

DEPARTMENT OF AGRICULTURE

No. R. 664

15 May 1998

PLANT IMPROVEMENT ACT, 1976
(ACT No. 53 OF 1976)**SOUTH AFRICAN SEED POTATO CERTIFICATION SCHEME**

I, Angela Thokozile Didiza, Deputy Minister of Agriculture, acting under section 23 of the Plant Improvement Act, 1976 (Act No. 53 of 1976), on behalf of the Minister of Agriculture, hereby establish the South African Seed Potato Certification Scheme set out in the Schedule hereto.

A.T. DIDIZA,
Deputy Minister of Agriculture.

The South African Seed Potato Certification Scheme published by Government Notice No. R. 664 of 15 May 1998, as amended by Government Notice No. R. 1206 of 1 December 2000, as corrected by Government Notice No. R. 40 of 19 January 2001 and as amended by Government Notice Nos. R. 1382 of 8 November 2002, R. 1185 of 1 December 2006, R. 812 of 7 September 2007, R. 927 of 22 October 2010 and R. 313 of 26 April 2013.

SCHEDULE

(Note: The figures in square brackets at the headings of sections indicate the numbers of the authorizing provisions therefore in the Act.)

Definitions

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

“**assignee**” means a person or a juristic person to whom the registered grower has given written permission to act on his behalf;

“**certification label**” means a label issued in terms of section 25 of this Scheme by the authority by means of which certification of seed potatoes is confirmed;

“**certified seed potatoes**” means seed potatoes which have been certified in terms of this Scheme;

“**deviating plant**” means, with regard to a specific variety, a plant which does not correspond to the description of a typical plant of that variety;

“**field sample**” means a representative sample of seed potatoes taken in accordance with the provisions of the protocol for the determination of the occurrence of -

(a) *Ralstonia solanacearum*; and

(b) the viruses indicated in Table 4 of the Annexure, once the top growth of the plants on the unit concerned has died off or has been destroyed but before the seed potatoes have been removed from the soil;

“**G0 seed potatoes**” means generation 0 seed potatoes which comply with the requirements set out in section 11(a) of this Scheme;

“**G1 seed potatoes**” means generation 1 seed potatoes which comply with the requirements set out in section 11(b) of this Scheme;

“**G2 seed potatoes**” means generation 2 seed potatoes which comply with the requirements set out in section 11(c) of this Scheme;

- “G3 seed potatoes”** means generation 3 seed potatoes which comply with the requirements set out in section 11(c) of this Scheme;
- “G4 seed potatoes”** means generation 4 seed potatoes which comply with the requirements set out in section 11 (c) of this Scheme;
- “G5 seed potatoes”** means generation 5 seed potatoes which comply with the requirements set out in section 11(c) of this Scheme;
- “G6 seed potatoes”** means generation 6 seed potatoes which comply with the requirements set out in section 11(c) of this Scheme;
- “G7 seed potatoes”** means generation 7 seed potatoes which comply with the requirements set out in section 11(c) of this Scheme;
- “G8 seed potatoes”** means generation 8 seed potatoes which comply with the requirements set out in section 11(c) of this Scheme;
- “grower”** means a person to whom a registration certificate has been issued in respect of a unit;
- “land number”** means a code number allocated to a particular land by the grower;
- “micro tubers”** means tubers that have been cultivated *in vitro* from vegetative *in vitro* propagating material;
[amended by R. 927 of 22 October 2010]
- “mini tubers”** means tubers that have been cultivated *in vivo* from vegetative *in vitro* propagating material;
[inserted by R. 927 of 22 October 2010]
- “origin”** means the unit (locality) from which the seed potatoes originate and which can be identified by means of a unit registration number;
- “post-control sample”** means a representative sample of seed potatoes taken in accordance with the provisions of the protocol at the time of tuber inspection -
- (a) for the determination of viruses indicated in Table 4 of the Annexure; and
 - (b) to test whether the seed potatoes concerned are true to variety;
- “prohibited organism”** means *Globodera rostochiensis* (golden cyst nematode), *Ralstonia solanacearum* (bacterial wilt) and *Synchytrium endobioticum* (wart disease) as defined in the Agricultural Pests Act, 1983 (Act No. 36 of 1983), as well as any other exotic pathogen and insect;
[amended by R. 927 of 22 October 2010 and R. 313 of 26 April 2013]
- “property”** means every piece of land registered as an erf, a lot or stand in a deeds registry;
- “protocol”** means the procedures for sampling, testing and certifying as determined by the authority;
- “*Ralstonia solanacearum*”**, previously known as *Pseudomonas solanacearum* and *Burkholderia solanacearum*, means bacterial wilt disease;
[moved to alphabetical correct position by R. 927 of 22 October 2010]
- “registration certificate”** means the registration certificate issued in terms of section 12 of this Scheme;
- “seed potatoes”** means tubers of the plant *Solanum tuberosum* L.;
- “source”** means the propagating material of the previous generation;
- “store sample”** means a representative sample of seed potatoes taken in accordance with the provisions of the protocol at the time of storage of seed potatoes -

- (a) for the determination of viral and bacterial diseases; and
- (b) to test whether the seed potatoes concerned are true to variety;

“**the Act**” means the Plant Improvement Act, 1976 (Act No. 53 of 1976);

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

“**true potato seed**” means the sexual propagating material of hybrid potato varieties that do not reproduce true to variety;

“**true to variety**” means, in relation to a particular variety, 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 -

- (a) an area of land upon which seed potatoes; or
- (b) a container or containers in a greenhouse in which *in vitro* plants, micro tubers or mini tubers
[amended by R. 313 of 26 April 2013]

of the same variety and generation have been established with a view to the cultivation of seed potatoes in accordance with the provisions of this Scheme;

“**unit registration number**” means a code number allocated to a unit by the authority for identification purposes;

“**visually free**” with regard to the occurrence of a particular insect or pathogen on a plant or seed potato of such plant means that -

- (a) the occurrence of that insect or pathogen on such plant or seed potato cannot be visually observed unless a microscope or magnifying glass is used; or
- (b) the symptoms characteristic of those caused by that insect or pathogen on such plant or seed potato of such plant has been visually observed without the use of a microscope or magnifying glass, but the testing, examination or analysis of such plant or seed potato in a laboratory for confirmation, do not reveal the occurrence of the insect or pathogen concerned thereon.

