



CULTIVATION GUIDELINES FOR HEMP WITH $\leq 2\%$ DELTA-9-TETRAHYDROCANNIBINOL (THC) STRICTLY FOR AGRICULTURAL AND INDUSTRIAL PURPOSES

IN TERMS OF THE PLANT IMPROVEMENT ACT, 2018 (ACT NO. 11 OF 2018)

1. INTRODUCTION

The Plant Improvement Act, 2018 (Act No. 11 of 2018) (hereafter referred to as PIA) and its Regulations provide a legal framework for cultivation, distribution and sale of hemp seed and propagating material in South Africa. This guideline must be read in conjunction with the Act and the Regulations thereto. Reference to the applicable Regulations is indicated in brackets in the respective headings.

2. PURPOSE OF THE GUIDELINES

To provide clarity on the procedures to be followed by the relevant role-players in order to comply with the legislative requirements for the cultivation of hemp ($\leq 2\%$ THC) in South Africa for agricultural and industrial purposes only.

3. SCOPE

The scope of this document is limited to activities undertaken with plants, seed and propagating material of hemp varieties intended for cultivation for agricultural and industrial purposes with low THC content, not exceeding 2%.





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Any person, who intends to become involved in the hemp industry, must be aware of the following:

- a. No cultivation activity may be undertaken without a valid Hemp Cultivation Permit issued solely by the National Department of Agriculture in terms of the Plant Improvement Act, 2018 (Act No. 11 of 2018).
- b. Any person that conducts business with hemp seed and propagating material for cultivation purposes, must register the business through the office of the Registrar: Plant Improvement Act, and must be in possession of a valid business/nursery registration certificate issued by that office. **No exemptions** from registration are applicable to hemp businesses and/or nurseries.
- c. All hemp propagating material (including seed and vegetative) must always be accompanied by an analytical report issued by an accredited laboratory clearly stating the THC content thereof.
- d. For the importation of both unlisted and listed hemp seed and propagating material, a letter of authorisation issued by office of the Registrar: Plant Improvement Act is a **compulsory requirement**.
- e. For transportation and/or distribution of hemp seed and propagating material and/or harvested hemp biomass, a compulsory transport declaration form must be completed and must accompany any material in transit. The form is obtainable from the DoA website, and the completed form must be submitted to the Department for authorisation.
- f. All cultivars/varieties of hemp that are intended for sale in the country must be submitted for **compulsory National Varietal Listing** in terms of PIA through the office of the Registrar: Plant Improvement Act. The sale of unlisted hemp varieties is strictly prohibited in terms of the PIA.



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- g. Registered/listed hemp seed intended for sale can be certified by an authority designated by the Department once the certification scheme for cannabis is promulgated. Sale of uncertified registered material is permitted.
- h. All applicants should have a clear understanding of the provisions and requirements of the PIA **prior to** submission of applications for permits issued in terms of this Act. Failure to comply with any provisions of the Act will result in legal action being taken against any person found guilty of committing an offence.

4. DEFINITIONS AND ACRONYMS

“**Authorised inspector**” means an inspector from DoA, SAPS including the DPCI and the designated authority of an established certification scheme in terms of the PIA;

“**DoA**” means Department of Agriculture;

“**Designated Authority**” means the authority designated by the Minister to exercise the powers, perform the functions and carry out the duties conferred upon and assigned to under a certification scheme in terms of the PIA;

“**DPCI**” means Directorate for Priority Crime Investigation;

Cannabis sativa L. (hemp) means low THC plants or parts of plants of *Cannabis sativa L.* cultivated for agricultural or industrial purposes, of which the leaves and flowering heads do not contain more than 2% THC;

“**PIA**” means Plant Improvement Act, 2018 (Act No. 11 of 2018);

“**Register**” means an official list or record of names, activities or items.

