

**DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES**

No. R. 1971

15 October 1993

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

**DECIDUOUS FRUIT PLANT CERTIFICATION SCHEME**

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 Deciduous Fruit Plant Certification Scheme set out in the Annexure.

A.T. MEYER,  
Deputy Minister of Agriculture.

In this Annexure, “the Scheme” means the Deciduous Fruit Plant Certification Scheme published by Government Notice No. R. 1971 of 15 October 1993, as corrected by Government Notice No. R. 453 of 22 March 1996 and amended by Government Notice Nos. R. 564 of 18 April 1997, R. 1305 of 10 October 1997, R. 262 of 5 March 1999, R. 42 of 28 January 2011 and R. 226 of 19 March 2021.

## ANNEXURE

[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;

“**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 thereof; and “**cultivation**” shall have a corresponding meaning;

“**deciduous fruit**” means pome fruit and stone fruit;  
*[Definition substituted by R. 226 of 19 March 2021]*

“**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;

*[Definition deleted by R. 226 of 19 March 2021]*

“**participant**” 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;  
*[Insertion of definition by R. 226 of 19 March 2021]*

“**Plant Improvement Organisation**” (PIO) means a registered member who may import, breed and select new or improved varieties or clones under the auspices of the Deciduous Fruit Plant Improvement Association (the

designated authority administering the Scheme). Only PIO's registered in terms of the Scheme are authorised to register clones of varieties, to establish nucleus-, foundation- and mother units and to propagate and supply certified plant material in terms of the scheme;

*[Insertion of definition by R. 226 of 19 March 2021]*

**“plant material”** means pome fruit and stone fruit plant material of the types specified in Schedule 1;

*[Definition substituted by R. 226 of 19 March 2021]*

**“pome fruit”** means apples, pears and quinces;

**“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 the plant that serves as primary source of all plants of the variety or clone concerned;

**“stone fruit”** means almonds, apricots, cherries, nectarines, peaches, plums and prunes, as well as interspecies crosses of the said kinds of fruit;

*[Definition deleted by R. 226 of 19 March 2021]*

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

**“the authority”** means the authority referred to in section 3 of this Scheme;

**“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; and

*[Definition deleted by R. 226 of 19 March 2021]*

**“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 has visually observed the characteristic symptoms caused by that insect or pathogen on such plant material or plant without the use of a microscope or magnifying glass, but the testing, examination or analysis thereof in a laboratory has not revealed the occurrence of the insect or pathogen concerned thereon.

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

This Scheme shall be known as the Deciduous Fruit Plant Certification Scheme.

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

- 3.1 The executive board of the Deciduous Fruit Plant 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.
- 3.2 The powers, duties and functions referred to in section 3.1 shall be exercised, performed and carried out by the authority at its own cost and subject to the directions of the registrar, and the authority shall not have any right of recourse against the State for any costs so incurred.

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

- 4.1 This Scheme shall apply to deciduous fruit of those varieties the denominations of which are entered in the varietal list.
- 4.2 The authority shall keep a register of clones of the varieties referred to in section 4.1.
- 4.3 An application for the inclusion of a clone in such register shall be submitted to the authority in the manner determined by that authority.
- 4.4 Such application shall be approved only if –
  - 4.4.1 all relevant particulars with regard to the clone concerned have been submitted to the authority; and
  - 4.4.2 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.
- 4.5 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 of deciduous fruit as the authority may determine.

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

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

- 5.1 It shall be cultivated on a unit.
- 5.2 It shall be cultivated by or on behalf of the participant concerned.
- 5.3 It shall be obtained from plants that are true to variety and are established in accordance with the provisions of section 11 of this Scheme.
- 5.4 It shall be true to variety and comply with the applicable requirements set out in section 12 of this Scheme.
- 5.5 The unit on which it has been cultivated shall be inspected in accordance with the provisions of section 13 of this Scheme.
- 5.6 It shall at all times be stored in accordance with the provisions of section 14 of this Scheme.
- 5.7 It shall be made up in bundles in accordance with the provisions of section 16 of this Scheme, or be established in containers.
- 5.8 The bundles or containers referred to in section 5.7 shall be labelled in accordance with the provisions of section 17 of this Scheme.
- 5.9 It shall be presented for certification in accordance with the provisions of section 18 of this Scheme.
- 5.10 All the other provisions of this Scheme with regard to the plant material concerned shall be 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 be made on a form and in a manner determined by the authority.