Name of Scheme

2. This Scheme shall be known as the South African Seed Potato Certification Scheme.

Designation of authority

- 3.(1) The Independent Certification Council for Seed Potatoes that is a juristic person by virtue of a provision to this effect in its constitution, is hereby designated as the authority which shall exercise the powers, perform the functions and carry out the duties conferred upon, assigned to or imposed upon the authority under this Scheme.
- (2) The power, duties and functions referred to in subsection (1) shall be exercised, performed and carried out by the authority at its own costs 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.

Application of Scheme

- 4.(1) This Scheme shall apply to -
- (a) plants, true potato seed and seed tubers of the varieties of the genus *Solanum tuberosum* L. of which the denominations are entered in the varietal list; and
 - (b) varieties and breeding lines that have been included for evaluation purposes in the evaluation schemes and for which written applications have been received and approved by the authority.
[Paragraph 1(b) amended by R. 1382 of 8 November 2002]

- (2) The provisions of this Scheme shall be binding on a grower as from the date of registration of a unit in terms of section 12 of this Scheme.

Requirements for units

- 5.(1) Greenhouses and *in vitro* multiplication facilities shall in terms of the provisions of the protocol, be accredited on a biennial basis by the authority and be provided with a certificate.
[Subsection (1) amended by R. 927 of 22 October 2010]

- (2) In the case of a container in a greenhouse -
- (a) the unit shall be covered with an insect proof greenhouse; and
 - (b) the floor area of the greenhouse shall be covered in such a manner that the roots of plants kept in containers thereon, cannot penetrate to the soil on which the greenhouse is erected.

- (3) In the case of a unit intended for the cultivation of -
- (a) G0 seed potatoes, the growing medium and any water used shall be free from disease causing organisms, unless the growing medium has been effectively decontaminated;
 - (b) G1 seed potatoes, the unit shall for a period of at least the preceding 6 years be free of -
 - (i) the host plants specified in Table 1 of the Annexure; and
 - (ii) any plants of the spp. *Solanum tuberosum* L.,

unless the authority determines otherwise.

[Paragraph (b) amended by R. 1185 of 1 December 2006]

- (c) G2 and G3 seed potatoes, the unit shall for at least the preceding 4 years, be free of -
 - (i) the host plants specified in Table 1 of the Annexure; and
 - (ii) any plants of the spp. *Solanum tuberosum* L.,

unless the authority determines otherwise.

- (d) G4, G5, G6, G7 and G8 seed potatoes, the unit shall for at least the preceding 3 years, be free of -
 - (i) the host plants specified in Table 1 of the Annexure; and
 - (ii) any plants of the spp. *Solanum tuberosum* L.,

unless the authority determines otherwise.

- (4) In the case of G2 or G3 seed potatoes that have been established on the same unit with seed potatoes of the following generations, the unit shall for at least the preceding 4 years be free of -
- (i) the host plants specified in Table 1 of the Annexure; and
 - (ii) any plants of the spp. *Solanum tuberosum* L.,

unless the authority determines otherwise.

[Section 5 substituted by R. 1382 of 8 November 2002]

Isolation requirements

- 6.(1) Units shall, subject to the provisions of subsection (2), be isolated from one another by an area of at least 2 metres or a non-planted row in the case of different varieties and different generations of the same variety.
[Subsection (1) substituted by R. 1185 of 1 December 2006 and R. 812 of 7 September 2007, amended by R. 927 of 22 October 2010]

- (2) Units for G0 seed potato plantings shall be isolated from each other by a fixed structure.
- (3) G0, G1, G2 and G3 seed potatoes may be planted together on a unit: Provided that
[Subsection (3) amended by R. 927 of 22 October 2010]
- (i) such generations are isolated from one another by an area at least two metres wide;
[Subparagraph (i) amended by R. 1382 of 8 November 2002]
 - (ii) the unit conforms to the requirements for a unit intended for G1 plantings;
 - (iii);
[Subparagraph (iii) deleted by R. 927 of 22 October 2010]
 - (iv);
[Subparagraph (iv) deleted by R. 927 of 22 October 2010]
 - (v) no potatoes nor any of the host plants specified in Table 1 of the Scheme are present in the isolation area; and
 - (vi) the requirements for units specified in section 5(2)(b) have been complied with.
- [Subsection (3) substituted by R. 1206 of 1 December 2000]*
- (4) The crop plants specified in Table 1 of the Annexure shall not be cultivated or irrigated together with plants established on a registered unit.
- (5) Unregistered seed potato plantings shall not be cultivated or irrigated together with registered seed potato plantings.
[Subsection (5) amended by R. 1382 of 8 November 2002 and R. 313 of 26 April 2013]
- (6) Seed potatoes differing from one another by more than three generations ought not to be cultivated or irrigated together.
[Subsection (6) amended by R. 1382 of 8 November 2002]
- (7) If seed potatoes differing more than three generations are indeed cultivated or irrigated together, the earliest generation shall be re-graded to a generation which is within three generations of the latest generation.
[Subsection (7) substituted by R. 1382 of 8 November 2002, amended by R. 927 of 22 October 2010]

Prohibited organisms

- 7.(1) A grower shall notify the authority forthwith of the occurrence or presumed occurrence of prohibited organisms on -
- (a) a unit;
 - (b) land adjacent to a unit;
 - (c) land within 50 metres from the area of land specified in paragraph (b); and
 - (d) land under his or her control upon which crops are being cultivated or are going to be cultivated.
[paragraph (d) amended by R. 927 of 22 October 2010]
- (2) A unit shall be regarded as a presumably infected unit if -
- (a) it is situated on property upon which a prohibited organism occurs or had occurred;
 - (b) it is situated on property adjacent to or within 50 metres of a property upon which a prohibited organism occurs or had occurred;
 - (c) it is situated on property where livestock occurs and such livestock had access previously to land upon which a prohibited organism occurs or had occurred and the authority regards such livestock as carriers of the prohibited organism;

