and
- (b) only the altitude corrected value shall be used.

PART VI

DETERMINATION OF PERCENTAGE DEVIATIONS

Determination of percentage screenings

18. (1) The percentage screenings in a consignment of wheat shall be determined as follows:
- (a) Obtain a working sample of at least 500 g.
 - (b) Place the sample on the standard sieve and screen the sample by moving the sieve 50 strokes to and fro, alternately away from and towards the operator of the sieve, in the same direction as the long axes of the slots of the sieve. Move the sieve, which rests on a table or other suitable smooth surface, 250 mm to 460 mm away from and towards the operator with each stroke. The prescribed 50 strokes must be completed within 50 to 60 seconds: Provided that the screening process may also be performed with the standard sieve in some or other container or an automatic sieving apparatus.
 - (c) Determine the mass of the material that has passed through the sieve and express it as a percentage of the mass of the working sample.
 - (d) Such percentage represents the percentage screenings in the consignment.

Determination of the percentage heavily frost-damaged wheat

19. The percentage heavily frost-damaged wheat in a consignment of wheat shall be determined as follows:
- (a) Obtain a working sample of at least 25 g of a screened sample.
 - (b) Remove all heavily frost-damaged kernels by hand and determine the mass thereof.
 - (c) Express the mass thus determined as a percentage of the mass of the working sample.
 - (d) Such percentage represents the percentage heavily frost-damaged wheat in the consignment concerned.

Determination of the percentages other grain and unthreshed ears

20. The percentage other grain and unthreshed ears in a consignment of wheat shall be determined as follows:

- (a) Obtain a working sample of at least 50 g from a screened sample.
- (b) Remove all other grain and unthreshed ears by hand and determine the mass thereof.
- (c) Express the mass thus determined as a percentage of the mass of the working sample.
- (d) Such percentage represents the percentage other grain and unthreshed ears in the consignment concerned.

Determination of the percentage foreign matter

21. The percentage foreign matter in a consignment of wheat is determined as follows:
- (a) Obtain a working sample of at least 100 g from a screened sample.
 - (b) Remove all foreign matter by hand and determine the mass thereof.
 - (c) Express the mass thus determined as a percentage of the mass of the working sample.
 - (d) Such percentage represents the percentage foreign matter in the consignment concerned.

Determination of the percentage damaged wheat

22. The percentage damaged wheat in a consignment of wheat shall be determined as follows:
- (a) Obtain a working sample of at least 25 g of a screened sample.
 - (b) Remove all damaged kernels by hand and determines the mass thereof.
 - (c) Express the mass thus determined as a percentage of the mass of the working sample.
 - (d) Such percentage represents the percentage damaged wheat in the consignment concerned.

Determination of the percentage heat-damaged wheat

23. The percentage heat-damaged wheat in a consignment of wheat shall be determined as follows:
- (a) Obtain a working sample of at least 100 g from a screened sample.
 - (b) Remove all heat-damaged kernels by hand and determine the mass thereof. Kernels from an additional working sample may also be sensorially assessed (by smelling and tasting the kernels) to confirm suspicion of heat damage.
 - (c) Express the mass thus determined as a percentage of the mass of the working sample.
 - (d) Such percentage represents the percentage heat-damaged wheat in the consignment concerned.

Determination of percentage field fungi infected wheat

24. The percentage field fungi infected wheat in a consignment of wheat shall be determined as follows:
- (a) Obtain a working sample of at least 25 g from a screened sample.
 - (b) Remove all field fungi infected kernels by hand and determine the mass thereof.
 - (c) Express the mass thus determined as a percentage of the mass of the working sample.

- (d) Such percentage represents the percentage of field fungi infected wheat in the consignment concerned.

Determination of percentage storage fungi infected wheat

25. The percentage storage fungi infected wheat in a consignment of wheat shall be determined as follows:

- (a) Obtain a working sample of at least 100 g from a screened sample.
- (b) Remove all storage fungi infected kernels by hand and determine the mass thereof.
- (c) Express the mass thus obtained as a percentage of the mass of the working sample.
- (d) Such percentage represents the percentage storage fungi infected wheat in the consignment concerned.

PART VII

Offence and penalties

26. Any person who contravenes or fails to comply with any provision of these regulations shall be guilty of an offence and upon conviction be liable to a fine of not exceeding R50 000 or to imprisonment for a period not exceeding two years, or to both that fine or imprisonment.

