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Contents

<i>No.</i>	<i>Gazette No.</i>	<i>Page No.</i>
------------	------------------------	---------------------

PROCLAMATIONS • PROKLAMASIES**Home Affairs, Department of / Binnelandse Sake, Departement van**

89	Border Management Act, 2020 (Act No. 2 of 2020): Transfer of administration and powers or functions entrusted by Legislation to certain Cabinet members in terms of section 97 of the Constitution	46868	3
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PROCLAMATIONS • PROKLAMASIES

PROCLAMATION 89 OF 2022

by the
President of the Republic of South Africa

**TRANSFER OF ADMINISTRATION AND POWERS OR FUNCTIONS ENTRUSTED BY
LEGISLATION TO CERTAIN CABINET MEMBERS IN TERMS OF SECTION 97 OF
THE CONSTITUTION**

In terms of section 97 of the Constitution of the Republic of South Africa, 1996, I hereby transfer the administration and the powers or functions entrusted by legislation, and all amendments thereto, to be exercised or performed within the border law enforcement area and at ports of entry, as defined in the Border Management Authority Act, 2020 (Act No. 2 of 2020), to the specified Cabinet member as set out in the Schedule in English and isiSwati with effect from the date of publication of this Proclamation in the *Gazette*.

Given under my Hand and the Seal of the Republic of South Africa at *Johannesburg* this
30.....day of *August*.....two Thousand and Twenty-Two.

President

By Order of the President-in-Cabinet:


Minister of the Cabinet: Home Affairs


Minister of the Cabinet: Health


Minister of the Cabinet: Agriculture, Land Reform and Rural Development


Minister of the Cabinet: Forestry, Fisheries and the Environment

SIMEMETELO**sa****Mengameli weRiphabhuliki yeNingizimu Afrika****KUNDLULISA KUPHATSA NEMANDLA KANYE NEMISEBENTI LENIKETWE
NGUMTSETFO KUMALUNGA EKHABHINETHI LATSITE NGEKULANDZELA
SIGABA 97 SEMTSETFOSISEKELO**

Ngekwesigaba 97 seMtsetfosisekelo weRiphabhuliki yaseNingizimu Afrika, 1996, ngindlulisa kuphatsa kanye nemandla nobe imisebenti leniketwe ngumtsetfo, kanye netichibiyelo takhona, kwekutsi isetjentwe nobe yentiwe ngekhatsi kwendzawo yokuphokelela umtsetfo wemnye kanye nasetindzaweni tekungena eveni, njengobe tichaziwe ku-*Border Management Authority Act, 2020* (Umtsetfo nombolo 2 wanga-2020), kulilunga leKhabhinethi lelitsite njengobe kubekiwe kuShejuli ngeSingisi nangeSizulu kusukele ngelusuku lwekushicilelwa kwaleSimemetelo kuGazethi.

Siniketwe ngaphasi kweSandla sami nangeLuphawu lweRiphabhuliki yeNingizimu Afrika e Johannesburg ngamhlaka 30 enyangeni ya INGCI,
Kutinkhulungwane Letimbili Nemashumi Lamabili Nakubili.

**Mengameli****NgeMyalo waMengameli-kuKhabhinethi:**

2

Indvuna yeKhabhinethi: Tasekhaya

Indvuna yeKhabhinethi: Temphilo

Indvuna yeKhabhinethi: Tekulima, Tingucuko Kutemhlaba Nekutfufukiswa
Kwasemaphandleni

Indvuna yeKhabhinethi: Temahlatsi, Tetinhlantl Netemvelo

SCHEDULE

1. The administration of legislation, and powers or functions mentioned in Column 1, entrusted to the Cabinet member mentioned in Column 2, of the table below, which legislation, powers or functions pertain to, and are to be exercised or performed within, the border law enforcement area and at ports of entry, are hereby transferred to the Cabinet member mentioned in Column 3 of the table, to the extent mentioned in Column 3.