- (d) seed potatoes on the unit concerned originated from an origin which is or was infected with a prohibited organism;
 - (e) water that flows over the unit originates from land upon which a prohibited organism occurs or had occurred;
 - (f) the unit is irrigated with water which flows off land upon which a prohibited organism occurs or had occurred;
 - (g) the plants that occur on the unit may be infected with a prohibited organism; or
 - (h) equipment that has previously been used for the cultivation of land upon which a prohibited organism occurs or has occurred, is used on the unit concerned, without decontamination thereof.
- (3) (a) If, in the case of an uncovered plot of land, a prohibited organism occurs on the property or an adjacent property, the unit shall be surrounded by an isolation area in which no host plants specified in Table 1 of the Annexure or plants of the spp. *Solanum tuberosum* L. shall occur.
- (b) The isolation area shall be at least 50 metres wide or as wide as the authority may determine after inspection.
- (4) Equipment used in soil that is infected with a prohibited organism shall not be used again for the cultivation of seed potatoes unless it has been effectively decontaminated.

Establishment requirements

- 8.(1) Plants established on a unit shall -
- (a) be clearly identified according to variety;
 - (b) be true to variety;
 - (c) be cared for in a manner that is conducive to the cultivation of seed potatoes;
 - (d) not be overgrown with weeds;
 - (e) be free from prohibited organisms; and
 - (f) not exceed the maximum percentage permissible with regard to deviating and pathogen infected plants specified in Table 2 and virus infected plants specified in Table 3 of the Annexure.
[paragraph (f) amended by R. 927 of 22 October 2010]
- (2) A grower shall remove all deviating plants and tubers and all suspected deviating plants and tubers from a unit on a continuous basis.

Requirements with regard to source of in vitro propagating material

- 9.(1) *In vitro* propagating material cultivated on a unit shall be true to variety.
- (2) All the *in vitro* propagating material shall have originated from a body approved by the authority.
- (3) Proof shall be furnished to the authority that the *in vitro* propagating material is true to variety and that it complies with the phytosanitary status referred to in subsection (4).
- (4) Phytosanitary status indicates that the propagating material has been tested in a laboratory approved by the authority and registered with the Registrar of Plant Improvement, in accordance with recognised methods and tested negative -
[amended by R. 313 of 26 April 2013]
- (a) for the presence of leafroll virus, tomato spotted wilt virus and viruses A, M, S, X and Y;
[Paragraph (a) substituted by R. 1206 of 1 December 2000, amended by R. 927 of 22 October 2010]]

- (b) for the presence of *Ralstonia solanacearum*, *Pectobacterium carotovorum*, *Pectobacterium atrosepticum* and *Dickeya dadantii*;
[paragraph (b) substituted by R. 927 of 22 October 2010]
 - (c) and is visually free from symptoms characteristic of any other viruses, viroids, fungi, bacteria and insects; and
 - (d) in an enriching medium and has tested negatively for the presence of micro-organisms that are pathogens of *Solanum tuberosum* L..
[Paragraph (d) substituted by R. 1382 of 8 November 2002]
- (5) The authority may at its own discretion, require further tests in respect of *in vitro* propagating material before such plantings shall be registered in terms of section 12 of this Scheme.

Requirements with regard to propagating material

- 10.(1) Propagating material cultivated on a unit shall -
- (a) be true to variety;
 - (b) be tested free from *Ralstonia solanacearum* in a laboratory approved by the authority in accordance with recognised methods for the presence of *Ralstonia solanacearum*;
[amended by R. 313 of 26 April 2013]
 - (c) in the case of G0 seed potatoes, also be tested in a laboratory approved by the authority in accordance with recognised methods for the presence of -
 - (i) *Pectobacterium carotovorum*;
 - (ii) *Pectobacterium atrosepticum*; and
 - (iii) *Dickeya dadantii*; and be found free from the abovementioned organisms.
[paragraph (c) substituted by R. 927 of 22 October 2010 and amended by R. 313 of 26 April 2013]
 - (d) not exceed the maximum percentage permissible with regard to -
 - (i) virus infected seed potatoes as specified in Table 4 of the Annexure but not exceeding 2,5% of the total virus content according to the result of the field sample;
 - (ii) potato tuber moth damage and pathogen infected seed potatoes as specified in Table 5 of the Annexure; and
 - (iii) non-pathogenic deviations as specified in Table 6 of the Annexure.
[Paragraph (d) substituted by R. 1382 of 8 November 2002, amended by R. 1185 of 1 December 2006, amended by R. 927 of 22 October 2010]
- (2) Only seed potatoes that comply with the requirements for G0 to G7, Class Elite and Class 1 as specified in Tables 5 and 6 of the Annexure shall be used as propagating material.
[Subsection (2) amended by R. 1382 of 8 November 2002 and amended by R. 1185 of 1 December 2006, amended by R. 927 of 22 October 2010]
- (3) The authority shall, in consultation with the Registrar of Plant Improvement, determine the requirements in respect of propagating material that has been retained by a grower for his or her own use.
[Subsection (3) added by R. 1206 of 1 December 2000]

Requirements with regard to source of seed potatoes

11. Subject to the provisions of paragraph (a), only seed potatoes which have been certified shall be established on a unit and such seed potatoes shall, in the case of the cultivation of -
- (a) G0 seed potatoes, be *in vitro* propagating material or micro tubers from an approved laboratory;
[paragraph (a) amended by R. 927 of 22 October 2010]

- (b) G1 seed potatoes, be G0 seed potatoes (mini tubers); and
[paragraph (b) amended by R. 927 of 22 October 2010]
- (c) any other generation, be any earlier generation than the generation of the propagating material under cultivation.

