(1 April 2025 - to date)

AGRICULTURAL PESTS ACT 36 OF 1983

Government Notice 818 in Government Gazette 8661 dated 20 April 1983. Commencement date: **1 February 1984** [Proc. R4 in Gazette No. 9047 dated 27 January 1984]

REGULATIONS

Government Notice R111 in Government Gazette 9047 dated 27 January 1984. Commencement date: 1 February 1984

As amended by:

Government Notice R2573 in Government Gazette 10007 dated 15 November 1985. Commencement date: 1 December 1985

Government Notice R2350 in Government Gazette 10517 dated 14 November 1986. Commencement date: 14 November 1986

Government Notice R100 in Government Gazette 10580 dated 16 January 1987. Commencement date: 1 February 1987

Government Notice R1521 in Government Gazette 12003 dated 14 July 1989. Commencement date: 1 August 1989

Government Notice R75 in Government Gazette 12968 dated 18 January 1991. Commencement date: 1 February 1991

Government Notice R1637 in Government Gazette 16782 dated 27 October 1995. Commencement date: 27 October 1995

Government Notice R1471 in Government Gazette 19467 dated 20 November 1998. Commencement date: 20 November 1998

Government Notice R665 in Government Gazette 20101 dated 28 May 1999. Commencement date: 28 May 1999

Government Notice R614 in Government Gazette 21283 dated 23 June 2000. Commencement date: 23 June 2000

Government Notice R396 in Government Gazette 22284 dated 18 May 2001. Commencement date:



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18 May 2001

Government Notice R367 in Government Gazette 23277 dated 5 April 2002. Commencement date: 1 April 2002

Government Notice R464 in Government Gazette 24623 dated 4 April 2003. Commencement date: 1 April 2003

Government Notice R143 in Government Gazette 25999 dated 9 February 2004. Commencement date: 1 April 2004

Government Notice R244 in Government Gazette 27397 dated 24 March 2005. Commencement date: 1 April 2005

Government Notice R228 in Government Gazette 28606 dated 17 March 2006. Commencement date: 1 April 2006

Government Notice R42 in Government Gazette 29548 dated 26 January 2007. Commencement date: 1 April 2007

Government Notice R118 in Government Gazette 30722 dated 8 February 2008. Commencement date: 1 April 2008

Government Notice R257 in Government Gazette 31988 dated 13 March 2009. Commencement date: 1 April 2009

Government Notice R73 in Government Gazette 32935 dated 12 February 2010. Commencement date: 1 April 2010

Government Notice R190 in Government Gazette 34073 dated 11 March 2011. Commencement date: 1 April 2011

Government Notice R130 in Government Gazette 35054 dated 24 February 2012. Commencement date: 1 April 2012

Government Notice R77 in Government Gazette 36124 dated 8 February 2013. Commencement date: 1 April 2013

Government Notice R1003 in Government Gazette 37154 dated 20 December 2013. Commencement date: 1 April 2014

Government Notice R50 in Government Gazette 38420 dated 30 January 2015. Commencement date:



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Government Notice R67 in Government Gazette 39627 dated 29 January 2016. Commencement date: 1 April 2016

Government Notice R134 in Government Gazette 40622 dated 17 February 2017. Commencement date: 1 April 2017.

Government Notice R1417 in Government Gazette 41322 dated 15 December 2017. Commencement date: 1 April 2018.

Government Notice R276 in Government Gazette 42260 dated 1 March 2019. Commencement date: 1 April 2019.

Government Notice R167 in Government Gazette 43016 dated 14 February 2020. Commencement date: 1 April 2020.

Government Notice 224 in Government Gazette 44293 dated 19 March 2021. Commencement date: 1 April 2021.

Government Notice R1774 in Government Gazette 45953 dated 25 February 2022. Commencement date: 1 April 2022.

Government Notice R3055 in Government Gazette 48067 dated 17 February 2023. Commencement date: 1 April 2023.

Government Notice R4436 in Government Gazette 50203 dated 1 March 2024. Commencement date: 1 April 2024.

Government Notice R5710 in Government Gazette 51775 dated 20 December 2024. Commencement date: 20 December 2024.

