

DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES

No. R. 2437

28 August 1992

PLANT IMPROVEMENT ACT, 1976
(ACT No. 53 OF 1976)

**SOUTH AFRICAN PLANT CERTIFICATION SCHEME FOR ~~WINE GRAPES~~
GRAPEVINES**

I, Anton Tobias Meyer, Deputy Minister of Agriculture, acting on behalf of the Minister of Agriculture, under section 23 of the Plant Improvement Act, 1976 (Act No. 53 of 1976), hereby establish the South African Plant Certification Scheme for Wine Grapes set out in the Schedule.

A.T. MEYER,
Deputy Minister of Agriculture.

In this Schedule “the Scheme” means the South African Plant Certification Scheme for ~~Wine Grapes~~ Grapevines published under Government Notice No. R. 2437 of 28 August 1992, as amended by Government Notice Nos. R. 3460 of 31 December 1992, R. 1084 of 25 June 1993, R. 494 of 29 March 1996, R. 322 of 19 March 1999, R. 233 of 17 March 2000, R. 814 of 7 September 2007 and R. 43 of 28 January 2011.

SCHEDULE

[NOTE: The figures in square brackets at the headings of sections indicate the numbers of the authorising provisions therefor in the Act.]

1. **Definitions** [23; 24(1)(q)]

In this Scheme, unless the context otherwise indicates -

"**certify**" means to certify in terms of this Scheme; and "certified" and "certification" shall have corresponding meanings;

"**clone**" means a clone the denomination of which has been entered in the register referred to in section 3.2 of this Scheme;

"**cultivate**", in relation to plant material and plants, means to care for such plant material or to promote or stimulate the growth of such plants with a view to obtain plant material therefrom; and "cultivation" shall have a corresponding meaning;

"**deviating plant**" means a plant that is not true to variety;

"**foundation nursery plant**" means plant material that complies with the requirements set out in section 12 of this Scheme for foundation nursery plants;

"**foundation plant**" means plant material that complies with the requirements set out in section 12 of this Scheme for foundation plants;

"**mother plant**" means plant material that complies with the requirements set out in section 12 of this Scheme for mother plants;

"**nucleus plant**" means plant material that complies with the requirements set out in section 12 of this Scheme for nucleus plants;

"**nursery plant**" means plant material that complies with the requirements set out in section 12 of this Scheme for nursery plants;

"**other vineyard**" means shoots or plants of a species of the genus *Vitis* that occur on an area of land that is not registered as a unit in terms of this Scheme;

"**participant grower**" means a person in whose favour a unit is registered in terms of section 6 of this Scheme;

"**pest**" means any species, strain or biotype of plant or animal or pathogenic agent that could cause injury or damage to plants or plant products;

"**plant material**" means shoots and plants of the categories specified in Schedule 3;

"**registrar**" means the Registrar of Plant Improvement designated by the Minister of Agriculture under section 3(1) of the Act;

"**soil**" includes any solid or liquid substance that can be utilised as a medium for the cultivation of plants;

"**source plant**", in relation to a particular variety or a clone thereof, means a plant serving as primary source of all plants of the variety or clone concerned;

"**table and drying grapes**" means those varieties of *Vitis* the fruit of which is customarily utilised for fresh consumption or drying;

"**the Act**" means the Plant Improvement Act, 1976 (Act No. 53 of 1976), and includes the regulations made thereunder;

"**the authority**" means the authority specified in section 4.1 of this Scheme;
[Definition of "the authority" substituted by R. 3460 of 31 December 1992]

"**true to variety**", in relation to a plant of a particular variety, means that such plant corresponds with the recognised description referred to in section 17 of the Act, of a typical plant of that variety;

"**unit**" means an area of land that is registered in terms of section 6 of this Scheme;

"**varietal list**" means the varietal list referred to in section 15 of the Act;

"**variety**" means a variety referred to in section 3.1 of this Scheme;

