

GNR 1044  
GG 9238  
25 May 1984

**CONSERVATION OF AGRICULTURAL RESOURCES ACT, 1983 (ACT 43 OF 1983)  
WEED CONTROL SCHEME - ESTABLISHMENT**

I, Gert Jeremias Kotzé, Deputy Minister of Agriculture, acting on behalf of the Minister of Agriculture hereby establish by virtue of section 8, read with section 9, of the Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983), the Weed Control Scheme in the Schedule.

G.J. KOTZÉ  
Deputy Minister of Agriculture

**SCHEDULE**

**Definitions**

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

**extension office** means an office of the department established with a view to the rendering of agricultural extension services;

**farm plan** means a farm plan as defined in section 1 of the Soil Conservation Scheme;

**farm unit** means one or more pieces of land, each of which is registered separately in a deeds office, and which is farmed as a single unit;

**Soil Conservation Scheme** means the Soil Conservation Scheme established by virtue of section 8 of the Act; and

**the Act** means the Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983), and the regulations made thereunder.

**Name of scheme**

2. This scheme shall be known as the Weed Control Scheme.

**Objects of scheme**

3. The objects of this scheme shall be to promote the combating of certain kinds of weeds with a view to maintaining the production potential of land and to restricting the spread of those kinds of weeds, and to regulate the supply of weed killers purchased by the department out of moneys appropriated by Parliament for the purposes of this scheme.

**Application of scheme**

4. This scheme shall apply to all land in an area specified in column 1 of the Table, except land specified in section 2(1) of the Act, that is infested with weeds of a kind specified in column 2 of the said Table opposite the area concerned.

**Acts in respect of which weed killers may be supplied**

5. Weed killers may be supplied in terms of this scheme for the purpose of the combating in an area referred to in section 4, of weeds referred to in that section.

**Basis for the supply of weed killers**

- 6.(1) Weed killers are supplied in terms of this scheme against payment of the applicable tariffs as recorded in a tariff list approved by the Minister with the concurrence of the Minister of Finance and kept at the office of the executive officer for this purpose.
- (2) Such tariff list shall be deemed to form part of this scheme.
- (3) Copies of the tariff list referred to in subsection (1) shall be available for inspection at -
  - (a) the office of the executive officer;
  - (b) the office of the regional director of a region within which an area referred to in section 4 is situated;
  - (c) each extension office within an area referred to in section 4; and
  - (d) such other office as the executive officer may determine.

**Requirements for supply of weed killers**

7. A weed killer may be supplied to a land user in terms of this scheme in order to combat weeds if -
  - (a) he is the land user of the farm unit on which such weeds are to be combated;
  - (b) the farm unit on which such weeds are to be combated -
    - (i) is situated within an area referred to in section 4;
    - (ii) is infested with weeds of a kind referred to in section 4; and
    - (iii) has been entered for participation in this scheme in terms of section 9 or is deemed to have been thus entered;
  - (c) an application for the supply of such weed killer has been approved in terms of section 10;
  - (d) the required quantities of such weed killer, purchased out of moneys appropriated for the purposes of this scheme, are available; and
  - (e) the land user concerned has complied with all the other applicable provisions of this scheme.

**Applications for participation in scheme**

- 8.(1) An application for the entry of a farm unit with a view to participation in this scheme shall be made on a form obtainable for this purpose from an extension office in an area referred to in section 4.
- (2) Such an application form shall -
- (a) subject to the provisions of subsection (4), be completed by the owner or the current land user of the farm unit concerned;
  - (b) after being thus completed, be lodged at the extension office for the area within which the farm unit concerned is situated; and
  - (c) be accompanied by a sketch map of the farm unit concerned or the map forming part of the farm plan for that farm unit, on which the camps infested with the weeds concerned are indicated.
- (3) The executive officer may for the purposes of the consideration of such an application require that the applicant concerned submit the following documents to him:
- (a) Documentary proof of the identity of the applicant concerned.
  - (b) A certified copy of the title deed of the land comprising the farm unit concerned.
  - (c) If applicable, a certified copy of -
    - (i) the purchase agreement in respect of the land comprising the farm unit concerned, if such applicant is the owner of that farm unit but the land concerned has not yet been registered in his name;
    - (ii) documentary evidence of the usufruct to which the land comprising the farm unit concerned is subject, if such applicant is the usufructuary of that farm unit; or
    - (iii) documentary evidence of the extent of the personal or real right of such applicant in the farm unit concerned, if he is not the owner of that farm unit.
- (4) If the owner or land user of a farm unit in respect of which an application form referred to in subsection (1) has been completed -
- (a) is a minor, the application form shall be signed by the parent or legal guardian of such minor;
  - (b) is a married woman, the application form shall be countersigned by her spouse as evidence that she is assisted by him;
  - (c) is an estate, the application form shall be signed by the executor or curator of such estate: Provided that such application form shall be accompanied by a certified copy of the letter of appointment of the executor or curator concerned;
  - (d) is a juristic person, the application form shall be signed by a person who is duly authorised thereto: Provided that -
    - (i) the capacity of the person concerned shall be specified on such application form; and

