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SUBMISSION

PORTFOLIO COMMITTEE ON AGRICULTURE, FORESTRY AND FISHERIES FERTILIZER AND FEEDS BILL, B41 OF 2012

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AFMA hereby submits its written submission to the Portfolio Committee on Agriculture, Forestry and Fisheries on the **Fertilizer and Feeds Bill** and requests an opportunity to present an **oral submission**. The representatives of AFMA that wishes to address the Committee include the following persons:

1. Mr De Wet Boshoff - Executive Director: AFMA
2. Mr Loutjie Dunn - Chairperson: AFMA
3. Me Liesl Breytenbach - Technical Assistant: AFMA
4. Mr Les Kügel - Legal and Regulatory Consultant

AFMA represents all major role players in the formal Animal Feed Industry of South Africa (manufacturing for selling to the public) and certain role players in the SADC-region. AFMA members represent 60% of the national feed market, of which the national gross turnover value is calculated at an estimated R 48 billion. As could be expected, AFMA plays a leading role in the Animal Feed Industry and related matters impacting on its members, and therefore AFMA has taken part in the process which produced the Fertilizer and Feeds Bill through various rounds of consultation, meetings and workshops with the Department of Agriculture, AFMA members and Industry Stakeholders.

AFMA trusts that our written submission and request for oral submission would receive the Portfolio Committee's favourable consideration.

Kind regards

DE WET BOSHOFF
EXECUTIVE DIRECTOR: AFMA



EXECUTIVE SUMMARY

1. Licensing

- AFMA **fully** supports the principle of **licensing of all facilities** in which fertilizers, feed, pet food and premixtures are manufactured, packed, labelled or marked, with the intention of providing feed for animals, which are destined for the human food chain. As per the preamble of the Bill, this would ensure traceability in the food chain and provide for the regulation of safe fertilizer and feed production for food, thereby protecting consumers and the need for food safety. There are, however, many instances in the Bill where this aim will not be achieved due to the exclusion of a category of **'home mixers'** that still produces feed for animals and where their products will be **sold to the consumer** and hence enters the food chain. **"Home mixers"** cannot be classified as a "home mixer" and sell food into the food value chain. AFMA has identified those areas and proposes that the definition of home mixers and facilities be redefined in such a way to align with the aim of this Bill in producing **"safe food for consumers"**. (See detailed summary for specific reference to sections implicated)
- There should be **clear requirements for the licensing** of facilities, such as Good Manufacturing Practices, Recommended premises layout and design practices, Traceability and recall, Trained and experienced personnel, Equipment performance and handling, Quality assurance, Inspection and control procedures, etc. These requirements are necessary to ensure that **"safe feed are manufactured"** or mixed for animal production to produce **"safe food for human consumption"**. It will also to give guidance to industry on what standard the facilities will be audited. This will also assist in preventing disputes surrounding audit check lists and minimum requirements. It is recommended that section 16(a)ii be expanded to give a clear **requirement for the licensing** of facilities under this Bill. It is typical for licensing clauses to contain parameters within which the license is issued, and this is totally absent from the Act. Consequently, the Registrar opens himself or herself for attack that he or she is acting outside the ambit of the Act. Please see licensing clauses of regulators such as NERSA under the Electricity Regulation Act, 2006, for guidance.
- **Exemption** from licensing of facilities in which fertilizer, feeds and ingredients are stored at a **storage facility** and which are **under full control (traceability) of a license holder** is requested under specific conditions - these facilities will still be subject to inspection or audits from the registrar during the process for application for a license or renewal of the manufacturing facility, but provided that the **product are only stored**, and not processed, packaged, marked, labelled or changed in any way at this storage facility, there is **no added risk** that would warrant an additional license requirement for such a facility.

2. Registration

- AFMA **further fully supports** the principle of registration of feed additives, raw materials, animal by-products and imported fertilizers, feed, pet food and premixtures under this Bill, but also recognizes the **loophole in regulation of premixes as a product**. This type of product is a mixture of registered feed additives and when produced in South Africa is not required under this Bill to be registered. It may also be imported, but currently there is no provision made in section 14 for the registration of imported premixtures. It is therefore unclear what the intention in terms of registration of imported premixtures is under this Bill.
- **Exemption** from registration of raw materials is requested under Section 23 – see detailed summary for our comments on the exemptions granted to home mixers and facility license holders that

manufactures for own use. In addition, however, industry foresees that there will be a technical and practical problem in registering cereals in the grain (such as maize, wheat etc,) silage, chaff and hay products, which are currently exempted from registration under Act 36 of 1947, and would suggest that the Registrar make provision in the Bill for **such an exemption under section 23.**

3. Possible Unconstitutional Matters

AFMA also identified the following **unconstitutional issues** with the Bill which needs careful thought and rectification.

- **Section 11 (2):** The Registrar performs the duties assigned to him or her under the Act – and is not a delegate from the Minister. The **Minister cannot assign anything to the Registrar that is not authorized under this Act.** If the intention is that the Minister may also delegate the Minister's powers, such intention must be made clear to the extent that this is possible (excluding the power to issue regulations, for example)
- **Section 20:** It is unclear **on what legal basis a prescribed tonnage fee and audit fee** can be added to this legislation in order to recover costs incurred by the Registrar. The Registrar and staff are public servants and should be funded out of the Fiscus to perform their functions. In effect the suggested funding mechanism forms an **unauthorized tax** on the industry without complying to normal Constitutional requirements for fiscal legislation and falling outside the parameters of legislation such as the **Public Finance Management Act.** If special funds are to be collected, dedicated legislation authorising such collection needs to be enacted for this purpose with related expenditure and auditing control mechanisms in place. Typically, this would entail the structuring of an industry Regulator with its own empowering legislation, an initiative that AFMA would welcome and support.
- **Section 26 (1)(a):** It is unclear on what basis the Minister should have any **jurisdiction to override a prohibition notice** where the Registrar has based such prohibition on technical or scientific reasons in order to protect the health of animals, humans and the environment. This opens the door for arbitrary exemptions without any basis in law.
- **Section 33:** This section gives the Minister unfettered **powers that override Parliamentary jurisdiction in the promulgation of this Act.** The Minister (as executive authority) cannot override Parliament (as legislative authority) – making law does not fall within his or her area of jurisdiction. .

4. Technical Standards Advisory Committee

AFMA supports the concept of a Technical Standards Advisory Council to advise and make recommendations to the Registrar on fertilizer and feeds regulatory policy matters, and who in turn may advise the Minister on such matters. The current function of the Council (Section 3) should be broadened to include advice on policy matters and draft regulations. It should also be noted that the **Registrar cannot chair a Council** that is mandated to give recommendations and advice to him- or herself and AFMA therefore proposes that **two Councils be established**, one for each of the Fertilizer and Feed Disciplines and where each **Council elect its own Chairperson.** The Council recommendations can be channelled to the Registrar via the Chairpersons and the Registrar may further consult amongst his Technical staff compliment as he/she may seem fit. The **focus should remain on the Technical skills and expertise of the Council members** with a minimum qualification of 10 years practical experience in the field of practice for the nominated members and, where applicable, **registered as a Professional Natural Scientist under Act 27 of 2003.** Nominations should be based on aforementioned criteria in order to provide the Registrar with the **best advice & recommendations possible.** The Registrar will in turn be able to take an unbiased view on recommendations put forward in considering the advice and recommendations of the Council in setting policy, regulations, regulatory standards and guidelines. An example of the proposed structure of the council is tabled in the detailed summary provided.