“**Registrar**” means the officer designated under section 3 of the Plant Improvement, 2018 (Act No. 11 of 2018) as the Registrar of the Act;

“**SAPS**” means South African Police Services;





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“**THC**” means (-)-transdelta-9-tetrahydrocannabinol that occurs in plants and parts of plants of *Cannabis sativa* L.;

“**Propagating material**” means any material of a plant, including seed that can be used for the propagation of a plant.

5. ACTIVITIES WITH HEMP THAT REQUIRE A HEMP CULTIVATION PERMIT

5.1 Any person who wants to engage in any of the following activities relating to hemp must be in possession of a Hemp Cultivation Permit issued by the Registrar: Plant Improvement Act:

- a. Import of hemp seed, plants and/or propagating material;
- b. Propagation of plants by a breeder or researcher in relation to a breeding or research programme to develop new or improved hemp varieties;
- c. Cultivation of hemp for –
 - i. seed production;
 - ii. seedling production;
 - iii. production of grain or material for agricultural and industrial/commercial purposes;
- d. Registration of a seed business for seed cleaning and conditioning, for seed prepacking and for sale of seed, as well as a nursery intended for sale of hemp seed, seedlings, plants or cuttings for cultivation purposes. **Only varieties listed on the National Varietal List may be sold.**
- e. Export of seed, plants and/or propagating material for cultivation purposes.





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6. REGISTRATION OF PREMISES TO CONDUCT BUSINESS WITH HEMP SEED, PLANTS AND PROPAGATING MATERIAL [REGULATIONS 9 TO 23]

- 6.1 Any person who wants to conduct any of the following kinds of business in terms of Section 9 of the Act, must have registered premises for:
- Sale of seed and propagating material
 - Cleaning and/or conditioning of seed
 - Prepacking of seeds for sale
 - Cultivation and sale of plants/seedlings (nursery)
- 6.2 If the type of business has not yet been registered in terms of the PIA, an application must be submitted on the form obtainable from the DoA website (www.nda.gov.za)
- 6.3 The application form must be accompanied by proof of payment in accordance with the latest published tariffs and a copy of a valid Hemp Cultivation Permit.
- 6.4 Exemption from registration as stipulated is not applicable to any business premises trading in hemp material.

7. IMPORT OF HEMP SEED [REGULATION 39-42]

- 7.1 Any person who wants to import hemp seed for cultivation purposes must have the following documentation:
- Import authorisation letter issued by the PIA Registrar (for both listed and unlisted varieties)
 - Thereafter, an import permit for phytosanitary purposes should be obtained by applying online at [eCert](#)
- 7.2 The application form for authorisation to import hemp seed and propagating material is obtainable from the DoA website (www.nda.gov.za). The application must be accompanied by:





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- a. proof of payment in accordance with the latest published tariffs
- b. a copy of a valid Hemp Cultivation Permit issued in the name of the importer
- c. in the case of varieties bred and developed in another country, by proof of variety registration or filing of an application for such registration and/or certification of the material in question in terms of a recognized certification scheme or confirmation of source.
- d. an analytical report from an accredited laboratory stating the THC content of the plants from which the plants or propagating material is derived. Note that the analytical report must have been issued by a competent accredited or registered laboratory and a copy of the registration certificate of such laboratory must accompany the analytical report.

7.3 Authorisation must be obtained from the Registrar: Plant Improvement Act for establishment of both listed and unlisted varieties. The application form is obtainable from DoA website (www.nda.gov.za) and must be accompanied by a copy of the hemp cultivation permit of the person requesting authorization, analytical report stating the THC content of the plants from which the propagating material was obtained, detailed list of names and addresses of the intended recipients of the material as well as the purpose of the intended establishment.

8. TRANSPORTING OF HEMP SEED & PROPAGATING MATERIAL

- 8.1 Any consignment of hemp seed and/or other propagating material that is to be distributed/transported within the country must always be accompanied by the following documents:
 - a. copy of a valid Hemp Cultivation/Research Permit of the consignor and/or the consignee, issued by the Registrar: Plant Improvement Act;





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- b. in the case of imported seed and/or other propagating material, a copy of the import authorization letter issued by the Registrar: Plant Improvement Act, as well as a copy of the Plant Health Import Permit for the specific consignment;
- c. transport declaration form approved by the Department.

