



Farm Business Management

Handout 3

Laws Administered By the
Department of Agriculture,
Forestry and Fisheries

Laws administered by the Department of Agriculture, Forestry and Fisheries (DAFF)

Find "Legislation and legal procedures" under the "Resource Centre" option at www.daff.gov.za.

- **Agricultural Laws Extension Act, 1996 (Act 87 of 1996)**
- **Agricultural Laws Nationalisation Act, 1998 (Act 72 of 1998)**
- **Agricultural Pests Act, 1983 (Act 36 of 1983)** introduces measures for the prevention and combating of agricultural pests.
- **Agricultural Produce Agents Act, 1992 (Act 12 of 1992)** provides for the establishment of an Agricultural Produce Agents Council (APAC) and fidelity funds. There is currently an amendment bill affecting this.
- **Agricultural Product Standards Act, 1990 (Act 119 of 1990)** provides for control over the sale and export of certain agricultural products and other related products, with a view to the maintenance of certain standards regarding the quality of products and packing, marking and labelling.
- **Agricultural Research Act, 1990 (Act 86 of 1990)** establishes the Agricultural Research Council (ARC)
- **Animal Diseases Act, 1984 (Act 35 of 1984)** – repealed by Animal Health Act, 2002
- **Animal Health Act, 2002 (Act of 2002)** provides measures to promote animal health and control animal diseases. It assigns executive authority with regard to certain provisions of the Act to provinces, regulates the importation and exportation of animals, establishes animal health schemes, and provides for connected matters.
- **Animal Identification Act, 2002 (Act 6 of 2002)**, regarded as “the first line of defence against livestock theft”, deals with the compulsory marking of livestock.
- **Animal Improvement Act, 1988 (Act 62 of 1988)** provides for the breeding, identification and utilisation of genetically superior animals in order to improve the production and performance of animals in the interest of the Republic; and to provide for matters connected therewith.
- **Animals Protection Act, 1962 (Act 71 of 1962)** consolidates and amends the laws relating to the prevention of cruelty to animals.
- **Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983) (CARA)** provides for control over the use of natural agricultural resources to promote the conservation of soil, water sources and vegetation, and the combating of weeds and invader plants.
- **Fencing Act, 1963 (Act 31 of 1963)** consolidates the laws relating to fences and the fencing of farms and other holdings.
- **Fertilizer, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act 36 of 1947)** regulates the registration of fertilisers, stock feeds, agricultural remedies, stock remedies, sterilising plants and pest control operators, and provides for control over the acquisition, disposal, sale and use of fertilisers, farm feeds, agricultural remedies and stock remedies.
- **Genetically Modified Organisms Act, 1997 (Act 15 of 1997)** provides for the regulation of GMO activities in South Africa.
- **Groot Constantia Trust Act, 1993 (Act 38 of 1993)**
- **Kwa-Zulu Cane Growers Association Act: Repeal Act, 2002 (Act 24 of 2002)**
- **Liquor Products Act, 1989 (Act 60 of 1989)** provides for the sale and production of certain liquor products, including their import and export.
- **Livestock Improvement Act (Act 25 Of 1977)** – see Animal Improvement Act, 1998
- **Marine Living Resources Act, 1998 (Act 18 of 1998)** provides for the conservation of the marine ecosystem, the long-term sustainable use of marine living resources and the orderly access to exploitation, use and protection of certain marine living resources; and for the exercising of control over marine living resources in a fair and equitable manner for the benefit of all the citizens of South Africa. An amendment (2016) recognises small scale fishing as a sector.