5. Appeal Board

Section 32 seems to institute a **mechanism which is unnecessary**. Persons feeling aggrieved by the Registrars decision may use the normal legal procedures typically available for such grievances. There is also no reference made in this section regarding the **maximum duration of the appeal process** or establishment of the Appeal board to ensure that matters are dealt with fast and efficiently or to recommend that the status quo be maintained until a final decision has been reached. The registrar may use his/her discretion, but in this situation an **Appeal Board will only add to the cost structure** of the administration of this Act. And with the current sensitivity surrounding cost and fees (Section 20) the establishment of an Appeal Board seems unnecessary. The **suggestion is to remove this section 32 from the Bill** as it is not clear how this will facilitate efficient administration at all.

6. Exports

Export of feeds and feed ingredients are currently regulated by the Agricultural Product Standards Act and under Veterinary control (Directorate Animal Health) for the issuing of Veterinary Health Certificates and the registration of feed mixing establishments for export (VPN 41/2012-01). This Bill does not stipulate what the relationship between the export process and requirements of this Bill, with regard to the mentioned Act and authorities will be and whether the export processes will be further diversified or combined into one process. **Clarification and /consultation on this matter is required**, since this will remain an important issue to the feed industry.

7. Definitions

- There should be a substantive provision for the **exclusions to the definition of “Feed”** in the Bill and this should not be included in the definition section. It could result in the incorrect interpretation of other definitions, such as with ‘pet food’ in this instance.
- To provide for the possibility of sterilizing other substances (such as poultry manure) in a similar facility than in a “rendering plant” in order to render a product that can be safely used in compound feeds, **the replacement of the phrase “animals and animal by-products” with “any substance”** is suggested and also to **add that ‘sterilizing plant’ has a corresponding meaning’**. Reference is also currently made to ‘sterilizing plants’ in the long title of the Bill, but no definition exists.
- The existing **definition of “veterinary medicine” in terms of the Medicines and Related Substances Act** should be used to avoid confusion. Stock Remedies are regulated in terms of the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act 36 of 1947) and can thus not be interpreted as having a similar meaning to veterinary medicine – it falls outside the scope of this Bill. **This error is encountered throughout the Bill** – see detailed summary for reference.
- Definition of **“stock remedy” should be added** based on argument above.
- The **word “product”** is not used consistently throughout the Bill and this will create a number of misinterpretations. Especially since some products (as defined in the Bill) need to be registered, and others not (e.g. premixes). Some products to be registered are imported and are compounded fertilizers, feeds and pet foods, whereas similar products produced in South Africa does not require registration. **This matter needs further attention to avoid misuse of the Bill**. See detailed summary for examples.

8. Inspectors vs. Auditors

To be able to audit and inspect manufacturing facilities for licensing under this Bill, **it is of critical importance** that the respective officers are suitably qualified and has the necessary experience to enable them to enforce the law efficiently. **It is unacceptable that a general registration under the Natural Scientific Professions Act (with 26 fields of practice of which only a few has a possible application in this line of duty) is the only requirement that is required.** Auditors and inspectors of a facility need to have proven knowledge, skill and experience in the field of fertilizers and feeds, manufacturing and interpretation of the law (regulations and audit checklists). The registrar must ensure that the appointed officers that will inspect and audit under this Bill will have proper and official training on the matters discussed.

CONCLUSION

AFMA supports the concept of a Fertilizer and Feeds Bill, **but due to the 8 areas highlighted above, cannot support the Bill in its' current format.** All efforts will be made to assist and participate in further discussions with the Department and Industry stake holders to achieve the desired outcome.

DETAILED SUMMARY: DEFINITIONS

SECTION PAGE (LINE)	COMMENT	SUGGESTED CHANGE
Long Title; p2	<p>Remove “home mixers” from long title – consequential change as a result of suggested change to the definition of home mixer. See p5 (44)</p> <p>¹Export of feeds and feed ingredients are currently regulated by the Agricultural Product Standards Act and under Veterinary control (Department Animal Health) for the issuing of Veterinary Health Certificates and the registration of feed mixing establishments for export (VPN 41/2012-01). This Bill does not stipulate what the relationship between the export process and requirements of this Bill with that of the mentioned Act and authorities’ will be and whether the export process will be further diversified or combined into one process.</p>	<p>To provide for the licensing of facilities and rendering plants; to provide for the registration of feed additives, raw materials, animal by-products, imported fertilizers, feeds or pet foods, to provide for the appointment of a Registrar to administer the Act; to provide for the establishment of the Technical Standards Advisory Council; to provide for the designation of technical advisers, analysts and auditors; to provide for the regulation of the import, export¹, acquisition, disposal, sale or use of fertilizers and feeds; to repeal certain laws relating to fertilizers, feeds and rendering plants; and to provide for matters connected therewith.</p>
Definitions, p4 (41)	<p>Amend definition of “animal product” to a definition of “animal by-product” to provide for all references in the Bill regarding registration of this type of product. The definition has been changed to have a similar description as per the Meat Safety Act 40 of 2000.</p>	<p>“animal by-product” means any animal product obtained from the carcass of an animal other than the meat thereof;</p>
Definitions, p4 (50)	<p>Include “or stored” to definition to reflect accurately on conditions for handling such a product.</p>	<p>“bulk” means a type of product in solid or liquid state in a non-packed form, delivered or stored in bulk containers or tankers;</p>
Definitions, p4 (54)	<p>‘Premixture’ and ‘animal by-product’ was omitted in the list defined and therefore suggest to include “product” to reflect whole range of products to be distributed.(See definition Product on p6,(35))</p>	<p>“distribute” means to sell or offer for sale, exchange or barter, to supply, furnish or otherwise provide product, and ‘distribution’ has a corresponding meaning;</p>
Definitions, p5 (5)	<p>Amend definition of “export” to have a similar description as per the Medicines and Related Substances Control Act.</p>	<p>“export” means delivery or supply within the Republic for dispatch to any destination outside the Republic;</p>

