

CHAPTER 18:18

SERICULTURE ACT

Act 25/1989, 22/2001 (s. 4).

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AN ACT to regulate and control the production, breeding, rearing, reeling, twisting and marketing of silkworm seed, cocoons and raw silk; and to provide for matters connected with, or incidental to, the foregoing.

[Date of commencement: 9th February, 1990.]

PART I

PRELIMINARY

1 Short title

This Act may be cited as the Sericulture Act [*Chapter 18:18*].

2 Interpretation

In this Act—

“breeder” means a person who is engaged in the rearing of silkworms for the production of silkworm seed;

“cocoon” means a silk shell spun by a silkworm larva, whether green, yellow, white, dried, stuffed or in any other condition, but does not include a pierced cocoon, that is to say a cocoon shell from which an adult moth has emerged;

“disease” means any disease or symptom affecting silkworms which is declared in terms of section *seven* to be a disease for the purposes of this Act;

“inspector” means a person designated as an inspector in terms of section *ten*;

“Minister” means the Minister of Agriculture or any other Minister to whom the President may, from time to time, assign the administration of this Act;

“raw silk” includes silk yarn reeled off cocoons and twisted silk yarn;

“rearer” means a person who is engaged in the rearing of silkworm for the production of cocoons;

“reeler” means a person who unravels and reels silk yarn from cocoons;

“registered buyer” means a person who is registered to buy cocoons or raw silk;

“silkworm” means the caterpillar of the mulberry silk moth *Bombyx mori*;

“silkworm seed” means the eggs of the silk moth *Bombyx mori*;

“twister” means a person who is in charge of an establishment in which twisted silk yarn is produced.

PART II

REGISTRATION AND CONTROLS

3 Registering officer

Where the Minister has published a notice in terms of section *four* requiring all breeders, buyers, rearers, reelers or twisters or any class of breeders, rearers, reelers or twisters to register, there shall be a registering officer who shall be responsible for their registration in terms of this Act and his office shall be a public office and form part of the Public Service.

4 Registration of breeders, buyers, rearers, reelers and twisters

(1) The Minister may from time to time, by statutory instrument, require all breeders, buyers, rearers, reelers or twisters or any class of breeders, rearers, reelers or twisters, to register with the registering officer in terms of this section.

(2) Where the Minister has published a statutory instrument in terms of subsection (1), every breeder, buyer, rearer, reeler or twister required to register in terms thereof shall—

(a) before performing any act as a breeder, buyer, rearer, reeler or twister, register with the registering officer, in such manner as may be specified in the statutory instrument, his name and the address of the premises at or from which he breeds or rears silkworms or carries on business, as the case may be:

Provided that any such breeder, buyer, rearer, reeler or twister who was acting as such before the date of commencement of the statutory instrument shall register himself with the registering officer in terms of this paragraph not later than one month after the date of commencement of the statutory instrument;

(b) at the time of registration, furnish to the registering officer such information in addition to his name and address as may be specified in the statutory instrument; and

(c) furnish to the registering officer, in writing, details of any changes to the particulars furnished by him in terms of paragraph (a) or (b) as they occur from time to time.

(3) The registering officer may cancel the registration of any person if such person—

(a) has, in the opinion of the registering officer, not carried on business in the capacity in which he was registered for a period of twelve months or more; or

(b) has notified the registering officer of his intention to discontinue the operations in respect of which he has been registered and has made written application for the removal of his name from the register; or

(c) has furnished false information in terms of subsection (2), or has failed to furnish any of the information required by, or in terms of, subsection (2).

(4) Before a registering officer cancels the registration of any person in terms of paragraph (a) or (c) of subsection (3), he shall call upon the person whose registration is to be cancelled to make such representations in writing as he may wish to make in regard to the proposed cancellation.

(5) A person whose registration has been cancelled under subsection (3) shall continue to be bound by all the obligations, conditions and restrictions affecting him as a registered person under this Act until he has received, in writing, notice from the registering officer to the effect that his registration has been cancelled.

(6) Any person who is aggrieved by the cancellation of his registration in terms of subsection (3) may appeal to the Minister, who may give such decision in the matter as he thinks appropriate.