ANNEXURE

TABLE 1

STANDARDS FOR GRADES OF BREAD WHEAT

Nature of deviation	Maximum percentage permissible deviation (m/m)				
	Grade 1	Grade 2	Grade 3	Grade 4	Utility Grade
1	3	4	5	6	7
(a) Heavily frost-damaged kernel	5	5	5	5	10
(b) Field fungi infected kernels	2	2	2	2	2
(c) Storage fungi infected kernels	0,5	0,5	0,5	0,5	0,5
(d) Screenings	3	3	3	4	10
(e) Other grain and unthreshed ears	1	1	1	1	4
(f) Gravel, stones and turf.	0,5	0,5	0,5	0,5	0,5
(g) Foreign matter including gravel, stones and turf: Provided that such deviations are individually within the limits specified in item (f).	1	1	1	1	3
(h) Heat-damaged kernels	0,5	0,5	0,5	0,5	0,5
(i) Damaged kernels, including heat-damaged kernels: Provided that such deviations are individually within the limit specified in item (h) and provided further that the minimum falling number value prescribed in regulation 6(3) for the grade concerned is at least complied with.	2	2	2	2	5
(j) Deviations in items (d), (e), (g) and (i) collectively: Provided that such deviations are individually within the limits of the said items.	5	5	5	5	10

DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES

NO. R. 65

29 JANUARY 2016

AGRICULTURAL PRODUCT STANDARDS ACT, 1990 (ACT No. 119 OF 1990)

REGULATIONS REGARDING CONTROL OF THE EXPORT OF TREE NUTS

The Minister of Agriculture, Forestry and Fisheries has under section 15 of the Agricultural Product Standards Act, 1990 (Act 119 of 1990)-

- (a) made the regulations in the Schedule; and
- (b) determined that the said regulations shall come into operations on the date of publication thereof.

SCHEDULE

Definitions

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

"accredited laboratories" means any laboratory that is not a National Reference

Laboratory and that is nominated by the Executive Officer in writing as being suitable or required for the testing of compliance as envisaged in terms of regulation 6(1) and 7(1);

"cashew nuts" unshelled edible seeds of the tree *Anacardium occidentale*;

"certificate" means a certificate that may be issued either in paper format (including electronically prepared) or in verified electronic format which describe and attest to conformity of a consignment of regulated agricultural products to stipulated requirements as set out in regulation 6;

"Codex Alimentarius commission" means a collection of internationally recognized standards codes of practice, guidelines and other recommendations relating to food safety;

"consignment" means a quantity of tree nuts of the same grade belonging to the same grade or class belonging to the same owner and which is delivered at any one time under cover of the consignment note, delivery note or receipt note, is delivered by the same vehicle or bulk container or railway truck, or which is loaded from the same bin into different grades or classes, each quantity of each of the different grades or classes;

"consignment note" means a consignment note approved by the Executive Officer or the Assignee;

"Executive Officer" means the officer designated under section 2 (1) of the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990);

"fees" means a gazetted amount payable for inspection and analysis;

"food business operator" means the person or persons responsible for ensuring that the prescribed requirements of these standards are met within the food business under his or her control and include both the management of the food business as well as the person with overall authority on site or in the specific establishment;

"hazel nuts" means nuts of any of the species of the genus *Corylus*;

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

"ISO" means the International Standard Organization;

"macadamia nut means" unshelled edible seeds of the genus *Macadamia*;

"national reference laboratory" means an official laboratory of the Department of Agriculture, Forestry and Fisheries that has been nominated in writing by the Executive Officer for the testing of compliance as envisaged in terms of regulation 6(1) and 7(1);

"pecan nut" means unshelled edible seeds of the tree *Carya illinoensis*;

"the Act" means the Agricultural Product Standards Act, 1990 (Act 119 of 1990);

"the department" means the Department of Agriculture, Forestry and Fisheries;

"tree nuts" means cashew nuts, hazel nuts, walnuts, pecan nuts and macadamia nuts; and

"walnuts" means unshelled edible seeds of the tree *Juglas nigra*.

Prohibition on the export of Tree Nuts

2. (1) Subject to the provisions of subregulation (2) no person shall export Tree nuts from the Republic unless each quantity thereof has been approved by the Executive Officer for that purpose.

(2) Tree nuts which are –

(a) exported in a consignment of less than 20kg; and

(b) taken in as provisions for consumption abroad a conveyance to another country, shall be exempted from the prohibition set out in subregulation (1).