SECTION PAGE (LINE)	COMMENT	SUGGESTED CHANGE
Definitions, p5 (9)	<p>Licensing of all facilities where fertilizers and feed for animals, which are destined for the human food chain, is manufactured, mixed and handled (including packing, labelling and storage) to ensure traceability and feed safety for the consumer throughout the food chain.</p> <p>Remove “primary products” and “warehouse” from the definition to prevent loopholes (not defined) and to strengthen the aim of the Bill in ensuring safe fertilizer and safe feed production for safe food.</p>	<p>“facility” means the premises, including a private dwelling, where fertilizers, feed, pet food or premixtures are manufactured, compounded, controlled, packed, marked, labelled or stored as fertilizers, feed, pet food or premixtures, including fertilizer plants, premix plants, feedlots, feed mills, medicated feed facility, pet food facility, on-farm mixing facility and fertilizer- and feed handling facility; and “establishment” has a corresponding meaning;</p>
Definitions, p5 (14)	<p>There should be substantive provision for the exclusions in the Bill and it should not be included in the definition.</p>	<p>“feed” means any solid or liquid substance or product, whether processed, partially processed or unprocessed, which is intended or offered to be used for oral feeding for animals,</p>
Definitions, p5 (44)	<p>The phrase “derives consistent income” could be misleading and misinterpreted since it is not defined and could potentially create loopholes in the licensing of facilities where fertilizers and/or feed are mixed and/or sold for the purpose of providing feed for animals and subsequent food for consumers.</p> <p>This would result in the contradiction of the preamble of the Bill in providing safe feed, traceability and safe food for all consumers.</p> <p>It is suggested that the issue of home-mixing for the purpose of this Bill be clearly defined to distinguish between 2 possible categories: (1) home-mixing that provide food for own animals and own consumption, and (2) licensed facilities that provide feed for animals that will end up in the food chain and for which a traceability system is deemed necessary in order to ensure consumer protection.</p>	<p>“home mixer” means any person who mixes feed for animals under his or her own care for own consumption, and includes any person who mixes fertilizers under his or her own care, including fertilizer from his or her own mining operation for the purpose of own plant production and for own animal or human consumption, the products of which does not enter the human food chain, but does not include a person who mixes fertilizers or feed for resale;</p>
Definitions, p5 (53)	<p>Premixture was omitted in the list defined and therefore suggest to include “product” to reflect whole range of products to be labelled. (See definition for Product on p6, line 35). Also added “labelling has a corresponding meaning” – consequential change as a result of change to Section: Definitions, p5 (57)</p>	<p>“label” means a display of written, printed or graphic matter upon, or affixed to, the container in which a feed additive, raw material, premixture, fertilizer, feed or pet food is distributed, or on the invoice or delivery note with which such a product is distributed; and “labelling” has a corresponding meaning.</p>
Definitions, p5 (57)	<p>Delete definition of labelling due to duplication. Concept well defined in the definition of “label” and suggested change as shown.</p>	

SECTION PAGE (LINE)	COMMENT	SUGGESTED CHANGE
Definitions P5 (61)	The word “animal by product” should be included in the definition. Rephrasing of the definition as suggested.	“ manufacture ” means to grind, mix, blend or further process a feed additive, raw material or animal by-product in order to produce a fertilizer, feed, pet food or premixture.
Definitions, p6 (2)	Consequential change as a result of change to definition of “veterinary medicine” Section: Definitions, p7 (5)	“ medicated feed ” means any premixture, feed or pet food which contains a stock remedy in terms of the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act or a veterinary medicine in terms of the Medicines and Related Substances Act;
Definitions, p6 (2)	Legal boundary is defined by the addition of “under this Act”. Without the added phrase, prescribe may fall outside the scope of this Bill.	“ prescribed ” means prescribed by regulation or directive under this Act;
Definitions, p6 (37)	‘Premixture’ and ‘animal by-product’ should be added due to it forming part of the product list as per definition of “product” p6 (35) and will have a corresponding product name.	“ product name ” means the name of the feed additive, raw material, animal by-product, premixture, imported fertilizer, feed, pet food which identifies it in accordance with its kind, class or specific use;
Definitions, p6 (39)	It is suggested to include the words “or offered” in the definition to avoid loopholes in the requirement to register raw materials under the Fertilizer and Feeds Bill.	“ raw material ” means organic or inorganic products in a solid or liquid form, including various products of vegetable or animal origin, in their natural state, fresh or preserved, and products derived from the industrial processing thereof, whether or not they contain feed additives, which are intended or offered for use in oral animal feeding or for use as a fertilizer, either directly as such, or after processing, in the preparation of compound feeds or compound fertilizers or as carriers of premixtures, and “ ingredient ” has a corresponding meaning;
Definitions, p6 (47)	To provide for the possibility of sterilizing other substances in a similar facility to render a product that can be safely used in compound feeds, the replacement of the phrase “animals and animal by-products” with “any substance” is suggested.	“ rendering plant ” means a facility where any substance, derived from food producing animals or legally slaughtered game or wild animals, are processed, either in an intermediary form, or as a final sterilized and safe product, which is safe for animal consumption, and “ sterilizing plant ” has a corresponding meaning;
Definitions, p7 (5)	Suggested to remove this definition, incorrect liquid reference since density of liquid influences volume, and is also a consequential change as a result of the change to Section 20.	“tonnage” means a net weight of one thousand kilograms and, in a liquid form, means one thousand litres;

SECTION PAGE (LINE)	COMMENT	SUGGESTED CHANGE
Definitions,	<p>Added definition of “stock remedy” due to change of definition of “veterinary medicine” Section: Definitions p7(5)</p> <p>Definition of Stock remedy used as per Act 36 of 1947.</p>	<p>'stock remedy' means a substance intended or offered to be used in connection with domestic animals, livestock, poultry, fish or wild animals (including wild birds), for the diagnosis, prevention, treatment or cure of any disease, infection or other unhealthy condition, or for the maintenance or improvement of health, growth, production or working capacity, but excluding any substance in so far as it is controlled under the Medicines and Related Substances Control Act, 1965 (Act 101 of 1965);</p>
Definitions, p7 (5)	<p>The existing definition of “veterinary medicine” in terms of the Medicines and Related Substances Act should be used to avoid confusion.</p> <p>Stock Remedies are regulated in terms of the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act 36 of 1947) and can thus not be interpreted as having a similar meaning to veterinary medicine – it falls outside the scope of this Bill.</p>	<p>'veterinary medicine' means any substance or mixture of substances, other than a stock remedy to be registered in terms of the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act 36 of 1947), used or purporting to be suitable for use or manufactured or sold for use in connection with vertebrates, for the treatment, diagnosis, prevention or cure of any disease, infection or other unhealthy condition, or for the maintenance or improvement of health, growth, production or working capacity, or for curing, correcting or modifying any somatic or organic function, or for correcting or modifying behaviour.</p>

DETAILED SUMMARY:**CHAPTER 2: TECHNICAL STANDARDS ADVISORY COUNCIL****Outline and Motivation**

AFMA supports the concept of a Technical Standards Advisory Council to advise and make recommendations to the Registrar on fertilizer and feeds regulatory policy matters, and whom in turn may advise the Minister on such matters.

The current **function of the Council** (Section 3) should be broadened to include policy and regulations.