Application for the registration of units

- 12.(1) An application for the registration of an area of land or a container or containers in a greenhouse as a unit shall be made on the form and in the manner determined by the authority.
- (2) The application for registration -
 - (a) shall be submitted by the person who intends to cultivate seed potatoes for certification or by the assignee of that person; and
 - (b) shall be submitted in time to allow the authority to carry out the first field inspection, as described in the protocol.
[Subsection (2) amended by R. 1206 of 1 December 2000 and corrected by R. 40 of 19 January 2001]
- (3) An application for registration shall, subject to the provisions of subsection (4), be accompanied by -
 - (a) full particulars of the planting;
 - (b) in the case of an area of land, a map of the site clearly indicating where the unit concerned is located;
[paragraph (b) amended by R. 927 of 22 October 2010]
 - (c) in the case of a container in a greenhouse, a map of the site indicating where the different units are situated;
[paragraph (c) amended by R. 927 of 22 October 2010]
 - (d)
[Paragraph (d) deleted by R. 1382 of 8 November 2002]
 - (e) in the case of -
 - (i) local seed potatoes, a label confirming the source and origin of the seed potatoes; or
 - (ii) in the case of imported seed potatoes, proof to the satisfaction of the authority, of the origin of those seed potatoes; and
 - (f) the fee determined by the authority.
- (4) The property map referred to in paragraph (b) of subsection (3) is submitted on one occasion only, unless additional fields on the specific property are contemplated for the cultivation of seed potatoes.
[Subsection (4) amended by R. 1185 of 1 December 2006]
- (5) On approval of an application, the authority shall issue a certificate of registration.
- (6) 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 person in whose favour the unit concerned is registered.
- (7) If a person was not registered as a grower in terms of this Scheme during the previous four years, such person shall be regarded as a new grower.
- (8)
 - (a) Each unit shall be clearly identified by means of a name plate indicating the variety cultivated on that unit, as well as the block number.
 - (b) Subject to the provisions of paragraph (a) distinct boards shall be erected to distinguish between units on which plants are cultivated that are of the same variety but of different seed sources.
[Subsection (8) substituted by R. 1382 of 8 November 2002]

- (9) All labels and “weigh bills” with regard to seed potatoes that have been planted on a unit, shall upon request of the authority, be made available in order to verify the origin of the seed.
[Subsection (9) inserted by R. 1185 of 1 December 2006]

Refusal of application for registration as a unit

13. An application for the registration of a unit may be refused if -
- (a) the applicant -
 - (i) will by reason of a lack of knowledge or lack of facilities at his or her disposal, probably not be able to cultivate seed potatoes that will be suitable for certification; and
 - (ii) previously failed to comply with the provisions of this Scheme or a condition determined thereunder;
 - (b) the unit concerned -
 - (i) is situated in an area where a prohibited organism occurs; or
 - (ii) cannot at all times readily be reached for the purposes of inspection in terms of this Scheme;
 - (c) the application concerned contains a substantial misrepresentation; and
 - (d) the applicable provisions of this Scheme with regard to a unit have not been complied with.

Terms of registration

14. The registration of a unit shall, subject to earlier termination in terms of this Scheme, be valid only from the date of issue of the certificate of registration to the date on which the seed crop of the growing season to which such registration relates, is removed from the unit.

Transfer of registration

- 15.(1) Subject to the provisions of subsection (2), the registration of a unit shall not be transferable.
- (2) If a grower transfers his or her rights in respect of a unit to another person, the grower shall within 21 days of the date of such transfer of rights notify the authority in writing thereof.
- (3) If a person to whom rights in respect of a unit have been transferred as referred to in subsection (2), desires to continue with participation in this Scheme in respect of that unit, an application for the registration of that unit in his or her name in terms of section 12 of this Scheme shall forthwith be lodged by such person.

Termination of registration

- 16.(1) The registration of a unit shall lapse if the grower concerned transfers his or her rights in respect of that unit without notifying the authority thereof in terms of section 15(2) of this Scheme -
- (2) The registration of a unit may at any time be withdrawn if -
- (a) the applicable provisions of this Scheme with regard to unit requirements have not been complied with;
 - (b) adequate proof of the source of the seed potatoes established on the unit cannot be furnished;
 - (c) a nutritional deficiency, drying-out, weed infestation or physiological, chemical, hail, cold, insect or pathogen damage or any other damage to the plants on the unit concerned makes it impossible to observe the varietal properties of those plants or the occurrence of insects or pathogens thereon;

- (d) 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;
- (e) the grower refuses or fails to present samples of plants or tubers cultivated on the unit for inspection or certification;
- (f) the directives determined by the authority with regard to the prevention of the spreading of prohibited organisms to the unit had not been complied with; or
- (g) the certification of the seed potatoes have been withdrawn in terms of section 30 of this Scheme.

Inspection of units

- 17.(1) The authority shall carry out an inspection with regard to the requirements set out in sections 5, 6 and 8 of this Scheme.
- (2) The grower shall notify the authority within 30 days after emergence of the plants in order for the first inspection to be carried out.
- (3) The authority shall carry out as many additional inspections as the authority may deem necessary.
- (4) If the authority fails to carry out the inspections referred to in subsections (1) and (2), the certification of seed potatoes cultivated on the unit shall not be refused solely on account thereof.
- (5) Records of the particulars of the inspection and decisions and instructions which arise therefrom shall be made available to the grower or his or her assignee on request.

