

No. R. 782

30 September 2011

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

**ESTABLISHMENT OF STATUTORY MEASURE: REGISTRATION OF PRODUCERS AND
EXPORTERS OF CULTIVATED FYNBOS PRODUCTS**

I, Tina Joemat-Pettersson, Minister for Agriculture, Forestry and Fisheries acting under sections 13 and 19 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 register with Protea Producers SA (PPSA). Registration is necessary to assist the PPSA in ensuring that continuous, timeous and accurate technical and other information relating to the fynbos industry, is available to all role players. Such information is deemed essential for all role players in order for them to make informed decisions. By combining compulsory registration with the keeping of information and the rendering of returns on an individual basis, generic information for the whole of the industry can be processed and disseminated and will form the basis for the collection of levies where applicable and appropriate.

The establishment of the measure would assist in promoting the efficiency of the production and marketing of fynbos products. The viability of the fynbos industry will thus be enhanced. The measure will not be detrimental to the number of employment opportunities or fair labour practice.

It will be administered on behalf of PPSA 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.

Products to which statutory measure applies.

3. This statutory measure shall apply to cultivated fynbos products destined for exports.

Area in which measure shall apply

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

Registration of parties concerned

5. (1) All producers, packers and exporters of cultivated fynbos products shall register with HORTGRO^{SERVICES}.
- (2) A person shall have a choice to register as either a producer, packer or exporter.
- (3) A person has to register for each of the categories (producer, packer or exporter) for which he qualifies.

Application for registration

6. Application for registration shall –
 - (1) be made within 30 days of the commencement of this statutory measure, and in the case of a person becoming a party as contemplated in clause 5 after such date of commencement, within 30 days of becoming such a party;
 - (2) be made on the application form obtainable free of charge from HORTGRO^{SERVICES};

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

HORTGRO^{SERVICES}
PO Box 163
PAARL
7620

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

HORTGRO^{SERVICES}
Main Road 258
PAARL

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

021-870 2915

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

info@hortgro.co.za

Commencement and period of validity

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