

FERTILIZER BILL

To provide for the regulation of fertilizers, for the regulation of raw material used in the manufacturing of fertilizers, for the licencing of facilities used for the manufacturing of fertilizers, for the appointment of a Registrar to administer the Act, for the appointment of advisory committees, and for advisers, assignees, auditors, and inspectors to assist the Registrar in the exercise of his or her powers in the regulation, compliance monitoring and enforcement of this Act, and for matters connected therewith.

PREAMBLE

RECOGNISING—

- the need to ensure the manufacturing of safe and good quality fertilizers suitable for plant production;
- the critical role that fertilizer plays in food safety, human and environmental health, nutrition and food security;
- the need for a traceability system within the fertilizer industry;

AND IN ORDER TO—

- protect the consumers and users of fertilizers;
- disseminate an efficient and effective traceability system;
- ensure compliance with food safety, human and environmental health requirements,

BE IT THEREFORE ENACTED by the Parliament of the Republic of South Africa, as follows: —

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CHAPTER ONE

DEFINITIONS

Definitions

1. In this Act, unless the context indicates otherwise –

advertisement” means any written, illustrated, visual or other descriptive material or oral statement, communication, representation or reference distributed to members of the public or brought to their attention in any other manner and which is intended to promote the sale of fertilizer, or encourage the use thereof or draw attention to the nature, properties, advantages or uses thereof, and “advertise” has a corresponding meaning;

“adviser” means an adviser appointed in terms of section 4(1);

“agricultural remedy” means an agricultural remedy as defined in the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act No. 36 of 1947). Pesticide shall have the same meaning;

“Assignee” means a legal person(s) designated by the Minister to exercise such of the power or perform those duties or functions that are conferred on the Registrar or an inspector by or under this Act.

“buy” includes agreeing to purchase, or to purchase or to exchange for any consideration whatsoever, or accept delivery in pursuance of a sale;

“by-product” means products created in industrial, incineration or production plants, biogas or composting plants or other plants as well as in wastewater purification plants or in connection with other similar activities

"custom mix" means a mixture compiled on the written advice of a qualified person for a specific client and such mixture must be of registered raw material mixed at the written request of a specific client. Prescription mixture shall have the same meaning;

“department” means the Department of Agriculture, Forestry and Fisheries in the National Government;

“fertilizer” means any substance which is intended or offered to be used for improving or maintaining the growth of plants or the physical, chemical or biological condition of the soil;

“Fertilizer additives” means any substances added to the fertilizer that alter its physical properties or controls its availability or functionality;

“fertilizer intermediate” means any existing fertilizer product that is added during production of another product;

“fertiliser product” means fertilisers, liming materials, soil conditioners substrates, microbe products, fertiliser additives, *fertilizer supplement*, microbe product, fertilizer intermediate products and by-products used as fertiliser products as such;

“fertilizer supplement” means any substance or mixture of substances, other than a fertilizer, that is manufactured, sold or represented for use in the improvement of the physical condition of soils or to aid plant growth or crop yields

“liming material” means inorganic or organic substances or products containing mainly calcium or magnesium or both elements which usually occur as oxides, hydroxides, carbonates or silicates and which are mainly intended for reducing soil acidity;

“importer” means any person importing raw material, fertilisers, liming materials, soil conditioner substrates, microbe products, fertiliser additives, fertilizer intermediate products and by-products into the Republic of South Africa;

“inspector” means an inspector appointed in terms of section 24;

“manufacture” means any process whereby fertilizer is produced, including grinding, mixing or blending, and the addition of supplements, organic-products , raw material or bio-products;

“manufacturing facility” means any premise in South Africa where fertilizer, raw material, liming materials, fertilizer supplement, fertilizer intermediate, custom mix, microbe product and by-products are manufactured, held, packed, marked or labelled as fertilizers, including warehouses where products are stored or kept for distribution or sale;

“microbial product” means a product which contains one or several known microbial strains with a proven beneficial impact on plant growth or nutrient intake in specific plant species or plant groups;

“minister” means the Cabinet member responsible for agriculture;

“prescribe” means prescribe by regulation;

“raw material” means organic or inorganic products in a solid or liquid form, including various products of vegetable or animal origin, in their natural state, fresh or preserved, and products derived from the processing thereof, which are intended for soil fertilization or foliar application;

“Registrar” means the person designated by the Minister as Registrar under section 2;

“regulation” means a regulation made in terms of this Act;

“sell” includes agreeing to sell, or to offer, advertise, transmit, convey, deliver or manufacture for sale or to exchange or to dispose of to any person in any manner for any consideration