Field sample

- 18.(1) In the case of a field sample to determine the virus status of a unit -
 - (a) the grower shall notify the authority forthwith when the top growth of plants has died off or has been destroyed;
 - (b) a representative tuber sample shall be taken in accordance with the provisions of the protocol;
 - (c) only one tuber per plant shall be taken;
 - (d) unless otherwise determined by the authority, the size of the sample for testing for certification shall, in the case of -
 - [paragraph (d) amended by R. 927 of 22 October 2010]*
 - (i) GO seed potatoes, be 2 tubers per 100 plants or a portion thereof;
[Subparagraph (i) amended by R. 1185 of 1 December 2006]
 - (ii) G1 and G2 seed potatoes, be 400 tubers per 2,5 hectares or a portion thereof;
 - (iii) G3 seed potatoes, be 400 tubers per 5 hectares or a portion thereof; and
[Subparagraph (iii) amended by R. 1185 of 1 December 2006]
 - (iv) G4, G5, G6, G7 and G8 seed potatoes, be 200 tubers per 5 hectares or a portion thereof.
[Subparagraph (iv) amended by R. 1185 of 1 December 2006]
 - (v)
[Subparagraph (v) deleted by R. 1185 of 1 December 2006]
 - (e) the grower may request in writing that the sample size applicable to G3 seed potatoes referred to in paragraph (iii), be taken for G4, G5, G6, G7 and G8 seed potatoes; and
[Paragraph (e) substituted by R. 1185 of 1 December 2006]
 - (f) in the case of greenhouse plantings the grower may request in writing prior to registration that leaf samples be taken and tested in accordance with the prescriptions of the protocol for the presence of viruses instead of testing tubers.
[Paragraph (f) inserted by R. 1185 of 1 December 2006]

- (2) In the case of a field sample to determine the presence of the organisms that cause bacterial wilt disease -
- (a) the sample shall be taken as late as possible during the growing season or after the foliage has died off;
 - (b) one sample shall be taken in accordance with the provisions of the protocol from plantings that are cultivated and irrigated together;
 - (c) only one tuber per plant shall be taken; and
 - (d) unless otherwise determined by the authority, the size of the sample shall, in the case of -
 - (i) G0 seed potatoes, be 4 tubers per 100 plants or a portion thereof;
 - (ii) G1 seed potatoes, be 1 tuber every 10 metres in each row to a maximum of 4605 tubers over the whole planting;
[Subparagraph (ii) substituted by R. 1382 of 8 November 2002]
 - (iii) G2 to G8 seed potatoes, be 4 605 tubers taken in accordance with the provisions of the protocol in plantings that are cultivated and irrigated together; and
 - (iv) G2 to G8 seed potatoes on units of 1 hectare or smaller, be 1 tuber every ten metres in each row to a maximum of 4 605 tubers over the whole planting.
[amended by R. 313 of 26 April 2013]
- (3) In the case where the growth stages of seed potatoes on different units that have been cultivated and irrigated together, overlap, certification of such seed potatoes shall only take place once field samples of all the units concerned have been taken and the provisions of section 23 of this Scheme have been complied with.
- (4) All field samples shall be taken according to the prescriptions of the protocol, under supervision of a certification official or a person designated by the authority.
[Subsection (4) substituted by R. 1382 of 8 November 2002, amended by R. 927 of 22 October 2010]

Store sample

- 19.(1) A store sample shall be taken if –
- (a) a field sample has not been taken on the unit; and
 - (b) there is doubt with regard to the origin of the seed potatoes or the virus status of a unit; and
 - (c) if tomato spotted wilt virus symptoms have been detected during tuber inspection and the field sample was not tested for tomato spotted wilt virus.
[paragraph (c) inserted by R. 927 of 22 October 2010]
- (2) Unless otherwise determined by the authority, the size of the store sample shall, in the case of -
- (a) G0 seed potatoes, be 2 tubers per 100 plants or a portion thereof for virus testing and 4 tubers per 100 plants or a portion thereof for bacterial wilt testing; and
[paragraph (a) substituted by R. 927 of 22 October 2010]
 - (b) G1 to G8 seed potatoes, be 400 tubers per 5 000 x 25 kg container or a portion thereof.
- (3) A post control sample of 60 tubers per presentation per 5 000 x 25 kg containers or a portion thereof shall be taken at tuber inspection in order to determine whether the seed potatoes of each presentation are true to variety.
[subsection (3) substituted by R. 927 of 22 October 2010]
- (4) Pending the results of the tests, the identity of the containers shall be confirmed by an attached grower label.

[Subsection (4) substituted by R. 1382 of 8 November 2002, substituted by R. 1185 of 1 December 2006, amended by R. 927 of 22 October 2010]

- (5) All store samples shall be taken under the supervision of a certification official, or a person designated by the authority, and be tested to the satisfaction of the authority.
[subsection (5) amended by R. 927 of 22 October 2010]

Post-control sample

- 20.(1) A post-control sample shall be taken during tuber inspections of a presentation in terms of section 27 of this Scheme -

- (a) if no store sample has been taken;
- (b) in order to confirm the virus results of the presentation; and
[paragraph (b) substituted by R. 927 of 22 October 2010]
- (c) in order to confirm whether the seed potatoes are true to variety.

- (2) The authority may withdraw the certification of seed potatoes in accordance with the provisions of section 30 if the results of the post-control sample exceed the maximum percentages specified in Table 4 of the Scheme.

[Subsection (2) substituted by R. 1206 of 1 December 2000]

- (3) The size of the post-control sample drawn shall, with regard to -

- (a) the purpose contemplated in subsection (1)(b) -
 - (i) in the case of G1 to G8 seed potatoes, be 200 tubers per 5 000 x 25 kg containers or a portion thereof; and
[Subparagraph (i) amended by R. 1185 of 1 December 2006]
 - (ii)
[Subparagraph (ii) deleted by R. 1185 of 1 December 2006]

[Paragraph (a) substituted by R. 1382 of 8 November 2002]

- (b) the purpose contemplated in subsection (1)(c), be 60 tubers per 5 000 x 25 kg containers or a portion thereof.

- (4) All post-control samples shall be taken under the supervision of a certification official, or a person designated by the authority, and be tested to the satisfaction of the authority.
[subsection (4) amended by R. 927 of 22 October 2010]

- (5) Post-control samples shall be taken from at least 25 x 25 kg containers per 5 000 x 25 kg containers or a portion thereof for each presentation.
[Subsection (5) inserted by R. 1185 of 1 December 2006 and amended by R. 313 of 26 April 2013]

Ad hoc sampling

- 21.(1) In the case of sampling to trace and confirm a disease condition, a sample consisting of a single plant or tuber may be taken at any time during the registration period of a unit.