*[Subsection 6.1 substituted by R. 226 of 19 March 2021]*

- 6.2 Such application shall be considered only if –

6.2.1 in the case of nucleus plants, foundation plants and mother plants, the applicant concerned is recognised by the authority as a plant improvement organisation; and

- 6.2.2 the applicant concerned is otherwise a member of the Deciduous Fruit Plant Improvement Association referred to in section 3.1 of this Scheme.
- 6.3 A form referred to in section 6.1 shall -
- 6.3.1 be lodged with the authority; and
- 6.3.2 be accompanied by a locality map that clearly indicates where the area of land concerned is situated.
- 6.4 The amount determined by the authority for this purpose shall be payable in respect of such application.
- 6.5 An area of land may be registered as a unit if the following requirements are complied with:
- 6.5.1 It shall comply with the applicable requirements set out in section 10 of this Scheme.
- 6.5.2 Plant material shall be established thereon in accordance with the provisions of section 11 of this Scheme.
- 6.5.3 The applicant concerned shall provide the authority with –
- 6.5.3.1 a return in the form determined by the authority, with regard to the plant material of each clone that is established on the area of land concerned; and
- 6.5.3.2 a planting plan of the establishment of such plant material thereon.
- 6.6 An application for the registration of an area of land may be refused if the authority is satisfied that –
- 6.6.1 the provisions of section 6.5 have not been complied with in respect of that area of land;
- 6.6.2 the applicant concerned –
- 6.6.2.1 will by reason of a lack of knowledge or facilities at his disposal, probably not be able to cultivate plant material that will be suitable for certification; or
- 6.6.2.2 previously failed to comply with the provisions of this Scheme or a condition determined thereunder;
- 6.6.3 the area of land concerned –

- 6.6.3.1 is situated in an area that does not lend itself to the cultivation of plant material that will be suitable for certification; or
- 6.6.3.2 cannot readily be reached for the purposes of an inspection in terms of this Scheme;  
*[Subparagraph 6.6.3.2 substituted by R. 226 of 19 March 2021]*
- 6.6.4 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
- 6.6.5 the application concerned contains a material misrepresentation.
- 6.7 .....  
*[Subsection 6.7 deleted by R. 42 of 28 January 2011]*
- 6.8 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 concerned.
- 7. Term of registration [23; 24(1)(d)]**
  - 7.1 The registration of a unit which is registered for the cultivation of foundation nursery plants or nursery plants shall lapse when all the plant material or plants established thereon are removed therefrom.  
*[Subsection 7.1 substituted by R. 226 of 19 March 2021]*
  - 7.2 The registration of any other unit shall lapse on the date determined by the authority at the time of registration thereof.
  - 7.3 A registration which has lapsed in terms of section 7.1 or 7.2 shall be renewable in the manner set out in section 6 of this Scheme.
- 8. Transfer of registration [23; 24(1)(q)]**
  - 8.1 Subject to the provisions of section 8.3, the registration of a unit shall not be transferable to any other person.
  - 8.2 If a participant transfers his right of disposal of a unit or the plants established thereon to another person, he shall forthwith notify the authority in writing thereof.  
*[Subsection 8.2 substituted by R. 226 of 19 March 2021]*
  - 8.3 If a person to whom a right of disposal has been transferred as contemplated in section 8.2, desires to continue with participation in this Scheme in respect of the unit concerned, he shall 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 –

- 9.1 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;
- 9.2 circumstances prevail or information has come to light which, if it had prevailed or came to light earlier, would have resulted in a refusal to register the unit concerned;
- 9.3 deviating plants occur on the unit concerned;
- 9.4 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;
- 9.5 the participant concerned refuses or fails to present the plant material cultivated on the unit concerned for certification;
- 9.6 in the case of a unit on which plant material is established by virtue of an approval referred to in section 11.2 of this Scheme, such approval has been withdrawn; or
- 9.7 the certification of the plant material established on the unit concerned has been withdrawn in terms of section 20 of this Scheme.

