

No. R. 884

14 November 2014

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

**ESTABLISHMENT OF STATUTORY MEASURE - RECORDS AND RETURNS IN RESPECT OF
MAIZE PRODUCTS AND WHEATEN 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 maize products or wheaten 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 maize products or wheaten 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;

"maize" means the threshed and unthreshed product of plants of *Zea mays indentata*, *Zea mays indurata* and *Zea mays ceratina* or one or more of the hybrids of these, irrespective whether it is classified as white maize or yellow maize;

"maize product" means the following products derived from maize:

- Maize Chop
- Maize Grits
- Maize Rice
- Samp
- Sifted Maize Meal
- Special Maize Meal
- Super Maize Meal
- Unsifted Maize Meal;

“manufacturer” means a person who, for own use or for commercial purposes, manufactures or processes maize products or wheaten products, and this includes a person who does so in the name of or on behalf of another person;

"premises" means premises where local or imported maize products or wheaten products are manufactured or dispatched 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;

“registered VAT vendor” means any person or entity that is registered as a vendor by the South African Revenue Services (SARS) in terms of the legislation pertaining to Value Added Tax and who has to submit returns for that purpose to SARS;

"SAGIS" means the South African Grain Information Services, a company not for gain incorporated under section 21 of the Companies Act, 1973 (Act No. 61 of 1973);

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

"wheat" means the threshed or unthreshed kernels of the species *Triticum aestivum*;

“wheaten product” means the following products derived from wheat:

- Brown Pan Baked Bread (400g/600g/700g/other)
- White Pan Baked Bread (400g/600g/700g/other)
- Whole Wheat Pan Baked Bread (400g/600g/700g/other)
- Other Pan Baked Bread

Wheat Bran
Wheat Meal
Brown Bread Flour
Cake Flour
Other Bread Flour
Self-Raising Flour
White Bread Flour

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

2. The aim and objectives of this statutory measure are to compel manufacturers, importers and exporters of maize products and wheaten products to keep records and submit returns to SAGIS. The statutory measure is deemed necessary in order to ensure that market information in respect of maize products and wheaten products is made available accurately to the public and to all role-players in the maize and wheat industries. Information gathered by SAGIS by means of records and returns is disseminated freely in the marketplace, but all individual information will be treated confidential. Through the mandatory submission of monthly returns, market information for the whole country can be disseminated in the marketplace.

This statutory measure will not only facilitate market access for all participants, but it will assist in promoting the effective marketing of maize and wheat. Furthermore, the market information obtained in this manner will promote the viability and international competitiveness of the maize and wheat industries and the agricultural sector at large, while at the same time enhancing food security and the formulation of such policy.

The statutory measure is to be administered by SAGIS. SAGIS was specifically established for the purpose of gathering, processing and disseminating information on behalf of the various cereal and oilseed industries in South Africa. SAGIS can be contacted by telephone on (012) 523-1400.

SAGIS already publishes macro generic market information on a monthly basis for the various cereal and oilseed industries and for other interested parties. This information is obtained and furnished from the returns that are submitted to SAGIS. The information is published in a manner that is suitable to address the requirements of the majority of role-players in the respective industries.

Product to which statutory measure applies

3. This statutory measure shall apply to maize products and wheaten products.

Area in which statutory measure applies

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

Records to be kept by manufacturers, importers and exporters

5. (1) Each manufacturer, importer and exporter of maize products and wheaten products, excluding such manufacturers, importers and exporters that are not registered VAT vendors, shall keep complete records for each calendar month in respect of maize products and wheaten products that are manufactured, imported or exported by him for own use or for commercial purposes. This shall include any person who acts in the capacity of the aforementioned persons.

(2) Each person mentioned in sub-clause (1) shall keep the following records:

- (a) Quantity manufactured – the quantity of all maize products and wheaten products manufactured during a calendar month: Provided that the records should be kept separately for each product per province.
 - (b) Imports - in respect of maize products and wheaten products that are imported during a calendar month, records shall be kept of:
 - (i) Name and address of importer or person on whose behalf imports are made.
 - (ii) Quantity of maize products and wheaten products imported per country of origin.
 - (iii) Name and particulars of the vessel in which a quantity of maize products or wheaten products was imported.
 - (iv) Name of border post through which a quantity of maize products or wheaten products was imported.
 - (v) Name of harbour and owner of harbour premises through which the maize products or wheaten products were imported.
 - (c) Exports - in respect of maize products and wheaten products that are exported during a calendar month, records shall be kept in respect of:
 - (i) Name and address of the exporter and the person on behalf of whom the export takes place.
 - (ii) Quantity of maize products or wheaten products exported per country of intended destination.
 - (iii) Name of border post through which a quantity of maize products or wheaten products is exported.
 - (iv) Name and address of the last premises from where maize products or wheaten products were dispatched to a border post for export.
 - (v) Name of harbour and owner of harbour premises where the exported maize products or wheaten products were handled.
 - (vi) Name and particulars of the vessel in which a quantity of maize products or wheaten products is exported.
- (3) Records mentioned in sub-clauses (1) and (2) shall be –
- (a) kept separately in respect of each maize product and wheaten product;
 - (b) recorded on a computer or in ink in a book; and
 - (c) kept at the head office or usual place of business of the person who is required to keep them for a period of at least four years after the end of the period in respect of which such records were kept.

Returns to be submitted by manufacturers, importers and exporters

6. (1) Every manufacturer, importer and exporter of maize products and wheaten products shall within 10 working days from the end of each calendar month submit to SAGIS an accurate prescribed return in respect of maize products and wheaten products manufactured, imported or exported by him. This shall include any person who acts in the capacity of the aforementioned person.

(2) The return mentioned in sub-clause (1) shall be completed on a computer or in ink and submitted on the forms available from SAGIS.

(3) The returns shall –

(a) if sent by mail, be addressed to :
The General Manager
SAGIS
P.O. Box 2267
Montanapark
0159

(b) if delivered by hand, be delivered at:
SAGIS
Montana Forum Building
cnr Taaifontein and Tecomaria Streets
Montanapark X57
Pretoria

(c) if transmitted electronically, be sent to:
Any of the fax numbers, e-mail addresses or other electronic addresses as furnished on the official return forms.

(4) The returns shall be posted, delivered or transmitted electronically to reach SAGIS before or on the deadline date mentioned in sub-clause (1).

(5) Zero returns shall be submitted if no maize products or wheaten products were manufactured, imported or exported during the period of the return.

Effective date

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