(3) An approval in terms of subregulation (1) may also be given by an Assignee designated with regard to tree nuts.

Application for approval for export

3. (1) An application for an approval in terms of section 4 of the Act for the export of tree nuts shall be directed in writing to the Executive Officer or the Assignee who has been designated with regard to tree nuts as the case may be.

(2) Such an application shall be made at least three (3) working days before the intended date of export.

(3) The following particulars shall be supplied when such application is made:

- (a) The name and address of the applicant and where applicable, of his agent or exporter.
- (b) The grade and the class of the tree nuts.
- (c) The applicable Food Business Operator Code.
- (d) The number of containers and the mass of the tree nuts in the consignment concerned.
- (e) The intended date of export and the port from which the consignment concerned shall be exported.
- (f) The destination of the consignment concerned.
- (g) The address of the premises where the consignment concerned may be inspected and the date and time when the consignment will be ready for inspection.
- (h) Any other pertinent information concerning the consignment.

Presentation for inspection

4. (1) Each consignment of tree nuts intended for export which has to be presented for inspection in terms of these regulations. Shall, prior to the export thereof, be approved for export by an inspector with the provision that the consignment concerned shall be presented for inspection at least 48 hours before such tree nuts consignment is to be exported or as otherwise arranged with the Executive Officer or designated Assignee.

(2) A consignment referred to in subregulation (1) that shall be thus inspected, shall be stored in such a manner that access thereto can be obtained readily and the marks, printing or stamping on such containers can readily be read.

(3) The person, who furnishes an application for an approval in terms of regulation 3, shall pay the prescribed inspection fee specified in the regulations made for this purpose under section 15 of the Act, to the Executive Officer or the Assignee concerned, as the case may be.

Consignment note

5. (1) Every consignment of tree nuts destined for export shall when submitted for inspection, be accompanied by a consignment note completed clearly, legibly, fully and correctly.

(2) All the copies of such a consignment note shall have the same serial number and one copy thereof shall be retained by the Department or Assignee.

Procedure at inspection

6. (1) An inspector may open as many containers in a consignment of tree nuts intended for export as he may deem necessary and inspect or analyse or have analysed the contents thereof in such a manner as he may deem fit.

(2) The result of an inspection or analysis in terms of subregulation (1) shall be deemed to be applicable to the whole consignment of tree nuts from which such containers were abstracted.

(3) (a) An inspector may re-inspect a consignment of tree nuts which has already been approved for export, and may confirm or withdraw any previous approval with regard to the consignment concerned.

(b) The provisions of regulation 4 and this regulation shall *mutatis mutandis* apply to such re-inspection: Provided that no inspection fee shall be payable in respect of a re-inspection carried out on demand of an inspector.

Assessment of the Competence of testing Laboratories involved in the export of tree nuts

7. (1) For the purpose of analysis as required by regulation 6(1), there shall be a National Reference Laboratory and Officially Recognized Laboratories involved in the export control of tree nuts.

(2) The following criteria shall be used in the recognition of laboratories involved in the export control of tree nuts.

(a) Compliance with the general criteria for testing laboratories laid down in ISO/IEC Guide 17025;

(b) Participation in appropriate proficiency testing schemes for analysis which conform to the requirements laid down in "The international harmonized protocol for the proficiency testing of analytical laboratories";

- (c) Whenever available, use methods of analysis which have been validated according to the principles laid down by the Codex *Alimentarius* Commission; and
- (d) Use internal quality control procedures, such as those described in the "Harmonized Guidelines for internal Quality Control in Analytical Chemistry Laboratories".

Fees for inspection and analysis

8. The following fees shall be payable for inspection and analysis:
- (1) The prescribed inspection fee when tree nuts are presented for inspection.
 - (2) The laboratory analysis fee when samples of tree nuts are analyzed chemically, physically or microbiologically for export purposes.
 - (3) The courier (transport) fee when samples are dispatched to the laboratory.

Approvals and rejections

9. (1) If an inspector approves the export of a consignment of tree nuts he/she shall --
- (a) mark each container in that consignment with a mark of approval; or
 - (b) endorse the consignment note of that consignment to such effect; and
 - (c) issue a certificate to the effect that such consignment has been approved for export.
- (2) If a consignment of tree nuts has been rejected for export purposes as a result of an inspection or re-inspection carried out at a port of export, the custodian of that consignment shall as soon as feasible remove it from the port area concerned.
- (3) Notwithstanding the provisions of subregulation (2), an inspector may, in the case of a consignment in connection with which an appeal is lodged --
- (a) direct that such consignment shall not without his consent be removed from the place where the inspection or re-inspection concerned was carried out; and
 - (b) apply any mark to the containers concerned which he may deem necessary for identification purposes.