Nomination and Composition of Council: It should be noted that the Registrar cannot chair a Council that is mandated to give recommendations and advice to him- or herself¹ and AFMA therefore proposes that two Councils be established, one for each of the Fertilizer and Feed Disciplines and where each Council elect its own Chairperson. The Council recommendations can be channelled to the Registrar via the Chairpersons and the Registrar may further consult amongst his Technical staff compliment as he/she may seem fit. The focus should remain on the Technical skills and expertise of the Council members with a minimum qualification of 10 years practical experience in the field of practice for the nominated members and, where applicable, registered as a Professional Natural Scientist under Act 27 of 2003. Nominations should be based on aforementioned criteria in order to provide the Registrar with the best advice & recommendations possible. The Registrar must consider the advice and recommendations of the Council in setting policy, regulations, regulatory standards and guidelines.

Table 1. Recommended composition of the two Councils for Feeds and Fertilizers based on the above outline and motivation:

	Technical Standards Advisory Council: Feeds	Technical Standards Advisory Council: Fertilizers
Appointed by Registrar	1x Technical Advisor	1x Technical Advisor
Appointed by Registrar	1x Inspector	1x Inspector
Appointed by Registrar	1x Auditor	1x Auditor
Appointed by Registrar	1x Analyst	1x Analyst
Appointed by the Minister	1x Monogastric nutrition	1x Soil Science
Appointed by the Minister	1x Ruminant nutrition	1x Agronomy
Appointed by the Minister	1x Pet Nutrition	1x Plant physiology /Botany
Appointed by the Minister	1x Animal Science / Husbandry	1x Chemistry / Biochemistry
Appointed by the Minister	1x Animal Health	1x Microbiology /Food Science
Appointed by the Minister	1x Feed Milling/ Manufacturing	1x Public / Environmental Health
Appointed by the Minister	1x Chemistry / Biochemistry	
Appointed by the Minister	1x Microbiology /Food Science	
Appointed by the Minister	1x Public / Environmental Health	
Chairperson	Selected by Members of Council from the appointed Members of Council	Selected by Members of Council from the appointed Members of Council
Vice-Chairperson	Appointed by the Registrar from the Technical Advisor	Appointed by the Registrar from the Technical Advisor

¹Conflict of interests & confusion of roles

Detailed Comments

SECTION PAGE (LINE)	COMMENT	SUGGESTED CHANGE
Section 3(1)a p7 (19)	Consequential change due to suggested change in Section 3. See Outline & Motivation	advise the Registrar on fertilizers and feeds and regulatory policy matters; and
Section 3(1)b p7 (21)	Consequential change due to suggested change in Section 3. See Outline & Motivation	make recommendations on policy matters, regulations, regulatory standards and guidelines.
Section 3(2)c p7 (29)	Consequential change due to suggested change in Section 3. See Outline & Motivation	perform, in so far as it is not contrary to or inconsistent with any Act, such functions as the Minister or Registrar may assign to it; and
Section 3(2)d p7 (31)	Consequential change due to suggested change in Section 3 (1) b.	establish specialist consultative committees to provide input into the process to interpret and implement policy, regulations, regulatory specifications and guidelines.
Section 3(3) p7 (31)	Consequential change due to suggested change in Section 3. See Outline & Motivation (added)	The Registrar must consider the advice and recommendation of the Council on policy matters, regulations, regulatory standards and guidelines.
Section 4 Heading, p7	Consequential change due to suggested change in Section 4. See Outline & Motivation	Nomination, appointment and composition of Council
Section 4(1) p7 (35)	Consequential change due to suggested change in Section 4. See Outline & Motivation	A Council for Feeds and a Council for Fertilizers shall be established and are each made up as follows:
Section 4(1)a p7 (37)	Consequential change due to suggested change in Section 4. See Outline & Motivation	A chairperson must be elected by the members of Council from the nominations received by the members.
Section 4(1)c p7 (40)	Consequential change due to suggested change in Section 4. See Outline & Motivation	one technical adviser, one inspector, one auditor and one analyst, by virtue of their appointment or delegation; and
Section 4(2) p7 (40)	See Table 1 for the suggested composition of the two respective Councils. Due to the technical and scientific nature of the functions of the Council, the members appointed by the Minister should as far as possible, primarily be based on their ability to contribute to the Technical Advisory capacity of the Council and secondary to the demographic representation of the country. Suggested to delete 4 (2) a	When appointing the members of the Council, the Minister must invite public nominations through publication in the <i>Gazette</i> , and must ensure that such members— (a) have sufficient knowledge, experience and qualifications in one or more of the following fields:

SECTION PAGE (LINE)	COMMENT	SUGGESTED CHANGE
Section 7 (1),(2) p7 (28-33)	Consequential change due to suggested change in Nomination, appointment and composition of Council (Section 4). Suggested change to replace both sections 7 (1) and (2).	Bodies nominating members to the Council shall be responsible for travel, meeting attendance and relevant costs.
Section 9(2) p9 (4)	Consequential change due to suggested change in Nomination, appointment and composition of Council (Section 4).	The Council, after consultation with the Registrar, must determine the composition, rules and procedures of committees established in terms of this section.
Section 10 p9 (10)	Due to the functioning of the Council and Committees in an advisory capacity to the Registrar and its' recommendations and advice being scientifically based and justified, it is suggested that members do not have to recuse themselves from any particular discussion or decisions. The nominated advisory council members should be represented by various sectors of industry with a possibility of conflicting views, but all recommendations forthcoming must be based on science.	A member of the Council or of a committee appointed in terms of sections 3 and 9 respectively, must declare to the chairman and the members of the council or committee his or her commercial interests related to the fertilizer, feed, rendering or related industries, which interests include, but are not limited to— (a) any consultancy, paid or unpaid; (b) any research grant from which the member directly or indirectly benefits; (c) any equity holding; (d) any executive or non-executive directorship; or (e) any other financial benefit or benefit in kind,
Section 11(2) p9 (24)	The Minister cannot request anything from the Registrar that is not authorized under this Act.	The Registrar must exercise the powers and perform the duties conferred to or imposed upon him or her by this Act.

DETAILED SUMMARY:**CHAPTER 3: REGISTRATION AND LICENSING PROCEDURE**

SECTION PAGE (LINE)	COMMENT	SUGGESTED CHANGE
Section 12(1)a p9 (39)	Consequential change due to change in Section: Definitions p5 (44)	the registration of a feed additive, raw material, animal by-product, imported feed, fertilizer or pet food; or
Section 12(2) p9 (39)	It is not clear what the purpose of 'building plans' and 'value of product' has on the approval process for the licensing of facilities or registration of products, and this should not be required in all types, classes or categories of facilities/products to be licensed or registered. The supporting documentation of each type of application should remain focussed on the composition, safety, health or environmental risk of the product or facility to be registered or licensed. Suggested change provided.	Any person who applies for registration or licensing in terms of subsection (1) must supply or make available to the Registrar, in the manner and at the time and place as prescribed, any information and documentation that relates to the composition, safety, health or environmental risk of the product as prescribed and may be required by the Registrar.
Section 12(5) p9	Added. Subsection 5 to ensure that when an application for a licence or registration certificate is accepted, that it will be considered, processed and finalized within an acceptable time period to ensure that industry can continue their normal business practises and that delays in issuing of licenses and certificates does not place additional financial burden on industry.	An accepted application for the licensing of a facility or rendering plant, or the registration of a feed additive, raw material, animal by-product, imported feed, fertilizer or pet food must be considered and finalized within a specified period from the date of application.
Section 13(1)a(ii) p10 (8)	Not all applications for registration of various kinds of raw materials, feed additives and animal by-products will require scientific trials and tests. It should be prescribed only where the Risk Assessment indicated such a requirement. Amendment: to include "where applicable"	has been scientifically trialed and tested, where applicable, by an institution approved in terms of this Act for such a purpose, as prescribed; and