- **Marketing of Agricultural Products Act, 1996 (Act 47 of 1996)** authorised the establishment of regulatory measures to intervene in the marketing of agricultural products, including the introduction of levies on agricultural products; and to establish the National Agricultural Marketing Council (NAMC).
- **Meat Safety Act, 2000 (Act 40 of 2000)** – replaces the Abattoir Hygiene Act (Act 121 of 1992). It provides for measures to promote meat safety and the safety of animal products; establish and maintain essential national standards in respect of abattoirs; regulate the import and export of meat and establish meat safety schemes.
- **National Fire Danger Rating System** as per the National Veld and Forest Fire Act, 1998 (Act 101 of 1998)
- **National Forest Act, 1998 (Act 84 of 1998)** allows for an exemption for the use and handling of protected trees and their products; and authorises the Minister to establish a trust, in respect of state forests under certain circumstances.
- **National Veld and Forest Fire Act, 1998 (Act 101 of 1998)** reforms the law on veld and forest fires and repeals certain provisions of the Forest Act, 1984 (Act 122 of 1984).
- **Onderstepoort Biological Products Incorporation Act, 1999 (Act 19 of 1999)**
- **Performing Animals Protection Act, 1935 (Act 24 of 1935)** regulates the exhibition and training of performing animals and the use of dogs for safeguarding. There is a [Performing Animals Protection Amendment Act 4 of 2016](#).
- **Perishable Products Export Control, 1983 (Act 9 of 1983)** provides for the control of perishable products intended for export from South Africa and for the continued existence of a statutory board to bring about the orderly and efficient export of perishable products from the country.
- **Plant Breeders' Rights Act, 1976 (Act 15 of 1976)** aims to strengthen the protection of intellectual property rights relevant to new plant varieties, which in turn positively impacts on the competitiveness of South Africa's agricultural sector. An amendment bill is in the pipeline.
- **Plant Improvement Act, 1973 (Act 53 of 1973)** provides for the registration of establishments where plants and propagation material are sold and packed, for the introduction of schemes for the certification of certain propagation material, for the requirements to which plants and propagation material sold for the purposes of cultivation must conform and for quality control over plants and propagation material imported or exported.
- **Sea Fishery Act, 1988 (Act 12 of 1988)** provides for the conservation of the marine ecosystem and the orderly exploitation, use and protection of certain marine resources; and provides for the exercise of control over sea fisheries.
- **Societies for the Prevention of Cruelty to Animals Act, 1993 (Act 169 of 1993)** provides for the control over SPCAs (by the National Council of Societies for the Prevention of Cruelty to Animals).
- **Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)** regulates the subdivision of agricultural land and its use for purposes other than agriculture. Investigations are conducted by the provincial department in support of the execution of the Act.
- **Veterinary and Para-Veterinary Professions Act, 1982 (Act 19 of 1982)** provides for the establishment, powers and functions of the South African Veterinary Council; the registration of people practising veterinary and para-veterinary professions and control of the practising of veterinary and para-veterinary professions, and was amended in 2012.

BILLS

- Agricultural Produce Marketing Agencies Bill
- Agricultural Product Standards Act Amendment Bill
- Aquaculture Bill
- Disaster Management Amendment Bill
- Fertiliser and Feeds Bill

- Land Use Management Bill
- Liquor Products Amendment Bill [B10-2016]
- National Animal Pounds Bill
- National Bill for Agricultural Training Institutes of South Africa
- National Forests Amendment Bill [B11-2016]
- National Veld and Forest Fire Amendment Bill (B22-2016)
- Plant Health (Phytosanitary) Bill
- Plant Improvement and Plant Breeders' Rights Bills [B8-2015, B11-2015]
- Preservation and Development of Agricultural Land Framework Bill [X-2016]

Contact Legal Services at DAFF – 012 312 7373. Find copies of the legislation at www.daff.gov.za/daoDev/sideMenu/acts.html.

Some other laws which affect agriculture

Agrarian reform

See also the “Labour, staff and education” subheading

- **Broad Based Black Economic Empowerment Act, 2003 (Act 53 of 2003)** amended by Act 46 of 2013
- **Communal Land Rights Act, 2004 (Act 11 of 2004) (CLaRA)** – struck down by Constitutional Court in 2010
- **Communal Property Associations Act, 1996 (Act 28 of 1996)**
- **Development Facilitation Act, 1995 (Act 67 of 1995)**
- **Distribution And Transfer Of Certain State Land Act, 1993 (Act 119 of 1993)**
- **Interim Protection Of Informal Land Rights Act, 1996 (Act 31 of 1996)**
- **Land Administration Act, 1995 (Act 2 of 1995)**
- **Land Reform Labour Tenants Act, 1996 (Act 3 of 1996) (LTA)**
- **Land Titles Adjustment, 1993 (Act 111 of 1993)**
- **Upgrading Of Land Tenure Rights Act, 1991 (Act 112 of 1991)**
- **Property Valuation Act, 2014 (Act 17 of 2014)**
- **Provision Of Land And Assistance Act, 1993 (Act 126 of 1993)**, amended by Act 58 of 2008
- **Restitution Of Land Rights Act, 1994 (Act 22 of 1994)**. An Amendment Act 15 of 2014 was declared invalid by the Constitutional Court in July 2016.
- **Rural Development and Land Reform General Amendment Act, 2011 (4 of 2011)**
- **State Land Disposal Act, 1961 (Act 48 of 1961)**
- **Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA)**
- **Transformation Of Certain Rural Areas Act, 1998 (Act 94 of 1998)**

BILLS

- Communal Land Tenure Bill
- Communal Property Associations Amendment Bill
- Expropriation Bill [B4-2015]
- Extension of Security of Tenure Bill [B24-2015]
- Land Management Commission Bill
- Land Tenure Security Bill
- Regulation of Agricultural Land Holdings Bill
- Restitution of Land Rights Amendment Bill [introduced as a private member's Bill in 2017]

Crops and livestock

- **Animal Matters Amendment Act, 1993 (Act 42 of 1993)**
- **Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)**
- **Medicines And Related Substances Act, 1965 (Act 101 of 1965)**
- **Stock Theft Act, 1959 (Act 57 of 1959)**
- **Sugar Act, 1978 (Act 9 of 1978)**

Disaster

The **Disaster Management Act, 2002 (Act 57 of 2002)** and the **National Disaster Risk-Management Framework of 2005** address agricultural risk management and climate change and are supplemented by climate change-related policies and programmes.

