

---

## GOVERNMENT NOTICES GOEWERMENTSKENNISGEWINGS

---

### DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES DEPARTEMENT VAN LANDBOU, BOSBOU EN VISSERYE

No. R. 880

14 November 2014

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

#### ESTABLISHMENT OF STATUTORY MEASURE: REGISTRATION OF MACADAMIA NURSERIES, GROWERS, PROCESSORS, CONSOLIDATORS OF NUT IN SHELL, IMPORTERS AND EXPORTERS OF MACADAMIA NUTS

I, Senzeni Zokwana, Minister of 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.

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, unless the context indicates otherwise:

“**exporter**” means any person that exports macadamias for his own account or, acts as agent on behalf of producers and/or processors or packers of macadamia nuts.

“**grower**” is synonymous with “**producer**” and means any person engaging, in a proprietary capacity, in the commercial production of macadamias.

“**importer**” means an entity which imports macadamias into South Africa for processing, retail distribution or export and includes persons organising imports on behalf of or in the name of another person.

“**macadamias**” means the fruits of the macadamia nut tree species, whether nut in shell or kernel.

“**macadamia industry**” means all participants and role players in the South African macadamia industry

“**macadamia nursery**” means any person involved in the production of macadamia nut nursery trees, either for own use or sale for commercial gain.

“**Nut in shell consolidator**” means a person that receives macadamia nuts from growers for the purpose of preparing and packing for sale as nut in shell. This definition includes persons that buy nut in shell from growers and /or act as agents for the sale of nut in shell. Growers that sell their own production of nut in shell directly to traders are also included in this definition.

“**person**” means an individual, partnership, company, association or any other business unit.

“**processor**” means a person that sorts, cleans, cracks and processes macadamias, excluding growers that dehusk and dry their own macadamia nut production on farm.

“**The Act**” means the Marketing of Agricultural Products Act, 1996 (Act no. 47 of 1996).

Purpose and aims of statutory measure and the relation thereof to objectives of the Act

2. The purpose and aims of the statutory measure is to compel the parties set out herein to register with the Southern African Macadamia Growers' Association (SAMAC). Registration is necessary to assist the South African macadamia nut industry in ensuring that continuous, timeous and accurate information relating to the 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 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 macadamias. The viability of the macadamia industry will thus be enhanced. The measure will not be detrimental to the number of employment opportunities and fair labour practice.

The measure, as set out in this Schedule will be implemented and administered by SAMAC.

Products to which the statutory measure applies

3. This statutory measure shall apply to macadamias, both locally produced and imported.

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 growers, nurseries, processors, nut in shell consolidators, importers and exporters of macadamias shall register with SAMAC in the manner prescribed in clause 6.
- (2) Each person becoming a grower, nursery, processor, nut in shell consolidator, importer or exporter of macadamias shall register with SAMAC within 30 days of becoming a grower, nursery, processor, nut in shell consolidator, importer or exporter of macadamias.
- (3) Persons whose activities are classified under more than one of the categories mentioned in clauses 5. (1) and 5. (2) shall register separately under each category. For example, a grower that dries and packages his own nut in shell for sale to a trader, shall register both as a grower and a nut in shell consolidator.

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 SAMAC:
- (3) be submitted, when forwarded by post, to –  
SAMAC  
PO Box 2714  
Tzaneen  
0850
- (4) when delivered by hand, be delivered to –  
SAMAC c/o Subtrop

Ground Floor, Prosperitas Building  
27 Peace Street  
Tzaneen  
0850

(5) when sent by telefax, be sent to –  
015 307 6792

(6) when sent by email, be sent to –  
[info@subtrop.co.za](mailto:info@subtrop.co.za)

Commencement and period of validity

7. This statutory measure shall come into operation on the date of publication thereof and shall lapse 4 years later.