Appeals

10. (1) Any person who appeals in terms of section 10 of the Act against a decision or direction of an inspector, shall --

- (a) submit it within 48 hours of such decision or direction;
- (b) submit it in writing to the Director-General of the Department or at any office of the Executive Officer;
- (c) specify the grounds on which the appeal is based;
- (d) simultaneously pay the prescribed fees to the Executive Officer; and
- (e) inform the inspector concerned of the submission of the appeal.

(2) An appeal which is not lodged within the prescribed period or in respect of which the prescribed fees have not been paid, shall not be considered.

(3) An appeal board shall decide on such an appeal within four days, excluding Saturdays, Sundays and public holidays, after it has been lodged.

(4) The appeal board shall --

- (a) notify the appellant concerned as well as the inspector concerned at least two (2) hours beforehand of the date and time on which and place at which the appeal shall be heard and afford them the opportunity to be heard;
- (b) direct the appellant concerned to present the consignment concerned on the specified date, time and place for inspection; and
- (c) after having identified the consignment concerned and having heard all interested parties, decide *in camera* on the appeal concerned: Provided that the appeal board may hear expert opinion and may take, inspect, analyse, grade and classify a sample of the product concerned, before deciding on such an appeal.

(5) If an appellant fails to present the consignment to which an appeal relates for inspection as referred to in subregulation (4) (b) or if the appeal concerned is dismissed, the fees paid in respect thereof shall be forfeited to the State.

(6) If an appeal board fails to decide on an appeal within the period specified in subregulation (3), it shall be deemed that such appeal board has set aside the decision or direction which had been appealed against.

(7) If an appeal is upheld in part only, an appeal board may, in terms of section 10(9)(b) of the Act, determine that a *pro rata* portion of the fee referred to in subregulation (1)(d) shall be refunded to the appellant: Provided that such a *pro rata* fund shall not be greater than 90 per cent of the fee concerned.

Offences and penalties

11. Any person who contravenes or fails to comply with the provisions of these regulations shall be guilty of an offence and shall be liable to a fine or imprisonment as set out in section 11 of the Act.

DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES**NO. R. 66****29 JANUARY 2016****AGRICULTURAL PESTS ACT, 1983
(ACT No. 36 OF 1983)****CONTROL MEASURES: AMENDMENT**

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

S. Zokwana

Minister of Agriculture, Forestry and Fisheries

SCHEDULE

Definition

In this Schedule “the Control Measures” means the control measures published in Government Notice No. R. 110 of 27 January 1984, as amended by Government Notices Nos. R. 909 of 4 May 1984, R. 1770 of 17 August 1984, R. 845 of 12 April 1985, R. 1518 of 12 July 1985, R. 1442 of 11 July 1986, R. 87 of 22 January 1988, R. 1349 of 8 July 1988, R. 1954 of 30 September 1988, R. 2416 of 19 October 1990, R. 18 of 4 January 1991, R. 2840 of 29 November 1991, R. 2269 of 14 August 1992, R. 2876 of 16 October 1992, R. 1560 of 20 August 1993, R. 451 of 11 March 1994, R. 1373 of 5 August 1994, R. 1636 of 27 October 1995, R. 1977 of 22 December 1995, R. 2029 of 13 December 1996, and revoked by Government Notice No. R. 1012 of 1 August 1997, R. 288 of 27 February 1998, R. 1470 of 20 November 1998, R. 666 of 28 May 1999, R. 1016 of 27 August 1999, R. 613 of 23 June 2000, R. 83 of 22 January 2001, R. 397 of 18 May 2001, R. 810 of 31 August 2001, R. 368 of 5 April 2002, R. 714 of 24 May 2002, R. 831 of 21 June 2002, R. 1364 of 8 November 2002, R. 465 of 4 April 2003, R. 144 of 9 February 2004, R. 243 of 24 March 2005, R. 457 of 20 May 2005 as corrected by the Government Notice No. R. 563 of 17 June 2005, R. 1223 of 23 December 2005 as corrected by the Correction Notice published on page 2 of Government Gazette No. 28356 of 30 December 2005, R. 369 of 21 April 2006, R. 43 of 26 January 2007, R. 117 of 8 February 2008, R. 461 of 25 April 2008, R. 258 of 13 March 2009, R. 1148 of 11 December 2009, R. 48 of 5 February 2010, R. 74 of 12 February 2010, R. 19 of 21 January 2011, R. 189 of 11 March 2011, R. 129 of 24 February 2012, R. 76 of 8 February 2013, R. 1002 of 20 December 2013, R. 442 of 6 June 2014 and R.49 of 30 January 2015.