Government Notice R5964 in Government Gazette 52228 dated 7 March 2025. Commencement date: 1 April 2025.

The Minister of Agriculture, acting under section 16, read with sections 3, 7 and 11, of the Agricultural Pests Act, 1983 (Act 36 of 1983), has made the regulations set out in the Schedule.

SCHEDULE

SUBDIVISION OF REGULATIONS



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ANNEXURE: APPLICATION FOR A PERMIT TO IMPORT CONTROLLED GOODS

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1. Definitions



In these regulations any word or phrase to which a meaning has been assigned in the Act shall have that meaning and, unless the context otherwise indicates –

"Border Management Authority (BMA) officials" means an official appointed in terms of the Border Management Authority Act, 2020 (Act No. 2 of 2020) responsible for the execution of frontline border law enforcement functions related to plant biosecurity control in terms of these Regulations.

(Definition of "Border Management Authority (BMA) officials" inserted by GNR 5710 dated 20 December

2024)

"**Extended detention**" means authorization of imports of plants, plant products and other regulated articles through designated ports of entry for inspection at an approved inland facility, preferably within 10 km radius from the port of entry, as determined by the BMA officials with the concurrence of the Department of Agriculture.

(Definition of "Extended detention" inserted by GNR 5710 dated 20 December 2024)

"the Act" means the Agricultural Pests Act, 1983 (Act 36 of 1983); and

"travelling expenses"

(Definition of "travelling expenses" in regulation 1 deleted by GNR 75 of 1991)

PART I: IMPORTATION OF CONTROLLED GOODS

2. Applications for permits

- (1) An application for the issuing of a permit on the authority of which controlled goods may be imported into the Republic shall be made on a form obtainable from the executive officer or authorized person or accessible from the departmental website/online system.
- (2) The application form referred to in subregulation (1) shall be-
 - (a) completed and submitted to the executive officer at least 30 working days prior to the date of arrival of the controlled goods at the port of entry and;
 - (b) accompanied by proof of payment of the applicable tariffs under Table 1 of these regulations; and
 - (c) sent via electronic mail (e-mail) to PlantHealthPermits@Dalrrd.gov.za or delivered by post, addressed to the Department of Agriculture, Directorate Food Import and Export Standards, P.O. Box 40024, Arcadia, Pretoria, 0007; or



(d) delivered by hand to the Department of Agriculture, Directorate Food Import and Export Standards, Harvest House, 30 Hamilton Street, Office 541, Arcadia, Pretoria.
 (Regulation 2 substituted by GNR 5710 dated 20 December 2024)

3. Ports of entry

- (1) The permit authorizing the importation of controlled goods into the Republic shall be issued to authorize import through the selected port of entry specified in Table 2, unless the executive officer has determined some other place in terms of section 3(2)(a) of the Act.
- (2) An application for the determination of another port of entry in terms of section 3(2)(a) of the Act shall be lodged in writing together with an application referred to in regulation 2, and accompanied by reasons why the controlled goods concerned cannot be imported through a port of entry specified in Table 2.
- (3) The Authority responsible for border law enforcement shall ensure that all designated ports of entry in terms of these Regulations are sufficiently resourced to perform or conduct phytosanitary actions, and where possible within 10 km radius of the port of entry.

(Regulation 3 substituted by GNR 5710 dated 20 December 2024)

4. Presentation of controlled goods for inspection

When controlled goods are imported through the port of entry into the Republic on the authority of a permit, they shall be presented to the authorized person or BMA officials for inspection in terms of section 3(2)(b) of the Act in such manner that-

- (a) access to the controlled goods or the containers thereof can readily be obtained; and
- (b) all markings, printing, writing, or labels attached to the containers of the controlled goods are easily readable.