9. NATIONAL VARIETAL LIST & REGISTRATION OF VARIETIES [REGULATIONS 52-66]

- 9.1 The National Varietal List is a list of denominations of kinds of plants that is maintained by the Registrar: Plant Improvement Act in terms of section 24 of the Act.
- 9.2 The Registrar: Plant Improvement Act enters a denomination in the list under the specific conditions as prescribed in Section 27 of the Act, namely :
- a. that it is clearly distinguishable from any other variety of the same kind of plant;
 - b. that it is sufficiently uniform with regard to the characteristics thereof;
 - c. that it is stable in that the characteristics of the variety remains unchanged after repeated propagation;
 - d. that it is identified by an acceptable denomination, which complies with certain conditions.
- 9.3 In terms of Section 24 of the Plant Improvement Act, 2018 plants and propagating material shall only be sold for cultivation –
- a. if it is of a variety entered in the National Varietal List;
 - b. under the denomination entered in respect thereof in the National Varietal List.
- 9.4 National Varietal Listing/Registration of hemp varieties **is compulsory**, and the following documentation must be completed:
- a. Varietal Listing (VL) application form is obtainable from DoA website (www.nda.gov.za)
 - b. Technical questionnaire
 - c. Proxy (if application is submitted on behalf of the breeder/owner of the variety)
 - d. Proof of payment in accordance with the latest published tariffs





- e. Confirmation of variety registration by the registration authority of another country, if the variety is imported;
- f. Copy of the Hemp Cultivation Permit of the applicant/agent;
- g. Analytical report confirming compliance with the regulated limit of the THC content in the plants (flowering heads and leaves) of the variety from which the propagating material was obtained.

10. REQUIREMENTS FOR PROPAGATING MATERIAL [REGULATIONS 24-51]

- 10.1 Only businesses/premises/nurseries that are registered in terms of PIA, 2018 and are in possession of a valid registration certificate are authorized to sell seed, plants and propagating material for cultivation purposes.
- 10.2 All registered businesses/nurseries must ensure all material/containers are marked or labelled in accordance with the requirements stipulated in the Regulations as well as compliance with the quality standards specified in Table 4 of the PIA, 2018 Regulations.

11. EXPORT CERTIFICATE FOR HEMP SEED [REGULATION 43-44]

- 11.1 Any person who wants to export hemp seed for cultivation purposes must be in possession of a certificate of registration in respect of the business and premises where the seed, plants and/or propagating material was prepared for export
- 11.2 Apply for an export certificate through the office of the Registrar: Plant Improvement Act. The following must accompany the application:
 - a. seed test laboratory report not older than 6 months confirming germination and purity results of the material intended for export to be compliant with the minimum requirements as specified in Table 4 of the Regulations;
 - b. analytical report confirming compliance with the regulated limit for THC content of the plants from which the seed were produced;
 - c. copy of a valid hemp cultivation permit of the exporter;



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- d. proof of payment in accordance with the latest published tariffs.

