

Namibia

Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947

Regulations on the Registration of Fertilizers, Farm Feeds, Sterilising Plants and Agricultural Remedies, 2007

Government Notice 112 of 2007

Legislation as at 15 November 2017

FRBR URI: /akn/na/act/gn/2007/112/eng@2017-11-15

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PDF created on 7 May 2024 at 10:30.

Collection last checked for updates: 15 November 2017.

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Regulations on the Registration of Fertilizers, Farm Feeds, Sterilising Plants and Agricultural Remedies,
2007

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Republic of Namibia
Annotated Statutes

Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947

**Regulations on the Registration of Fertilizers, Farm
Feeds, Sterilising Plants and Agricultural Remedies, 2007**
Government Notice 112 of 2007

Published in Government Gazette 3863 on 25 June 2007

Commenced on 25 June 2007

[This is the version of this document at 15 November 2017.]

[Note: The version of this legislation as at 15 November 2017 was revised and consolidated by the Legal Assistance Centre and the Government of the Republic of Namibia. All subsequent amendments have been researched and applied by Laws.Africa for Namibia.]

The Government Notice which publishes these regulations notes that they were made in consultation with the Minister responsible for Finance. It also repeals the regulations published in [GN 202/2001](#) (GG 2624) and replaces [GN 58/2007](#) (GG 3812) (which had also repealed [GN 202/2001](#)).

1. Definitions

In these regulations a word or expression to which a meaning has been given in the Act bears that meaning, and unless the context otherwise indicates-

“**the Act**” means the Fertilisers, Farm Feeds and Agricultural Remedies Act, 1947 (Act [No. 36 of 1947](#)).

2. Application for registration

- (1) The form on which an application is to be made in terms of section 3(1) read with section 8 of the Act, for the registration of-
 - (a) a fertiliser is set out in Form FF 1;
 - (b) a farm feed is set out in Form FF 2;
 - (c) an agricultural remedy is set out in Form FF 3; and
 - (d) a sterilising plant is set out in Form FF 4, of Annexure 1.
- (2) An application in terms of section 3 of the Act shall be made by a person who is resident in Namibia or, in the case of a person other than a natural person, from an office which is situated in Namibia.

- (3) In the case of an application for the registration of a fertilizer, farm feed or agricultural remedy, three copies of a typed version of each label which is to be affixed to a container in which the fertilizer, farm feed or agricultural remedy is to be sold, or of the particulars which are to be marked on such container.

3. Registration fees

An application made in terms of regulation 2 shall be accompanied by the registration fee specified in Table A of Annexure 2.

4. Period of registration

- (1) Registration in terms of section 3 of the Act shall, subject to earlier cancellation or lapsing in terms of section 4 or 4A of the Act, in the case of-
- (a) a fertilizer, be valid until 31 December;
 - (b) a farm feed and sterilising plant, be valid until 30 September; and
 - (c) an agricultural remedy, be valid until 31 March,
- of each year, following the date from which a certificate of registration was issued in terms of section 3(3) of the Act.
- (2) If a registration certificate is issued during a particular calendar year within three months prior to the applicable expiry date referred to in subregulation (1), it shall be valid until the expiry date concerned in the following calendar year.
- (3) Registration granted in terms of section 3 of the Act may be renewed on or before the respective validity periods specified in subregulation (1).

5. Renewal of registration

- (1) An application for the renewal of the registration of a fertilizer, farm feed, agricultural remedy or sterilising plant shall be made on the appropriate form of Form FF 5 which is set out in Annexure 1 and the application shall be submitted to the registrar.
- (2) An application made in terms of subregulation (1) shall-
- (a) be made by the person to whom the current certificate of registration in respect of the fertilizer, farm feed, agricultural remedy or sterilising plant concerned was issued;
 - (b) be submitted to the registrar not later than 14 days prior to the expiry date of the registration concerned but not earlier than three months prior to such expiry date;
 - (c) be accompanied by-
 - (i) the current certificate of registration concerned,
 - (ii) the renewal fee specified in Table B of Annexure 2; and
 - (d) in the case of a fertilizer, farm feed or agricultural remedy also be accompanied by three specimens or facsimiles of all labels which, at the time when such application is made, are approved for use in connection with the sale of the fertilizer, farm feed or agricultural remedy concerned.
- (3) If the approved labels are not available or where the fertilizer, farm feed or agricultural remedy concerned is not manufactured, controlled, packed and labelled or sold by the person, in whose favour it is registered, such application shall be accompanied by three copies of a typed version of the approved labels or the proposed labels which shall be used by such person in connection with the sale of the fertilizer, farm feed or agricultural remedy concerned.