1.1 AGRICULTURE RELATED LEGISLATION:

Column 1	Column 2	Column 3
Legislation	Cabinet member previously responsible	Cabinet member to whom administration of legislation, power or function is transferred and extent of transfer
Agricultural Pests Act, 1983 (Act No. 36 of 1983): <ul style="list-style-type: none"> • Section 3(1); • Section 3(2); • Section 4(1); • Section 4(2); • Section 4(3); • Section 4(4); and • Section 9(4); 9(5); 9(6) and 9(7). 	Minister of Agriculture, Land Reform and Rural Development	Minister of Home Affairs, in so far as the administration of the sections, or powers or functions entrusted by those sections referred to in Column 1, pertain to, or are to be exercised or performed within, the border law enforcement area and at ports of entry, as defined in the Border Management Authority Act, 2020 (Act No. 2 of 2020).
Agricultural Product Standards Act, 1990 (Act No. 119 of 1990): <ul style="list-style-type: none"> • Section 4; and • Section 4A(1), read in conjunction with section 3A. 	Minister of Agriculture, Land Reform and Rural Development	Minister of Home Affairs, in so far as the administration of the sections, or powers or functions entrusted by those sections referred to in Column 1, pertain to, or are to be exercised or performed within, the border law enforcement area and at ports of entry, as defined in the Border Management Authority Act, 2020 (Act No. 2 of 2020).
Animal Diseases Act, 1984 (Act No. 35 of 1984): <ul style="list-style-type: none"> • Section 6; • Section 8; • Section 16; and • Section 17. 	Minister of Agriculture, Land Reform and Rural Development	Minister of Home Affairs, in so far as the administration of the sections, or powers or functions entrusted by those sections referred to in Column 1, pertain to, or are to be exercised or performed within, the border law enforcement area and at ports of entry, as defined in the Border Management Authority Act, 2020 (Act No. 2 of 2020).

Column 1	Column 2	Column 3
Legislation	Cabinet member previously responsible	Cabinet member to whom administration of legislation, power or function is transferred and extent of transfer
Animal Health Act, 2002 (Act No. 7 of 2002): <ul style="list-style-type: none"> Sections 8, 9 and 10; and Section 19. 	Minister of Agriculture, Land Reform and Rural Development	Minister of Home Affairs, in so far as the administration of the sections, or powers or functions entrusted by those sections referred to in Column 1, pertain to, or are to be exercised or performed within, the border law enforcement area and at ports of entry, as defined in the Border Management Authority Act, 2020 (Act No. 2 of 2020).
Animal Improvement Act, 1998 (Act No. 62 of 1998): <ul style="list-style-type: none"> Section 13(1)(b); Section 16(1); Section 17(1); and Section 25(1)(e), (k) and (m), read in conjunction with section 25(1)(e)(iii), (k)(iii) and 25(1)(m)(iii). 	Minister of Agriculture, Land Reform and Rural Development	Minister of Home Affairs, in so far as the administration of the sections, or powers or functions entrusted by those sections referred to in Column 1, pertain to, or are to be exercised or performed within, the border law enforcement area and at ports of entry, as defined in the Border Management Authority Act, 2020 (Act No. 2 of 2020).
Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act No. 36 of 1947): <ul style="list-style-type: none"> Section 16(1); 16(3); 16(4); 16(5) and 16(6) 	Minister of Agriculture, Land Reform and Rural Development	Minister of Home Affairs, in so far as the administration of the sections, or powers or functions entrusted by those sections referred to in Column 1, pertain to, or are to be exercised or performed within, the border law enforcement area and at ports of entry, as defined in the Border Management Authority Act, 2020 (Act No. 2 of 2020).
Genetically Modified Organisms Act, 1997 (Act No. 15 of 1997): <ul style="list-style-type: none"> Section 16 	Minister of Agriculture, Land Reform and Rural Development	Minister of Home Affairs, in so far as the administration of the sections, or powers or functions entrusted by those sections referred to in Column 1, pertain to, or are to be exercised or performed within, the border law enforcement area and at ports of entry, as defined in the Border Management Authority Act, 2020 (Act No. 2 of 2020).
Liquor Products Act, 1989 (Act No. 60 of 1989): <ul style="list-style-type: none"> Section 3(1); Section 16(1); Section 17(1); Section 18; and Section 19. 	Minister of Agriculture, Land Reform and Rural Development	Minister of Home Affairs, in so far as the administration of the section, or powers or functions entrusted by the sections referred to in Column 1, pertain to, or are to be exercised or performed within, the border law enforcement area and at ports of entry, as defined in the Border Management Authority Act, 2020 (Act No. 2 of 2020).

