

No. R. 783

30 September 2011

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

**ESTABLISHMENT OF STATUTORY MEASURE: RECORDS AND RETURNS RELATING
TO TREES AS WELL AS PRODUCTION & MARKETING INFORMATION OF PLUMS,
NECTARINES & PEACHES, APRICOTS, APPLES AND PEARS**

I, TINA JOEMAT-PETTERSSON, Minister of Agriculture, Forestry & 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 & 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 who trade stone fruit and pome fruit for export for his own account, or acts as an agent on a commission basis on behalf of producers;

“Importer” means a person or trader who imports plums, peaches & nectarines, apricots, apples and pears for fresh consumption for sale on the domestic market.

“Municipal Market” means the national fresh produce markets as defined from time to time;

“Pome Fruit Producer” means a producer of apples and pears intended for fresh pome fruit exports and/or domestic fresh consumption, as well as apples for apple juice concentrate;

“Processor” means an apple juice concentrate manufacturer;

“Retailer” means a person who trades with fresh stone fruit and/or pome fruit on a retail level on the domestic market;

“Stone Fruit Producer” means a producer of plums, peaches, nectarines and apricots intended for fresh stone fruit exports and/or domestic fresh consumption;

“Trees” means trees intended for the production of apples, pears, plums, peaches, nectarines and apricots; and

A person shall have a choice to register as either a producer or an exporter or an importer. A person who is a producer as well as an exporter or importer must register as a producer and as an exporter or importer.

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 HORTGRO^{SERVICES}. Registration is necessary to ensure that continuous, timeous and accurate information relating to the products as defined, is available to all role players. Market 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, market and production information for the pome fruit and the stone fruit industry can be processed and disseminated.

The establishment of the measure should assist in promoting the efficiency of the marketing of products. The viability of the pome fruit and stone fruit 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 are 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 within DFPT Finance, a company incorporated under section 21 of the Companies Act (as amended), 1973 (Act 61 of 1973).

Products to which statutory measure applies.

3. This statutory measure shall apply to apples, pears, plums, peaches, nectarines and apricots intended for fresh domestic consumption and/or export and/or import and apples intended for processing of juice concentrate.

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. (1A) All producers, exporters, importers, traders and processors of apples, pears, plums, peaches, nectarines and apricots shall keep such records and render the returns as may be required by HORTGRO^{SERVICES} relating to:
- (a) trees surveys;
 - (b) the volume of apples, pears, plums, peaches, nectarines and apricots destined for domestic fresh consumption and/or export and/or import; and
 - (c) the volume of apples destined for processing of juice concentrate.
- (1B) No records or returns shall be required in terms of this measure which disclose confidential information of a marketing nature, and in particular, no returns disclosing, inter alia, contracting parties; purchasers of fruit; prices of services or the prices obtained for fruit, or any similar information, shall be required to be furnished.
- (2) The National Department of Agriculture or its assignee shall render a copy of all export certificates or furnish the information required by HORTGRO^{SERVICES} contained in such certificates within the period specified in subclause (4)
- (3) The records referred to in subclause (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 subclause (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
7620

(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 will lapse 4 years later.