- (2) All samples shall be taken according to the prescriptions of the protocol, under supervision of a certification official or a person designated by the authority.
[Subsection (2) substituted by R. 1382 of 8 November 2002, amended by R. 927 of 22 October 2010]

Harvesting and storage requirements

- 22.(1) If potato tubers have been lifted, transported from or sorted on a presumably infected unit, as referred to in section 7 of this Scheme, the equipment used for the lifting, transporting or sorting of such tubers shall be effectively decontaminated with a suitable agent before it is used again for the lifting, transporting or sorting of seed potatoes.

- (2) Seed potatoes intended for certification or that has been certified shall at all times be stored in a manner so that -
- (a) it is protected against physiological and physical damage;
 - (b) seed potatoes cultivated on different units can be identified clearly and conspicuously;
[Paragraph (b) substituted by R. 1382 of 8 November 2002]
 - (c) seed potatoes of different varieties can be identified clearly and conspicuously;
 - (d) it is not kept or handled simultaneously in the same store with potatoes not intended for certification; and
[Paragraph (d) substituted by R. 1185 of 1 December 2006]
 - (e) If potatoes not intended for certification will be handled in the same store, the store and all apparatus shall be treated with a suitable agent to the satisfaction of the authority, prior to the handling and sorting of seed potatoes intended for certification.
[Paragraph (e) inserted by R. 1185 of 1 December 2006, amended by R. 927 of 22 October 2010]

Conditions for certification

- 23.(1) Seed potatoes shall be certified in terms of this Scheme if -
- (a) the seed potatoes are cultivated on a unit that has been registered in terms of section 12 of this Scheme;
 - (b) the seed potatoes are cultivated by or on behalf of the grower concerned;
 - (c) the unit upon which the seed potatoes have been cultivated has been isolated in accordance with the provisions of section 6 of this Scheme;
 - (d) the seed potatoes were obtained from *in vitro* propagating material in accordance with the provisions of section 9 of the Scheme;
 - (e) the seed potatoes are true to variety;
 - (f) the seed potatoes were established in accordance with the provisions of sections 10 and 11 of this Scheme;
 - (g) each unit upon which the seed potatoes were cultivated, has been identified in accordance with the provisions of subsection (8) of section 12 of this Scheme;
 - (h) the unit upon which the seed potatoes were cultivated, was inspected in accordance with the provisions of section 17 of this Scheme;
 - (i) the seed potatoes are contained in containers as referred to in section 24 of this Scheme;
 - (j) the containers referred to in paragraph (i) are labelled in accordance with the provisions of section 25 of this Scheme;
 - (k) the seed potatoes have been presented for certification in accordance with section 27 of this Scheme;
 - (l) the seed potatoes do not exceed the maximum percentage permissible with regard to virus infected seed potatoes as specified in Table 4; potato tuber moth damage and pathogen infected seed potatoes as specified in Table 5; and non-pathogenic deviations as specified in Table 6 of the Annexure;
[Paragraph (l) substituted by R. 1382 of 8 November 2002 and amended by R. 1185 of 1 December 2006, amended by R. 927 of 22 October 2010]
 - (m) the seed potatoes have been classified in accordance to the class requirements specified in Tables 5 and 6 of the Annexure: Provided that the classification as Class Elite be awarded only

to seed lots of which the virus content, according to the laboratory result of a field sample, is less than or equal to 2.5%; and

[Paragraph (m) substituted by R. 1382 of 8 November 2002 and R. 1185 of 1 December 2006]

(n) all other provisions of this Scheme with regard to seed potatoes have been complied with.

(2)

.....

[Subsection (2) deleted by R. 1206 of 1 December 2000]

Containers

24.(1) When presented for certification seed potatoes shall at all times during certification be contained in containers that shall -

(a) in the case of retail containers, be unused; and
[Paragraph (a) substituted by R. 1206 of 1 December 2000]

(b) in the case of mass containers, be containers that were approved by the authority.

(2) The containers in which seed potatoes are harvested or stored before presentation for certification shall -

(a) be bags or crates that were not previously used for the harvesting or storage of potatoes which were infected with a prohibited organism; or

(b) be bags or crates that were disinfected with an effective agent if such bags or crates were used previously for seed potatoes infected with a prohibited organism.
[paragraph (b) amended by R. 927 of 22 October 2010]

(3) In the case of seed potatoes intended to be used by a grower for his or her own planting material, which are presented for certification, the containers may be used containers.

[Subsection (3) added by R. 1206 of 1 December 2000]

Labelling of seed potatoes

25.(1) Each container of seed potatoes shall be provided with a self-sealing label that is issued by the authority.

[Subsection (1) substituted by R. 1206 of 1 December 2000, amended by R. 927 of 22 October 2010]

(2) The colour of the label for Class Elite and Class 1, shall in the case of -

(a) G0 seed potatoes, be gold;

(b) G1 seed potatoes, be red;

(c) G2 seed potatoes, be yellow;

(d) G3 seed potatoes, be purple;

(e) G4 seed potatoes, be green;

(f) G5 seed potatoes, be white;

(g) G6 seed potatoes, be pink;

(h) G7 seed potatoes, be orange; and

(i) G8 seed potatoes, be blue.

(3) The colour of the label indicating Standard Class shall for all generations be white with a blue vertical band at the right end of the label.

(4) All G1 to G8 labels shall be printed with a green Class 1 classification.

