

REGULATIONS MADE IN TERMS OF

Fertilizers, Farm Feeds and Agricultural Remedies Act 36 of 1947

section 23(1)

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

Government Notice 112 of 2007

(GG 3863)

came into force on date of publication: 25 June 2007

**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(which had also repealed GN 202/2001).

as amended by

Government Notice 311 of 2020 **(GG 7409)**

came into force on date of publication: 9 December 2020

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**Definitions**

**1.** 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).

**Application for registration**

**2.** (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.

**Registration fees**

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

**Period of registration**

**4.** (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).

**Renewal of registration**

**5.** (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.

**Late applications**

**6.** (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.

**Application for import or in transit permit**

**6A.** (1) A person who wishes to import a fertilizer, farm feed or agricultural remedy must apply for an import or in transit permit.

(2) The form on which an application is to be made in terms of subregulation (1) for an import or in transit permit for -

(a) a fertilizer is set out in Form FF6;

(b) a farm feed is set out in Form FF7; or

(c) an agricultural remedy is set out in Form FF8,

of Annexure 1.

(3) An application for the importation of a fertilizer, farm feed or agricultural remedy must be submitted to the registrar, and must be accompanied by the -

(a) import or in transit permit fee specified in Table A of Annexure 2;

(b) product list as set out in Form FF9, FF10 or FF11 in Annexure 1; and

(c) any other particulars that the registrar specifies.

(4) In the case of an application for the importation of a fertilizer, farm feed or agricultural remedy, the product must be registered in Namibia or recorded as a Namibian product, if the product is not registered or recorded as a Namibian product an import or in transit permit may not be issued.

[Subregulation (4) should be divided into two sentences,   
or alternatively the word “and” should be inserted before the word “if”.]

[Regulation 6A is inserted by GN 311/2020.]

**Issue of import permit or in transit permit**

**6B.** (1) The registrar must consider an application made in terms of regulation 6A, and may -

(a) refuse the application; or

(b) grant the application and issue or cause the import or in transit permit to be issued in the forms set out in form FF12, FF13 or FF14 in Annexure 1, respectively.

(2) A permit issued in terms of subregulation (1) is valid for the period indicated on the import or in transit permit after which a new permit has to be applied for if the permit holder still wishes to import

[Subregulation (2) should end with a full stop.]

[Regulation 6B is inserted by GN 311/2020.]

**Information required**

**7.** 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.

**Condition for certain registration and renewal of certain registrations**

**8.** 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.

**Appeals to the Minister**

**9.** (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.

ANNEXURES

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[Annexure 1 is amended by GN 311/2020, which inserts the forms FF6-FF14.]

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