(Regulation 4 substituted by GNR 5710 dated 20 December 2024)

4A. Extended detention for importation of controlled goods

- (1) Extended detention for all imports shall be authorized by the BMA official with the concurrence of the Department of Agriculture.
- (2) All authorized imports of controlled goods for extended detention through the ports of entry shall be:
 - (a) verified at the designated ports of entry prior to release to an approved facility,
 - (b) released by affixing seals, marks and release documents issued at the port of entry to ensure consignment integrity,



- (c) monitored for traceability,
- (d) inspected at an approved facility.
- (3) The seals must only be removed by an authorized person during inspection, [sic]
- (4) Controlled goods should not be sold or distributed unless they have been inspected and cleared for distribution in the Republic.
- (5) The authorized persons within the responsible authority, entity and department shall:
 - (a) coordinate their inspection activities;
 - (b) perform any other functions to manage the risk of pest introduction;
 - (c) provide feedback report after inspection to the relevant authority.
- (6) It is the responsibility of the importer or agent on behalf of the importer or consignee that controlled goods reach the intended place for inspection as instructed by the BMA official at the port of entry.
- (7) In cases where a regulated pest is detected or intercepted in the controlled goods during inspection, such controlled goods will either be treated or destroyed under supervision, depending on the level of risk identified.

(Regulation 4A inserted by GNR 5710 dated 20 December 2024)

5. Inspections outside the official office hours

- (1) If a person requires that inspection of controlled goods in terms of section 3(2)(b) of the Act be carried out at a time other than during the official office hours of the authorized person, an application for consent in terms of section 3(3) of the Act in this connection shall be made on a form which is obtainable from the authorized person for this purpose.
- (2) The amount specified in Table 1 in terms of these regulation shall be payable in respect of an inspections of controlled goods which is carried out outside the official hours of the BMA official or authorized person.
- (3) The amount specified in Table 1, in terms of the regulation shall be payable in respect of an inspection of controlled goods.

(Regulation 5 substituted by GNR 5710 dated 20 December 2024)

PART II: ORDERS



6. Serving of orders

- (1) An order shall be served to the user of land or a person referred to in sections 4 and 7 of the Act by-
 - (a) forwarding it by registered post or email;
 - (b) delivering it to the user of land or such person or to his or her authorized representative;
 - (c) delivering it at the residence or place of business of the user of land or such person, to some person who is not younger than 18 years of age who resides or is employed there; or at the registered office of the juristic person/s.
- (2) When an order is served in terms of sub-regulation (1)(a) the authorized person shall place it in an envelope addressed to the user of land concerned.
- (3) After the order has been served in terms of sub-regulation (1)(b)(c), the person by whom it has been delivered shall make a copy of that order to indicate the manner in which, the person to whom, the place at which and the date on and approximate time at which the order concerned has been delivered.
- (4) The entries referred to in sub-regulation 3 shall immediately after having been made, be signed by the person to whom the order has been delivered.

(Regulation 6 amended by GNR 2350 of 1986) (Regulation 6 substituted by GNR 5710 dated 20 December 2024)

7. Evidence of service of orders

- If an order is served in terms of regulation 6(1)(a), the executive officer shall obtain and preserve the following documents as evidence of the service thereof:
 - (a) The certificate of posting of the registered letter concerned, which was issued by the post office at which such letter was registered.
 - (b) The acknowledgement of receipt or receipt from referred to in regulation 6(2)(b), for the registered letter concerned.
- (2) If an order is served in terms of regulation 6(1)(b), (c) or (d), the executive officer shall obtain the copy of the order concerned on which the entries and signature respectively referred to in regulation 6(3) and (4) appear from the person by whom that direction was served and preserved it as evidence of service.

8. Amendment and withdrawal of orders



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If an application for the amendment or withdrawal of an order with respect to a quarantine area has been made in terms of section 7(3) of the Act, the amounts specified in Table 1 shall be payable with regard to each inspection conducted by the authorized person; and each test, examination or analysis of a sample taken during the inspection, which is carried out in a laboratory of the department.

(Regulation 8 substituted by GNR 5710 dated 20 December 2024)

PART III: APPEALS

9. Submission of appeals

(1) A person who wishes to appeal in terms of section 11 of the Act against a refusal or conduct by the executive officer or authorized person, may appeal against it to the Minister within 60 days of the date of the refusal or conduct by the executive officer or authorized person.

(Regulation 9(1) substituted by GNR 5710 dated 20 December 2024)

- (2) Such appeal shall be in the form of a written statement which has been confirmed on oath and shall specify
 - (a) the refusal or conduct against which is appealed; and
 - (b) the grounds on which the appeal is based.
- (3) The amount specified in paragraph 4 of Table 1 shall accompany such appeal.
- (4) If such appeal is noted by a person who is not the user of land in respect of the land or the owner of the article to which the refusal or action concerned relates, the appeal shall be accompanied by a statement in which that person discloses his interest in such refusal or conduct.