SECTION PAGE (LINE)	COMMENT	SUGGESTED CHANGE
Section 13(1)b p10 (11)	The public interest is an undefined concept that could lead to misuse of the Registrars discretionary powers. The Registrar has sufficient powers under Subparagraph a (iii) to prescribe all requirements to which a feed additive, raw material and animal by-product must prescribe, and it is suggested to delete this subsection.	it is not contrary to the public interest that the feed additive, raw material or animal by-product be registered; and
Section 13(2) p10 (15)	<p>Incorrect reference to “imported fertilizer, feed or pet food’ in this Section, since imports are dealt with in Section 14, and the reference to subsection 13(1)a is dealing with ‘feed additive, raw material or animal by-product’.</p> <p>Suggest changing mentioned phrase to the above.</p> <p>Consequential change due to change in definition of veterinary medicine ([Definitions, p7 (5)] – add ‘stock remedy’ and appropriate reference to Act.</p>	If the feed additive, raw material or animal by-product contemplated in subsection (1)(a) contains any veterinary medicine or stock remedy, such veterinary medicine must be registered in terms of the Medicines and Related Substances Act and the Stock Remedy in terms of the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act
Section 14(1)a(ii) p10 (26)	<p>Not all applications for registration of various kinds of imported fertilizer, feed or pet food will require scientific trials and tests. It should be prescribed only where the Risk Assessment indicated such a requirement.</p> <p>Amendment: to include “where applicable”</p> <p>Comment: Institutions conducting scientific trials and tests under Section 14 will be outside the Republic of SA and the Registrars’ approval in terms of this Act for such a purpose should make provision for that.</p>	has been scientifically trialed and tested, where applicable, by an institution approved in terms of this Act for such a purpose, as prescribed; and
Section 14(1)b p10 (29)	The public interest is an undefined concept that could lead to misuse of the Registrars discretionary powers. The Registrar has sufficient powers under Subparagraph a(iii) to prescribe all requirements to which an imported fertilizer, feed or pet food must prescribe, and it is suggested to delete this subsection.	it is not contrary to the public interest that the feed additive, raw material or animal by-product be registered; and

SECTION PAGE (LINE)	COMMENT	SUGGESTED CHANGE
Section 14(1)c p10 (31)	Added the word “imported” to identify the products to be registered under Section 14.	the establishment where the imported fertilizer, feed or pet food is manufactured, is suitable for such manufacture and complies with the domestic law in the country of origin, the Registrar must register such imported fertilizer, feed or pet food.
Section 14(2) p10 (15)	Consequential change due to change in definition of veterinary medicine ([Definitions, p7 (5)] – add ‘stock remedy’ and appropriate reference to Act.	If the imported fertilizer, feed or pet food contemplated in subsection (1)(a) contains any veterinary medicine or stock remedy, such veterinary medicine must be registered in terms of the Medicines and Related Substances Act and the Stock Remedy in terms of the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act
Section 15 p10 (40-55)	In terms of the suggested change in the definition of home mixer, such a home mixer will not need to register under this Act, since the subsequent animal products will not enter the human food chain, and it is suggested to delete section 15.	Section 15 - Registration of home mixers (delete)
Section 16 p11 (1-14)	<p>Comment:</p> <p>There is no reference made in this Section regarding requirements for the licensing of facilities, other than “as may be prescribed”, such as Good Manufacturing Practices, Recommended premises layout and design practices, Traceability and recall, Trained and experienced personnel, Equipment performance and handling, Quality assurance, Inspection and control procedures etc.</p> <p>It is suggested that section 16(a)ii be expanded to give a clear requirement for the licensing of facilities.</p> <p>It is typical for licensing clauses to contain parameters within which the license is issued, and this is totally absent from the Act. Consequently, the Registrar opens himself or herself for attack that he or she is acting outside the ambit of the Act. Please see licensing clauses of regulators such as NERSA under the Electricity Regulation Act, 2006, for guidance.</p>	
Section 16(a)iii-iv p11 (8-11)	Suggest deleting subsection (iii) and (iv) due to the fact that this falls outside the mandate of the Registrar for the Fertilizer and Feeds Bill. In addition, these are not the only legislative requirements that a facility needs to comply with. Outside legislative requirements should therefore not resort under the Fertilizer and Feeds Bill, but with the respective regulatory authorities who has the authority to regulate such matters.	(iii) complies with the requirements of the National Environmental Management Waste Act; and (iv) complies with the requirements of the Occupational Health and Safety Act; and

SECTION PAGE (LINE)	COMMENT	SUGGESTED CHANGE
Section 16 b p11 (12)	<p>The public interest is an undefined concept that could lead to misuse of the Registrars discretionary powers. The Registrar has sufficient powers under Subparagraph a(ii) to prescribe all requirements to which a facility must prescribe.</p> <p>It is suggested to delete this part of the subsection and add the authority to licence to (ii) of Section 16.</p>	<p>the registration of such facility is not contrary to the public interest,</p>
Section 16a(ii) p11 (7)	<p>Consequential change due to the suggested deletion of subsections (iii) and (iv) determines that the final authority for licensing be added to this subsection.</p> <p>And</p> <p>Consequential change due to the suggested change in the definition of facility to be licensed and based on the purpose for which each facility is intended. p5 (9)</p>	<p>complies with such requirements as may be prescribed, the Registrar must license such facility for which purpose it is intended, including a fertilizer , feedlot, feed mill, medicated feed , pet food , premix, on-farm mixing , and fertilizer- and feed handling facility.</p>
Section 16(2) Added	<p>Suggestion:</p> <p>In many instances in industry fertilizer, feeds and ingredients are stored (and not packaged or processed) at a storage facility either on the same or on another premise in addition to the licensed facility. On condition that the premises are under full control (traceability) of the license holder, it is suggested to exclude these premises from additional licensing requirements. It will still be subject to inspection or audits from the registrar during the process or application for a license or renewal thereof, but provided that the product is only stored, and not processed, packaged, marked, labelled or changed in any way at this storage facility, there are no added risk that would warrant an additional license for such a facility.</p>	<p>Provided that a fertilizer- and feed handling facility, where fertilizer, feeds, and or ingredients are stored, is under full control and management of the holder of a licence (facility), this storage facility need not be registered in addition to the licensed facility, but will be viewed as part of the licensed facility in terms of audits and/or inspections.</p>
Section 17a(iii)&(iv) p11 (22-25)	<p>Suggest deleting subsection (iii) and (iv) due to the fact that this falls outside the mandate of the Registrar for the Fertilizer and Feeds Bill. In addition, these are not the only legislations that a rendering plant needs to comply with and should therefore not fall under the Fertilizer and Feeds Bill requirements, but within the respective departments.</p>	<p>(iii) complies with the requirements of the National Environmental Management Waste Act; and</p> <p>(iv) complies with the requirements of the Occupational Health and Safety Act; and</p>

