

DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES

NO. R. 609

06 NOVEMBER 2015

MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996 (ACT NO. 47 OF 1996)**ESTABLISHMENT OF STATUTORY MEASURE: RECORDS AND RETURNS RELATING TO PECAN NUT TREES AS WELL AS DOMESTIC PRODUCTION, PROCESSING, IMPORTS AND EXPORTS OF PECAN NUTS AND PECAN NUT PRODUCTS.**

I, Senzeni Zokwana, 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.

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 –

“**Exporter**” means a person or entity who exports pecan nuts or pecan nut products from South Africa and includes persons or entities who arranges or handles exports on behalf or in the name of someone else;

“**Grower**” means a person or entity involved in growing pecan nut trees to be sold for commercial gain, i.e. nurseries;

“**Importer**” means a person or entity that imports pecan nuts or pecan nut products into South Africa and includes persons or entities who arranges or handles imports on behalf of or in the name of someone else;

“**Packer**” means a person or entity that buys or acquires pecan nuts and/or pecan nut products and packages it for resale; or packs its own products for retail sale;

“**Pecan nut industry**” means all participants and role players in the South African pecan nut industry;

“**Pecan nut kernels**” means shelled pecan nuts;

“**Pecan nut products**” means the processed products obtained from pecan nuts;

“**Pecan nut**” means the stone or pit of the fruit of the Pecan Nut tree *Carya illinoensis*;

“**Processor**” means a person or entity who sorts and/or cleans and/or shells and/or processes pecan nuts for resale;

“**Producer**” means a person or entity who grows pecan nut trees to produce pecan nuts for commercial gain; and

“**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 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 the South African Pecan Nut Producers Association NPC (SAPPA). This 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 pecan nut industry can be processed and disseminated.

The establishment of the measure will assist in promoting the efficiency of the marketing of products. The viability of the pecan nut 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 may be affected.

The measure will be administered by SAPPa, a non-profit company established in terms of the Companies Act (as amended), 2008 (Act 71 of 2008). SAPPa will implement and administer the measure as set out in the Schedule.

Products to which statutory measure applies

3. This statutory measure shall apply to pecan nuts and pecan nut products, both from domestic source and on imported product.

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. (1) All producers, processors, importers and exporters of pecan nuts and pecan nut products shall keep such records and render the returns as may be required by SAPPa relating to:
 - (a) Pecan nut trees;
 - (b) The volume of pecan nuts and/or pecan nut products produced ; and
 - (c) The volume of pecan nuts and/or pecan nut products imported and/or exported.
- (2) 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 pecan nuts products; prices of services or the prices obtained for product, or any similar information, shall be required to be furnished.
- (3) The National Department of Agriculture, Forestry and Fisheries or its assignee shall render a copy of all export certificates or furnish the information required by SAPPa contained in such certificates within the period specified in sub-clause (4)
- (4) The records referred to in sub-clause (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.
- (5) The returns referred to in sub-clause (1) shall be rendered on forms obtainable free of charge for this purpose from SAPPa within fifteen (15) days after the end of the month in which the returns have been requested.
 - (a) be submitted, when forwarded by post, to –

SAPPa
PO Box 32140
TOTIUSDAL
0127

- (b) when delivered by hand, be delivered to –

SAPPA
353 24th Avenue
Villieria
Pretoria
0186

- (c) when sent by telefax, be addressed to –

012 329 9869

- (d) when sent by E-mail, addressed to –

admin@sappamail.net

Commencement and period of validity

6. This statutory measure shall come into operation on 1 March 2016 and will lapse 4 years later.