

DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES

NO. R. 608

06 NOVEMBER 2015

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

**ESTABLISHMENT OF STATUTORY MEASURE AND DETERMINATION OF GUIDELINE
PRICES: LEVIES RELATING TO PECAN NUTS AND PECAN NUT PRODUCTS**

I, Senzeni Zokwana, Minister of Agriculture, Forestry and Fisheries, acting under sections 13 and 15 of the Marketing of Agricultural Products Act, 1996 (Act No. 47 of 1996), hereby –

- (a) establish the statutory measure set out in the Schedule; and
- (b) determine the guideline price, per kilogram, for –
 - (i) In shell pecan nuts as R38.25; and
 - (ii) Pecan nut kernels as R87.50.

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 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 this statutory measure are to provide financial support to the South African Pecan Nut Producers Association NPS (SAPPA) to fund research projects, information and technology transfer; plant improvement functions and certification; market information and statistics; communication; trade and market access; and transformation and training for the pecan nut industry.

These measures are necessary to ensure that continuous, timeous and accurate information relating to the pecan nut industry is available to all role players in order for them to make informed decisions.

The measure will not be detrimental to the number of employment opportunities or fair labour practice and will support the statutory measures relating to registration and the rendering of returns applicable to pecan nuts and pecan nut products.

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.

Imposition of levy

5. A levy is hereby imposed on pecan nuts and pecan nut products.

Amount of levy

6. The amounts of the levies (excluding Value Added Tax) will be as follows:

In shell pecan nuts	1 March 2016 to 28 February 2017	25c/kg
	1 March 2017 to 28 February 2018	25c/kg
	1 March 2018 to 28 February 2019	30c/kg
	1 March 2019 to 29 February 2020	30c/kg
Pecan nut kernels	1 March 2016 to 28 February 2017	50c/kg
	1 March 2017 to 28 February 2018	50c/kg
	1 March 2018 to 28 February 2019	60c/kg
	1 March 2019 to 29 February 2020	60c/kg

Persons by whom and to whom levy shall be payable

7. (1) The levy imposed under clause 5 shall –
- (a) be payable by a processor, packer or exporter on behalf of the producer from which such pecan nuts have been procured in respect of all pecan nuts processed, packed or exported;
 - (b) be payable by a processor or packer on behalf of a producer in respect of all pecan nuts sorted and/or cleaned and/or shelled and/or packed and/or processed for and returned to such a producer;
 - (c) be payable by an importer on all pecan nuts and pecan nut products imported; and
 - (d) be payable by a producer who packs his own pecan nuts or pecan nut products for retail sale.
- (2) A levy imposed under clause 5 shall be payable to SAPPA in accordance with clause 8.

Payment of levy

8. (1) Payment of the levy shall be made not later than thirty (30) days following the month end wherein the pecan nuts was delivered or imported or sold via any other method.
- (2) Payment shall be made by means of a cheque or electronic transfer in favour of SAPPA, and shall –
- (a) when paid by cheque, be addressed to –
- SAPPA
PO Box 32140
TOTIUSDAL
0127
- (b) when electronically transferred, be paid to the bank account obtainable from SAPPA on request.

Conditions of approval

9. This statutory measure is subject to the following conditions:
- (a) That 70% of levy income be spent on research, information and other functions, at least 20% on transformation (development of emerging farmers), and not more than 10% on administration;
- (b) That levies be accounted for, in a manner and to the extent acceptable to the Auditor-General, separately from any other funds or assets under the control of SAPPA, and audited by the Auditor-General; and
- (c) That after the lapsing of the levy, any surplus funds be utilised subject to the approval of the Minister.

Commencement and period of validity

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

DEPARTEMENT VAN LANDBOU, BOSBOU EN VISSERYE

NO. R. 608

06 NOVEMBER 2015

WET OP DIE BEMARKING VAN LANDBOUPRODUKTE, 1996 (WET NO. 47 VAN 1996)

INSTELLING VAN STATUTÊRE MAATREËL EN BEPALINGS VAN RIGLYNPRYS:
HEFFINGS OP PEKANNEUTE EN PEKANNEUTPRODUKTE

Ek, Senzeni Zokwana, Minister van Landbou, Bosbou en Visserye, handelende kragtens artikels 13 en 15 van die Wet op die Bemaking van Landbouprodukte, 1996 (Wet No. 47 van 1996) –

- (a) stel hierby die statutêre maatreël in die Bylae uiteengesit in; en
- (b) bepaal hierby die riglynprys, per kilogram, vir –
 - (i) In Dop (Heel) Pekanneute as R38.25; en
 - (ii) Pekanneut Kerns as R87.50.