SECTION PAGE (LINE)	COMMENT	SUGGESTED CHANGE
Section 17 b p11 (26)	<p>The public interest is an undefined concept that could lead to misuse of the Registrars discretionary powers. The Registrar has sufficient powers under Subparagraph a(ii) to prescribe all requirements to which a rendering plant must prescribe.</p> <p>It is suggested to delete this part of the subsection and add the authority to licence to (ii) of Section 17.</p>	<p>the licensing of such rendering plant is not contrary to the public interest, the Registrar must license that rendering plant.</p>
Section 17a(ii) p11 (21)	<p>Consequential change due to the suggested deletion of subsections (iii) and (iv) determines that the final authority for licensing be added to this subsection.</p> <p>Comment: The same suggestion as for Section 16 in terms of requirements for rendering plants.</p>	<p>complies with such requirements as may be prescribed, the Registrar must license that rendering plant.</p>
Section 18a p11 (29)	<p>Consequential change due to the change in definition of home mixer (p5, 44) and 'animal by-product' omitted.</p> <p>Amendment: subsequent change in list of products to be registered</p>	<p>The Registrar may refuse an application for— (a) the registration of a feed additive, raw material, animal by-product, imported fertilizer, feed or pet food; or</p>
Section 18b p11 (32)	<p>Consequential change due to the suggested deletion of Section 15.</p>	<p>(b) the licensing of a facility or rendering plant, in accordance with the procedure contained in section 31(1), if it does not comply with the requirements of section 13, 14, 15, 16 or 17, whichever is applicable.</p>
Section 20(1)a p11 (44)	<p>Renewal process for licensing and registrations should commence 3 months prior to the period lapsing to ensure continuity for the license and registration holder.</p>	<p>Subject to subsection (7), any registration or licensing period under this section may be renewed 3 months prior to the prescribed date on which its validity will lapse: Provided that the holder of a registration certificate or license must pay— (a) a prescribed administrative renewal fee;</p>
Section 20 (1b - 4) p11 (48-52) p12 (1-11)	<p>It is unclear on what legal basis a prescribed tonnage fee (b) and audit fee (c) can be added to this legislation. The Registrar and staff are public servants and funded out of the Fiscus to perform this function. The audits are required by this legislation, <i>bis</i> Section 12(3).</p> <p>In effect this forms an unauthorized tax on the industry that is not dealt with as required under the Constitution or the fiscal legislation governing State Departments such as the Public Finance Management Act.</p> <p>If special funds are to be collected, dedicated legislation needs to be enacted for this purpose. Typically, that would entail the establishment of a Regulator with its own dedicated legislation – an initiative that AFMA supports.</p>	

SECTION PAGE (LINE)	COMMENT	SUGGESTED CHANGE
<i>Continue</i> Section 20	Suggestion: Delete the subsections dealing with tonnage and audit fees and related matters.	<p>(b) a prescribed tonnage fee on products sold; and (c) where an audit is conducted, a prescribed audit fee.</p> <p>(2) The quantity of tonnage sold by the holder of a registration certificate or license in terms of section 13, 14, 15, 16, or 17, whichever is applicable, must be reported to the Registrar in the prescribed manner.</p> <p>(3) The tonnage fee referred to in subsection (1)(b) is calculated on feed additives, raw materials, fertilizers, feeds, pet foods and premixtures sold, whether imported or locally produced: Provided that tonnage fee is not paid on feed additives, raw materials, fertilizers, feeds, pet food or premixtures if— (a) payment was made by a previous distributor; or (b) feed additives or raw materials are used for further manufacture of fertilizers, feeds or premixtures on which a tonnage fee must be paid by the same manufacturer.</p> <p>(4) The Registrar reserves the right to require any additional proof or information to validate the declared amount of tonnage sold and may verify the accuracy of the volume sales in the tonnage report required by subsection (2).</p>
Section 20 (6) p12 (15)	Remove home mixer – consequential change due to suggested change to Section: definitions p5 (44). Comment: This process should form part of the normal review process when evaluating applications for renewal of licenses or registrations.	The Registrar must consider the information furnished for the renewal and determine whether a further review of the registered feed additive, raw material, animal by-product, imported fertilizer, feed or pet food or licensed facility or rendering plant is necessary before the registration or licensing period may be renewed.
Section 20 (7) p12 (19)	If the Registrar is satisfied (subsection 6) that a renewal certificate or license could be issued for products and facilities, it is critical to the industry that the issuing thereof takes place prior to the end of the validity period. Suggestion to add “prior to such a certificate lapsing”	The Registrar must, prior to such a certificate lapsing, issue a renewal certificate to the holder of a registration certificate or licence if the Registrar is satisfied that the prescribed conditions for renewal have been met and the holder has paid the prescribed fee referred to in subsection (1)a.

SECTION PAGE (LINE)	COMMENT	SUGGESTED CHANGE
Section 20 (8) p12 (24)	Remove home mixer – consequential change due to suggested change to Section: definitions p5 (44).	The requirements and procedures for the registration of a feed additive, raw material, animal by-product, imported fertilizer, feed or pet food and licensing of any facility or rendering plant in terms of this Act apply to the renewal of such registration or licensing as determined under Section 20.
Section 20 (9) Added	A Certificate and license must remain valid until a new one is issued in the event that a registration holder or license holder complies with all requirements as set out in Section 20 regarding renewals, but does not receive a renewal certificate or license within the specified time wherein it will lapse. Suggestion: add subsection 20(9)	Provided that the application for a renewed registration certificate or licence was received in time and accepted as being in good order, the current registration certificate of a feed additive, raw material, animal by-product, imported fertilizer, feed or pet food or license of a facility or rendering plant in terms of this Act shall remain valid, until a new certificate or license is issued by the Registrar.
Section 21a p12 (30)	Remove home mixer – consequential change due to suggested change to Section: definitions p5 (44).	in the case of a feed additive, raw material, animal by-product, imported fertilizer, feed or pet food, at all times, make the registration certificate, or a copy there of, available for inspection by the Registrar, inspector or auditor at the establishment where such product is manufactured and processed for distribution; or
Section 22(1) p12 (39)	Remove home mixer – consequential change due to suggested change to Section: definitions p5 (44).	The registration of any feed additive, raw material, animal by-product, imported fertilizer, feed or pet food, or licensing of any facility or rendering plant, issued in terms of this Act, lapses if—
Section 22(1)a p12 (42)	Animal by-product omitted from list of registered products. “Animal by-product” added.	the holder of a registration certificate or licence ceases to manufacture, distribute or sell the registered feed additive, raw material, animal by-product, imported fertilizer, feed or pet food or to operate the licensed facility or rendering plant;
Section 22(1)c p12 (47)	To ensure that the person responsible for the formulation of compound feed, compound fertilizer, compound pet food or premixture is sufficiently qualified in that particular field, it is advisable to limit the registration under the Natural Scientific Professions Act to the applicable fields of practice and not allow a Soil Scientist to be responsible for the formulation of animal feeds for example. Amendment: include ‘applicable field of practice’ and ‘responsible for the formulation of’	the licence holder of a facility uses personnel or a contractor that is not registered in an applicable field of practice under the Natural Scientific Professions Act to be responsible for the formulation of compound feed, compound fertilizer, compound pet food or premixture.