- (ii) such application form shall be accompanied by a certified excerpt from the minutes containing the resolution whereby that authority was granted;
  - (e) has authorised another person to apply on his behalf, the application form shall be signed by the authorised person concerned: Provided that such application form shall be accompanied by the proxy concerned;
  - (f) is a partnership or such farm unit is owned by more than one person, the application form shall be signed by all the partners or co-owners concerned unless one of the partners or co-owners has a proxy referred to in paragraph (e); or
  - (g) is a trust, the application form shall be signed by the trustee of such trust: Provided that such application form shall be accompanied by certified copies of the documents whereby the trust concerned was created and the trustee concerned appointed.
- (5) An application for the rendering of financial or other assistance in terms of section 5(1)(b) of the Weeds Act, 1937 (Act 42 of 1937), in connection with the combating of weeds on a farm unit, that was lodged prior to the date of commencement of this scheme but had not yet been approved on that date shall be deemed to be an application referred to in subsection (1).

### **Entry of farm units**

- 9.(1) If the executive officer approves an application for the entry of a farm unit with a view to participation in this scheme, he shall notify the applicant concerned thereof in writing.
- (2) A farm unit shall be deemed to have been entered for participation in this scheme if an application by the current land user of that farm unit for the rendering of financial or other assistance in terms of section 5(1)(b) of the Weeds Act, 1937 (Act 42 of 1937), in connection with the combating of weeds thereon, was approved in terms of the said Act prior to the date of commencement of this scheme and such approval is still in force.
- (3) The entry of a farm unit for participation in this scheme shall lapse if -
- (a) the land use of the farm unit concerned -
    - (i) has notified the executive officer in writing of his intention to withdraw the farm unit from participation in this scheme; and
    - (ii) has repaid to the executive officer the actual purchase price of the weed killer supplied to him in terms of this scheme or in terms of section 5(1)(b) of the Weeds Act, 1937 (Act 42 of 1937), less the amount paid by such land user in respect of the weed killer or such portion of that purchase price as the executive officer may determine; or
  - (b) the person to whom a notice in terms of subsection (1) or an approval referred to in subsection (2) was issued, is no longer the land user of the farm unit concerned.

### **Supply of weed killers**

- 10.(1) A weed killer required for use in connection with the combating of weeds on a farm entered for participation in this scheme or deemed to have been thus entered, shall on application be issued by the executive officer to the land user of such farm unit.

- (2) An application referred to in subsection (1) shall be made on a form obtainable for this purpose from an extension office in an area referred to in section 4.
- (3) Such an application form shall -
  - (a) subject to the provisions of section 8(4), be completed by the land user by whom the farm unit concerned was entered or is deemed to have been entered for participation in this scheme;
  - (b) after being thus completed, be lodged at the extension office for the area within which the farm unit concerned is situated; and
  - (c) be accompanied by the amount payable in respect of the weed-killer concerned in terms of section 6.
- (4) An application for the supply of weed-killers in terms of section 5(1)(b) of the Weeds Act, 1937 (Act 42 of 1937), in respect of which the amount referred to in subsection (3)(c) was paid and that was submitted prior to the date of commencement of this scheme shall, if the weed-killer concerned has not yet been supplied on that date, be deemed to be an application referred to in subsection (1).
- (5) An amount referred to in subsection (3)(c) shall be paid by means of a cheque, postal order or money order made out in favour of the Director-General: Agriculture.
- (6) If the executive officer approves such applications, he shall -
  - (a) with due regard to the available quantity of weed killer purchased out of moneys appropriated for the purposes of this scheme, supply the required quantity of a suitable kind of weed killer to the land user concerned as soon as is practicable;
  - (b) if it has been dispatched by rail, notify the land user concerned in writing of the dispatch of the weed killer thus supplied to him; and
  - (c) furnish the necessary directions for use and other instructions in connection with the application of that weed killer to the land user concerned.
- (7) Notwithstanding the provisions of subsection (6) the executive officer may withhold the approval of an application for the supply of a weed killer to a land use to whom weed killers have previously been supplied in returnable containers until those containers are returned as required in terms of section 11(1)(e) or the replacement value of those containers has been paid as required in terms of section 11(3)(4).