SENZENI ZOKWANA,

Minister van Landbou, Bosbou en Visserye.

BYLAE**Definisies**

1. In hierdie Bylae het enige woord of uitdrukking waaraan 'n betekenis in die Wet geheg is, daardie betekenis en tensy uit die samehang anders blyk, beteken –

“**Die Wet**” beteken die Wet op die Bemarking van Landbouprodukte, 1996 (Wet No 47 van 1996);

“**Invoerder**” beteken 'n persoon of instansie wat pekanneute of pekanneutprodukte na Suid-Afrika invoer en sluit ook persone of instansies in wat invoere namens of ten behoeve van 'n ander reël of hanteer;

“**Kweker**” beteken 'n persoon of instansie wat pekanneutbome kweek om verkoop te word vir kommersiële gewin;

“**Pekanneutbedryf**” beteken al die deelnemers en rolspelers in die Suid-Afrikaanse pekanneutbedryf;

“**Pekanneut**” beteken die steen of pit van die vrug van die Pekanneutboom Carya illinoensis;

“**Pekanneutkerns**” beteken uitgedopte pekanneute;

“**Pekanneutprodukte**” beteken die verwerkte produkte van pekanneute verkry;

“**Produsent**” beteken 'n persoon of instansie wat pekanneutbome aanplant om pekanneute vir kommersiële gewin te produseer;

“**Uitvoerder**” beteken 'n persoon of instansie wat pekanneute of pekanneutprodukte vanuit Suid-Afrika uitvoer en sluit ook persone of instansies in wat uitvoere namens of ten behoeve van 'n ander reël of hanteer;

“**Verpakker**” beteken 'n persoon of instansie wat pekanneute of pekanneutprodukte aankoop of verkry en verpak met die doel om dit te verhandel, of sy eie produk verpak om te verhandel; en

“**Verwerker**” beteken 'n persoon of instansie wat pekanneute sorteer en/of skoonmaak en/of uitdop en/of verwerk sodat dit aangebied kan word vir verkoop.

Doelwit en oogmerk van die statutêre maatreël en die verwantskap daarvan met die doelwitte van die Wet

1. Die heffing word deur die Suid-Afrikaanse Pekanneutprodusente Assosiasie NPC (SAPPA) benodig vir die befondsing van navorsingsprojekte, inligting en tegnologie oordrag; plantverbeteringsfunksies en sertifisering; markinligting en statistiek; kommunikasie; handel en marktoegang; en transformasie en opleiding vir die pekanneutbedryf.

Die maatreël is nodig om SAPPA instaat te stel om deurlopende, tydig en akkurate inligting oor die pekanneutbedryf aan alle rolspelers beskikbaar te stel op die terreine soos aangedui.

Die maatreël sal nie nadelig op werkseleenthede en regverdige arbeidspraktyke inwerk nie en sal die maatreëls met betrekking tot registrasie en die indiening van rekords en verslae van toepassing op pekanneute en pekanneutprodukte ondersteun.

Die maatreël sal deur SAPP, 'n maatskappy sonder winsoogmerk wat in terme van die Maatskappy Wet (soos gewysig), 2008 (Wet 71 van 2008) opgerig is, administreer word. SAPP sal die maatreëls implementeer en administreer soos uiteengesit in hierdie Bylae.

Produkte waarop die statutêre maatreëls van toepassing is

2. Hierdie statutêre maatreël sal toegepas word op pekanneute en pekanneutprodukte wat plaaslik geproduseer word, sowel as enige pekanneute wat ingevoer word.

Area waarin die maatreëls toegepas sal word

3. Hierdie maatreël sal in die geografiese gebied van die Republiek van Suid-Afrika geld.

Instel van 'n heffing

4. 'n Heffing word hiermee ingestel op pekanneute en pekanneutprodukte.