Substitution of Table 10 of the Control Measures

1. Table 10 of the Control Measures is hereby substituted with the following table:

TABLE 10
FEES PAYABLE

NATURE OF SERVICE	TARIFF
1	2
1. Inspection and simultaneous issuing of a permit to exempt someone from the stipulations of a control measure [Par.4A (2) of the Control Measures]	R 189, 00 for 30 minutes or portion thereof.
2. Test, examination or analysis of a sample taken in the course of an examination as intended in 1	
(i) Test occurrence of bacteria	R 232,00 per isolation
(ii) Test occurrence of fungi	R 165,00 per isolation
(iii) Test occurrence of nematodes	R 112,00 per extraction
(iv) Test occurrence of insects and mites	R 120,00 per sample
(v) Morphological identifications of insects, mites, nematodes or fungi	R 232,00 per identification
(vi) Biochemical tests for the identification of bacteria	R 193,00 per test
(vii) BIOLOG tests for the identification of bacteria	R 244,00 per test plate
(viii) PCR tests for the identification and/or detection of bacteria, fungi, nematodes, insects, mites, viruses and phytoplasmas	R 430,00 per sample for the first test plus R77,00 for every additional test
(ix) Sequencing for the identification of bacteria, fungi, nematodes, insects, mites, viruses and phytoplasmas	R 324,00 per sample
(x) ELISA tests for identification and/or detection of organisms	R 118,00 per tests
(xi) Herbaceous indexing for the detection of viruses	R 207,00 per sample

This amendment will come into operation on 01 April 2016.

DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES

NO. R. 67

29 JANUARY 2016

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

REGULATIONS: AMENDMENT*

I, Senzeni Zokwana, Minister of Agriculture, Forestry and Fisheries, acting under section 16 of the Agricultural Pests Act, 1983 (Act No. 36 of 1983), hereby amend the Regulations set out in the Schedule.

S. Zokwana

Minister of Agriculture, Forestry and Fisheries

SCHEDULE

Definition

1. In this Schedule "the Regulations" means the regulations published by Government Notice No. R. 111 of 27 January 1984, as amended by Government Notices Nos. R. 2573 of 15 November 1985, R. 2350 of 14 November 1986, R. 100 of 16 January 1987, R. 1521 of 14 July 1989, R. 75 of 18 January 1991, R. 1637 of 27 October 1995, R. 1471 of 20 November 1998, R. 665 of 28 May 1999, R. 614 of 23 June 2000, R. 396 of 18 May 2001, R. 367 of 5 April 2002, R. 464 of 4 April 2003, R. 143 of 9 February 2004, R. 244 of 24 March 2005, R. 228 of 17 March 2006 and R. 42 of 26 January 2007, R. 118 of 8 February 2008, R. 257 of 13 March 2009, R. 73 of 12 February 2010, R. 190 of 11 March 2011, R. 130 of 24 February 2012, R. 77 of 8 February 2013, R. 1003 of 20 December 2013 and R. 50 of 30 January 2015.

