

No. R. 474

12 June 2015

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

ESTABLISHMENT OF STATUTORY MEASURE: RECORDS AND RETURNS BY CERTIFICATION BODIES, FRESH PRODUCE MARKETS, IMPORTERS, PACKAGING MATERIAL IMPORTERS, PACKAGING MATERIAL MANUFACTURERS, POTATO PRODUCERS, PRE-PACKERS AND PROCESSORS

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 continue 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 must have that meaning, and unless the context otherwise indicates -

“administrator” Potatoes South Africa

“certification body” means a body that executes the certification of seed potatoes on behalf of the Independent Certification Council for Seed Potatoes;

“fresh produce market” a market, either privately owned or owned by local government, established for the orderly and centralised distribution of fresh produce;

“importer” a person who imports potatoes for his own account or acts as an agent on a commission basis or on behalf of potato producers, traders or processors;

“packaging material” packaging material intended to be used for the packing of potatoes, including paper bags, plastic bags and cartons;

“packaging material importer” a person that imports and sells packaging material, and includes an agent acting on behalf of such a person;

“packaging material manufacturer” a person that manufactures and sells packaging material, and includes an agent acting on behalf of such person;

“potatoes” table potatoes, seed potatoes, processed potatoes or any other product manufactured from potatoes;

“Potatoes South Africa” a non-profit company incorporated under the Companies Act, Act No. 71 of 2008;

“potato producer” a person who produces potatoes for export, sale as seed potatoes, or domestic consumption either as table potatoes or processed products;

“pre-packer” a person who pre-packs potatoes;

“**processor**” a person who processes potatoes into various products intended for human consumption or for industrial purposes; and

“**trader**” means a person who purchases seed potatoes or table potatoes from a potato producer or any other supplier for trade on the domestic market.

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

2. (1) The purpose and aims of this statutory measure are to compel certification bodies, fresh produce markets, importers, packaging material importers, packaging material manufacturers, potato producers, pre-packers and processors to register with the administrator.
- (2) Registration is necessary to assist the administrator to ensure that continuous, timeous and accurate market information relating to the potato industry is available to all role players.
- (3) Relevant market information is deemed essential in a deregulated market for all role players to make informed decisions. By combining the compulsory registration with the furnishing of returns on an individual basis, market information for the whole of the country can be processed and disseminated to the market place.
- (4) The establishment of this statutory measure will not only assist in enhancing market access for all market participants, but will also develop new markets for South African potatoes internationally. The viability of the potato industry will thus be enhanced. The measure will not be detrimental to the number of employment opportunities within the economy or fair labour practice.
- (5) The Potato Industry Development Trust appoints Potatoes South Africa as Administrator to perform the administrative functions regarding the administration of this statutory measure.

Products to which statutory measure applies

3. This statutory measure applies to potatoes.

Area in which statutory measure applies

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

Records and returns to be kept and submitted

5. (1) The following parties must keep records and furnish returns to the administrator:
 - (a) certification bodies;
 - (b) fresh produce markets;
 - (c) importers;
 - (d) packaging material importers
 - (e) packaging material manufacturers
 - (f) Potato Certification Service
 - (g) potato producers;
 - (h) processors; and
 - (i) pre-packers.
- (2) Returns must be completed on the applicable forms obtainable free of charge from the administrator.

- (3) Returns must -
- (a) when forwarded by post, be addressed to -
- The Administrators
Potato Industry Development Trust
Private Bag X135
PRETORIA
0001
- (b) when delivered by hand, be delivered to -
- The Administrators
Potato Industry Development Trust
Potato House
6 De Havilland Crescent
Persequor Techno Park
Persequorpark
PRETORIA
- (c) when submitted electronically, be sent to potatolevies@potatoes.co.za
- (4) Returns must reach the administrator as follows:
- (a) monthly returns on or before the twentieth day of the month following the month to which the records and returns relate;
- (b) seasonal returns by not later than the last day of the month in which such season ends; and
- (c) quarterly returns by not later than the last day of the month following the last month of such quarter.
- (5) Certification bodies must submit a monthly return, which reflects the -
- (a) month concerned;
- (b) name and address of Certification body;
- (c) names and addresses of potato producers or other persons concerned, whose seed potatoes were certified, the report number and the levies payable;
- (d) date on which the report is submitted;
- (e) quantities in kilograms of the certified seed potatoes; and
- (f) date of certification of the seed potatoes.
- (6) A fresh produce market must submit a monthly return, which reflects the -
- (a) month concerned;
- (b) name and address of the fresh produce market concerned;
- (c) names and addresses of the producers or other persons concerned;
- (d) date on which report is submitted;
- (e) quantities in kilograms of the product sold; and
- (f) type of container in which the product was delivered.
- (7) An importer must submit a monthly return, which reflects the -
- (a) month concerned;
- (b) name and address of the importer concerned;
- (c) name and address of the producer or trader in the country of origin;
- (d) date on which the report is submitted;
- (e) type of product imported;
- (f) quantities in kilograms of the products imported;
- (g) the type of container in which the product was delivered; and
- (h) destination of the imported products.

- (8) A packaging material importer must submit a monthly return, which reflects the -
- (a) month concerned;
 - (b) name and address of the packaging material importer concerned;
 - (c) date on which the report is submitted;
 - (d) quantity of packaging material imported;
 - (e) size of imported packaging material;
 - (f) country of origin of the imported packaging material; and
 - (g) name and address of the person to whom the packaging material is supplied and relevant invoice number, date of invoice, quantities and levies payable.
- (9) A packaging material manufacturer must submit a monthly return, which reflects the -
- (a) month concerned;
 - (b) name and address of the packaging material manufacturer concerned;
 - (c) date on which the report is submitted;
 - (d) quantities per packaging size manufactured;
 - (e) quantities of each size of packaging sold; and
 - (f) name and address of the person to whom the packaging material is supplied and the relevant invoice number, date of invoice, quantities and levies payable.
- (10) A potato producer must submit a seasonal return, which reflects the -
- (a) production year concerned;
 - (b) name and address of the potato producer concerned;
 - (c) hectares planted;
 - (d) cultivars planted;
 - (e) yield per hectare; and
 - (f) total crop that was produced.
- (11) A pre-packer must submit a quarterly return, which reflects the -
- (a) quarter concerned;
 - (b) name and address of the re-packer concerned;
 - (c) date on which the report is submitted;
 - (d) name and address of the potato producer or any other supplier concerned;
 - (e) quantities in kilograms of the products purchased; and;
 - (f) type of container in which the product was delivered;
 - (g) quantity in kilograms of the of the product pre-packed;
 - (h) supplier from whom the packaging material was purchased;
 - (i) number of bags purchased; and
 - (j) type of container in which the product was pre-packed.
- (12) A processor must submit a monthly return, which reflects the -
- (a) month concerned;
 - (b) name and address of the processor concerned;
 - (c) date on which the report is submitted;
 - (d) quantities in kilograms of the raw products purchased;
 - (e) name and address of the potato producer, trader, importer or other person concerned from whom the raw products were purchased; and
 - (f) type of container in which the product was delivered.

- (13) A record system that reflects good accounting practice must be introduced and kept by the administrator.
- (14) The records of fresh produce markets, importers, packaging material importers, packaging material manufacturers, certification bodies, potato producers, pre-packers and processors and, if appointed, their agents must be audited at least annually by an internationally recognised firm of chartered accountants.

Commencement and period of validity

- 6. This statutory measure comes into operation on 1 July 2015 and lapses four years later.