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**GOVERNEMENT NOTICES • GOEWERMENTSKENNISGEWINGS**

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**DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT**

R. 209

12 March 2021

**AGRICULTURAL PESTS ACT, 1983****(ACT No. 36 OF 1983)****Control Measures relating to Asian citrus psyllid (*Diaphorina citri*)  
and  
Citrus greening: Asian and American strains (*Candidatus Liberibacter  
asiaticus* and *Candidatus Liberibacter americanus*)**

The Minister of Agriculture, Land Reform and Rural Development, acting under section 6 of the Agricultural Pests Act, 1983 (Act No. 36 of 1983), hereby prescribe the Control Measures set out in the Schedule.

  
AT DIDIZA**Minister of Agriculture, Land Reform and Rural Development**

## SCHEDULE

### Definitions

1. In these Control Measures any word or expression to which a meaning has been assigned in the Act shall have that meaning and, unless the context otherwise indicates—

**“authority”** means any officer of the Department Agriculture, Land Reform and Rural Development in the national, provincial or local sphere of government or any person authorized by the Department Agriculture, Land Reform and Rural Development;

**“executive officer”** means an officer designated in terms of section 2 of the Agricultural Pests Act, 1983 (Act No.36 of 1983);

**“official control”** means the active enforcement of mandatory phytosanitary regulations and the application of mandatory phytosanitary procedures with the objective of eradication or containment of quarantine pests or for the management of regulated non-quarantine pests;

**“phytosanitary actions”** means an official operation, such as inspection, testing, surveillance or treatment, undertaken to implement phytosanitary measures;

**“phytosanitary measure”** means any legislation, regulation or official procedure as provided for under this regulation having the purpose to prevent the introduction or spread of quarantine pests or to limit the economic impact of regulated non-quarantine pests;

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

**“phytosanitary regulation”** means an official rule to prevent the introduction or spread of quarantine pests, or to limit the economic impact of regulated non-quarantine pests, including establishment of procedures for phytosanitary certification;

**“plant”** refers to any live or dead part of a plant and any derivation of a plant;

**“quarantine area”** means an area within which a quarantine pest is present and is being officially controlled;

**“quarantine pest”** means a pest of potential economic importance to the area endangered thereby and not yet present there, or present but not widely distributed and being officially controlled;

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

**“regulated pest”** means a quarantine pest or a regulated non-quarantine pest;

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

### **Compulsory notification**

2. (1) Every user of land within the Republic shall immediately notify the authority of any occurrence or suspected occurrence of regulated pests listed in Table 1.

(2) Any individual or organization or institution that has identified or recorded regulated pests listed in Table 1 to be present in a pest free area shall immediately report it to the authority.

### **Responsibilities of the authority**

3. (1) Upon notification of the occurrence or suspected occurrence of regulated pests listed in Table 1, the authority shall immediately within 6 days take the necessary phytosanitary measures and/or phytosanitary actions to identify and confirm the presence of regulated pests specified in Table 1 in an area and to prevent the spread.

(2) The authority may at any time if it deems necessary revoke and/or amend the phytosanitary measures and/or phytosanitary actions taken to manage or control regulated pests specified in Table 1.

**Issuance of an official order**

4. (1) The authority shall issue an official order which shall be complied with in terms of section 7 of the Act in any area infested/infected or suspected infested/infected with regulated pests specified in Table 1.

(2) Official orders may relate to:

(a) demarcate a quarantine area;

(b) destroy regulated articles listed in Table 2 that tested positive for regulated plant pathogens listed in Table 1;

(c) prohibit the movement of regulated articles listed in Table 2 from a quarantine area;

(d) treat all regulated articles listed in Table 2 occurring in the quarantine area to prevent spread of the regulated pests listed in Table 1.

(3) Official order must remain in force until the phytosanitary measures have been implemented successfully or eradication has been declared successful.

**Quarantine area**

5. (1) Any area infested/infected or suspected infested/infected with regulated pests specified in Table 1 will be quarantined;

(2) A quarantine area may be removed from quarantined status:

(i) after the regulated pests specified in Table 1 have been declared eradicated;

(ii) when there has been no detection of a regulated insect pest specified in Table 1 in such area for six months;

(iii) when no regulated articles specified in Table 2 infected with regulated plant pathogens specified in Table 1 have been detected for a period of at least 3 years.

