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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES

NO. R. 1153

23 SEPTEMBER 2016

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

ESTABLISHMENT OF STATUTORY MEASURE - REGISTRATION IN RESPECT OF MANUFACTURERS, IMPORTERS AND EXPORTERS OF OILSEEDS PRODUCTS

I, Senzeni Zokwana, Minister of 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.



**SENZENI ZOKWANA,
MINISTER OF 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 –

"commercial purposes" means where an income, remuneration or other benefit is obtained;

"exporter" means a person who exports oilseeds products from South Africa, and this includes a person who arranges or handles the exports in the name of or on behalf of another person;

"importer" means a person who imports oilseeds products into South Africa, and this includes a person who arranges or handles the imports in the name of or on behalf of another person;

"manufacturer" means a person who manufactures or processes, for his own account or on behalf of a third party, oilseeds products for commercial purposes;

"oilseeds products" means the following products:

- Coconut oil
- Palm oil and its derivatives
- Soybean oil
- Groundnut oil
- Sunflower oil
- Rapeseed/Canola oil
- Maize (corn) oil
- Cottonseed oil
- Blends or mixes of oils, which include one of the above oils
- Cottonseed oilcake
- Sunflowerseed oilcake
- Coconut oilcake
- Palm-nut oilcake
- Soybean oilcake
- Biodiesel
- Flours and meals of soybean
- Full-fat soybean
- Peanut butter and peanut paste
- Textured vegetable protein (TVP)

"premises" means premises where locally produced or imported oilseed products are manufactured, imported or exported from and of which the person referred to is the owner or renter or otherwise has control, and where such person has more than one such premises, it shall include all such premises;

"SAGIS" means the South African Grain Information Services NPC, a non-profit company as defined by the Companies Act, No 71 of 2008, originally incorporated under section 21 of the Companies Act, 1973 (Act No. 61 of 1973); and

"the Act" means the Marketing of Agricultural Products Act, 1996 (Act No. 47 of 1996).

Purpose and aim of statutory measure and its relation to the objectives of the Act

2. The aim and objective of this statutory measure are to compel manufacturers, importers and exporters of oilseeds products to register with SAGIS. These shall include any person who acts in the capacity of the above-mentioned persons.

Registration of the said persons is necessary to enable SAGIS to make available continuous, timely and accurate market information in respect of oilseeds products to the public. It is essential for market information in the deregulated market to be as accurate as possible in order for market participants to make informed decisions. Through the combination of mandatory registration of manufacturers, importers and exporters, together with the submission of monthly returns on an individual basis, market information for the whole country can be disseminated in the marketplace.

This statutory measure will not only assist in improving market access for all market participants, but it will also assist in promoting the effective marketing of oilseeds products. The viability of the oilseed industries will thus be promoted, while at the same time food security will be enhanced. The information could also be used to determine food security policies.

The statutory measure is to be administered by SAGIS. SAGIS was specifically established for purposes of the registration of market players and for information gathering, sorting and dissemination in respect of the various cereal and oilseed industries in South Africa.

SAGIS will treat all individual information as strictly confidential.

Product to which statutory measure applies

3. This statutory measure shall apply to oilseed products.

Area in which statutory measure applies

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

Registration of manufacturers, importers and exporters of oilseeds products

5. (1) All manufacturers, importers and exporters of oilseeds products shall register with SAGIS in the manner set out in clause 6. This shall also include any person who acts in the capacity of the aforementioned persons.
- (2) Each person who becomes a manufacturer, importer or exporter of oilseeds products after the date at which this statutory measure comes into force, shall register with SAGIS within 30 days after he became such a manufacturer, importer or exporter.
- (3) Upon registration of an applicant by SAGIS, a certificate of registration is to be issued to him.
- (4) The registration certificate issued in terms of sub-clause (3) shall expire when it is cancelled by SAGIS or when this statutory measure is revoked.
- (5) The provisions of sub-clause (4) shall apply *mutatis mutandis* to persons who are already registered with SAGIS at the time of this publication.
- (6) All manufacturers, importers and exporters of oilseeds products shall notify SAGIS in writing within 30 days after he has ceased to act in that capacity, whereupon his registration will be cancelled.

Application for registration as manufacturer, importer or exporter of oilseeds products

6. (1) An application for registration in terms of clause 5 shall be made on the application form that is available from SAGIS.
- (2) The application form shall be completed on a computer or in ink by a person who is duly authorised and it shall be accompanied by the corroborating documentation as specified in the application form.
- (3) The application form shall be posted, delivered, sent or transmitted electronically to any of the postal, delivery or e-mail addresses, fax numbers or any other electronic addresses as stipulated on the application form.

Effective date

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

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