"**virgin soil**" means soil in which no shoots or plants, of a species of the genus *Vitis*, have occurred during the preceding 10 years; ~~and~~

"**visually free**", with regard to the occurrence of a particular insect or pathogen on plant material or a plant, means that -

- (a) the authority is unable to visually observe the occurrence of that insect or pathogen on such plant material or plant unless he uses a microscope or magnifying glass; or
- (b) the authority, without the use of a microscope or magnifying glass, has visually observed the characteristic symptoms caused by that insect or pathogen on such plant material or plant, but the testing, examination or analysis thereof in a laboratory has not revealed the occurrence of the insect or pathogen concerned thereon; ~~and~~

“wine grapes” means those varieties of *Vitis* the fruit of which have been prescribed for the production of wine in terms of section 5(1)(a) of the Liquor Products Act, 1989 (Act No. 60 of 1989).

2. **Name of Scheme** [23; 24(1)(q)]

This Scheme shall be known as the South African Plant Certification Scheme for ~~Wine Grapes~~ Grapevines.

3. **Application of Scheme** [23; 24(1)(f)]

3.1 This Scheme shall apply to the clones referred to in subsection 3.2, of those varieties of the genus *Vitis* the denominations of which are entered in the varietal list.

3.2 The authority shall keep a register of clones of the varieties referred to in subsection 3.1, that **are recognised** -

[The words preceding paragraph (a) substituted by R.3460 of 31 December 1992]

(a) ~~are recognised~~ rootstock varieties;

(b) ~~table-~~ or drying grape varieties; and

(b) ~~wine grape varieties have been prescribed for the production of wine in terms of section 5(1)(a) of the Liquor Products Act, 1989 (Act No. 60 of 1989).~~

3.3 An application for the registration of a clone with a view to inclusion in the register referred to in subsection 3.2 shall be submitted to the authority in the manner determined by that authority.

3.4 An application referred to in subsection 3.3 shall be approved only if -

(a) all relevant particulars with regard to the clone concerned have been submitted to the authority by a Plant Improvement Organisation that is registered with the Vine Improvement Association referred to in section 4.1 of this Scheme; and

[Paragraph (a) amended by R. 814 of 7 September 2007]

(b) the authority is satisfied that the clone concerned is true to variety, and that it or the products thereof reveal such other properties or characteristics as that authority may determine.

3.5 Notwithstanding anything to the contrary contained in this section, the authority may determine that all the provisions of this Scheme, shall apply to such other varieties and clones as the said authority may determine.

[Subsection 3.5 amended by R. 814 of 7 September 2007]

4. **Designation of authority** [23; 24(1)(a)]

4.1 The executive board of the Vine Improvement Association, a voluntary association that is a juristic person by virtue of a provision to this effect in its statute is hereby designated as the authority for the purpose of the exercising of the powers, the performance of the functions and the carrying out of the duties that are conferred upon, assigned to or imposed upon the authority under this Scheme.

[Subsection 4.1 substituted by R. 3460 of 31 December 1992]

4.2 The powers, duties and functions referred to in subsection 4.1 shall be exercised, performed and carried out by the authority concerned at its own cost and subject to the directions of the registrar, and the said authority shall not have any right of recourse against the State for any costs so incurred.

[Subsection 4.2 deleted and subsection 4.3 renumbered to be subsection 4.2 by R.3460 of 31 December 1992]

5. **Conditions for certification** [23; 24(1)]

Plant material may be certified if the following requirements are complied with:

- (a) It shall be cultivated on a unit.
- (b) It shall be cultivated by the **participant grower** in whose favour the unit concerned is registered **according to Article 6 of this Scheme**.
- (c) It shall be obtained from plants that are true to variety and are established and cared for in the manner set out in section 11 of this Scheme.
- (d) It shall be true to variety and comply with the applicable requirements **for plant material** referred to in section 12 of this Scheme.
- (e) The unit on which it has been cultivated shall be inspected in accordance with the provisions of section 13 of this Scheme.
- (f) It shall at all times be stored in accordance with the provisions of section 14 of this Scheme.
- (g) It shall be established in containers, or be made up in bundles in accordance with the provisions of section 16 of this Scheme: Provided that if an approval has been granted in terms of section 16.2 of this Scheme, it may also be certified in unbundled quantities.
- (h) The containers, bundles or unbundled quantities referred to in paragraph (g) shall be labelled in accordance with the provisions of section 17 of this Scheme.
- (i) It shall be presented for certification in accordance with the provisions of section 18 of this Scheme.

- (j) All the other provisions of this Scheme with regard to the plant material concerned have been complied with.

6. Registration of units [23; 24(1)(b), (c), (d), (e)]

6.1 An application for the registration of an area of land as a unit for the purposes of this Scheme shall -

~~(a)~~ be made ~~on~~ in a format and ~~in a~~ manner as determined by the authority.; ~~and~~

~~(b)~~ ~~except in the case of the intended cultivation of nursery plants, be made by a Plant Improvement Organisation referred to in the statute of the Vine Improvement Association referred to in section 4.1 of this Scheme.~~

[Paragraph (b) substituted by R. 1084 of 25 June 1993 and substituted by R. 814 of 7 September 2007]

6.2 An application form referred to in subsection 6.1 shall -

~~(a)~~ ~~be lodged with the authority at least 90 days before plant material is established on the area of land concerned; and~~

~~(b)~~ be accompanied by -

(a i) a locality map that clearly indicates where the area of land concerned is situated; and

(b ii) the amount determined by the authority for this purpose.

6.3 An area of land may be registered as a unit if the following requirements are complied with:

(a) The area of land concerned shall comply with the applicable requirements referred to in section 10 of this Scheme.

(b) Plant material shall be established on the area of land concerned in accordance with the provisions of section 11 of this Scheme.

(c) The applicant concerned shall provide the authority with -

(i) a return in the format as determined by the authority, relating to the plant material of each clone that is established on the area of land concerned; and

(ii) a planting plan of the establishment of such plant material thereon.

~~6.4 An area of land intended for registration as a unit shall be inspected by the authority at least 60 days before plant material is to be established thereon.~~

6.5 An application for the registration of an area of land may be refused if the authority is satisfied that -

- (a) the provisions of subsection 6.3 have not been complied with in respect of that area of land;
- (b) the applicant concerned -
 - (i) will by reason of lack of knowledge or facilities at his disposal, probably not be able to cultivate plant material that will be suitable for certification; or
 - (ii) was previously a **participant grower** in terms of this Scheme or Act, and then failed to comply with the provisions of this Scheme or Act or a condition determined thereunder;
[Paragraph (ii) substituted by R. 814 of 7 September 2007]
- (c) the area of land concerned -
 - (i) is situated in an area that does not lend itself to the cultivation of plant material that will be suitable for certification; or
 - (ii) cannot readily be reached for the purposes of an inspection in terms of this Scheme;
- (d) the rendering of services in terms of this Scheme on the area of land concerned, or in connection with the plant material to be cultivated thereon, is not justified or feasible; or
- (e) the application concerned contains a material misrepresentation.

6.6

[Subsection 6.6 deleted by R. 814 of 7 September 2007]

6.7 As from the date on which a unit is registered in terms of this section, the provisions of this Scheme shall be binding on the **participant grower** in whose favour the unit concerned is registered.

7. **Term of registration** [23; 24(1)(d)]

The registration of a unit shall lapse when -

- ~~(a)~~ all the plant material or plants established thereon are, except in the case of a unit registered for the cultivation of foundation nursery plants, removed therefrom. ~~;~~ ~~or~~

~~(b) — the grower concerned has notified the authority in writing that the plant material or plants established thereon are no longer utilised for the cultivation of plant material.~~

8. Transfer of registration [23; 24(1)(q)]

8.1 Subject to the provisions of subsection 8.3, the registration of a unit shall not be transferable to any other person.

