

GN. R. 1998
GG13473
23 August 1991

**AGRICULTURAL PRODUCT STANDARDS ACT, 1990 (ACT No. 119 OF 1990)
REGULATIONS REGARDING CONTROL OF THE EXPORT OF CITRUS FRUIT**

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

- (a) made the regulations in the Schedule; and
- (b) determined that the said regulations shall come into operation on 1 September 1991.

SCHEDULE

Definitions

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

citrus fruit means oranges, grapefruit, lemons, naartjes, soft citrus, Seville oranges and limes;

consignment means a quantity of citrus fruit of the same kind, which belongs to the same owner, delivered at any one time under cover of the same delivery note, consignment note or receipt note, or delivered by the same vehicle, or if such a quantity is subdivided into different kinds, cultivars, classes, counts or count groups, each such quantity of each of the different kinds, cultivars, classes, counts or count groups;

consignment note means a consignment note approved by the Executive Officer;

grapefruit means the fruit of the tree *Citrus paradisi*;

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

lemons means the fruit of the tree *Citrus limon*;

limes means the fruit of the tree *Citrus aurantifolia*;

naartjes means the fruit of the tree *Citrus reticulata*, excluding those cultivars specified in the definition of soft citrus;

oranges means the fruit of the tree *Citrus sinensis*;

Seville oranges means the fruit of the tree *Citrus aurantium*;

soft citrus means citrus fruit of the cultivars Minneola, Tambor, Satsuma, Clementine, Ellendale and similar cultivars; and

the Act means the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990).

Prohibition on the export of citrus fruit

- 2.(1) Subject to the provisions of subregulation (2), no person shall export citrus fruit from the Republic unless each quantity thereof has been approved by the Executive Officer for that purpose.
- (2) Citrus fruit which are-
 - (a) exported to countries specified in the Annexure;
 - (b) exported in a consignment of less than 20 kg net mass; and
 - (c) taken in as provisions for consumption abroad a conveyance to a foreign country,shall be exempted from the prohibition set out in subregulation (1).
- (3) An approval in terms of subregulation (1) may also be given by an Assignee designated with regard to citrus fruit.

Application for approval for export

- 3.(1) An application for an approval in terms of section 4 of the Act for the export of a consignment of citrus fruit, shall be directed in writing to the Executive Officer or the Assignee who has been designated with regard to citrus fruit.
- (2) Such an application shall be made at least four working days before the intended date of export.
- (3) The following particulars shall be supplied when such an application is made:
 - (a) The name and address of the applicant and, where applicable, of his agent or exporter.
 - (b) The cultivar and class thereof.
 - (c) The number and type of containers in the consignment.
 - (d) The intended date and time of export and the port or airport from which the consignment concerned shall be exported.
 - (e) The particulars concerning the marking and destination of the consignment concerned.
 - (f) The address of the premises where the consignment concerned can be inspected and the date and time when the consignment will be ready for inspection.
 - (g) Any other additional information regarding the consignment concerned.

Presentation for inspection

- 4.(1) Each consignment of citrus fruit intended for export which has to be presented for inspection in terms of these regulations shall, prior to the export thereof, be approved for export by an

inspector: Provided that the consignment of citrus fruit concerned shall be presented for inspection at least 12 hours prior to the intended time of export.

- (2) A consignment of citrus fruit referred to in subregulation (1), shall be submitted for inspection in such a manner that-
 - (a) access to each container therein can be obtained readily; and
 - (b) the marks, printing or writing on such containers can readily be read.

Consignment note

- 5.(1) Every consignment of citrus fruit destined for export shall, when submitted for inspection, be accompanied by a consignment note completed clearly, legibly, fully and correctly.
- (2) All the copies of such a consignment shall have the same serial number and one copy thereof shall be retained by the Department.

Procedure at inspection

- 6.(1) An inspector may in any consignment of citrus fruit open as many containers and inspect the contents thereof and remove samples of such contents for the purpose of further inspection or analyses as he may deem necessary.
- (2) An inspector's finding in relation to the containers opened by him by virtue of the provisions of subregulation (1), and the contents thereof, shall apply as a finding in respect of the whole consignment from which such containers were abstracted.
- (3) If an inspector is satisfied after his inspection that the consignment of citrus fruit-
 - (a) comply with the requirements of these regulations he shall approve such consignment for export, either by marking or causing to be marked on each container or label affixed thereto with a mark of approval or by issuing a certificate which indicates such approval; or
 - (b) do not comply with the requirements of these regulations he shall prohibit such consignment for export, either by marking or causing to be marked on each container or label affixed thereto with a mark or prohibition or by issuing a certificate which indicates such prohibition.
- (4) An inspector may at his own discretion re-inspect a consignment of citrus fruit which has already been approved for export, and may confirm or withdraw according to subregulation (3) (b) any previous approval with regard to the consignment concerned: Provided that no inspection fee shall be payable in respect of a re-inspection carried out on demand of an inspector.

Fees for inspection and analysis

7. The following fees shall be payable to the Executive Officer:
 - (1) The prescribed inspection fee when citrus fruit are presented for inspection.
 - (2) The prescribed laboratory analysis fee when a person wants the Executive Officer to analyse a sample of citrus fruit chemically, physically or microbiologically.

Appeal

- 8.(1) Any person who appeals in terms of section 10 (1) of the Act against a decision or direction of an inspector, shall submit a written notice of appeal to an inspector within one day after he has been notified of the said decision or direction unless that day falls on a Saturday, Sunday or public holiday in which case the appeal shall be submitted on the first following working day.
- (2) Such person shall pay the prescribed fee with the inspector or at any office of the Executive Officer or the Assignee, as the case may be: Provided that such fee shall be paid in respect of each separate consignment, and provided further that if the notice of appeal and the fee are not submitted and paid within the period specified in subregulation (1), the appellant shall lose his right of appeal.
- (3) An inspector may apply any mark or marks which he may deem necessary for identification purposes to the citrus fruit in respect of which an appeal has been submitted, or to the containers thereof, and such citrus fruit shall not without his consent, be removed from the place where they were inspected or where they are stored.
- (4) The Director-General shall designate at least three persons (of whom the name of one shall appear on a list of names submitted annually by the South African Co-operative Citrus Exchange Limited for this purpose to the Director-General) to serve as an appeal board.
- (5) Such an appeal board shall give the appellant or his representative at least two hours notice of the time and place determined for the hearing of the appeal and may, after the citrus fruit concerned have been produced and identified and all interested parties have been heard, instruct all persons to leave the place where the appeal is being considered: Provided that the appeal board may make use of persons to assist in an advisory capacity.
- (6) An appeal board shall decide an appeal within 48 hours (excluding Sundays and public holidays) after it was submitted, and its decision shall be final.
- (7) If the citrus fruit concerned are not produced at the time and place determined by the appeal board, the amount paid in respect thereof shall be forfeited.

Offense and penalties

9. Any person who contravenes or fails to comply with the provisions of these regulations shall be guilty of an offense and upon conviction be liable to a fine not exceeding R8 000 or imprisonment for a period not exceeding two years or to both such fine and imprisonment.

ANNEXURE

COUNTRIES IN RESPECT OF WHICH THE PROHIBITION IS NOT APPLICABLE

Kingdom of Lesotho.
Kingdom of Swaziland.
Republic of Bophuthatswana.
Republic of Botswana.
Republic of Ciskei.
Republic of Namibia,
Republic of Transkei.
Republic of Venda.