Bedrag van heffing

5. Die bedrag van die heffing (Belasting op Toegevoegde Waarde uitgesluit) is soos volg:

In Dop (Heel) Pekanneute	1 Maart 2016 tot 28 Februarie 2017	25c/kg
	1 Maart 2017 tot 28 Februarie 2018	25c/kg
	1 Maart 2018 tot 28 Februarie 2019	30c/kg
	1 Maart 2019 tot 29 Februarie 2020	30c/kg
Pekanneut Kerns	1 Maart 2016 tot 28 Februarie 2017	50c/kg
	1 Maart 2017 tot 28 Februarie 2018	50c/kg
	1 Maart 2018 tot 28 Februarie 2019	60c/kg
	1 Maart 2019 tot 29 Februarie 2020	60c/kg

Persone op wie die heffing van toepassing is en aan wie dit betaal word

7. (1) Die heffing wat in terme van klousule 5 ingestel word, sal –
- betalbaar wees deur 'n verwerker, verpakker of uitvoerder op alle pekanneute namens die produsent van wie sodanige pekanneute vir verwerking, verpakking of uitvoere bekom is;
 - betalbaar wees deur 'n verwerker of verpakker op alle pekanneute namens 'n produsent wie sy eie pekanneute laat sorteer en/of skoonmaak en/of uitdop en/of verpak en/of verwerk en daarna terugneem.
 - betalbaar wees deur 'n invoerder op alle pekanneute en pekanneutprodukte wat ingevoer is; en
 - betalbaar wees deur 'n produsent wie sy eie pekanneute of pekanneutprodukte verpak en verkoop.
- (2) Die heffings soos ingestel in terme van klousule 5 sal betaalbaar wees aan SAPP soos aangedui in klousule 8.

Betaling van heffing

8. (1) Betaling van die heffing sal geskied nie later nie as dertig (30) dae na die maandeinde waarin die pekanneute gelewer of ingevoer is, of via enige ander wyse verkoop is.
- (2) Betaling sal geskied deur middel van 'n tjek of elektroniese oordrag uitgemaak aan SAPPa, en sal –
- (a) wanneer per tjek betaal word, geadresseer word aan –
- SAPPa
Posbus 32140
TOTIUSDAL
0127
- (b) wanneer elektronies oorgedra word, direk in die bankrekening inbetaal word wat op versoek van SAPPa verkry kan word.

Voorwaardes van goedkeuring

9. Hierdie statutêre heffings is onderworpe aan die volgende voorwaardes:
- (a) Dat 70% van heffingsinkomste spandeer word aan navorsing, inligting, en ander funksies, ten minste 20% op transformasie (ontwikkeling van swart boere) en nie meer as 10% op administrasie;
- (b) Dat die heffings bestuur word op 'n manier aanvaarbaar vir die Ouditeur-Generaal, apart van enige ander bates of fondse van SAPPa en geoudit word deur die Ouditeur-generaal; en
- (c) Dat die aanwending van enige surplusfondse wat na die heffingstermyn mag bestaan, onderhewig sal wees aan die goedkeuring van die Minister.

Inwerkingtreding en periode van toepassing

10. Hierdie statutêre maatreël sal in werking tree op 1 Maart 2016 en sal 4 jaar later verval.

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.

DEPARTEMENT VAN LANDBOU, BOSBOU EN VISSERYE

NO. R. 609

06 NOVEMBER 2015

WET OP DIE BEMARKING VAN LANDBOUPRODUKTE, 1996 (WET NO. 47 VAN 1996)

**INSTELLING VAN 'N STATUTÊRE MAATREËL: AANTEKENINGE EN OPGAWES MET
BETREKKING TOT PEKANNEUT BOME, PLAASLIKE PRODUKSIE, VERWERKING,
INVOER EN UITVOER VAN PEKANNEUTE EN PEKANNEUTPRODUKTE**

Ek, Senzeni Zokwana, Minister van Landbou, Bosbou en Visserye, stel hiermee in terme van artikels 13 en 18 van die Wet op die Bemarking van Landbouprodukte, 1996 (Wet No. 47 van 1996), die statutêre maatreël in soos uiteengesit in hierdie Bylae.