Substitution of Table 1 of the Regulations

2. Table 1 of the Regulations is hereby substituted with the following table:

TABLE 1

FEES PAYABLE

NATURE OF SERVICE 1	TARIFF 2
1. Inspection of a quarantine area in respect of which an application, adaptation or withdrawal of an instruction has been submitted [Reg.8 (a) of the Regulations]	R 189, 00 for 30 minutes or portion thereof.
2. Test, examination or analysis of a sample taken in the course of an examination as intended in 1. [Reg.8 (b) of the Regulations] <ul style="list-style-type: none"> <li data-bbox="272 813 962 846">(i) Test occurrence of bacteria <li data-bbox="272 853 962 887">(ii) Test occurrence of fungi <li data-bbox="272 893 962 927">(iii) Test occurrence of nematodes <li data-bbox="272 934 962 967">(iv) Test occurrence of insects and mites <li data-bbox="272 974 962 1048">(v) Morphological identifications of insects, mites, nematodes or fungi <li data-bbox="272 1055 962 1128">(vi) Biochemical tests for the identification of bacteria <li data-bbox="272 1135 962 1209">(vii) BIOLOG tests for the identification of bacteria <li data-bbox="272 1216 962 1330">(viii) PCR tests for the identification and/or detection of bacteria, fungi, nematodes, insects, mites, viruses and phytoplasmas <li data-bbox="272 1337 962 1451">(ix) Sequencing for the identification of bacteria, fungi, nematodes, insects, mites, viruses and phytoplasmas <li data-bbox="272 1458 962 1532">(x) ELISA tests for identification and/or detection of organisms <li data-bbox="272 1538 962 1610">(xi) Herbaceous indexing for the detection of viruses 	R 232,00 per isolation R 165,00 per isolation R 112,00 per extraction R 120,00 per sample R 232,00 per identification R 193,00 per test R 244,00 per test plate R 430,00 per sample for the first test plus R 77,00 for every additional test R 324,00 per sample R 118,00 per tests R 207,00 per sample
3. Appeal in terms of section 11 of the Act [Reg.9 (3) of the Regulations]	R 5 882, 00 per appeal

This amendment will come into operation on 01 April 2016.

BOARD / RAAD**NO. R. 68****29 JANUARY 2016****MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996 (ACT NO. 47 OF 1996)****AMENDMENT OF STATUTORY MEASURES FOR SORGHUM,
WINTER CEREAL, MAIZE AND OILSEEDS**

I, Senzeni Zokwana, Minister of Agriculture, Forestry & Fisheries, acting under sections 13, 18 and 19 of the Marketing of Agricultural Products Act, 1996 (Act No. 47 of 1996),

- (a) hereby publishes the amendments of the statutory measures, as set out in the schedule hereunder, as respectively published by the following Government Notices No's:
- Notice 605 of 4 June 2008, as amended by Notice 826 of 7 October 2011:
Statutory Measure for records and returns in respect of maize and wheat imports and exports;
 - Notice 606 of 4 June 2008, as amended by Notice 826 of 7 October 2011:
Statutory Measure for records and returns in respect of maize, oilseeds, sorghum and winter cereal; and
 - Notice 607 of 4 June 2008, as amended by Notice 826 of 7 October 2011:
Statutory Measure for registration of certain persons in respect of maize, oilseeds, sorghum and winter cereal.
- (b) declares that the said amendments will commence on the date of publication hereof.

SENZENI ZOKWANA,
Minister of Agriculture, Forestry and Fisheries.

SCHEDULE**A. Amendment of the Statutory Measure for records and returns in respect of Maize and Wheat imports and exports**

The Statutory Measure for Maize and Wheat imports and exports as published by Government Notice No 605 of 4 June 2008 as amended, must be amended as follows:

1. Amendment of the Definition in clause 1 of the Statutory Measure

1.1 The definition of "SAGIS" is replaced by the following definition:

"SAGIS" means the South African Grain Information Service NPC, a non-profit company as defined in the Companies Act, 2008, originally incorporated under section 21 of the Companies Act, 1973 (Act no. 61 of 1973)

2. Commencement and period of validity

2.1 Section 7: The date of expiry is amended by replacing "30 April 2016" with "30 April 2020".

B. Amendment of the Statutory Measure for records and returns in respect of Maize, Oilseeds, Sorghum and Winter Cereal

The Statutory Measures for Maize, Oilseeds, Sorghum and Winter Cereal as published by Government Notice No 606 of 4 June 2008 as amended, must be amended as follows:

1. Amendment of the Definition in clause 1 of the Statutory Measure

The definition of "SAGIS" is replaced by the following definition:

"SAGIS" means the South African Grain Information Service NPC, a non-profit company as defined in the Companies Act, 2008, originally incorporated under section 21 of the Companies Act, 1973 (Act no. 61 of 1973)

2. Returns to be rendered by end-consumers, importers, storers, exporters or processors of maize, oilseeds, sorghum and winter cereal must be amended as follows:

2.1 Section 6 (3) (a), (b) and (c): is replaced by the following:

The returns shall be posted, delivered, send or transmitted electronically to any of the postal, delivery or e-mail addresses, fax numbers or other electronic addresses as furnished on the official return forms

2.2 Commencement and period of validity

Section 7: The date of expiry is amended by replacing "30 April 2016" with "30 April 2020".