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

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

*[Section 10 substituted by R. 226 of 19 March 2021]*

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

- 11.1 Subject to the provisions of section 11.2 and 11.3, only certified plant material shall be used to establish plants on a unit intended for the cultivation of plant material.

*[Subsection 11.1 substituted by R. 226 of 19 March 2021]*

- 11.2 The authority may, upon receiving written application, grant written approval that plant material obtained from plants that are included in a recognised evaluation programme, be utilised with the intention to establish mother plants.

*[Subsection 11.2 substituted by R. 226 of 19 March 2021]*



11.3 An approval referred to in section 11.2 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 1 for pome and stone fruit.

*[Subsection 11.3 substituted by R. 226 of 19 March 2021]*

11.4 .....

*[Subsection 11.4 deleted by R. 42 of 28 January 2011]*

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

11.5.1 be clearly identified according to clone and variety;

11.5.2 be cared for in a manner which is conducive to obtain plant material of a high quality;

11.5.3 be established in such a manner that shoots of plants of different clones will not intertwine;

11.5.4 in the case of grafted plants, be kept free of shoots that have developed from the rootstock portion thereof;

11.5.5 not be overgrown by weeds;

11.5.6 be true to variety; and

11.5.7 comply with the applicable phytosanitary requirements set out in Schedule 1 for pome and stone fruit.

*[Paragraph 11.5.7 substituted by R. 226 of 19 March 2021]*

11.6 A participant shall remove all deviating plants and suspected deviating plants from a unit on a continuous basis, or mark such plants appropriately.

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

12.1 Plant material cultivated in a unit shall –

12.1.1 be true to variety;

12.1.2 comply with the applicable phytosanitary requirements set out in Schedule 1 for pome and stone fruit;

*[Paragraph 12.1.2 substituted by R. 226 of 19 March 2021]*

12.1.3 except if the authority determines otherwise in a particular case, comply with the applicable physical requirements set out in Schedule 1 for pome and stone fruit; and

*[Paragraph 12.1.3 substituted by R. 226 of 19 March 2021]*

12.1.4 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:

<b>CATEGORY OF CERTIFIED PLANT MATERIAL</b>	<b>CATEGORY OF PLANT MATERIAL USED FOR THE ESTABLISHING OF PLANTS</b>
<b>1</b>	<b>2</b>
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 12.1.4 –

12.2.1 plants cultivated from plant material in respect of which an approval was granted in terms of section 11.2 of this Scheme shall be deemed to be mother plants; and

12.2.2 upon receipt of a written application from a Plant Improvement Organisation, the authority may grant written approval to utilise plant material obtained from mother plants for the cultivation of additional mother plants.

*Paragraph 12.2.2 substituted by R. 226 of 19 March 2021]*

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

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

13.1.1 the early active growth stage thereof;

13.1.2 the early leaf fall stage thereof; and

13.1.3 the dormant stage thereof.

13.2 The plants established on a unit with a view to the cultivation of mother plants–

- 13.2.1 shall be inspected by the authority at least once per year; and
- 13.2.2 such inspections shall be made annually on an alternate basis at the stages referred to in subsection (1).
- 13.3 The plants established on a unit with a view to the cultivation of nursery plants or foundation nursery plants shall be inspected annually by the authority during –
  - 13.3.1 the early active growth stage thereof;
  - 13.3.2 the early leaf fall stage thereof; and
  - 13.3.3 the dormant stage thereof.
- 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 any inspection referred to in section 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 –

  - 14.1 it is protected against physiological and physical damage;
  - 14.2 the plant material cultivated on different units can be identified clearly and conspicuously;
  - 14.3 the plant material of different clones and varieties can be identified clearly and conspicuously; and
  - 14.4 it is kept separately from plant material not intended for certification.
- 15. **Removal of nursery plants** [23; 24(1)(g), (q)]
  - 15.1 Nursery plants shall not, prior to the certification thereof, without the written approval of the authority be removed from the unit on which it was cultivated or from the custody of the participant concerned.
  - 15.2 An approval referred to in section 15.1 shall be granted only if the person concerned intends to present the nursery plants concerned for certification at the premises to which it is to be removed.