(7) Any person who, being required to register in terms of this section—

(a) fails to register; or

(b) furnishes false information in terms of subsection (2); or

(c) fails to furnish any of the information required by or in terms of subsection (2);

shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

[Subsection as amended by section 4 of Act No. 22 of 2001]

5 Restrictions on disposal of cocoons, silkworm seed and raw silk and reeling of cocoons

(1) Where the Minister has in terms of section *four* required all breeders, buyers, rearers, reelers or twisters or any class of breeders, rearers, reelers or twisters to be registered—

(a) no registered rearer shall sell or otherwise dispose of cocoons except to a registered reeler, registered twister or registered buyer;

(b) no registered reeler or registered twister shall sell or otherwise dispose of raw silk produced by him except to a registered buyer and in accordance with such terms and conditions as to the disposal of such raw silk as the Minister may from time to time impose;

(c) no person other than a registered buyer shall buy cocoons or raw silk from any person;

(d) no rearer or, where a class of rearers is required to be registered, no rearer of that class, shall reel cocoons for hire or reward unless he is registered.

(2) Any person who contravenes this section shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

[Subsection as amended by section 4 of Act No. 22 of 2001]

6 Restriction on varieties of silkworm which may be reared in, or imported into, an area

(1) In this section—

“prohibited variety of silkworm”, in relation to an area of silkworm specified in a statutory instrument in terms of subsection (2), means a variety of silkworm other than a variety which, in terms of the statutory instrument, may be reared in that area.

(2) The Minister may, by statutory instrument, specify the variety or varieties of silkworms that may be reared in any area specified in the order.

(3) The Minister may give written authority to a person—

- (a) to rear a prohibited variety of silkworm in any area; or
- (b) to import a prohibited variety of silkworm into any area;

and, in granting such authority, the Minister may impose such terms and conditions as he thinks fit.

(4) No person shall—

- (a) rear a prohibited variety of silkworm in any area; or
- (b) import, whether in transit or otherwise, a prohibited variety of silkworm into any area;

unless he has been authorized thereto in terms of subsection (3) and he complies with any terms and conditions imposed in terms of that subsection.

(5) The Minister may direct a person who is rearing or has in his possession a prohibited variety of silkworm in any area to destroy it or dispose of it and, in giving such direction, the Minister may specify the manner in which such silkworms shall be destroyed or disposed of:

Provided that this subsection shall not apply in relation to silkworms which are being reared or have been imported by a person who has been authorized thereto in terms of subsection (3) and who has complied with any terms and conditions imposed in terms of that subsection.

(6) Any person who contravenes—

- (a) subsection (4); or
- (b) any directions given to him in terms of subsection (5);

shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

[Subsection as amended by section 4 of Act No. 22 of 2001]

PART III

CONTROL OF DISEASES

7 Declaration of diseases

The Minister may, by statutory instrument, declare any disease or symptom affecting silkworms to be a disease for the purposes of this Act, whether or not caused by, or consisting of, the presence of any insect, fungus, bacteria or virus.

8 Disease areas

(1) The Minister may, by statutory instrument—

- (a) declare any area in which any disease exists to be a disease area;
- (b) prohibit, either absolutely or subject to conditions, the sending or bringing of silkworms or cocoons into any disease area, or the sending or removal from a disease area of silkworms or cocoons;
- (c) require rearers within a disease area to register in the prescribed manner and form.

(2) Any person who contravenes any notice made in terms of subsection (1) shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

[Subsection as amended by section 4 of Act No. 22 of 2001]

9 Notification and control of disease

(1) If a rearer discovers or has reasonable grounds for believing that any silkworms in his custody are diseased—

- (a) he shall, as soon as possible, notify the Minister of that fact in the prescribed manner and form; and
- (b) he shall not sell, remove, give away or dispose of the silkworms except in accordance with an order in terms of subsection (3), or with the approval of an inspector.

(2) Where an inspector is of the opinion that any silkworms are diseased, he may, by order in writing to the rearer of the silkworms—

- (a) prohibit the removal of the silkworms from the place where they are situated, until the disease has been shown, to the satisfaction of the inspector, to have been eradicated; and

(b) direct the rearer to take such measures as may be specified in the order to eradicate the disease and to prevent its spread to other silkworms.