8.2 If a ~~participant grower~~ transfers his right of disposal in a unit or the plants established thereon to another person, he shall forthwith notify the authority in writing thereof.

8.3 If a person to whom a right of disposal has been transferred as contemplated in subsection 8.2, desires to continue with participation in this Scheme in respect of the unit concerned, he shall, notwithstanding the provisions of section 6.2(b) of this Scheme, forthwith lodge an application in accordance with section 6 of this Scheme for the registration of that unit in his name.

9. Withdrawal of registration [23; 24(1)(q)]

The authority may at any time withdraw the registration of a unit if it is satisfied that -

(a) the applicable provisions of this Scheme with regard to the unit concerned, the plant material or plants established thereon or the plant material cultivated thereon have not been complied with;

(b) circumstances prevail or information has come to light which, if it had prevailed or come to light earlier, would have resulted in a refusal to register the unit concerned;

(c) deviating plants occur on the unit concerned;

(d) a nutritional deficiency, drying-out or physiological, chemical, hail, cold, insect or pathogen damage of the plants on the unit concerned makes it impossible to properly observe the varietal properties of those plants or the occurrence of insects or pathogens thereon;

(e) the ~~participant grower~~ concerned refuses or fails to present the plant material cultivated on the unit concerned for certification;

~~(f) — the grower concerned has otherwise than in accordance with the circumstances set out in section 11.4 of this Scheme, without the written approval of the authority removed any plant from that unit or replaced any plant thereon, or has affected any unauthorised grafting on any plant thereon;~~

- (g) in the case of a unit on which plant material is established by virtue of an approval referred to in section 11.1(b) of this Scheme, such approval has been withdrawn; or
- (h) the certification of the plant material established on the unit concerned has been withdrawn in terms of section 20 of this Scheme.
[Paragraph (h) amended by R. 322 of 19 March 1999]

10. **Requirements for units** [23; 24(1)(d)]

A unit shall at the time of the registration thereof and at all times during the term of registration thereof, comply with the applicable requirements set out in Schedule 1.

11. **Establishment requirements** [23; 24(1)(g)]

- 11.1 (a) Subject to the provisions of paragraphs (b) and (c), only certified plant material of a clone shall be used to establish plants on a unit with a view to the cultivation of plant material.
- (b) (i) The authority may on application grant written approval that plant material that is true to variety and is imported into the Republic, be utilised in accordance with the provisions of this Scheme with a view to the cultivation of foundation plants.
 - (ii) An application for such an approval shall be submitted to the authority in writing, and shall specify the grounds for such application and such other particulars as the authority may require.
 - (iii) An approval referred to in subparagraph (i) shall be granted only if the authority is satisfied that the plant material concerned is true to variety and complies with the applicable phytosanitary requirements set out in Schedule 2.
 - (iv) A person to whom an approval referred to in subparagraph (i) has been granted shall for a period of five years following the date of such approval record full particulars in connection therewith on a form and in a manner determined by the authority.
- (c) (i) The authority may on application grant written approval that plant material from other varieties and clones **originating from a recognized plant breeding- or evaluation program as** determined by the authority in accordance with section 3.5, be utilised in accordance with the provisions of this Scheme with a view to the cultivation of foundation- **and ~~-,mother-,~~ foundation nursery-~~and nursery~~ plants.**

(ii) An application for such an approval shall be submitted to the authority in writing, and shall specify the grounds for such application and such other particulars as the authority may require.

~~(iii) An approval referred to in subparagraph (i) shall only be granted if the authority is satisfied that the plant material concerned is true to variety and comply with the applicable phytosanitary requirements set out in Schedule 2.~~

~~(iii iv)~~ iv) A person whom an approval referred to in subparagraph (i) has been granted shall for a period of five years following the date of such approval record full particulars in connection therewith on a form and in a manner determined by the authority.

