

No. R. 781

30 September 2011

**MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996
(ACT No 47 OF 1996)**

**ESTABLISHMENT OF STATUTORY MEASURE: RECORDS AND RETURNS RELATING
TO FYNBOS PRODUCTS AS WELL AS PRODUCTION AND EXPORT INFORMATION OF
CULTIVATED FYNBOS PRODUCTS**

I, Tina Joemat-Pettersson, Minister for Agriculture, Forestry and Fisheries, acting under sections 13 and 18 of the Marketing of Agricultural Products Act, 1996 (Act No 47 of 1996), hereby establish the statutory measure set out in the Schedule.

T Joemat-Pettersson,

Minister for Agriculture, Forestry and Fisheries.

SCHEDULE

Definitions

1. In this Schedule any word or expression to which a meaning has been assigned in the Act shall have that meaning, and unless the context otherwise indicates –

"Exporter" means a person or organisation who exports cultivated fynbos products for his own account, or acts as an agent on behalf of producers and/or packers of cultivated fynbos products;

"Cultivated Fynbos" refers to plant material from the families *Proteaceae*, *Ericaceae*, *Restionaceae* and *Bruniaceae* including any derived plant material such as hybrids, selections or mutations produced and harvested from dedicated prepared dry land and/or irrigated planted areas;

"Packer" means a person or organisation who manufactures bouquets and other derived products utilising, inter alia, cultivated fynbos material;

"Producer" means a producer of cultivated fynbos products from dedicated prepared dry land and/or irrigated production conditions.

A person shall have a choice to register as either a producer or as a packer or as an exporter. A person has to register for each of the categories (producer, packer or exporter) for which he qualifies.

Purpose and aims of statutory measure and the relation thereof to the objectives of the Act

2. The purpose and aims of the statutory measure is to compel the parties set out herein to keep records and render returns to Protea Producers SA (PPSA). This is necessary to ensure that continuous, timeous and accurate technical and other information relating to the products as defined, is available to all role players. Such information is deemed essential for all role players in order for them to make informed decisions. By prescribing the keeping of records with the rendering of returns on an individual basis, export and production information of fynbos products can be processed and disseminated.

The establishment of the measure should assist in promoting the efficiency of the marketing of fynbos products. The viability of the fynbos industry should thus be enhanced. The measure will not be detrimental to the number of employment

opportunities or fair labour practice. Any information obtained will be dealt with in a confidential manner and no sensitive or potentially sensitive client-specific information will be made available to any party without the prior approval of the party whose rights may be affected.

The measure will be administered by HORTGRO^{SERVICES}, a company established in terms of the Companies Act (as amended), 1973 (Act 61 of 1973). HORTGRO^{SERVICES} will implement and administer the measure as set out in the Schedule on behalf of PPSA.

Products to which statutory measure applies.

3. This statutory measure shall apply to all cultivated fynbos products produced and exported.

Area in which measure shall apply

4. This measure shall apply in the geographical area of the Republic of South Africa.

Records to be kept and returns to be rendered

5. (1) All producers, packers and exporters of cultivated fynbos products shall keep such records and render the returns as may be required by HORTGRO^{SERVICES}.
- (2) The National Department of Agriculture, Forestry and Fisheries or its assignee shall render a copy of all import certificates or furnish the information required by HORTGRO^{SERVICES} contained in such certificates within the period specified in sub-clause (4)
- (3) The records referred to in sub-clause (1) shall –
 - (a) be recorded on a computer or with ink in a book;
 - (b) be kept at the registered premises of the person required to keep it for a period of at least three years.
- (4) The returns referred to in sub-clause (1) shall be rendered on forms obtainable free of charge for this purpose from HORTGRO^{SERVICES} within 15 days after the end of the month in which the returns have been requested.

- (a) be submitted, when forwarded by post, to –

HORTGRO^{SERVICES}
PO Box 163
PAARL
7620

- (b) when delivered by hand, be delivered to –

HORTGRO^{SERVICES}
Main Road 258
PAARL

- (c) when sent by telefax, be addressed to –

021-870 2915

- (d) when sent by E-mail, addressed to –

info@hortgro.co.za

Commencement and period of validity

6. This statutory measure shall come into operation on the date of publication hereof and shall lapse four (4) years later.