- 15.3 Nursery plants removed in terms of such approval shall be suitably identified at the time of the removal thereof.
- 15.4 A participant to whom such approval was granted shall forthwith notify the authority in writing of –
- 15.4.1 the date on which the nursery plants concerned were removed;
  - 15.4.2 the quantity of nursery plants thus removed;
  - 15.4.3 the address of the premises to which those nursery plants were thus removed, and the name of the owner of the premises concerned; and
  - 15.4.4 the particulars used to identify those nursery plants.

16. **Bundles and containers** [23; 24(1)(k), (l)]

Plant material shall at the time of the certification thereof-

- 16.1 be made up in bundles in accordance with the applicable bundle requirements set out in Schedule 1 of for pome and stone fruit; or  
*[Subsection 16.1 substituted by R. 226 of 19 March 2021]*
- 16.2 be in containers.

17. **Marking and labelling of plant material** [23; 24(1)(k)]

- 17.1 Foundation nursery plants and nursery plants of pome and stone fruit shall be marked in accordance with the marking requirements specified in Part 6 of Schedule 1 before it is lifted from the soil of the unit on which it is grown.
- 17.2 Each bundle or container of plant material shall be provided with a label that is obtainable on request from the authority.
- 17.3 The amount determined by the authority for this purpose shall be payable in respect of labels thus issued.  
*[Subsection 17.3 substituted by R. 226 of 19 March 2021]*
- 17.4 After the grower concerned has entered the applicable particulars on such labels, he shall affix it to the bundles or containers concerned in the manner determined by the authority.
- 17.5 The letters and figures used to indicate the particulars concerned on labels shall –
- 17.5.1 be of a letter type that can easily be read;

- 17.5.2 be of a colour that is in clear contrast with the colour of the labels on which they appear; and
- 17.5.3 be entered indelibly.
- 17.6 No particulars other than those required to be indicated on a label referred to in section 17.2 shall appear on such label.
- 18. Certification of plant material [23; 24(1)(j)]**
  - 18.1 A grower shall notify the authority at least two days in advance of the date on which nursery plants will be ready to be presented for certification.
  - 18.2 The authority shall on or as soon as possible after the date of which it has thus been notified, inspect the nursery plants concerned in order to determine whether it may be certified.
  - 18.3 The certification of plant material shall be confirmed by means of a certificate in the form determined by the authority.
  - 18.4 A label attached to plant material in terms of section 17 of this Scheme shall be proof of the certification of that plant material.
  - 18.5 Subject to the provisions of section 22.4 of this Scheme, the authority may, if it refuses to certify plant material, destroy the labels attached to the plant material concerned, or direct the participant concerned to destroy it.
- 19. Records and returns [23; 24(1)(m)]**
  - 19.1 Each participant shall record the following particulars relating to plant material issued by him to another entity:
    - 19.1.1 The name and address of each entity to whom a quantity of that plant material has been issued.
    - 19.1.2 The denomination of the variety and clone that has been issued.
    - 19.1.3 The quantity of plant material from each variety and clone issued to each entity.
    - 19.1.4 The category referred to in section 12.1 of this Scheme, of each quantity of that plant material issued.
  - 19.2 Each participant shall record the following particulars relating to each lot of certified plant material received by him:
    - 19.2.1 The name and address of the entity from whom such lot was received.