12. CULTIVATION [REGULATION 4]

- 12.1 Any person who wants to cultivate hemp must be in possession of a hemp cultivation permit issued by the Department of Agriculture through the office of the Registrar: Plant Improvement Act.
- 12.2 Application for a permit must be submitted on the application form [HP-APP-001-PIA 2018] obtainable from the DoA website (www.nda.gov.za)
- 12.3 Application form must be accompanied by proof of payment in accordance with the latest published tariffs together with supporting documents as stipulated in the application form (request an invoice before making payment).
- 12.4 Applications must be submitted to Hemp.PIA@nda.gov.za or physically at Harvest House Building, Office no. 311, 30 Hamilton Street, Arcadia, Pretoria.
- 12.5 The hemp permit is valid for a period of 5 years and not transferable to another person.
- 12.6 If there is any change in information contained in the permit, the Registrar: Plant Improvement Act must be notified within 30 days of the occurrence of the change to avoid revocation of the permit.
- 12.7 In a situation where a new permit is issued by the Registrar, the permit holder is required to return the original issue to the office of the Registrar: Plant Improvement Act before receiving the new permit.
- 12.8 An applicant for a hemp cultivation permit must be 18 years or older and be in possession of a valid South African identity document.
- 12.9 Activities relating to hemp cultivation may only be conducted on the location/site specified on the permit. The applicant is required to provide the exact location (GPS co-ordinates and Google Maps photos) of the intended planting site. Clear and comprehensive directions to each site as well as contact details of the responsible person who will also





accept legal responsibility for the premises and activities on each premises must also be provided.

- 12.10 If the activities to be conducted are on rented/leased premises, then written consent from the owner of the land to cultivate hemp, as a well as a copy of the signed lease agreement must accompany the application.
- 12.11 A register/record for planting, sampling, sales and inspections must be kept on the premises and be available for inspection by any authorized official in terms of PIA.
- 12.12 The Registrar: Plant Improvement Act reserves the right to exercise his/her discretion to -
- amend the permit and/or conditions, as appropriate and applicable;
 - revoke the permit in the event of contravention of any permit conditions or requirements, or upon request of the permit holder, or if the permit holder performs any activity not authorized on the *Cannabis sativa* L. (hemp) cultivation permit.

13. INSPECTIONS [REGULATION 48]

- 13.1 Provision have been made under the PIA (section 41 &42) for inspection of premises by authorized inspectors. These authorized officials may visit any permitted site in accordance with the relevant Hemp Cultivation Permit at regular intervals for monitoring and sampling as required. All inspection reports and test results must be submitted to the Registrar: Plant Improvement Act.

14. RECORD KEEPING [REGULATION 15]

- 14.1 It is compulsory for all types of business and premises registered in terms of the PIA to keep records relating to propagating material associated with all relevant permits, authorizations, certifications and documentation.
- 14.2 Apart from records kept in respect of registered premises, permits and authorisations, the following information should be indicated in a records relating to seed:
- date on which the lot was received;



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- b. kind and variety of the seed;
- c. name and address of the person from whom the concerned lot was received;
- d. total mass of seed in the lot concerned and the number of containers in which it was packed;
- e. lot number;
- f. number of the certificates issued in respect of the lot, if the seed was certified; and
- g. date on which the lot concerned, was sold out, to whom, seed quantities, details of purchaser, copy of purchasers identifying documents (person/company) and the relevant copies of permits, licenses etc.

15. SUBMISSION OF ANNUAL REPORTS

- 15.1 The permit holder is required to submit a detailed report annually by 30 June, reporting on the activities performed in relation to the permit. The report template is available on the DoA website (www.nda.gov.za) and should be completed and submitted to Hemp.PIA@nda.gov.za.

16. OFFENCES AND PENALTIES

- 16.1 It is an offence if any provision of the Plant Improvement Act, 2018 (Act No. 11 of 2018) is not complied with and such offence may lead to prosecution in terms of Section 59 of the PIA, 2018.
- 16.2 The Hemp Cultivation Permit issued in terms of the Plant Improvement Act, 2018 must be utilized in combined compliance with the provisions of the Medicines and Related Substances Act, 1965 (Act No. 101 of 1965) and the Drugs and Drugs Trafficking Act, 1992 (Act No. 140 of 1992), as well as the Cannabis for Private Purposes Act, 2024 (Act No.7 of 2024) when promulgated. Failure to comply with these related pieces of legislation may lead to prosecution in terms of these Acts.





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REGISTRAR: PLANT IMPROVEMENT ACT 2018 (ACT NO. 11 OF 2018)

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