C. Amendment of the Statutory Measure for registration of certain persons in respect of Maize, Oilseeds, Sorghum and Winter Cereal

The Statutory Measures for Maize, Oilseeds, Sorghum and Winter Cereal as published by Government Notice No 607 of 4 June 2008 as amended, must be amended as follows:

1. Amendment of the Definition in clause 1 of the Statutory Measure

1.1 The definition of "SAGIS" is replaced by the following definition:

"SAGIS" means the South African Grain Information Service NPC, a non-profit company as defined in the Companies Act, 2008, originally incorporated under section 21 of the Companies Act, 1973 (Act no. 61 of 1973)

2. Application for registration as end-consumer, importer, storer, exporter or processor of maize, oilseeds, sorghum and winter cereal must be amended as follows:

2.1 Section 6 (3) (a), (b) and (c): is replaced by the following:

The application form shall be posted, delivered, send or transmitted electronically to any of the postal, delivery or e-mail addresses, fax numbers or any other electronic addresses as appear on the application form.

2.2 Commencement and period of validity

Section 7: The date of expiry is amended by replacing "30 April 2016" with "30 April 2020".

BOARD / RAAD**NO. R. 68****29 JANUARIE 2016****WET OP DIE BEMARKING VAN LANDBOUPRODUKTE, 1996
(WET NO 47 VAN 1996), SOOS GEWYSIG****WYSIGING VAN STATUTÊRE MAATREËLS VIR SORGHUM, WINTERGRAAN, MIELIES EN
OLIESADE**

Ek, Senzeni Zokwana, Minister van Landbou, Bosbou en Visserye, handelende kragtens artikels 13, 18 en 19 van die Wet op die Bemarking van Landbouprodukte, 1996 (Wet No. 47 van 1996) soos gewysig-

(a) publiseer hiermee die wysigings van die statutêre maatreëls, in die bylae hieronder uiteengesit, soos onderskeidelik gepubliseer per Goewermentskennisgewing No's:

- 605 van 4 Junie 2008 soos gewysig - Statutêre Maatreël vir aantekeninge en opgawes met betrekking tot mielies en koring in- en uitvoere;
- 606 van 4 Junie 2008 soos gewysig - Statutêre Maatreël vir aantekeninge en opgawes met betrekking tot mielies, oliesade, sorghum en wintergraan; en
- 607 van 4 Junie 2008 soos gewysig - Statutêre Maatreël vir registrasie van sekere persone met betrekking tot mielies, oliesade, sorghum en wintergraan.

(b) verklaar dat genoemde wysigings op die datum van publikasie hiervan in werking tree.

SENZENI ZOKWANA,
Minister van Landbou, Bosbou en Visserye.

BYLAE

A. Wysiging van die Statutêre Maatreël vir aantekeninge en opgawes met betrekking tot Mielies en Koring in- en uitvoere

Die Statutêre Maatreël vir Mielies en Koring invoere en uitvoere soos gepubliseer per Goewermentskennisgewing No. 605 van 4 Junie 2008, soos gewysig, word soos volg gewysig:

1. Wysiging van die Woordoms krywing in klousule 1 van die Statutêre Maatreël

1.1 Die woordoms krywing van "SAGIS" is vervang deur die volgende woordoms krywing:

"SAGIS" die Suid-Afrikaanse Graan Inligtingsdiens NWM, 'n maatskappy sonder winsoogmerk soos omskryf in die Maatskappywet, 2008, oorspronklik ingelyf kragtens artikel 21 van die Maatskappywet, 1973 (Wet No. 61 van 1973)

2. Inwerkingtreding en tydperk van geldigheid

2.1 Klousule 7: Die vervaldatum is gewysig deur "30 April 2016" te vervang met "30 April 2020".

B. Wysiging van die Statutêre Maatreël vir aantekeninge en opgawes met betrekking tot Mielies, Oliesade, Sorghum en Wintergraan

Die Statutêre Maatreël vir Mielies, Oliesade, Sorghum en Wintergraan soos gepubliseer per Goewermentskennisgewing No. 606 van 4 Junie 2008, soos gewysig, word soos volg gewysig:

1. Wysiging van die woordoms krywing in klousule 1 van die Statutêre Maatreël

1.1 Die woordoms krywing van "SAGIS" is vervang deur die volgende woordoms krywing:

"SAGIS" die Suid-Afrikaanse Graan Inligtingsdiens NWM, 'n maatskappy sonder winsoogmerk soos omskryf in die Maatskappywet, 2008, oorspronklik ingelyf kragtens artikel 21 van die Maatskappywet, 1973 (Wet No. 61 van 1973)

2. Opgawes wat verstrekk moet word deur eindverbruikers, invoerders, opbergers, uitvoerders en verwerkers van mielies, oliesade, sorghum en wintergraan moet soos volg wysig:

2.1 Klousule 6 (3) (a), (b) en (c) is vervang deur die volgende:

Opgawes moet gepos, afgelewer, of elektronies versend word na enige van die pos, aflewering of e-pos adresse, faksnummers of enige ander elektroniese adresse soos aangedui op die opgawevorm.