SENZENI ZOKWANA,

Minister van Landbou, Bosbou en Visserye.

BYLAE**Definisies**

1. In hierdie Bylae het enige woord of uitdrukking waaraan 'n betekenis in die Wet geheg is, daardie betekenis en tensy uit die samehang anders blyk, beteken –

“**Die Wet**” beteken die Wet op die Bemaking van Landbouprodukte, 1996 (Wet No 47 van 1996);

“**Invoerder**” beteken 'n persoon of instansie wat pekanneute of pekanneutprodukte na Suid-Afrika invoer en sluit ook persone of instansies in wat invoere namens of ten behoeve van 'n ander reël of hanteer;

“**Kweker**” beteken 'n persoon of instansie wat pekanneutbome kweek om verkoop te word vir kommersiële gewin;

“**Pekanneutbedryf**” beteken al die deelnemers en rolspelers in die Suid-Afrikaanse pekanneutbedryf;

“**Pekanneut**” beteken die steen of pit van die vrug van die Pekanneutboom Carya illinoensis;

“**Pekanneutkerns**” beteken uitgedopte pekanneute;

“**Pekanneutprodukte**” beteken die verwerkte produkte van pekanneute verkry;

“**Produsent**” beteken 'n persoon of instansie wat pekanneutbome aanplant om pekanneute vir kommersiële gewin te produseer;

“**Uitvoerder**” beteken 'n persoon of instansie wat pekanneute of pekanneutprodukte vanuit Suid-Afrika uitvoer en sluit ook persone of instansies in wat uitvoere namens of ten behoeve van 'n ander reël of hanteer;

“**Verpakker**” beteken 'n persoon of instansie wat pekanneute of pekanneutprodukte aankoop of verkry en verpak met die doel om dit te verhandel, of sy eie produk verpak om te verhandel; en

“**Verwerker**” beteken 'n persoon of instansie wat pekanneute sorteer en/of skoonmaak en/of uitdop en/of verwerk sodat dit aangebied kan word vir verkoop.

Doelwit en oogmerk van die statutêre maatreël en die verwantskap daarvan met die doelwitte van die Wet

2. Die doelwit en oogmerk van die statutêre maatreël is om die partye soos uiteengesit hierin te verplig om aantekeninge te hou en opgawes aan die Suid-Afrikaanse Pekanneutprodusente Assosiasie NPC (SAPPA) te verstrek. Dit is noodsaaklik om SAPPA instaat te stel om deurlopende, tydige en akkurate inligting oor die produkte soos gedefinieer, beskikbaar te maak aan alle rolspelers. Mark inligting word geag noodsaaklik te wees vir alle rolspelers ten einde ingeligte besluite te kan neem. Deur die kombinerende van verpligte registrasie met die hou van inligting en die indiening van inligting op 'n individuele basis, kan mark inligting vir die totale bedryf verwerk en beskikbaar gestel word en sal dit ook die basis vorm vir die vordering van heffings waar toepaslik.

Die instel van die maatreël sal die doeltreffendheid van die bemerking van pekanneute en pekanneutprodukte bevorder en verbeter. Die lewensvatbaarheid van die pekanneutbedryf sal derhalwe verbeter word. Die maatreël sal nie nadelig op werksgeleenthede en regverdige arbeidspraktyke inwerk nie. Enige inligting wat op hierdie wyse verkry word sal vertroulik hanteer word en geen sensitiewe of potensieel sensitiewe kliënt spesifieke inligting sal aan enige party beskikbaar gemaak word sonder die vooraf goedkeuring van daardie partye wie se regte in enige mate geraak kan word nie.

Die maatreël sal deur SAPPA, 'n maatskappy sonder winsoogmerk wat in terme van die Maatskappy Wet (soos gewysig), 2008 (Wet 71 van 2008) opgerig is, administreer word. SAPPA sal die maatreëls implementeer en administreer soos uiteengesit in hierdie Bylae.

Produkte waarop die statutêre maatreëls van toepassing is

3. Hierdie statutêre maatreël sal toegepas word op pekanneute en pekanneutprodukte wat plaaslik geproduseer word, sowel as enige pekanneute wat ingevoer word.