Financial, tax and property

- **Administration of Estates Act, 1965 (Act 66 of 1965)**
- **Companies Act, 2008 (Act 71 of 2008)**
- **Co-operatives Act, 2005 (Act 14 of 2005)**, amended by Co-operatives Amendment Act, 2013 (Act 6 of 2013)
- **Co-operative Banks Act, 2007 (Act 40 of 2007)**
- **Deeds Registries Act, 1937 (Act 47 of 1937)**, amended in 1957, 1993, and another Amendment Bill is in the pipeline
- **Employment Tax Incentive Act, 2013 (Act 26 of 2013)**
- **Estate Duty Act, 1955 (Act 45 of 1955)**, amended many times
- **Income Tax Act, 1962 (Act 58 of 1962)**, amended by Act 18 of 2009
- **Land And Agricultural Development Bank Act, 2002 (Act 15 of 2002)**
- **Land Survey Act, 1997 (Act 8 of 1997)**
- **Local Government: Municipal Property Rates Act, 2004 (Act 6 of 2004)**, the “land tax”, amended by Act 29 of 2014
- **Mineral And Petroleum Resources Development Act, 2002 (Act 28 of 2002)**, amended by Act 11 of 2005.
- **National Small Business Act, 1996 (Act 102 of 1996)**, amended by Act 26 of 2003
- **Prevention of Illegal Eviction and Unlawful Occupation of Land Act, 1998 (Act 19 of 1998)**
- **South African Schools Act, 1996 (Act 84 of 1996)**

BILLS

- Deeds Registries Amendment Bill [X-2016]
- Mineral and Petroleum Resources Development Amendment Bill [B15-2013]

Firearms

- **Firearms Control Act, 2000 (Act 60 of 2000)**, amended by Firearms Control Amendment Act, 2006 (Act 28 of 2006)

Labour, staff and education

- **Adult Basic Education and Training Act, 2000 (Act 52 of 2000) (ABET)**
- **Basic Conditions of Employment Act, 1997 (Act 75 of 1997)**

- **Compensation for Occupational Injuries and Diseases Act, 1993 (Act 130 of 1993)** and amended by Act 61 of 1997
- **Employment Equity Act, 1998 (Act 55 of 1998)**
- **Extension of Security of Tenure Act, 1997 (Act 62 of 1997) (ESTA)**
- **Labour Relations Act, 1995 (Act 66 of 1995) (LRA)**
- **Labour Relations Amendment Act, 2014 (Act 6 of 2014) (LRAA)**
- **Upgrading of Land Tenure Rights Act, 1991 (Act 112 of 1991)**
- **Occupational Health and Safety Act, 1993 (Act 85 of 1993)**, amended by Act 181 of 1993
- **Sectoral Termination 13: Farm Worker Sector** – see Basic Conditions of Employment Act
- **Skills Development Act, 1998 (Act 97 of 1998)**
- **Workmen’s Compensation** – see Compensation for Occupational Injuries and Diseases Act
- **Unemployment Insurance Fund (UIF)**
- **Pay As You Earn (PAYE)**

BILLS

- Compensation for Occupational Injuries and Diseases Amendment Bill
- Labour Laws Amendment Bill [PMB6-2015]
- Occupational Health and Safety Amendment Bill
- Unemployment Insurance Amendment Bill

Marketing and exporting

- **Consumer Protection Act, 2008 (Act 68 of 2008)**
- **Customs And Excise Act, 1964 (Act 91 of 1964)**
- **Foodstuffs, Cosmetics And Disinfectants Act, 1972 (Act 54 of 1972)** – includes the Labelling and Advertising of Foodstuffs regulation changes
- **Health Act, 1977 (Act 63 of 1977)**
- **Intellectual Property Laws Amendment Act, 2013 (Act 28 of 2013)**
- **International Trade Administration Act, 2002 (Act 71 of 2002)**
- **Preferential Procurement Policy Framework Act (PPPFA)** – to be repealed
- **Wine And Spirit Control Act, 1970 (Act 47 of 1970)**

BILLS

- Border Management Authority Bill [B9-2016]
- Protection, Promotion, Development and Management of Indigenous Knowledge Systems [B6-2016]
- Public Procurement Bill [to replace the Preferential Procurement Policy Framework Act (PPPFA)]

Note also that there are various provincial ordinances.

Occupational Health and Safety Act

Sectoral Determination 13: Farm Worker Sector

Every employer on whom this sectoral determination is binding must keep a copy of the sectoral determination or a summary, available in the workplace in a place to which the farm worker has access.

This is part of the Basic Conditions of Employment Act, 1997, and it deals specifically with Farm Workers in all farming activities in the Republic of South Africa. It is available on www.labour.gov.za. Find details of minimum wages here.