6. Late applications

- (1) An application made in terms of regulation 2 which is received by the registrar after the expiry date of the registration concerned, but not more than 30 days after such expiry date, shall be considered only if it is, in addition to the applicable application fee referred to in regulation 5(2)(c)(ii), also accompanied by the applicable additional late application fee indicated in Table C of Annexure 2.
- (2) An application which is received by the registrar after the days of grace referred to in subregulation (1) have expired shall not be considered, and an application for the registration of the fertilizer, farm feed, agricultural remedy or sterilising plant concerned may be made as a new application in terms of regulation 2.
- (3) The fact that a fertilizer, farm feed, agricultural remedy or sterilising plant was registered previously, shall not necessarily imply that it will again be acceptable for registration.

7. Information required

Any person who, in terms of these regulations, applies for the renewal of a registration shall in an affidavit confirm that the particulars which he or she furnishes with such application in respect of the fertilizer, farm, feed, agricultural remedy or sterilising plant concerned or of a label which is being used in connection therewith, do not deviate in any manner whatever from the congruent particulars which have already been registered or approved in relation to that fertilizer, farm feed, agricultural remedy, sterilising plant or label.

8. Condition for certain registration and renewal of certain registrations

A registration and the renewal of a registration of a fertilizer, farm feed, agricultural remedy or sterilising plant under section 3 of the Act is granted subject to the condition that during the period of registration or renewal of the registration-

- (a) the formulation of the fertilizer, farm feed, agricultural remedy or sterilising plant concerned shall not deviate more than the permissible deviation from the formulation which is registered in respect thereof;
- (b) the particulars which are approved to be indicated on a label or container used in connection with the sale of the fertilizer, farm feed, agricultural remedy or sterilising plant concerned, shall not be altered without prior written approval of the registrar; and
- (c) the registration concerned shall not in any manner or respect be transferable.

9. Appeals to the Minister

- (1) An appeal referred to section 6 of the Act shall be made to the Minister within 30 days of receipt of the decision appealed against.
- (2) The appeal shall be-
 - (a) in writing;
 - (b) contain the grounds for the appeal as well as any supporting documentation on which such an appeal is based; and
 - (c) accompanied by the fee specified in Table D of Annexure 2.
- (3) The person appealing shall serve copies of the appeal on the person whose decision is being appealed against and on any other interested person and both shall have the right to reply to each ground of appeal raised and such reply shall also be served on the appellant.

- (4) The Minister shall, within seven days of receiving an appeal, refer the appeal as well as the reply to the board of appeal as provided for in section 6(2) of the Act and thereafter the board of appeal shall deal with the appeal in the manner set out in that section.
- (5) If an appeal is-
- (a) submitted by post, it shall be addressed to the Permanent Secretary, Ministry of Agriculture, Water and Forestry, Private Bag 13184, Windhoek; or
 - (b) delivered by hand or courier service, it shall be delivered to the Permanent Secretary, Ministry of Agriculture, Water and Forestry, Government Office Park, Green and Blue Building, Luther Street, Windhoek.

Annexure 1

Forms

[Editorial note: The forms have not been reproduced]

Annexure 2

Fees payable for registration, renewals and late renewals of fertilizers, farm feeds, sterilising plants and agricultural Remedies

[Note that Annexure 2 appears above the forms which constitute Annexure 1.]

Table A – Registration fees

1.	Fertilizers	N\$350 00
2.	Farm Feeds	N\$350 00
3.	Agricultural remedies	N\$650 00
4.	Sterilizing plants	N\$350 00

Table B – Renewal fees

1.	Fertilizers	N\$200 00
2.	Farm Feeds	N\$300 00
3.	Agricultural remedies	N\$300 00
4.	Sterilizing plants	N\$250 00

Table C – Late renewal fees

1.	Fertilizers	N\$250 00
2.	Farm Feeds	N\$300 00
3.	Agricultural remedies	N\$350 00
4.	Sterilizing plants	N\$300 00

Table D – Appeal fee

1.	Appeal fee: section 6 of the act	N\$500 00
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