### **Conditions on which weed-killers are supplied**

- 11.(1) A weed killer shall be supplied in terms of this scheme for use in connection with the combating of weeds on the following conditions:
- (a) The weed killer concerned shall -
    - (i) only be used in connection with the combating of weeds of a kind referred to in section 4, that occur on the farm unit concerned;

- (ii) be used in accordance with the directions of use and other instructions in connection with the application thereof that were issued to the land user concerned in terms of section 9(6)(c); and
  - (iii) at all times prior to the use thereof be kept in safe custody in order to prevent misuse or theft thereof.
- (b) Since the weed killer concerned could be poisonous for humans and animals and harmful to other vegetation, the land user concerned shall, both before and after the application thereof take the necessary measures in connection with the application of that weed killer and the utilisation of the camps in which weeds are combated therewith.
- (c) All regrowth and seedlings of the weeds in respect of which the weed killer concerned was supplied shall be combated on a continuous basis in order to comply with the provisions of section 12(1)(b) of the Act: Provided that a further quantity of weed killer may from time to time be supplied to a land user for this purpose in terms of section 10.
- (d) If a farm plan has been provided for a farm unit on which weeds were combined in terms of this scheme, the farming practices pursued on such farm unit shall comply with the provisions of the management programme forming part of the farm plan concerned.
- (e) If the weed killer concerned was supplied to the land user concerned in returnable containers, he shall return the containers concerned in an undamaged condition within six months of the date on which he took delivery of the weed killer concerned.
- (2) If a land user refuses or fails to comply with the conditions set out in subsection (1)(a)(i), (c) or (d), the executive officer shall direct the land user concerned to pay to the executive officer the actual purchase price of the weed killer supplied to him in terms of this scheme or in terms of section 5(1)(b) of the Weeds Act, 1937 (Act 42 of 1937), less the amount already paid by such land user in terms of section 9(5) or otherwise in respect of that weed killer.
- (3) If a land user refuses or fails to comply with the conditions set out in subsection (1)(e), the executive officer shall direct the land user concerned to pay to the executive officer the replacement value of the containers that have been damaged or that have not been returned.
- (4) An amount payable in terms of subsection (2) or (3) shall be paid to the executive officer within 60 days of the date on which he has directed the repayment thereof in writing.
- (5) If a land user fails to pay an amount payable by him in terms of subsections (2) or (3) within the period referred to in subsection (4), interest shall be payable on the amount due at a rate equal to the rate determined in terms of section 26(1) of the Exchequer and Audit Act, 1975 (Act 66 of 1975), and that was applicable on the date on which the executive officer directed the payment concerned in writing.

### **Date of commencement**

12. This scheme shall come into operation on 1 June 1984.

**TABLE 1**  
**AREAS WITHIN AND KINDS OF WEEDS TO WHICH SCHEME APPLIES**

Area	Kind of weed	
	Botanical name	Common name
1	2	
The Republic	<i>Opuntia aurantiaca</i> Lindl. <i>Opuntia dillenii</i> (Ker-Gawl.) Haw. <i>Opuntia exaltata</i> Berger <i>Opuntia ficus-indica</i> (L.) Mill., excluding all spineless cultivars and selections <i>Opuntia imbricata</i> (Haw.) DC  <i>Opuntia lindheimeri</i> Eng-elm <i>Opuntia rosea</i> DC <i>Opuntia spinulifera</i> Salm-Dyck  <i>Opuntia stricta</i> (Haw.) Haw.  <i>Opuntia vulgaris</i> Mill.	Jointed cactus Pipestem prickly pear Long spine cactus Mission prickly pear, sweet prickly pear Imbricate cactus, imbricate prickly pear Small roundleaved prickly pear Rosea cactus Saucepan cactus, large roundleaved prickly pear Pest pear of Australia, sour prickly pear English prickly pear, sour prickly pear
Cape Province	<i>Stipa tenuissima</i> Trin. <i>Stipa trichotoma</i> Nees.	White tussock Nassella tussock

**TABLE 2**  
**INCENTIVES APPLICABLE TO THE SUPPLY OF WEED KILLERS (HERBICIDE) IN TERMS OF THE WEED CONTROL SCHEME (CONSERVATION OF AGRICULTURAL RESOURCES ACT, 1983 (ACT NO. 43 OF 1983**

NATURE OF SERVICE, GOODS OR SUPPLIES PROVIDED	TARIFF APPLICABLE FROM 1 APRIL 2005	TARIFF APPLICABLE FROM 1 APRIL 2006	REMARKS/ EXPLANATION
6. LAND USE AND SOIL MANAGEMENT			
6.2 Control of weeds	50% of herbicide average acquisition cost on amended list of <i>Opuntia</i> consisting of <i>exaltata</i> Berger, <i>lindheimeri</i> , <i>imbricata</i> , <i>rosea</i> ( <i>fulgida</i> ) and <i>spinulifera</i> species and <i>Nasella</i> weeds	50% of herbicide average acquisition cost on amended list of <i>Opuntia</i> consisting of <i>exaltata</i> Berger, <i>lindheimeri</i> , <i>imbricata</i> , <i>fulgida</i> ( <i>O.rosea</i> ) and <i>spinulifera</i> species and <i>Nasella</i> weeds	Weed control teams were withdrawn from private land. Only operate on State land.
Performance of certain acts in accordance with the Conservation of Agricultural Resources Act, 1983 (Act No 43 of 1983}			

[Table 2 amended by GN 469, GG 28847, 26/05/2006]