10. Inquiries into appeals

- (1) The Director-General shall refer an appeal which has been noted terms of regulation 9(1), for inquiry and a report to an officer of the department other than the excecutive[sic] officer or another officer concerned in the refusal or conduct against which that appeal is brought.
- (2) An appellant may request or be requested to appear before the officer concerned at an inquiry referred to in subregulation (1) to be heard and questioned, and he may be assisted or represented by a legal representative.
- (3) A request in terms of subregulation (2) by an appellant to appear before the officer concerned to be heard and questioned shall be made in writing and shall accompany the appeal concerned.



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- (4) An appellant shall be notified in writing of the date on which, the time at which and the place at which he is to appear before the officer designated to report on an appeal, to be heard and questioned.
- (5) The Director-General shall submit each appeal and his recommendation, thereanent, together with the report of the officer who conducted the investigation referred to in subregulation (1), as well as all other relevant documents, to the Minister for consideration.

11. Address for noting of appeals

An appeal which is noted in terms of regulation 9(1) shall be-

- (a) forwarded by post and be addressed to the Minister of Agriculture, Private Bag X250, Pretoria, 0001; and or
- (b) delivered by hand to the Minister of Agriculture, 600 Lillian Ngoyi, Berea Park, Pretoria. (Regulation 11 substituted by GNR 5710 dated 20 December 2024)

PART V: GENERAL

12**.**

(Regulation 12 repealed by GNR 75 of 1991)

13. Payment of fees

- (1) The cost of any application or other document which is submitted or furnished in terms of these regulations, as well as on or of anything pertaining thereto, shall be paid by the sender thereof.
- (2) Any amount which is payable in terms of these regulations shall be paid by cash or at the bank and proof of payment submitted together with such document to the executive officer.
- (3) The amount referred to in regulation 9(3) shall be paid in cash or electronic payments.
- (4) Subject to the provisions of section 11(3) of the Act, an amount which has been paid in terms of these regulations shall not be refunded.

(Regulation 13 substituted by GNR 5710 dated 20 December 2024)

14. Address for the submission of documents

An application, notice or document, as well as anything else pertaining thereto, which is in terms of the Act or these regulations is required to be submitted to the executive officer shall be-



- (a) forwarded by post, addressed to the Director: Plant Health; Directorate Plant Health, Private Bag
 X 14, Gezina 0031 and or P.O Box 40024, Gezina 0031; or
- (b) delivered by hand to the Director Plant Health, Harvest House, 30 Hamilton Street, Arcadia, Pretoria.

(Regulation 14 substituted for 14(1) by GNR 1637 of 1995) (Regulation 14 substituted by GNR 5710 dated 20 December 2024)

15. Commencement

These regulations shall come into operation on 1 February 1984.

ANNEXURE

AGRICULTURAL PESTS ACT, 1983 (ACT 36 OF 1983)

APPLICATION FOR A PERMIT TO IMPORT CONTROLLED GOODS

(*Note.*-This form shall be submitted in triplicate to the Director, Division of Plant and Seed Control, Private Bag X179, Pretoria, 0001, at least 30 days prior to the date of arrival of the article concerned in the Republic.)

I hereby apply for a permit in terms of section 3 of the Agricultural Pests Act, 1983 (Act 36 of 1983), to import the controlled goods of which the particulars appear hereunder into the Republic:

*Description	Name of	Quantity	F.O.B. value	Full name	Port of entry	Purpose for
of controlled	variety of	(number or	(Rand)	and address		which
goods	plant (where	mass)		of foreign		imported
intended for	applicable)			supplier		
import						

Country of origin
Full name of applicant
Address of applicant



.....

Signature of applicant

Date

.....

* In the case of a plant, pathogen, insect or exotic animal the common name as well as the scientific name thereof shall be specified.