[Paragraph (c) substituted by R. 814 of 7 September 2007]

11.2 The plant material used to establish plants on a unit, and the plant thus established shall -

- (a) be clearly identified according to clone and variety by means of nameplates unless the authority has on application granted written exemption from this requirement;
- (b) be cared for in a manner which is conducive to obtain plant material of a high quality;
- (c) if intended for the cultivation of plant material of mother plants, be established in separate rows according to clone;
- (d) be established in such a manner that shoots of plants of different clones will not intertwine;
- (e) in the case of grafted plants, be kept free of shoots that have developed from the rootstock portion thereof;
- (f) not be overgrown by weeds; and
- (g) be true to variety.

~~11.3 A grower shall notify the authority forthwith in writing of -~~

~~(a) the occurrence of any insect or pathogen of a kind specified in Schedule 2, on the plants in a unit; and~~

~~(b) any damage to such plants due to climatological or other factors.~~

11.4 Subject to the provisions of section 9(f) of this Scheme, a **participant grower** shall remove all deviating plants and suspected deviating plants from a unit on a continuous basis: Provided that the authority may, at the time of an inspection in terms of this Scheme, direct a **participant grower** or a person

acting on instructions from a **participant grower**, to suspend such removal for the duration of the inspection concerned.

~~11.5 No person shall without the written approval of the authority -~~

~~(a) establish in a unit any plant material other than that referred to in subsection 11.1; or~~

~~(b) utilise the plants in a unit for any purpose other than the cultivation of plant material intended for certification.~~

~~11.6 An application for an approval referred to in subsection 11.5 shall be submitted to the authority in writing and shall specify the grounds for such application.~~

12. Requirements for plant material [23; 24(1)(i)]

Plant material cultivated in a unit shall -

- (a) be true to variety;
- (b) comply with the applicable phytosanitary requirements set out in Schedule 2;
- (c) except if the authority determines otherwise in a particular case, comply with the applicable physical requirements set out in Schedule 3; and
- (d) if intended for certification as being of a category specified in column 1 of the table hereunder, be obtained from plants established from plant material of a category specified in column 2 of the table opposite thereto:

Category of certified plant material	Category of plant material used for the establishing of plants
1	2
1. Nucleus plants	Nucleus plants
2. Foundation plants	Nucleus plants Foundation plants
3. Foundation nursery plants	Nucleus plants Foundation plants Foundation nursery plants
4. Mother plants	Nucleus plants Foundation plants Foundation nursery plants
5. Nursery plants	Nucleus plants Foundation plants Mother plants

12.2 Notwithstanding the provisions of section 12.1 (d) –

- (a) plants cultivated from plant material in respect of which an approval was granted in terms of section 11.1 (c) of this Scheme shall be deemed to be foundation plants; and
- (b) and the authority may, in the case of Table– and Drying Grapes, on receiving a written application from a PIO, grant approval that plant material obtained from mother plants may be utilised for the cultivation of additional mother plants.

13. **Inspection of units** [23; 24(1)(h)]

13.1 The plants established on a unit with a view to the cultivation of plant material of nucleus plants or foundation plants shall be inspected annually by the authority during -

- (a) the early active growth stage thereof;
- (b) the early leaf fall stage thereof; and
- (c) the dormant stage thereof.

13.2 (a) The plants established in a unit with a view to the cultivation of plant material of mother plants shall be inspected by the authority at least once per year.

- (b) Such inspections shall be made annually on an alternate basis at the stages referred to in subsection 13.1.

13.3 The plants on a unit on which foundation nursery plants or nursery plants are cultivated shall be inspected annually by the authority during the active growth stage thereof.

[Subsection 13.3 substituted by R. 3460 of 31 December 1992]

13.4 The authority may carry out as many additional inspections of a unit as it may deem necessary.

13.5 If the authority fails to carry out the required inspections referred to in subsections 13.1, 13.2 and 13.3, the certification of the plant material cultivated on the unit concerned shall not be refused solely on account thereof.