Area waarin die maatreëls toegepas sal word

4. Hierdie maatreël sal in die geografiese gebied van die Republiek van Suid-Afrika geld.

Aantekeninge en opgawes wat gelower moet word

5. (1) Alle produsente, verwerkers, invoerders en uitvoerders moet vir elke kalendermaand volledige aantekeninge hou en opgawes indien soos deur SAPPA verlang in verband met -
 - a) Pekanneutbome;
 - b) Die volume van pekanneute en pekanneutprodukte geproduseer; en
 - c) Die volumes van pekanneute en pekanneutprodukte ingevoer en/of uitgevoer.
- (2) Geen aantekeninge of opgawes sal in terme van hierdie maatreël verlang word wat enigsins vertroulike inligting van 'n bemarkingsaard, en spesifiek sal geen inligting wat onder andere kontrakterende partye, kopers van pekanneutprodukte, koste van dienste, die pryse van produkte, of enige soortgelyke inligting, verlang word nie.
- (3) Die Departement van Landbou, Bosbou en Visserye of sy agent sal 'n afskrif van alle uitvoer sertifikate en ander inligting wat in sodanige sertifikate vervat is en deur SAPPA verlang word, voorsien binne die periode soos gespesifiseer in sub-klousule (4).
- (4) Die aantekeninge soos verwys na in sub-klousule (1) sal -
 - a) vasgelê word per rekenaar of met ink in 'n boek;
 - b) gehou word by die geregistreerde perseel van die persoon van wie dit verlang word om sodanige aantekeninge te hou vir 'n periode van drie jaar.
- (5) Die opgawes waarna verwys word in sub-klousule (1), sal ingedien word op vorms wat gratis by SAPPA verkry kan word binne vyftien (15) dae na die einde van die maand waarin die opgawes aangevra is.

- a) ingedien word, wanneer aangestuur word per pos, na –

SAPPA
Posbus 32140
TOTIUSDAL
0127

- b) wanneer per hand besorg word, afgelewer word by -

SAPPA
24ste Laan 353
Villieria
Pretoria
0186

- c) wanneer per telefaks gestuur word, geadresseer aan –

012 329 9869

- d) wanneer aangestuur word per e-pos, geadresseer aan -

admin@sappamail.net

Inwerkingtreding en periode van toepassing

6. Hierdie statutêre maatreël sal in werking tree op 1 Maart 2016 en sal 4 jaar later verval.

DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES

NO. R. 610

06 NOVEMBER 2015

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

**ESTABLISHMENT OF STATUTORY MEASURE: REGISTRATION OF PRODUCERS,
PROCESSORS, IMPORTERS AND EXPORTERS OF PECAN NUTS AND PECAN NUT
PRODUCTS**

I, Senzeni Zokwana, Minister of Agriculture, Forestry & 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, 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 who imports pecan nuts or pecan nut products into South Africa and includes persons or entities who arranges or handles imports on behalf or in the name of someone else;

“**Packer**” means a person or entity who 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 register with the South African Pecan Nut Producers Association NPC (SAPPA). Registration is necessary to assist SAPPA in ensuring 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 combining compulsory registration with the keeping of information and the rendering of returns on an individual basis, market information for the whole of the 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 marketing of pecan nuts and pecan nut products. The viability of the pecan nut industry

will thus be enhanced. The measure will not be detrimental to the number of employment opportunities or fair labour practice.

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.

Registration of parties concerned

5. (1) All producers, growers, processors, packers, importers and exporters of pecan nuts and/or pecan nut products shall register with SAPPA in the manner prescribed in clause 6.
- (2) Each person or entity who becomes a producer, grower, processor, packer, importer and/or exporter of pecan nuts and/or pecan nut products shall register with SAPPA.
- (3) A person shall have a choice to register as either a producer or processor or importer or exporter.
- (4) A person who is a producer as well as a processor or importer or exporter shall register as a producer and as processor or importer or exporter.