TABLE 1 FEES PAYABLE

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and Public holidays thereof including travelling (iii) Supervision over cleaning, disinfection or treatment of			Saturdays from 06:00 – 20:00	thereof including travelling
(iii) Supervision over cleaning, disinfection or treatment of	<u> </u>		Weekdays and Saturdays from 20:00 – 06:00 Sundays	R 580.00 for 30 minutes or portion
			and Public holidays	thereof including travelling
imported controlled goods		(iii)	Supervision over cleaning, disinfection or treatment of	
			imported controlled goods	



		NATURE OF SERVICE	TARIFF
		1	2
		Weekdays from 16:00 – 20:00/06:00 – 07: 30 and	R 450.00 for 30 minutes or portion
		Saturdays from 06:00 – 20:00	thereof including travelling
		Weekdays and Saturdays from 20:00 – 06:00 Sundays	R 580.00 for 30 minutes or portion
		and Public holidays	thereof including travelling
(C)	Labo	ratory tests	
	Labo	ratory examinations of imported controlled goods:	
	(i)	Test for occurrence of bacteria	R 362.00 per isolation
	(ii)	Test for occurrence of fungi	R 257.00 per isolation
	(iii)	Test for occurrence of nematodes	R 176.00 per extraction
	(iv)	Test for occurrence of insects or mites	R 188.00 per sample
	(v)	Morphological identifications of insects, mites,	R 362.00 per identification
		nematodes or fungi	
	(vi)	Biochemical tests for the identification of bacteria	R 303.00 per test
	(vii)	BIOLOG tests for the identification of bacteria	R 381.00 per test plate
	(viii)	PCR tests for the identification and/or detection of	R 673.00 per sample for the first test
		bacteria, fungi, nematodes, insects, mites, viruses and	plus R121.00 for every additional
		phytoplasmas	test
	(ix)	Sequencing for the identification of bacteria fungi,	R 507.00 per sample
		nematodes, insects, phytoplasmas	
	(x)	ELISA tests for identification and/or detection of viruses	R 184.00 per test
	(xi)	Herbaceous indexing for the detection of viruses	R 323.00 per sample
2.	Quar	antine	
2.1	Appro	oval of quarantine facilities (outside/ open quarantine) for	R 330.00 for 30 minutes or portion
	evalu	ation of imported controlled goods	thereof
2.2	Trans	sport, sampling, examination and inspection of imported	R 645.00 for 30 minutes or portion
	contr	olled goods	thereof
2.3	Labo	ratory examinations of imported controlled goods (except	
	contr	olled goods in DALRRD post entry quarantine stations)	
	(i)	Test occurrence of bacteria	R 362.00 per isolation
	(ii)	Test occurrence of fungi	R 257.00 per isolation
	(iii)	Test occurrence of nematodes	R 176.00 per extraction
	(iv)	Test occurrence of insects and mites	R 188.00 per sample
	(v)	Morphological identification of insects, mites,	R 362.00 per identification
		nematodes or fungi	
	(vi)	Biochemical tests for the identification of bacteria	R 303.00 per test
	(vii)	BIOLOG tests for the identification of bacteria	R 381.00 per test plate
	(viii)	PCR tests for the identification of and/or detection of	R 673.00 per sample for the first test
		bacteria, fungi, nematodes, insects, mites, viruses and	plus R 121.00 for every additional
		phytoplasmas	test



