



SOUTH AFRICAN PEST CONTROL ASSOCIATION
SUID-AFRIKAANSE PLAAGBEHEERVERENIGING

SAPCA

SAPCA BULLETIN

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SAPCA MEMBERSHIP & REPRESENTATION



- 1 With ever increasing focus on compliance and good business practice, it has become necessary for SAPCA to clarify its position and approach to representation within the public and business arena.
- 2 SAPCA membership and representation of membership within the public and business arena is based on specific and unique qualification criteria of each member and dependant on the standing of each member as a persona of independent legal identity. Membership is conferred on members who meet the stringent but necessary criteria for membership.
- 3 Once a prospective member meets the relevant criteria, the member, which could include incorporated entities, gains recognition of membership and the benefits which accompany such membership including ongoing support and assistance from SAPCA.
- 4 As mentioned above, SAPCA membership requires a prospective member to meet certain qualification criteria, and in this regard the minimum requirements for membership are:
 - 4.1. *Establishment as a business, and actively participate in the related ACT 36 scope (See below);*
 - 4.2. *Registrations as required by ACT 36;*
 - 4.3. *Appropriate Public Liability Insurance;*
 - 4.4. *Statutory compliance with the Companies ACT*
 - 4.4.1. *CIPC, SARS, UIF, WCC and VAT Registration.*
- 5 Once membership status has been granted to a particular member it cannot be transferred or sold and re-application is required when individual persons granted SAPCA membership leaves the Company for whatsoever reason. Once a SAPCA member leaves the Company in which he/she is employed, the individual is no longer affiliated with SAPCA and does not enjoy the benefits of SAPCA membership.
- 6 Often companies not registered or compliant with the mandatory provisions of the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act 36 of 1947 ("The Act") sub-contract with SAPCA members with the intention of securing and/or offering related services by way of the sub-contract. In the same light contracting companies wrongfully apply for SAPCA membership or representation under the pre-text of a sub-contracted incumbent that holds a SAPCA membership.
- 7 Very often these sub-contracting agreements are verbal and without any formal contractual risk apportionment or legal agreement, and in the event of default would expose SAPCA and its membership endorsement to unqualified risk, fraudulent endorsement, misrepresentation and dishonest conduct.
- 8 This in turn could open the doorway to Horse Trading for the sake of tender bids, tenure, highest bid competition, or other compensatory activities, including gift, donation or exchange.
- 9 It therefore falls to SAPCA to state clearly and categorically that membership and representation of membership is based on and limited to the Separate and Legal identity of the prospective member who has met the required criteria, has been registered with SAPCA and who's membership has been so recorded in the books of SAPCA, and by virtue of this membership is subject to the constitution of SAPCA.
- 10 Change of members' status as a result of sale, merger, closure, acquisition, liquidation or sequestration and the like, all require mandatory notification to SAPCA and where relevant, re-application for membership subject to the stated minimum qualification criteria applicable at the time and based on separate legal persona.
- 11 SAPCA also cautions that agreements of any sort related to sub-contracting must be in writing and legally binding, and that such sub-contractors understand that they are separately liable for the joint ventures of the primary contractor, and that they do not enjoy the endorsement and protection of SAPCA and do not represent SAPCA in any manner or form.
- 12 Many contracts contain warranty or guarantee liability for periods up to a few years, and it falls to the contracting party to be aware of such contractual obligations and the parameters applicable thereto.
- 13 SAPCA membership representation in the Public and Business arena implies that as good practice and execution of due diligence, each member will exercise such practice and diligence in order to reduce the risk to the member, the Industry and to the Association at all times, and to follow and uphold ethical representation and conduct.

If in any doubt please contact SAPCA for assistance.

Lynette Cokayne
CEO