- (5) Class Elite stickers shall in the case of Class Elite quality sorting be provided by the authority.
- (6) Upon completion of the tuber inspection, the grower shall immediately affix the labels issued to him or her to the containers in a manner determined by the authority. *[subsection (6) substituted by R. 927 of 22 October 2010]*
- (7) No particulars other than those required by the authority shall appear on such label.
- (8) Growers shall provide an additional label on the containers in which seed potatoes are packed with the following information-
- (a) the variety concerned;
 - (b) the date of packing;
 - (c) the grower code as allocated by the authority;
[paragraph (c) substituted by R. 927 of 22 October 2010]
 - (d) name of the grower; and
 - (e) the mass of the container at the time of packing
- (9) The letters and figures used to indicate particulars on the label referred to in subsection (8) shall be -
- (a) of a letter type that is clearly legible;
 - (b) of a colour that is in clear contrast with the colour of the label on which it appears;
 - (c) entered indelibly.
- (10) The label referred to in subsection (8) shall be approved by the authority prior to the use thereof.
- (11) The label referred to in subsection (8) shall be attached to all containers presented for inspection by the grower prior to inspection by the authority.
- (12) No information shall be contained on the label referred to in subsection (8) that shall -
- (a) create a false or misleading impression with regard to the certification of the seed potatoes concerned; or
 - (b) be untrue, inaccurate or vague with regard to the seed potatoes or the grower.
[Section (25) substituted by R. 1185 of 1 December 2006]

Removal of seed potatoes

- 26.(1) Seed potatoes shall not, prior to the certification thereof, be removed from the premises where it has been sorted without the written approval of the authority.
- (2) The approval referred to in subsection (1) shall be submitted to the authority in writing and shall indicate -
- (a) the date on which the seed potatoes concerned will be removed;
 - (b) the quantity of seed potatoes in respect of each variety to be removed;
 - (c) the address of the premises to which the seed potatoes will be removed and the name of the owner of the premises concerned; and
 - (d) the particulars used to identify those seed potatoes.

Presentation for certification

- 27.(1) The containers referred to in section 24(1) shall be stored in such a manner so as to enable easy access to each container for the purposes referred to in subsection (2) of section 28 of this Scheme.
- (2) The containers, if stacked, shall not be stacked higher than 10 containers.
- (3) Unless otherwise determined by the authority, the seed potatoes shall be packed in quantities of 25 kg per container.
- (4) The containers shall be stored in such a manner that the labelling and sealing of the containers can take place without delay.
- (5) The grower shall, to the satisfaction of the authority, present a realistic quantity of seed potatoes obtained from a unit, on each occasion for certification.
[Subsection (5) substituted by R. 1382 of 8 November 2002]
- (6) The grower shall, to the satisfaction of the authority, make an inspection table with a smooth surface available to the authority in a place with sufficient light and which is suitable for the efficient inspection of seed potatoes for certification.
[Subsection (6) substituted by R. 1206 of 1 December 2000]

Certification of seed potatoes

- 28.(1) A grower shall notify the authority at least two days in advance of the date on which the seed potatoes will be ready to be presented for certification.
- (2) The authority shall on or as soon as possible after the date on which the seed potatoes will be ready to be presented for certification as contemplated in subsection (1) -
- (a) inspect the containers of seed potatoes concerned in order to determine whether it may be certified; and
- (b) draw a representative post control sample of the seed potatoes concerned.
[paragraph (b) amended by R. 927 of 22 October 2010]
- (3) The certification of the seed potatoes shall be confirmed by an inspection report in the form determined by the authority.
- (4) The label referred to in section 25 (1) to (7) of this Scheme shall be proof of the certification of the seed potatoes in that container and shall be of a type that cannot be removed or re-used without being damaged.
[Subsection (4) substituted by R. 1206 of 1 December 2000, amended by R. 927 of 22 October 2010]
- (5) The self-adhesive sticker referred to in subsection 25(5) shall -
- (a) be of a type that cannot be removed or re-used without being damaged; and
- (b) in the case of Class Elite, be red.
[Subsection (5) substituted by R. 1206 of 1 December 2000 and R. 1185 of 1 December 2006]
- (6) If the authority is satisfied that all provisions of this Scheme with regard to the seed potatoes concerned have been complied with, the authority shall certify those seed potatoes.

Records and returns

- 29.(1) Each grower, with regard to seed potatoes supplied by him or her, shall record -
- (a) the name and address of each person to whom a quantity of that seed potatoes has been issued;
[paragraph (a) amended by R. 927 of 22 October 2010]
- (b) the denomination of the variety or breeding line that has been issued; and
- (c) the quantity of seed potatoes of each variety issued to each person.
[subsection (1) amended by R. 927 of 22 October 2010]

- (2) Each grower, with regard to each quantity of certified seed potatoes received by him or her, shall record -
- (a) the name and address of the person from whom such lot has been received;
 - (b) the denomination of the variety or breeding line of that seed potatoes; and
[paragraph (b) amended by R. 927 of 22 October 2010]
 - (c) the quantity of seed potatoes of each variety received from each person.
- [subsection (2) amended by R. 927 of 22 October 2010]*
- (3) Each grower, with regard to labels issued in terms of section 25(1) of this Scheme during a year, shall record -
- (a) the number of labels received by him or her;
[paragraph (a) amended by R. 927 of 22 October 2010]
 - (b) the number of labels affixed to containers; and
 - (c) the number of labels damaged or destroyed.
- (4) The authority may request a grower to submit a report on a date, form and in a manner determined by the authority, of the particulars recorded in terms of this section.
[Subsection (4) substituted by R. 1382 of 8 November 2002]

Withdrawal of certification

- 30.(1) The authority may at any time withdraw the certification of seed potatoes if -
- (a) the seed potatoes are not true to variety;
 - (b) information has come to light which, if it came to light earlier, would have resulted in the certification being refused; and
 - (c) any provision of this Scheme with regard to seed potatoes have not been complied with.
- (2) The authority shall notify the grower of such withdrawal in writing.
- (3) A grower who has been notified of the withdrawal of the certification of the seed potatoes shall forthwith -
- (a) remove the labels referred to in sections 25(6) and 28(4) from the containers of seed potatoes in respect of which certification has been withdrawn and is still in his or her possession;
[Paragraph (a) substituted by R. 1382 of 8 November 2002 and R. 1185 of 1 December 2006, amended by R. 927 of 22 October 2010]
 - (b) notify each person to whom a quantity of the seed potatoes 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 containers of seed potatoes concerned;
[paragraph (b) amended by R. 927 of 22 October 2010]
 - (c) provide the authority with a copy of each such notice issued by him;
 - (d) proof that the notice referred to in paragraph (b) has been delivered to the person concerned shall be submitted to the authority; and
 - (e) return the inspection report referred to in subsection (3) of section 28 of this Scheme in respect of the seed potatoes concerned to the authority within 7 days after notice of the withdrawal has been given.