		NATURE OF SERVICE	TARIFF
		1	2
	(ix)	Sequencing for the identification of bacteria, fungi,	R 507.00 per sample
		nematodes, insects, mites, viruses and phytoplasmas	
	(x)	ELISA tests for identification and/or detection of viruses	R 184.00 per test
	(xi)	Herbaceous indexing for the detection of viruses	R 323.00 per sample
2.4	Inspe	ection of a quarantine area in respect of which an	R 310.00 for 30 minutes or portion
	appli	cation, adaptation or withdrawal of an instruction has	thereof including travelling
	been	submitted [Reg. 8(a)]	
2.5	Test,	examination or analysis of a sample taken in the course	
	of a	n examination as intended in 2.4 [Reg.8 (b) of the	
	Regu	llations]	
	(i)	Test occurrence of bacteria	R 362.00 per isolation
	(ii)	Test occurrence of fungi	R 257.00 per isolation
	(iii)	Test occurrence of nematodes	R 176.00 per extraction
	(iv)	Test occurrence of insects and mites	R 188.00 per sample
	(v)	Morphological identifications of insects, mites,	R 362.00 per identification
		nematodes or fungi	
	(vi)	Biochemical tests for the identification of bacteria	R 303.00 per test
	(vii)	BIOLOG tests for the identification of bacteria	R 381.00 per test plate
	(viii)	PCR tests for the identification and/or detection of	R 673.00 per sample for the first test
		bacteria, fungi, nematodes, insects, mites, viruses and	plus R 121.00 for every additional
		phytoplasmas	test
	(ix)	Sequencing for the identification of bacteria, fungi,	R 507.00 per sample
		nematodes, insects, mites, viruses and phytoplasmas	
	(x)	ELISA tests for identification and/or detection of viruses	R 184.00 per test
	(xi)	Herbaceous indexing for the detection of viruses	R 323.00 per sample
3.	Арре	eal in terms of section 11 of the Act [Reg. 9(3) of the	R 9 200.00 per appeal
	Regu	llations]	
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(Table 1 substituted by GNR 2573 of 1985)

(Table 1 substituted by GNR 100 of 1987)
(Table 1 substituted by GNR 1521 of 1989)
(Table 1 substituted by GNR 75 of 1991)
(Table 1 substituted by GNR 1637 of 1995)
(Table 1 substituted by GNR 1471 of 1998)
(Table 1 substituted by GNR 665 of 1999)
(Table 1 substituted by GNR 614 of 2000)
(Table 1 substituted by GNR 396 of 2001)
(Table 1 substituted by GNR 367 of 2002)
(Table 1 substituted by GNR 464 of 2003)

(Table 1 substituted by GNR 143 of 2004)



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(Table 1 substituted by GNR 244 of 2005) (Table 1 substituted by GNR 228 of 2006) (Table 1 substituted by GNR 42 of 2007) (Table 1 substituted by GNR 118 of 2008) (Table 1 substituted by GNR 257 of 2009) (Table 1 substituted by GNR 73 of 2010) (Table 1 substituted by GNR 190 of 2011) (Table 1 substituted by GNR 130 of 2012) (Table 1 substituted by GNR 77 of 2013) (Table 1 substituted by GNR 1003 of 2013) (Table 1 substituted by GNR 50 of 2015) (Table 1 substituted by GNR 67 of 2016) (Table 1 substituted by GNR 134 of 2017) (Table 1 substituted by GNR 1417 of 15 December 2017) (Table 1 substituted by GNR 276 of 1 March 2019) (Table 1 substituted by GNR 167 of 14 February 2020) (Table 1 substituted by GN 224 of 19 March 2021) (Table 1 substituted by GNR 1774 of 25 February 2022) (Table 1 substituted by GNR 3055 dated 17 February 2023) (Table 1 substituted by GNR 4436 dated 1 March 2024, with effect from 1 April 2024) (Table 1 substituted by GNR 5710 dated 20 December 2024, with effect from 1 April 2024) (Table 1 substituted by GNR 5964 dated 7 March 2025, with effect from 1 April 2025)

TABLE 2 PORTS OF ENTRY

1.	The harbours of -	Cape Town, Durban, East London, Ggeberha (Port
		Elizabeth), Ngqura, and Richards Bay.
2.	The container depots at-	Cape Town, City Deep, Durban, East London and Terminals
		(Pretcon and Eastcon).
3.	The International airports-	Cape Town International Airport, King Shaka International
		Airport, Kruger Mpumalanga International Airport, Lanseria
		International Airport, O.R. Tambo (Johannesburg)
		International Airport and Chief Dawid Stuurman (Port
		Elizabeth) International Airport
4.	The border control ports at-	Beitbridge, Caledonspoort, Ficksburg Bridge, Golela,
		Grobler's Bridge, Jeppes Reef, Kopfontein, Kosi Bay,
		Lebombo, Mahamba, Mananga, Maseru Bridge, Nakop,
		Nerston, Oshoek, Qacha's Nek, Ramatlabama, Skilpadshek,
		Van Rooyen's Hek and Vioolsdrift.

(Table 2 substituted by GNR 5710 dated 20 December 2024, with effect from 1 April 2024)