(3) If an inspector certifies to the Minister in writing that any silkworms are diseased and, in his opinion, are a danger to other silkworms and ought to be destroyed, the Minister may, by order in writing, direct the rearer to destroy them in such manner and within such period as may be specified in the order.

(4) If a person to whom an order has been given in terms of subsection (3) fails to destroy the silkworms concerned in compliance with such order, an inspector may destroy the silkworms at the expense of that person.

(5) Any person who contravenes—

(a) subsection (1); or

(b) any provision of an order in terms of subsection (2) or (3) with which it is his duty to comply;

shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

[Subsection as amended by section 4 of Act No. 22 of 2001]

PART IV

GENERAL

10 Inspectors

(1) Subject to the laws relating to the Public Service, the Minister may designate persons as inspectors for the purposes of this Act.

(2) A person designated as an inspector in terms of subsection (1) shall be issued with a written authority signed by or on behalf of the Minister stating that he has been designated as an inspector.

(3) An inspector shall forthwith produce for inspection the written authority issued to him in terms of subsection (2) if he is requested to do so by any person affected by the exercise of his functions in terms of this Act.

11 Powers of police officers and inspectors

(1) A police officer or an inspector may, if he has reasonable grounds for believing that it is necessary to do so for the prevention, investigation or detection of an offence in terms of this Act—

(a) at all reasonable times, enter and search any premises in which there are known, or reasonably suspected, to be any silkworms, silkworm seed, cocoons or raw silk or any documents or articles relating thereto;

(b) stop and search any vehicle known to contain or reasonably suspected of containing silkworms, silkworm seed, cocoons or raw silk;

(c) require any person known to be, or reasonably suspected of being, a breeder, rearer, reeler, twister or buyer of raw silk to produce for inspection any document relating to the breeding or rearing of silkworms or the production of raw silk;

(d) for as long as may be necessary for the purposes of any examination, investigation, trial or inquiry, take possession of any document or article relating to the breeding or rearing of silkworms or the production of raw silk:

Provided that, if any such article cannot reasonably be removed by the police officer or inspector, he may declare it to be secured in the place where he found it;

(e) require any person reasonably suspected of having committed an offence in terms of this Act, or any person who may be able to supply information in connection with a suspected offence, to give his name and address.

(2) A police officer or inspector who takes possession of, or secures, any document or article in terms of subsection (1) shall give a receipt to the person from whose custody such document or article has been taken, or in whose premises the article has been secured, as the case may be.

(3) Any person who—

(a) without the written authority of a police officer or inspector, removes a secured article from the place in which it has been secured in terms of subsection (1); or

(b) hinders or obstructs a police officer or inspector in the performance of his functions in terms of this Act; shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

[Subsection substituted by section 4 of Act No. 22 of 2001]

12 Regulations

(1) The Minister may, by regulation, prescribe all matters which by this Act are required or permitted to be prescribed or which, in his opinion, are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) Regulations made in terms of subsection (1) may provide for any of the following matters—

(a) the orderly breeding and rearing of silkworms and the orderly marketing of cocoons and raw silk;

(b) the prices payable for silkworm seed, cocoons or raw silk;

- (c) the varieties and, where necessary, the quantities of silkworms to be reared in any area;
- (d) the importation and exportation of silkworm seed;
- (e) the exportation of cocoons or raw silk;
- (f) the maximum area in which any breeder or rearer may breed or rear silkworms during any period;
- (g) the standards of quality, classification, grading and placing of any silkworm seed, cocoons or raw silk which may be sold by any person;
- (h) the keeping by breeders, rearers, reelers, twistors, buyers or any other person, of—
 - (i) any record, book or document in respect of his transactions in silkworms, silkworm seed, cocoons or raw silk;
 - (ii) any consignment or delivery note relating to the movement of silkworms, silkworm seed, cocoons or raw silk;
 - (iii) the forms and manner of issue of any documents required under this Act.

(3) Regulations made in terms of subsection (1) may provide for penalties for the contravention thereof, but no such penalty shall exceed a fine of level four or imprisonment for a period of three months or both such fine and such imprisonment.

[Subsection as amended by section 4 of Act No. 22 of 2001]