- (4) The authority may by notice in the *Government Gazette* make known the relevant particulars of the withdrawal of the certification of the seed potatoes and the name and address of the grower affected thereby.

Powers of inspections

- 31.(1) The powers of inspection referred to in sections 24A and 25(1) of the Act are hereby granted to the authority for the purpose of the application of this Scheme and to any person authorised in writing by the authority to enforce any provision of this Scheme.
- (2) A person acting under subsection (1) may demand from the owner or custodian of the place concerned all reasonable assistance that such person may deem necessary to enable him or her to carry out the inspection concerned or to perform any other act in connection with the application of this Scheme.
- (3) No compensation shall be payable by the authority in respect of -
- (a) assistance rendered in terms of subsection (2); or
 - (b) any sample taken during an inspection.
- (4) An inspection or analysis in terms of this Scheme shall be carried out in accordance with the methods determined by the authority.
- (5) The quantity of plants inspected on a unit and the quantity of seed potatoes drawn as sample shall be deemed to be representative of all plants on the unit concerned and all seed potatoes from which the sample concerned was drawn.
- (6) The quantity of seed potatoes inspected for certification shall be deemed to be representative of the quantity so presented.

Discretionary powers of authority

- 32.(1) The authority may -
- (a) consider any application or request submitted to it in writing in terms of this Scheme;
 - (b) carry out any investigation or enquiry in connection with an application referred to in paragraph (a) which the authority may deem necessary;
 - (c) for the purpose of an investigation or enquiry referred to in paragraph (b), require that the applicant submit to the authority any other documentation or evidence as the authority may require; and
 - (d) with the concurrence of the Registrar of Plant Improvement designated in terms of section 3(1) of the Plant Improvement Act, 1976 (Act No. 53 of 1976) and the Executive Officer designated in terms of section 2(1) of the Agricultural Pests Act, 1983 (Act No. 36 of 1983) exempt any grower in writing, either entirely or partially, on such conditions as the authority deems necessary, from the provisions of this Scheme.
[Paragraph (d) added by R. 1206 of 1 December 2000]
- (2) The authority may withdraw the registration of a unit or refuse to certify seed potatoes presented for certification.
- (3) Permission, approval or authorisation 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 the authority deems it necessary.
- (4) The authority shall notify the applicant or person concerned in writing of its decision made in terms of this section and of the grounds on which it is based.

- (5) If a withdrawal or refusal referred to in subsection (2) arises from a deficiency that can be rectified through the application of some or other act or treatment, the authority shall advise the grower concerned of such deficiency and remedial act or treatment.
[Afrikaans text of subsection (5) amended by R. 1382 of 8 November 2002]
- (6) The authority may on application by a grower who applied a remedial act or treatment of which he or she has been notified as contemplated in subsection (5) approve that the unit concerned be re-inspected or the seed potatoes concerned be re-inspected for certification.
- (7) The authority may, in exceptional cases, reclassify the generation of a seed potato and such reclassification shall be final.
- (8) The authority may reclassify the class of a seed potato and such reclassification shall be final.
- (9) The authority may grant written approval to establish seed potatoes other than seed potatoes referred to in section 11 of this Scheme.
- (10) An application for the approval referred to in subsection (9) shall be in writing and accompanied by particulars as required by the authority in each case.
- (11) The authority may at any time withdraw such approval if it is of the opinion that the plants obtained from the seed potatoes concerned do not comply with the requirements of this Scheme.

Appeals

33. 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.

Payment of fees

- 34.(1) The applicable amount determined by the authority shall be payable by an applicant or a grower as the case may be, in respect of -
- (a) an inspection or re-inspection carried out by the authority in terms of section 17 and 28(2) of this Scheme; and
 - (b) the determination to test whether the seed potatoes are true to variety; and
 - (c) viral and bacterial determinations.
- (2) Postage on and delivery costs of any application, notice, appeal or other documentation which is submitted in terms of this Scheme, as well as on or of anything else pertaining thereto, shall be prepaid by the sender thereof.
- (3) An amount payable in terms of this Scheme shall -
- (a) be recovered by means of levies and tariffs and be paid to the authority; and
[Paragraph (a) substituted by R. 1382 of 8 November 2002]
 - (b) subject to the provisions of subsection (4), be paid by means of a cheque, electronic transfer, postal order or money order that shall be made out in favour of the authority.
- (4) A cash payment will be accepted if it is delivered to the authority by hand.
- (5) An amount that has been paid in terms of this Scheme shall not be refundable.
- (6) If an applicant or a grower refuses or fails to pay any amount owing by him or her in terms of this Scheme, the authority may suspend the certification of the seed potatoes presented by such applicant or grower until the amount concerned has been paid.

Addresses for submission of documents

- 35.(1) Any application, notice or other documentation or anything pertaining thereto that is in terms of this Scheme required to be submitted to the authority shall be submitted at the grower's regional office.
- (2) Information pertaining to the regional office referred to in subsection (1) shall be obtained from -

The Executive Chairman
Independent Certification Council for Seed Potatoes
Private Bag X135
PRETORIA
0001

Telephone number: (012) 349 1910
Fax number: (012) 349 1909
Web address: www.potatocertification.co.za

[Subsection (2) substituted by R. 1206 of 1 December 2000; R. 1382 of 8 November 2002, R. 1185 of 1 December 2006, amended by R. 927 of 22 October 2010 and R. 313 of 26 April 2013]