

Namibia

Plant Quarantine Act, 2008

## Regulations relating to Issuing of Import Permits, Examination of Imported Plants, Diseases or Insects, and Lodging of Appeals, 2012

Government Notice 158 of 2012

Legislation as at 15 November 2017

FRBR URI: /akn/na/act/gn/2012/158/eng@2017-11-15

There may have been updates since this file was created.

PDF created on 13 May 2024 at 08:56.

*Collection last checked for updates: 15 November 2017.*

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Regulations relating to Issuing of Import Permits, Examination of Imported Plants, Diseases or Insects,  
and Lodging of Appeals, 2012

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Permits, Examination of Imported Plants,  
Diseases or Insects, and Lodging of Appeals, 2012**  
Government Notice 158 of 2012

[Published in Government Gazette 4975 on 27 June 2012](#)

[Assented to on 16 May 2012](#)

[Commenced on 27 June 2012](#)

[\[This is the version of this document at 15 November 2017.\]](#)

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

**1. Definitions**

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

“**regulated material**” means any plant, plant product or other regulated articles; and

“**the Act**” means the Plant Quarantine Act, 2008 (Act [No. 7 of 2008](#)).

[\[The word “Quarantine” is misspelt in the Government Gazette, as reproduced above.\]](#)

**2. Application for permit**

- (1) An application for the permit referred to in section 4(1) of the Act must be made on Form AP 1 set out in Annexure 1.
- (2) An application referred to in subsection (1) must be accompanied by fees as set out in paragraph A of Annexure 2.

**3. Issue of permit**

- (1) The Minister must consider an application made in terms of regulation 2 and may, subject to section 4(1) of the Act, reject or grant the application and issue or cause to be issued an import permit in the Form AP 2 set out in Annexure 1.

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

#### **4. Port of entry**

- (1) For the purposes of section 4(2)(a) of the Act, importation of regulated material can only be done at the following ports or airports:
- (a) Hosea Kutako International airport;
  - (b) Port of Walvis Bay;
  - (c) Port of Lüderitz;
  - (d) Ariamsvlei;
  - (e) Noord Oewer;
  - (f) Velloorsdrift;
  - (g) Oranjemund;
  - (h) Klein Menasse;
  - (i) Holweg;
  - (j) Ngoma;
  - (k) Wenela;
  - (l) Muhembo;
  - (m) Impalila;
  - (n) Oshikango;
  - (o) Ruacana;
  - (p) Buitepost;
  - (q) Eros Airport;
  - (r) Mpacha Airport;
  - (s) Windhoek Rail Way Station;
  - (t) Grootfontein Rail Way Station;
  - (u) Tsumeb Rail Way Station;
  - (v) Otjiwarongo Rail Way Station;
  - (w) Gobabis Rail Way Station;
  - (x) PX Post Office; or
  - (y) Keetmanshoop Rail Station.

#### **5. Inspection of imported plants, plant products and regulated article**

- (1) Any inspection referred to in section 5(1) of the Act or regulations made under section 22(1) of the Act must be carried between the hours of 08:00 to 17:00, from Monday to Friday.
- (2) Any inspection carried out outside the specified hours referred to in subregulation (1) is subject to the payment of the amount set out in paragraph B of Annexure 2.

## **6. Clearance certificate**

On payment of the fee specified in paragraph C of Annexure 2, an inspector must issue a clearance certificate on Form AP 3 set out in Annexure 1.

## **7. Phytosanitary certificates**

- (1) A person who wishes to export from Namibia any regulated material contemplated in section 4 of the Act must apply for a phytosanitary certificate to the Permanent Secretary, Ministry of Agriculture, Water and Forestry.
- (2) An application referred to in subregulation (1) must be made on Form AP 4 set out in Annexure 1 and must be accompanied by the fee set out in paragraph D of Annexure 2.
- (3) On receipt of an application made in terms of subregulation (1) the Permanent Secretary must cause the regulated material to be inspected by the plant quarantine officer and the provisions of section 5 of the Act applies with the necessary changes, to such an inspection.
- (4) If after an inspection has been carried out in terms of this regulation, and the plant quarantine officer is satisfied that the regulated material to be exported are free from insects or disease as contemplated in regulations made under section 22 of the Act, the plant quarantine officer must refer the application together with his or her findings to the Minister or a person designated in writing by the Minister, who must issue to the applicant a phytosanitary certificate on Form AP 5 set out in Annexure 1.

## **8. Replacement permit or certificate**

A permit or certificate issued in terms of these regulations may be replaced on payment of the fees set out in paragraph E of Annexure 2.

## **9. Reviews**

- (1) This regulation is subject to the review procedures set out in section 20 of the Act.
- (2) An application for a review referred to in subregulation (1) must be made to the Minister within 30 days of receipt of the decision to be reviewed.
- (3) The application must-
  - (a) be in writing;
  - (b) set out grounds for the review as well as any supporting documentation on which such an review is based; and
  - (c) be accompanied by the prescribed fee set out in paragraph F of Annexure 2.
- (4) The applicant must serve copies of the application on the person whose decision is being reviewed and on any other interested person and both must have the right to reply to each ground of review raised and such reply must also be served on the applicant.
- (5) The Minister must, as soon as is reasonably possible but not later than 21 days after receiving the application for review, consider the applications and he or she may -
  - (a) request more information; or
  - (b) call the parties for a hearing.
- (6) An application for review must be submitted to the following addresses: The Permanent Secretary, Ministry of Agriculture, Water and Forestry, Private Bag 13184, Windhoek or The Permanent Secretary, Ministry of Agriculture, Water and Forestry, Government Office

Park, Luther street, Windhoek or by electronic means to such an e-mail address given by the Ministry for that purpose.

## ANNEXURE 1

### FORMS AND CERTIFICATES

Form AP 1	Application for import permit
Form AP 2	Import permit
Form AP 3	Clearance certificate
Form AP 4	Application for phytosanitary certificate
Form AP 5	Phytosanitary certificate

[The forms appear below ANNEXURE 2 in the Government Gazette.]

## ANNEXURE 2

### FEES

A.	Application for import permit	N\$150-00
B.	Amount for each hour or part thereof that an examination is carried out in terms of regulation 5(2)	N\$100-00
C.	Issue of clearance certificate	N\$150-00
D.	Application for phytosanitary certificate  [The word “phytosanitary” is misspelt in the Government Gazette, as reproduced above.]	N\$150-00
E.	Replacement permit or clearance certificate	N\$200-00
F.	Review fee: section 20 of the Act	N\$500-00



## Forms

[Editorial note: The forms have not been reproduced.]