- 19.2.2 The denomination of the variety and clone of that plant material.
- 19.2.3 The quantity of each type of plant material thus received.
- 19.3 Each participant shall record the following particulars relating to labels issued to him in terms of section 17.2 of this Scheme:
  - 19.3.1 The number of unused labels carried over from the previous year.
  - 19.3.2 The number of labels received by him during the year concerned.
  - 19.3.3 The number of labels affixed to plant material during that year.
  - 19.3.4 The number of labels damaged or destroyed during that year.
  - 19.3.5 The number of unused labels in stock at the end of that year.
- 19.4 Each participant shall submit to the authority annually, on the dates determined by the authority, a return on a form and in a manner determined by the authority, of the particulars recorded in terms of this section.

*[Section 19 amended by R. 226 of 19 March 2021]*

**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 –
  - 20.1.1 the plant material concerned is not true to variety, or does not comply with the applicable requirements set out in section 12 of this Scheme; or
  - 20.1.2 any other provision of this Scheme with regard to the plant material concerned has not been complied with.
- 20.2 A participant who has been notified of the withdrawal of the certification of plant material shall forthwith –
  - 20.2.1 remove and retain the labels referred to in section 17.2 of this Scheme, from the plant material concerned that is still in his custody;
  - 20.2.2 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 that plant material; and
  - 20.2.3 provide the authority with a copy of each such notice issued by him.

20.3 The authority may by notice in the *Government Gazette* make known the relevant particulars of the withdrawal of the certification of plant material and the name and address of the 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 purpose 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 person acting under section 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.

21.3 No compensation shall be payable by the authority in respect of –

21.3.1 assistance rendered in terms of section 21.2; or

21.3.2 any sample taken during an inspection.

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

21.5 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.

21.6 The quantity of plant material inspected when plant material is presented for certification shall be deemed to be representative of the quantity so presented.

21.7 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 to it such other documents or evidence as it may require.

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

- 22.2.1 be made subject to such conditions as the authority may in each case determine in writing; and
  - 22.2.2 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 –
- 22.3.1 refuses to approve an application or a request that has been submitted to it in writing;
  - 22.3.2 amends or withdraws a permission or an approval or authorisation;  
*[Paragraph 22.3.2 substituted by R. 226 of 19 March 2021]*
  - 22.3.3 withdraws the registration of a unit; or
  - 22.3.4 refuses to certify plant material presented for certification,
- it shall notify the applicant or participant concerned in writing of its decision and of the grounds on which it is based.
- 22.4 If a withdrawal or refusal referred to in section 22.3.3 or 22.3.4 arises from a deficiency that could in the opinion of the authority possibly be rectified through the application of some or other act or treatment, the authority shall advise the participant concerned of such deficiency and remedial act or treatment.
- 22.5 The authority may on application by a participant who applied a remedial act or treatment of which he has been notified as contemplated in section 22.4, approve that the unit concerned by 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 The applicable amount determined by the authority shall be payable by an applicant or participant, as the case may be, in respect of an inspection or re-inspection carried out by the authority in terms of section 13.1, 18.2 or 22.5 of this Scheme.
  - 24.2 The applicable amount determined by the authority shall be payable by an applicant or participant, as the case may be, in respect of the analysis of –



- 24.2.1 plants and shoots for the occurrence of a pest;
- 24.2.2 a plant material sample for viruses;
- 24.2.3 a soil sample;
- 24.2.4 a water sample;
- 24.2.5 woody indexing; and
- 24.2.6 molecular variety identification tests.

*[Subsection 24.2 amended by R. 226 of 19 March 2021]*

- 24.3 The provisions of section 24.1 and 24.2 shall apply *mutatis mutandis* to any other inspection or analysis which the authority carries out at the request of an applicant or participant.
- 24.4 An amount payable in terms of this Scheme shall be paid to the authority.
- 24.5 An amount that has been paid in terms of this Scheme shall not be repayable.
- 24.6 If a participant refuses or fails to pay any amount owing by him in terms of this Scheme, the authority may suspend the certification of plant material presented by such participant for certification until the amount concerned has been paid by him.