Column 1	Column 2	Column 3
Legislation	Cabinet member previously responsible	Cabinet member to whom administration of legislation, power or function is transferred and extent of transfer
Meat Safety Act, 2000 (Act No. 40 of 2000): <ul style="list-style-type: none"> • Section 13(1); • Section 13(6), 13(7) and 13(8); • Section 14(1); • Section 14(7); and • Section 16. 	Minister of Agriculture, Land Reform and Rural Development	Minister of Home Affairs, in so far as the administration of the sections, or powers or functions entrusted by those sections referred to in Column 1, pertain to, or are to be exercised or performed within, the border law enforcement area and at ports of entry, as defined in the Border Management Authority Act, 2020 (Act No. 2 of 2020).
Perishable Products Export Control Act, 1983 (Act No. 9 of 1983): <ul style="list-style-type: none"> • Section 11(a) 	Minister of Agriculture, Land Reform and Rural Development	Minister of Home Affairs, in so far as the administration of the sections, or powers or functions entrusted by those sections referred to in Column 1, pertain to, or are to be exercised or performed within, the border law enforcement area and at ports of entry, as defined in the Border Management Authority Act, 2020 (Act No. 2 of 2020).
Plant Improvement Act, 1976 (Act No. 53 of 1976): <ul style="list-style-type: none"> • Sections 24A; • Section 25(1); • Section 25(6) to (8); • Section 26(1); • Section 26(2)(a)(i); • Section 26(3) to (7); and • Section 27(1). 	Minister of Agriculture, Land Reform and Rural Development	Minister of Home Affairs, in so far as the administration of the sections, or powers or functions entrusted by those sections referred to in Column 1, pertain to, or are to be exercised or performed within, the border law enforcement area and at ports of entry, as defined in the Border Management Authority Act, 2020 (Act No. 2 of 2020).

1.2 HEALTH RELATED LEGISLATION:

Column 1	Column 2	Column 3
Legislation	Cabinet member previously responsible	Cabinet member to whom legislation, power or function is transferred and extent of transfer
Foodstuffs, Cosmetics & Disinfectants Act, 1972 (Act No. 54 of 1972): <ul style="list-style-type: none"> • Sections 2; • Section 4(c); • Section 5(b) and (c); • Section 6; • Section 9; • Section 10(3); • Section 11; 	Minister of Health	Minister of Home Affairs, in so far as the administration of the sections, or powers or functions entrusted by those sections referred to in Column 1, pertain to, or are to be exercised or performed within, the border law enforcement area and at ports of entry, as defined in the Border Management Authority Act, 2020 (Act No. 2 of 2020).

Column 1	Column 2	Column 3
Legislation	Cabinet member previously responsible	Cabinet member to whom legislation, power or function is transferred and extent of transfer
<ul style="list-style-type: none"> • Section 14(1) and (2); • Section 18; and • Section 19. 		
Hazardous Substances Act, 1973 (Act No. 15 of 1973): <ul style="list-style-type: none"> • Section 3A(1); • Section 8(3); • Section 9; • Section 9A and 9B; • Section 12(1) and (2); • Section 13; • Section 14; • Section 15; • Section 17; • Section 18; • Section 27; and • Section 28. 	Minister of Health	Minister of Home Affairs, in so far as the administration of the sections, or powers or functions entrusted by those sections referred to in Column 1, pertain to, or are to be exercised or performed within, the border law enforcement area and at ports of entry, as defined in the Border Management Authority Act, 2020 (Act No. 2 of 2020).
International Health Regulations Act, 1974 (Act No. 28 of 1974): Part III: <ul style="list-style-type: none"> • Articles 14, 15, 16, 17(1), 17(3), 19(2), 20 and 23; Part IV: <ul style="list-style-type: none"> • Chapters III, IV and V Part V: <ul style="list-style-type: none"> • Chapter I: Articles 51, 52, 53, 54, 55, 56, 57, 58, 59, 60 and 61; • Chapter II: Articles 62, 63, 64, 65, 66, 67, 68, 69, 70 and 71; • Chapter III: Articles 72, 73, 74, 75, 76 & 77, 78, 79, 80, 81 and 82; and • Chapter IV: Articles 83, 84, 85, 86 & 87 and 88; and Part VI: <ul style="list-style-type: none"> • Articles 89, 90, 91, 93 and 94. 	Minister of Health	Minister of Home Affairs, in so far as the administration of the sections, or powers or functions entrusted by those sections referred to in Column 1, pertain to, or are to be exercised or performed within, the border law enforcement area and at ports of entry, as defined in the Border Management Authority Act, 2020 (Act No. 2 of 2020).
National Health Act, 2003 (Act No. 61 of 2003): <ul style="list-style-type: none"> • Section 57(3); • Section 80; 	Minister of Health	Minister of Home Affairs, in so far as the administration of the sections, or powers or functions entrusted by those sections referred to in Column 1, pertain to, or are to be exercised