**Prohibition relating to the removal and the keeping of infested/infected plants**

6. (1) No user of land shall remove any infested/infected or suspected infested/infected regulated article specified in Table 2 from:

(a) any quarantined area;

(b) an area where an order has been issued.

(2) No user of land shall keep or plant or cultivate any regulated article specified in Table 2 that is infected with plant pathogens specified in Table 1.

(3) No user of land shall keep or plant or cultivate any regulated article specified in Table 2 that is infested with an insect pest specified in Table 1 without effectively treating for the insect pest.

#### **Movement of regulated articles**

7. (1) No user of land shall move any regulated article as specified in Table 2 from a quarantined area to any other area within the Republic without authorisation.

(2) The movement of any regulated article as specified in Table 2 from the quarantined area may be authorised by means of a permit when the regulated article is certified by the authority to be free from the regulated pests specified in Table 1.

#### **Destruction of regulated articles**

8. (1) If the authority has established that regulated articles have been kept or cultivated, removed or conveyed contrary to the provisions of these Control Measures, the authority may-

- (a) destroy such regulated articles;
- (b) order that the user of land or owner of land destroy such regulated articles;
- (c) subject a person in question to an offence in terms of section 13 of the Act.

#### **Responsibility of user of land or owner of land or organization or institution**

9. (1) Any user of land or owner of land or organization or institution must take all reasonable measures as prescribed or specified in the relevant guidelines or action plans to manage, eradicate and control the regulated pests specified in Table 1.

#### **Issuance of guideline or action plan**

10. (1) The authority may where it deems appropriate, issue action plans or guidelines, reasonable measures or operational procedures for the implementation of these regulations and for the management, eradication and control of regulated pests specified in Table 1.

**Application for a removal permit**

11. (1) An application for a removal permit which may be issued by the authority under a control measure in order to exempt a user of land or owner of land or organization or institution from the prohibition or obligation contained in such control measure shall be made on a form which is obtainable from the executive officer of the Act for this purpose.

(2) Such application form shall-

- (a) be completed by the user of land or owner of land or organization or institution requiring such permit;
- (b) after having been thus completed, be submitted to the authority ;
- (c) a removal permit will be valid for 30 days.

**Exemption from a prohibition**

12. (1) The authority may by means of a removal permit, exempt a user of a land from a prohibition of these control measures-

- (a) If the authority is satisfied that the necessary phytosanitary procedures and phytosanitary actions have been taken to reduce the risk of introduction and spread of regulated pests specified in Table 1;
- (b) If the authority is satisfied that the regulated article specified in Table 2 for which the removal permit is required is obtained from a mother plant grown in a structure which prevents infection or infestation by the regulated pests specified in Table 1; and
- (c) If the authority is satisfied that the regulated article listed in Table 2 is originating from a specified or demarcated area managed to be free from regulated pests specified in Table 1 and necessary phytosanitary procedures and phytosanitary actions have been taken.

**TABLE 1****Regulated pests**

<b>Scientific name</b>	<b>Common name</b>
<i>Diaphorina citri</i>	Asian citrus psyllid: insect pest
<i>Candidatus Liberibacter asiaticus</i>	Citrus greening (Asian strain) or Huanglongbing: plant pathogen
<i>Candidatus Liberibacter americanus</i>	Citrus greening (American strain): plant pathogen

**TABLE 2****Regulated articles:**

**the listed host plant or parts of host plants, excluding seeds and excluding fruit without leaves**

<b>Scientific name</b>	<b>Common name</b>
<i>Citrus</i>	All types
<i>Fortunella</i>	Kumquat
<i>Poncirus</i>	Trifoliolate
<i>Murraya</i>	Curry Leaf and Orange Jasmine
<i>Choisya</i>	Mexican Orange Blossom
Species and hybrids of the above genera	

## DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. R. 210

12 March 2021

**PROCLAMATION**  
**by the**  
**PRESIDENT of the REPUBLIC of SOUTH AFRICA**

**SPECIAL INVESTIGATING UNITS AND SPECIAL TRIBUNALS ACT, 1996 (ACT NO. 74 OF 1996): REFERRAL OF MATTERS TO EXISTING SPECIAL INVESTIGATING UNIT**