SECTION PAGE (LINE)	COMMENT	SUGGESTED CHANGE
Section 22(2) p12 (50)	Replaced “product” with the list of registered products under this Act to avoid misinterpretation.	When the registration of a feed additive, raw material, animal by-product, imported fertilizer, feed or pet food, or licensing of a facility or rendering plant has lapsed in terms of subsection (1), or has been cancelled in terms of section 30, the holder of the registration certificate or licence must, within the prescribed period, return such registration certificate or licence to the Registrar.
Section 23(1) p12 (47)	Consequential change to the Bill in that a home mixer per the new suggested definition should not form part of the Bill, since animal production is for own use and subsequent own consumption.	Section 23 (1) Delete
Section 23(2) p12 (47)	In support of the Preamble of this Bill, the focus should remain on the need for safe feed for animals and safe food for the consumer.	2) A facility licence holder who— (a) grows field crops for use as raw material in the manufacture of feed for feeding his or her own animals for own consumption.
	In addition the Registrar would require a traceability system (from farm to fork), as input into a National Risk Assessment to be able to successfully manage and regulate a responsible food chain.	b) manufactures animal by-products from a licensed rendering plant and uses them as raw material in the manufacture of feed for feeding his or her own animals for own consumption ;
	It would therefore be within the scope of this bill for the Registrar to grant exemption for the registration of raw materials that will not affect the integrity of the food chain.	(c) manufactures animal by-products from a licensed rendering plant and uses them as raw material in the manufacture of fertilizers for use in crop production for own consumption; or
	Suggested to add “for own consumption” to all subsections within setion 23 (2) to make this prominent.	(d) manufactures raw material from his or her own mining operation and uses the raw material in the manufacture of fertilizers or feeds for own use for own consumption, is exempted from registering such raw material provided that the end product does not enter the food chain.
Section 23 (3) Added	Industry foresees that there will be a practical problem in registering many of the cereals in the grain, silage, chaff and hay products, which are currently exempted from registration under Act 36 of 1947, and would suggest that the Registrar make provision for an eventuality where a subsection such as this is required.	The registrar may by regulation exempt a raw material of a particular kind or class or type from registration in terms of section 23.

DETAILED SUMMARY:

CHAPTER 4: RULES OF COMMERCE

SECTION PAGE (LINE)	COMMENT	SUGGESTED CHANGE
Section 25 (1)h p14 (3)	Addition of “stock remedy” – consequential change due to change in definition of veterinary medicine p7 (5).	there is an auditable traceability system in place that can track and trace products from feed additives, raw material, premixtures and inclusion of veterinary medication and stock remedies through processing up to finished products manufactured; and
Section 26 (1) p14 (23)	Addition of ‘that is harmful to animals, humans or the environment’ to clearly indicate the intention of the prohibition in protecting the health of animals, humans and the environment.	The Registrar may, by notice in the <i>Gazette</i> , prohibit the manufacture, import, export, acquisition, distribution, disposal, sale or use of any product that is harmful to animals, humans or the environment: Provided that—
Section 26(1)a p14 (26)	The Minister should not have any jurisdiction where the Registrar has based a prohibition notice on technical or scientific reasons in order to protect the health of animals, humans and the environment.	the Minister may exempt any person from this prohibition, subject to such conditions as may be specified in the notice; or
Section 27 (1)d p14 (53)	Replace “or” with “that” to reflect accurate meaning of subsection (1)d. Undesirable substances are harmful only when it exceeds the tolerance level as established and not necessarily when it is detected at any level. For certain undesirable substances the tolerances are very low or even zero, but it should be indicated for each type of undesirable substance.	it contains any undesirable substance that exceeds the tolerance level established on restricted substances.
Section 29 p15 (56)	Addition of “stock remedy” – consequential change due to change in definition of veterinary medicine p7 (5).	Any person who manufactures or administers any product containing veterinary medicines, stock remedies , animal by-products, bone or any other substance derived from an animal carcass, must ensure that—
Section 29 a p16 (1)	Addition of “stock remedy” – consequential change due to change in definition of veterinary medicine p7 (5).	such stock remedy is registered in terms of the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act or the veterinary medicine is registered in terms of the Medicines and Related Substances Act, for its intended use;

DETAILED SUMMARY:**CHAPTER 5: CANCELLATIONS, EXCLUSIONS AND APPEALS PROCEDURE**

SECTION PAGE (LINE)	COMMENT	SUGGESTED CHANGE
Section 30 p16 (20)	Remove home mixer – consequential change due to suggested change to Section: definitions p5 (44).	The Registrar may, at any time, cancel, revoke or suspend the registration or licence of any product, facility or rendering plant if he or she is satisfied that—
Section 30 d p16 (33)	Remove home mixer phrase – consequential change due to suggested change to Section: definitions p5 (44).	the practices followed, equipment available, or the operation of the undertaking at such a facility are not suitable for the manufacture of the product concerned;
Section 30 g p16 (41)	<p>The public interest is an undefined concept that could lead to misuse of the Registrars discretionary powers. The Registrar has sufficient powers under Subsection 30 to prescribe all conditions under which a registration or license may be cancelled, revoked or suspended. Adding an undefined concept such as “public interest” opens up the Registrar to unnecessary challenges in the exercise of his discretion.</p> <p>It is suggested to delete subsection 30 (g).</p>	<p>it is contrary to the public interest that the product or home mixer remains registered, or the facility or rendering plant remains licensed; or</p>
Section 32 (1-13) p17 (1-61)	<p>This seems to institute a mechanism which is unnecessary. Persons feeling aggrieved by the Registrars decision may use the normal legal procedure typically recognized for such grievances.</p> <p>There is also no reference made in this section regarding the maximum duration of the appeal process or establishment of the Appeal board to ensure that matters are dealt with fast and efficiently or to recommend that the status quo be maintained until a final decision has been reached.</p> <p>In this situation an Appeal Board will only add to the cost structure of the administration of this Act. And with the current sensitivity surrounding cost and</p>	Section 32 Appeal Board Deleted