14. **Storage of plant material** [23; 24(1)(k)]

Plant material intended for certification or having been certified shall at all times be stored in such a manner that -

- (a) it is protected against physiological and physical damage;
- (b) the plant material cultivated on different units can be identified clearly and conspicuously;
- (c) the plant material of different clones and varieties can be identified clearly and conspicuously; and
- (d) it is kept separately from plant material not intended for certification.

15. Removal of plant material [23; 24(1)(g), (q)]

- 15.1 Plant material cultivated on a unit shall not, prior to the certification thereof, without the written approval of the authority, be removed from the unit concerned or from the custody of the ~~participant grower~~ concerned.
- 15.2 An approval referred to in subsection 15.1 shall be granted only if the ~~participant grower~~ concerned intends to present the plant material concerned for certification at the premises to which it is to be removed.
- 15.3 Plant material removed in terms of such an approval shall be suitably identified at the time of the removal thereof.
- 15.4 A ~~participant grower~~ to whom such approval was granted shall forthwith notify the authority in writing of -
 - (a) the date on which the plant material concerned was removed;
 - (b) the quantity of plant material thus removed;
 - (c) the address of the premises to which that plant material was thus removed, and the name of the owner of the premises concerned; and
 - (d) the particulars used to identify that plant material.

16. Containers and bundles [23; 24(1)(k), (l)]

- 16.1 Subject to the provisions of subsection 16.2, plant material shall at the time of the certification thereof -
 - (a) be established in containers; or
 - (b) be made up in bundles in accordance with the provisions of Schedule 4.
- 16.2 (a) The authority may on application grant written approval that plant material other than nursery plants may at the time of the certification thereof be in unbundled quantities.

- (b) Plant material in respect of which such an approval has been granted shall at the time of the certification thereof be suitably identified.

17. Labelling of plant material [23; 24(1)(k)]

- 17.1 (a) Each container, bundle or unbundled quantity of plant material shall be provided with a label that is obtainable on request from the authority.
 - (b) The amount determined by the authority for this purpose shall be payable in respect of labels thus issued.
 - (c) After the **participant grower** concerned has entered the applicable particulars on such labels, he shall affix it to the containers or bundles concerned in the manner determined by the authority.
- 17.2 The letters and figures used to indicate the particulars concerned on such labels shall -
- (a) be of a letter type that can easily be read;
 - (b) be of a colour that is in clear contrast with the colour of the labels on which they appear; and
 - (c) be entered indelibly.
- 17.3 No particulars other than those required to be indicated on a label referred to in subsection 17.1 shall appear on such label.

18. Certification of plant material [23; 24(1)(j)]

- 18.1 (a) A **participant grower** shall notify the authority at least two days in advance of the date on which nursery plants and foundation nursery plants will be ready to be presented for certification.
[Paragraph (a) amended by R. 814 of 7 September 2007]
 - (b) The authority shall on or as soon as possible after the date of which it has been notified as contemplated in paragraph (a), inspect the nursery plants and foundation nursery plants concerned in order to determine whether it may be certified.
[Paragraph (b) amended by R. 814 of 7 September 2007]
- 18.2 (a) The certification of plant material shall be confirmed by means of a certificate in the form determined by the authority.
- (b) A label attached in terms of section 17 of this Scheme to plant material referred to in paragraph (a) shall be proof of the certification of that plant material.

19. **Records and returns** [23; 24(1)(m)]

19.1 Each **participant grower** shall record the following particulars relating to plant material issued by him to another person:

- (a) The name and address of each person to whom a quantity of that plant material has been issued.
- (b) The denomination of the variety and clone that has been issued.
- (c) The quantity of plant material from each variety and clone issued to each person.
- (d) The category of each quantity of that plant material issued.