WHEREAS allegations as contemplated in section 2(2) of the Special Investigating Units and Special Tribunals Act, 1996 (Act No. 74 of 1996) (hereinafter referred to as the “Act”), have been made in respect of the affairs of North West Provincial Department of Public Works and Roads (hereinafter referred to as “the Department”);

AND WHEREAS the Department or the State suffered losses that may be recovered;

AND WHEREAS I deem it necessary that the said allegations should be investigated and civil proceedings emanating from such investigation should be adjudicated upon;

NOW, THEREFORE, I hereby, under section 2(1) of the Act, refer the matters mentioned in the Schedule, in respect of the Department, for investigation to the Special Investigating Unit established by Proclamation No. R. 118 of 31 July 2001 and determine that, for the purposes of the investigation of the matters, the terms of reference of the Special Investigating Unit are to investigate as contemplated in the Act, any alleged—

- (a) serious maladministration in connection with the affairs of the Department;
- (b) improper or unlawful conduct by the employees or officials of the Department;
- (c) unlawful appropriation or expenditure of public money or property;
- (d) unlawful, irregular or unapproved acquisitive act, transaction, measure or

- practice having a bearing upon State property;
- (e) intentional or negligent loss of public money or damage to public property;
  - (f) offence referred to in Parts 1 to 4, or section 17, 20 or 21 (in so far as it relates to the aforementioned offences) of Chapter 2 of the Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004), and which offences were committed in connection with the affairs of the Department; or
  - (g) unlawful or improper conduct by any person, which has caused or may cause serious harm to the interests of the public or any category thereof,

which took place between 1 January 2016 and the date of publication of this Proclamation or which took place prior to 1 January 2016 or after the date of publication of this Proclamation, but is relevant to, connected with, incidental or ancillary to the matters mentioned in the Schedule or involve the same persons, entities or contracts investigated under authority of this Proclamation, and to exercise or perform all the functions and powers assigned to or conferred upon the said Special Investigating Unit by the Act, including the recovery of any losses suffered by the Department or the State, in relation to the said matters in the Schedule.

Given under my Hand and the Seal of the Republic of South Africa at Hyde Park this 25<sup>th</sup> day of February Two thousand and twenty one.

**CM Ramaphosa**  
**President**

By Order of the President-in-Cabinet:

**RO Lamola**  
**Minister of the Cabinet**

**SCHEDULE**

1. The procurement of or contracting for works or services by or on behalf of the Department for—
  - (a) project management for the Transport Infrastructure Directorate of the Department;
  - (b) the rehabilitation of flood damaged road infrastructure in the North West Province; and
  - (c) the installation of perimeter fencing at the Eagle Waters Wildlife Resort, and payments which were made in respect thereof in a manner that was—
    - (i) not fair, equitable, transparent, competitive or cost-effective; or
    - (ii) contrary to applicable—
      - (aa) legislation;
      - (bb) manuals, guidelines, practice notes, circulars or instructions issued by the National Treasury or the relevant Provincial Treasury; or
      - (cc) manuals, codes, guidelines, policies, procedures, prescripts, instructions or practices of, or applicable to the Department, and any related unauthorised, irregular or fruitless and wasteful expenditure incurred by the Department or the State.
  
2. Any unlawful or improper conduct by the employees or officials of the Department or applicable service providers, or any other person or entity in relation to the allegations set out in paragraph 1 of this Schedule.

## DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING

NO. R. 210

12 March 2021

**PROKLAMASIE**  
**van die**  
**PRESIDENT van die REPUBLIEK van SUID-AFRIKA**

**WET OP SPESIALE ONDERSOEKEENHEDE EN SPESIALE TRIBUNALE, 1996 (WET NO. 74 VAN 1996): VERWYSING VAN AANGELEENTHEDE NA BESTAANDE SPESIALE ONDERSOEKEENHEID**

AANGESIEN bewerings soos beoog in artikel 2(2) van die Wet op Spesiale Ondersoekeenhede en Spesiale Tribunale, 1996 (Wet No. 74 van 1996) (hierna na verwys as “die Wet”), gemaak is in verband met die aangeleenthede van die Noord-Wes Provinsiale Departement van Openbare Werke en Paaie (hierna na verwys as “die Departement”);

EN AANGESIEN die Staat of die Departement verliese gely het wat verhaal kan word;

