

No. R. 784

30 September 2011

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

**ESTABLISHMENT OF STATUTORY MEASURE: REGISTRATION OF PRODUCERS,
EXPORTERS, IMPORTERS, MUNICIPAL MARKETS AND TRADERS OF PLUMS,
PEACHES & NECTARINES, APRICOTS, APPLES AND PEARS,
AND PROCESSORS OF APPLES**

I, TINA JOEMAT-PETTERSSON, Minister of Agriculture, Forestry & 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 & 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 pome fruit and stone 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 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 domestic fresh consumption, as well as for the production of apple juice concentrate;

“Processor” means an apple juice concentrate manufacturer, and;

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

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

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

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 HORTGRO^{SERVICES}. Registration is necessary to assist HORTGRO^{SERVICES} in ensuring 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 combining compulsory registration with the keeping of information and the rendering of returns on an individual basis, market 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 marketing of pome fruit and stone fruit 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.

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 plums, peaches, nectarines, apricots, apples and pears intended for fresh domestic consumption and/or export and/or import and/or apples for juice concentrate processing.

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, exporters, importers, traders and municipal markets of pome fruit and stone fruit for fresh domestic consumption and/or export, and/or import and/or processors of apples shall register with HORTGRO^{SERVICES}.
- (2) A person shall have a choice to register as either a producer or exporter or importer or trader.
- (3) A person who is a producer as well as a producer or exporter or importer or trader shall register as a producer and as a producer or exporter or importer or trader.

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
7622

(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 will lapse 4 years later.