19.2 Each **participant grower** shall record the following particulars relating to each lot of certified plant material of a particular clone received by him from another **participant grower** for purposes of grafting:

- (a) The number of graftable buds obtained from the lot concerned.
- (b) The number of rootstock plant shoots obtained from the lot concerned.
- (c) The number of rootstock graft shoots obtained from the lot concerned.

19.3 Each **participant grower** shall record the following particulars relating to labels issued to him in terms of section 17.1(b) of this Scheme:

- (a) The number of unused labels carried over from the previous year.
- (b) The number of labels received by him during the year concerned.
- (c) The number of labels affixed to plant material during that year.
- (d) The number of labels damaged or destroyed during that year.
- (e) The number of unused labels in stock at the end of that year.

19.4 Each **participant grower** shall submit to the authority annually, on or before 15 November, a return on a form and in a manner determined by the authority, of the particulars recorded in terms of subsections 19.1, 19.2 and 19.3.

19.5 Every nursery must complete a return containing the following information regarding the plant material utilized to produce plants and plant material:

- (a) The name and address of the nursery;
- (b) The names of the varieties and clones established;

- (c) The origin of the varieties and clones established;
- (d) The quantity of plant material of each variety and clone established;
- (e) The category of each quantity of plant material established.

20. **Withdrawal of certification** [23; 24(1)(j)]

20.1 The authority may at any time withdraw the certification of plant material if it is satisfied that -

- (a) the plant material concerned is not true to variety, or does not comply with the applicable requirements referred to in section 12 of this Scheme; or
- (b) any other provision of this Scheme with regard to the plant material concerned has not been complied with.

20.2 A ~~participant grower~~ who has been notified of the withdrawal of the certification of plant material shall forthwith -

- (a) remove the labels referred to in section 17.1(b) of this Scheme, from the plant material concerned that is still in his custody;
- (b) notify each person to whom a quantity of the plant material concerned has been delivered, in writing of the withdrawal of the certification thereof, and request each such person in writing to remove such labels from the plant material concerned; and
- (c) provide the authority with a copy of each such notice issued by him.

20.3 The authority may by notice in the *Gazette* make known the relevant particulars of the withdrawal of the certification of plant material and the name and address of the ~~participant grower~~ effected thereby.

21. **Inspections** [23; 24(1)(o)]

21.1 The powers of inspection referred to in section 25(1) of the Act are hereby for the purposes of the application of this Scheme granted to the authority and to any person authorised in writing by the authority to enforce any provision of this Scheme.

21.2 (a) A person acting under subsection 21.1, may demand from the owner or custodian of the place, premises or vehicle concerned all reasonable assistance that such person may deem necessary to enable him to carry out the inspection concerned or to perform any other act in connection with the application of this Scheme.

- (b) No compensation shall be payable by the authority in respect of -
 - (i) assistance rendered in terms of paragraph (a); or
 - (ii) any sample taken during an inspection.

21.3 An inspection or analysis in terms of this Scheme shall be carried out in accordance with the methods determined by the authority.

- 21.4 (a) The number of plants inspected on a unit shall for the purpose of the application of this Scheme be deemed to be representative of all the plants in the unit concerned.
- (b) The quantity of plant material inspected when plant material is presented for certification shall be deemed to be representative of the quantity so presented.
- (c) The quantity of soil or water taken as a sample at the time of an inspection in terms of this Scheme shall be deemed to be representative of the soil or water from which that sample was taken.

22. **Discretionary power of authority** [23; 24(1)(q)]

22.1 The authority may consider any application or request made to it in terms of this Scheme, and may make any investigation or enquiry in connection therewith which it may deem necessary, and may for the purpose of such investigation or enquiry require that the applicant concerned submit it to such other documents or evidence as it may require.

22.2 A permission or an approval or authority by the authority in terms of this Scheme may -

- (a) be made subject to such conditions as the authority may in each case determine in writing; and
- (b) in a particular case, be amended or withdrawn by the authority in writing if it deems it necessary.