EN AANGESIEN ek dit nodig ag dat gemelde bewerings ondersoek en siviele geskille voortspruitend uit sodanige ondersoek bereg moet word;

DERHALWE verwys ek hierby, kragtens artikel 2(1) van die Wet, die aangeleenthede in die Bylae vermeld ten opsigte van die Departement, vir ondersoek na die Spesiale Ondersoekeenheid ingestel by Proklamasie No. R. 118 van 31 Julie 2001 en bepaal dat, vir die doeleindes van die ondersoek van die aangeleenthede, die opdrag van die Spesiale Ondersoekeenheid is om soos beoog in gemelde Wet, ondersoek te doen na enige beweerde—

(a) ernstige wanadministrasie in verband met die aangeleenthede van die Departement;

- (b) onbehoorlike of onregmatige optrede deur werknemers of beamptes van die Departement;
- (c) onregmatige bewilliging of besteding van publieke geld of eiendom;
- (d) onwettige, onreëlmatige of nie-goedgekeurde verkrygende handeling, transaksie, maatreël of praktyk wat op Staatseiendom betrekking het;
- (e) opsetlike of nalatige verlies van publieke geld of skade aan publieke eiendom;
- (f) misdryf bedoel in Dele 1 tot 4, of artikel 17, 20 of 21 (vir sover dit op voornoemde misdrywe betrekking het) van Hoofstuk 2 van die Wet op die Voorkoming en Bestryding van Korrupte Bedrywighede, 2004 (Wet No. 12 van 2004), en welke misdrywe gepleeg is in verband met die sake van die Departement; of
- (g) onwettige of onbehoorlike optrede deur enige persoon wat ernstige benadeling vir die belange van die publiek of enige kategorie daarvan veroorsaak het of kan veroorsaak,

wat plaasgevind het tussen 1 Januarie 2016 en die datum van publikasie van hierdie Proklamasie of wat plaasgevind het voor 1 Januarie 2016 of na die datum van publikasie van hierdie Proklamasie, wat relevant is tot, verband hou met, insidenteel of bykomstig is tot, die aangeleenthede vermeld in die Bylae of wat dieselfde persone, entiteite of kontrakte betrek wat ondersoek word kragtens die volmag verleen deur hierdie Proklamasie, en om al die werksaamhede en bevoegdhede wat deur die Wet aan die gemelde Spesiale Ondersoekeenheid toegewys of opgedra is, uit te oefen of te verrig in verband met die genoemde aangeleenthede in die Bylae, insluitend die verhaal van enige verliese wat deur die Staat of die Departement gely is.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Hyde Park op hede die 25ste dag van Februarie Twee duisend-en--en-eeen-en- twintig.

**CM Ramaphosa**  
**President**

Op las van die President-in-Kabinet:

**RO Lamola**  
**Minister van die Kabinet**

**BYLAE**

1. Die verkryging van, of kontraktering vir werke of dienste deur of namens die Departement vir—

- (a) projekbestuur vir die Direkoraat Vervoer Infrastruktuur van die Departement;
- (b) die rehabilitasie van vloedbeskadigde padinfrastruktuur in die Noord Wes Provinsie; en
- (c) die installering van omtrekheinings by die “Eagle Waters Wildlife” Oord, en betalings ten opsigte daarvan gemaak op ‘n wyse wat—
  - (i) nie regverdig, billik, deursigtig, mededingend of koste-effektief was nie;
  - (ii) strydig was met toepaslike —
    - (aa) wetgewing;
    - (bb) handleidings, riglyne, praktyknotas, omsendskrywes of instruksies wat deur die Nasionale Tesourie of die toepaslike Provinsiale Tesourie uitgevaardig is; of
    - (cc) handleidings, kodes, riglyne, beleid, prosedures, voorskrifte, instruksies of praktyke van, of wat op die Departement van toepassing is,

en enige verbandhoudende ongemagtigde, onreëlmatige of vrugtelose en verspilde uitgawes wat deur die Departement of die Staat as gevolg daarvan aangegaan is.

2. Enige onwettige of onbehoorlike optrede deur werknemers of beamptes van die Departement of die betrokke diensverskaffers, of enige ander persoon of entiteit, ten opsigte van die bewerings uiteengesit in paragraaf 1 van hierdie Bylae.