Column 1	Column 2	Column 3
Legislation	Cabinet member previously responsible	Cabinet member to whom legislation, power or function is transferred and extent of transfer
<ul style="list-style-type: none"> • Section 81; • Section 82; • Section 83; • Section 84; • Section 85; • Section 86; • Section 87; • Section 88; and • Section 89. 		or performed within, the border law enforcement area and at ports of entry, as defined in the Border Management Authority Act, 2020 (Act No. 2 of 2020).
Tobacco Products Control Act, 1993 (Act No. 83 of 1993): <ul style="list-style-type: none"> • Section 3(7); • Section 3A(1); and • Section 7(3). 	Minister of Health	Minister of Home Affairs, in so far as the administration of the sections, or powers or functions entrusted by those sections referred to in Column 1, pertain to, or are to be exercised or performed within, the border law enforcement area and at ports of entry, as defined in the Border Management Authority Act, 2020 (Act No. 2 of 2020).

1.3 ENVIRONMENT, MARINE AND FORESTRY RELATED LEGISLATION:

Column 1	Column 2	Column 3
Legislation	Cabinet Member previously responsible	Cabinet member to whom function is transferred and extent of transfer
National Environmental Management Biodiversity Act, 2004 (Act No. 10 of 2004): <ul style="list-style-type: none"> • Section 57(1), (1A), (2) and (3) and (4)(a); • Section 65(1); • Section 67(1) and (2); • Section 71(1); • Section 71A(1); • Section 81(1)(b); • Section 101(1)(a) and (b); • Section 101(2) and (3); and • Section 102(2) and (2A). 	Minister of Forestry, Fisheries and the Environment	Minister of Home Affairs, in so far as the administration of the sections, or powers or functions entrusted by those sections referred to in Column 1, pertain to, or are to be exercised or performed within, the border law enforcement area and at ports of entry, as defined in the Border Management Authority Act, 2020 (Act No. 2 of 2020).
National Environmental Management: Integrated	Minister of Forestry, Fisheries and the Environment	Minister of Home Affairs, in so far as the administration of the sections, or powers or functions entrusted by those sections referred to in Column

Column 1	Column 2	Column 3
Legislation	Cabinet Member previously responsible	Cabinet member to whom function is transferred and extent of transfer.
Coastal Management Act, 2008 (Act No. 24 of 2008): <ul style="list-style-type: none"> • Section 70(1)(b) and (c); • Section 79(1)(b), (c), (d) and (e); and • Section 80(1). 		1, pertain to, or are to be exercised or performed within, the border law enforcement area and at ports of entry, as defined in the Border Management Authority Act, 2020 (Act No. 2 of 2020).
National Forests Act, 1998 (Act No. 30 of 1998): <ul style="list-style-type: none"> • Section 7(1); and • Section 15(1); • Section 58(1) and (2); • Section 62(1); and • Section 62(2)(c). 	Minister of Forestry, Fisheries and the Environment	Minister of Home Affairs, in so far as the administration of the sections, or powers or functions entrusted by those sections referred to in Column 1, pertain to, or are to be exercised or performed within, the border law enforcement area and at ports of entry, as defined in the Border Management Authority Act, 2020 (Act No. 2 of 2020).

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