2.2 Inwerkingtreding en tydperk van geldigheid

Klousule 7: Die vervaldatum is gewysig deur "30 April 2016" te vervang met "30 April 2020".

C. Wysiging van die Statutêre Maatreël vir registrasie van sekere persone met betrekking tot Mielies, Oliesade, Sorghum en Wintergraan.

Die Statutêre Maatreël vir Mielies, Oliesade, Sorghum en Wintergraan soos gepubliseer per Goewermentskennisgewing No. 607 van 4 Junie 2008, soos gewysig, word soos volg gewysig:

1. Wysiging van die woordoms krywing in klousule 1 van die Statutêre Maatreël

1.1 Die woordskrywing van "SAGIS" is vervang deur die volgende woordskrywing:

"SAGIS" die Suid-Afrikaanse Graan Inligtingsdiens NWM, 'n maatskappy sonder winsoogmerk soos omskryf in die Maatskappywet, 2008, oorspronklik ingelyf kragtens artikel 21 van die Maatskappywet, 1973 (Wet No. 61 van 1973)

2. Aansoek om registrasie as eindverbruiker, invoerder, opberger, uitvoerder en verwerker van mielies, oliesade, sorghum en wintergraan moet soos volg wysig:

2.1 Klousule 6 (3) (a), (b) en (c) is vervang deur die volgende:

Aansoekvorms moet gepos, afgelewer, of elektronies versend word na enige van die pos, aflewering of e-pos adresse, faksnummers of enige ander elektroniese adresse soos aangedui op die aansoekvorm.

2.2 Inwerkingtreding en tydperk van geldigheid

Klousule 7: Die vervaldatum is gewysig deur "30 April 2016" te vervang met "30 April 2020".

DEPARTMENT OF LABOUR

NO. R. 69

29 JANUARY 2016

LABOUR RELATIONS ACT, 1995

MOTOR INDUSTRY BARGAINING COUNCIL-MIBCO: RENEWAL OF PERIOD OF OPERATION OF THE ADMINISTRATIVE COLLECTIVE AGREEMENT

I, **MONGWADI MARY NGWETJANA**, Acting Director: Collective Bargaining, duly authorised by the Minister of Labour, hereby, in terms of section 32(6)(a)(ii)(b), read with section 32(5)(d) of the Labour Relations Act, 1995, declare the provisions of Government Notices R 656 of 31 July 2015 and R.39 of 22 January 2016 to be effective for a further period with effect from 1 February 2016 ending 31 May 2016.



ACTING DIRECTOR: COLLECTIVE BARGAINING

NO. R. 69

29 JANUARY 2016

UMNYANGO WEZABASEBENZI

UMTHETHO WOBUDLELWANO KWEZABASEBENZI KA-1995

UMKHANDLU WOKUXOXISANA PHAKATHI KWABAQASHI NABASEBENZI EMBONINI YEZIMOTO: UKUVUSELELWA KWESIKHATHI SOKUSEBENZA KWESIVUMELWANO SABAQASHI NABASEBENZI SOKUPHATHA

Mina, **MONGWADI MARY NGWETJANA**, Umqondisi Obambeke Wezokuxoxisana Phakathi Kwabaqashi Nabasebenzi, lapha ngokwesigaba 32(6)(a)(ii)(b), sifundwa nesigaba 32(5)(d) soMthetho Wobudlelwano KwezabaSebenzi, ka-1995, ngimemezela ukuthi izihlinzeko zeZasiso zikaHulumeni R.656 somhlaka 31 July 2015 kanye no R.39 somhlaka 22 January 2016 zizosebenza isikhathi esengeziwe esiqala mhlaka 1 kuNhlolanja 2016 sipele mhlaka 31 kuNhlaba 2016.



UMQONDISI OBAMBELE WEZOKUXOXISANA PHAKATHI KWABAQASHI NABASEBENZI