SECTION PAGE (LINE)	COMMENT	SUGGESTED CHANGE
Section 32 (1-13) p17 (1-61) <i>Continue.</i>	fees (Section 20) the establishment of an Appeal Board seems unnecessary. The suggestion is to remove this section 32 from the Bill.	
Section 33 p18 (1-4)	In terms of this clause, the Minister may in total exclude certain persons from the operation of the Act, regardless of the fact that Parliament has decreed that such persons must be licensed or registered. In effect this clause gives the Minister powers to override parliamentary jurisdiction, which is unconstitutional. The Minister (executive power) should not be able to infringe on Parliament's jurisdiction (legislative power) This section should be removed.	Section 33 Exclusions from operation of Act - Delete section in total.
Section 34(1) p18 (8)	Added 'in their related field of practice' to ensure that officers appointed as technical advisors will be suitably qualified for the specific purpose of their appointment.	For the purpose of this Act, the Registrar must delegate, in writing, officers as technical advisors who must advise the Registrar with regard to matters referred to them by the Registrar: Provided that such officers must be registered in terms of the Natural Scientific Professions Act, the Veterinary and Para-Veterinary Professions Act or the Pharmacy Act in their related field of practice.
Section 34(3) p18 (20)	Added 'in their related field of practice' to ensure that officers appointed as inspectors, analysts and auditors will be suitably qualified for the specific purpose of their appointment.	An officer appointed in terms of subsection (2) must be— <i>(a)</i> registered in terms of the Natural Scientific Professions Act, the Veterinary and Para-Veterinary Professions Act or the Pharmacy Act in their related field of practice; and
Section 37(1)h p20 (33)	Consequential change due to suggested deletion of Section 20 (1)b – (4) dealing with unauthorized tax on industry due to prescribed fees.	examine any relevant document of a manufacturer or importer of a product to determine whether that manufacturer or importer has paid the prescribed fees referred to in section 20(1)(b); or
Section 39 p21	Suggest to rename Session heading to "Imports" since only imports is dealt with in this section and exports in section 40.	Imports

SECTION PAGE (LINE)	COMMENT	SUGGESTED CHANGE
Section 39(1)a(ii) p21 (1-5)	<p>Amendment: replace 'product' with the list of products as per definition of product.</p> <p>This definition includes premixture, but no provision is made in this subsection for premixtures. This type of product can be imported, but it is not required to be registered in terms of section 13 or 14.</p> <p>It is unclear what the intention in terms of registration of locally produced or imported premixtures is under this Act.</p>	<p>Any person who imports a feed additive, raw material, animal by-product, fertilizer, feed, pet food or premixture into the Republic, must ensure that—</p> <p>(a) such product—</p> <p>(i) is imported through prescribed ports of entry;</p> <p>(ii) is registered in terms of section 13 or 14;</p>
Section 39(6) p21 (43)	<p>Consequential change due to a change in definition of "home mixer" and "facility" page 5 (9).</p> <p>In this instance the licensed handling facility for storage, may not be under full control of a licensed manufacturing facility, and therefore may require licensing from the Registrar to be able to ensure full traceability of products entering the South African feed and food chain.</p>	<p>All products imported into the Republic may only be transported on leaving the prescribed port of entry to a licensed facility, or via a licensed storage or handling facility: Provided that the details of such storage or handling facility and licensed facility must appear clearly on the delivery note.</p>
Section 44(1)b p23 (3)	<p>Consequential change due to change in Section: Definitions p5 (44) Remove 'home mixer'</p>	<p>the fact that a product, facility or rendering plant is not in compliance with this Act; or</p>
Section 44(2) p23 (8)	<p>Consequential change due to change in Section: Definitions p5 (44) Remove 'home mixer'</p>	<p>The disclosure referred to in subsection (1) may include the trade name and trademark of a product, the name of a facility or rendering plant and details of the owner.</p>
Section 49(1)a(ii) p25 (6)	<p>Replace "products" with the list of products that may be registered, since the definition of "product" also includes feed, fertilizer, pet food and premixture that does not require registration under this Act.</p> <p>Consequential change due to change in Section: Definitions p5 (44) Remove 'home mixer'</p>	<p>Feed additives, raw materials or animal by-products may be registered, or facilities and rendering plants may be licensed;</p>

SECTION PAGE (LINE)	COMMENT	SUGGESTED CHANGE
Section 49(1)a(iii) p25 (10)	<p>Replace “products” with the list of products that may be registered, since the definition of “product” also includes feed, fertilizer, pet food and premixture that does not require registration under this Act.</p> <p>Consequential change due to change in Section: Definitions p5 (44) Remove ‘home mixer’</p>	registrations or licenses may be renewed, including the information to be furnished and the fees to be paid with any application for the registration of a feed additive, raw material or animal by-product or licensing of a facility or rendering plant and renewal of registrations or licenses; and
Section 49(1)a(iv) p25 (12)	<p>Replace “products” with the list of products that may be registered, since the definition of “product” also includes feed, fertilizer, pet food and premixture that does not require registration under this Act.</p>	an institution may be approved in terms of this Act to conduct scientific trials and tests for the purpose of registration of a feed additive, raw material or animal by-product.
Section 49(1)b p25 (14)	<p>Added “ as the case may be” to indicate that the mentioned products does not all require registration under this Act.</p>	the description and conditions under which any substance may be registered, imported or sold as a feed additive, raw material, animal by-product, fertilizer, feed or pet food under any particular name or mark, as the case may be;
Section 49(1)i p25 (37)	<p>Consequential change due to change in Section: Definitions p5 (44)</p> <p>Remove ‘home mixer’</p>	the requirements with which any facility and rendering plant must comply, the practices which must be followed in the operation of any undertaking at any facility or rendering plant, the equipment which must be available at any facility or rendering plant, and the records to be kept and the information to be furnished in respect of any facility or rendering plant and the operation of any undertaking at any facility or rendering plant;
Section 49(1)j p25 (45)	<p>Consequential change due to change in Section 20 regarding ‘tonnage fee’</p> <p>Remove “returns to be submitted”</p>	the records to be kept in respect of feed additives, raw material, animal by-products, fertilizers, feeds or pet food; or facilities and rendering plants;
Section 49(1)o p25 (45)	<p>Regulations cannot go outside the scope of the Act.</p> <p>Amendment: included ‘registered under this Act’ to reflect the type of product for which the disposal, import, export, acquisition, sale or use may be regulated.</p>	the disposal, import, export, acquisition, sale or use of any product registered under this Act;

SECTION PAGE (LINE)	COMMENT	SUGGESTED CHANGE
Section 49(1)p p25 (61)	<p>Regulations cannot go outside the scope of the Act.</p> <p>Amendment: Replace “products” with the list of products that may be registered and for which a label is required.</p>	<p>the manner in which feed additives, raw materials, and animal by-products must be labelled, and the approval procedure for such labels;</p>
Section 49(2) p26 (5)	<p>Consequential change due to change in Section: Definitions p5 (44)</p> <p>Remove ‘home mixer’</p>	<p>Different regulations may be made under this section in respect of different classes or kinds of feed additives, raw material, animal by-products, fertilizers, feeds, pet foods; and in respect of different kinds of facilities or rendering plants and different classes or groups of persons.</p>