22.3 If the authority by virtue of a discretionary power vested in it by this Scheme -

- (a) refuses to approve an application or a request that has been submitted to it in writing;
- (b) amends or withdraws a permission or an approval or authority;
- (c) withdraws the registration of a unit; or
- (d) refuses to certify plant material presented for certification,

it shall notify the applicant or person concerned in writing of its decision and of the grounds on which it is based.

- 22.4 (a) If a withdrawal or refusal referred to in subsection 22.3(c) or (d) arises from a deficiency that could in the opinion of the authority possible be rectified through the application of some or other act or treatment, the authority shall advise the **participant grower** concerned of such deficiency and remedial act or treatment.
- (b) The authority may on application by a **participant grower** who has applied a remedial act or treatment of which he has been notified as contemplated in paragraph (a), approve that the unit concerned be re-inspected or the plant material concerned be re-presented for certification with a view to the possible revocation of the withdrawal or refusal concerned.

23. **Appeals** [23; 24(1)(p)]

The provisions of section 32 of the Act shall *mutatis mutandis* apply with reference to any person who feels aggrieved by any decision or action taken in connection with this Scheme by the authority.

24. **Payment of fees** [23; 24(1)(n)]

- 24.1 (a) The applicable amount determined by the authority shall be payable by an applicant or a **participant grower**, as the case may be, in respect of an inspection or re-inspection carried out by the authority in terms of section 6.4, 13.1, 13.2 or 13.3, 18.1, 18.2 or 22.4(b) of this Scheme.
[Paragraph (a) amended by R.814 of 7 September 2007]
- (b) The applicable amount determined by the authority shall be payable by an applicant or a grower, as the case may be, in respect of ~~the analysis of-~~
- (i) **the examination of** plants and shoots for the occurrence of **a pest insects, fungi or bacteria;**
 - (ii) a laboratory examination for **a pest viruses;**
 - (iii) **analysis of** a soil sample;
 - (iv) **analysis of** a water sample; **and**
 - (v) **woody indexing; and**
 - (iv) **DNA sequence analysis to identify a variety.**

24.2 An amount payable in terms of this Scheme shall -

- (a) be paid to the authority; and
- (b) be thus paid by means of an ~~electronic payment cheque, postal order or money order that shall be made out~~ in favour of the Vine Improvement Association.

[Paragraph (b) substituted by R. 3460 of 31 December 1992 and substituted by R. 814 of 7 September 2007]

24.3 Notwithstanding the provisions of subsection 24.2, a cash payment will be accepted if it is delivered to the authority by hand.

24.4 An amount that has been paid in terms of this Scheme shall not be repayable.

24.5 If a person refuses or fails to pay an amount owing by him in terms of this Scheme, the authority may suspend the certification of plant material presented by such person for certification until the amount concerned has been paid by him.

25. **Addresses for submission of documents** [23; 24(1)(q)]

25.1 Any application, notice or other document, as well as anything else pertaining thereto, that is in terms of this Scheme required to be submitted to the authority shall be addressed to the Secretary, Vine Improvement Association, and be forwarded to him by ~~electronic post, or by~~ post at P.O. Box 166, Paarl, 7622, or be delivered ~~to him~~ by hand at the Agri Western Cape Building, 11 Market Street, Paarl.

[Subsection 25.1 substituted by R. 3460 of 31 December 1992 and substituted by R. 814 of 7 September 2007]

25.2 The document by means whereof an appeal is lodged in terms of section 32 of the Act shall -

- (a) when forwarded by post, be addressed to the Director-General, Department of Agriculture, ~~Forestry and Fisheries~~, Private Bag X250, Pretoria, 0001; and
- (b) when submitted by hand, be delivered at the office of the Director-General, Department of Agriculture, ~~Forestry and Fisheries~~, Agriculture Place, Beatrix Street, Pretoria.

[Paragraph (b) substituted by R. 814 of 7 September 2007]