Application for registration

6. Application for registration shall –
 - (1) be made within thirty (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 thirty (30) days of becoming such a party;
 - (2) be made on the application form obtainable free of charge from SAPPA;
 - (3) be submitted, when forwarded by post, to –

SAPPA
PO Box 32140
TOTIUSDAL
0127
 - (4) when delivered by hand, be delivered to –

SAPPA

353 24th Avenue
Villieria
Pretoria
0186

- (5) when sent by telefax, be addressed to –
012 329 9869
- (6) when sent by E-mail, addressed to –
admin@sappamail.net

Commencement and period of validity

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

DEPARTEMENT VAN LANDBOU, BOSBOU EN VISSERYE

NO. R. 610

06 NOVEMBER 2015

WET OP DIE BEMARKING VAN LANDBOUPRODUKTE, 1996 (WET NO. 47 VAN 1996)

**INSTELLING VAN 'N STATUTÊRE MAATREËL: REGISTRASIE VAN PRODUSENTE,
VERWERKERS, INVOERDERS EN UITVOERDERS VAN PEKANNEUTE EN
PEKANNEUTPRODUKTE**

Ek, Senzeni Zokwana, Minister van Landbou, Bosbou en Visserye, stel hiermee in terme van artikels 13 en 19 van die Wet op die Bemarking van Landbouprodukte, 1996 (Wet No. 47 van 1996), die statutêre maatreël in soos uiteengesit in hierdie Bylae.

SENZENI ZOKWANA,

Minister van Landbou, Bosbou en Visserye.

BYLAE**Definisies**

1. In hierdie Bylae het enige woord of uitdrukking waaraan 'n betekenis in die Wet geheg is, daardie betekenis en tensy uit die samehang anders blyk, beteken –

“**Die Wet**” beteken die Wet op die Bemaking van Landbouprodukte, 1996 (Wet No 47 van 1996);

“**Invoerder**” beteken 'n persoon of instansie wat pekanneute of pekanneutprodukte na Suid-Afrika invoer en sluit ook persone of instansies in wat invoere namens of ten behoeve van 'n ander reël of hanteer;

“**Kweker**” beteken 'n persoon of instansie wat pekanneutbome kweek om verkoop te word vir kommersiële gewin;

“**Pekanneutbedryf**” beteken al die deelnemers en rolspelers in die Suid-Afrikaanse pekanneutbedryf;

“**Pekanneut**” beteken die steen of pit van die vrug van die Pekanneutboom *Carya illinoensis*;

“**Pekanneutkerns**” beteken uitgedopte pekanneute;

“**Pekanneutprodukte**” beteken die verwerkte produkte van pekanneute verkry;

“**Produsent**” beteken 'n persoon of instansie wat pekanneutbome aanplant om pekanneute vir kommersiële gewin te produseer;

“**Uitvoerder**” beteken 'n persoon of instansie wat pekanneute of pekanneutprodukte vanuit Suid-Afrika uitvoer en sluit ook persone of instansies in wat uitvoere namens of ten behoeve van 'n ander reël of hanteer;

“**Verpakker**” beteken 'n persoon of instansie wat pekanneute of pekanneutprodukte aankoop of verkry en verpak met die doel om dit te verhandel, of sy eie produk verpak om te verhandel; en

“**Verwerker**” beteken 'n persoon of instansie wat pekanneute sorteer en/of skoonmaak en/of uitdop en/of verwerk sodat dit aangebied kan word vir verkoop.

Doelwit en oogmerk van die statutêre maatreël en die verwantskap daarvan met die doelwitte van die Wet

2. Die doelwit en oogmerk van die statutêre maatreël is om die partye soos uiteengesit hierin, te laat registreer by die Suid-Afrikaanse Pekanneutprodusente Assosiasie NPC (SAPPA). Registrasie is noodsaaklik om SAPPA instaat te stel om deurlopende, tydige en akkurate inligting oor die produkte soos gedefinieer, beskikbaar te maak aan alle rolspelers. Mark inligting word geag noodsaaklik te wees vir alle rolspelers ten einde ingeligte besluite te kan neem. Deur die kombinerende van verpligte registrasie met die hou van inligting en die indiening van inligting op 'n individuele basis, kan mark inligting vir die totale bedryf verwerk en beskikbaar gestel word en sal dit ook die basis vorm vir die vordering van heffings waar toepaslik.

Die instel van die maatreël sal die doeltreffendheid van die bemaking van pekanneute en pekanneutprodukte bevorder en verbeter. Die lewensvatbaarheid van die

pekanneutbedryf sal derhalwe verbeter word. Die maatreël sal nie nadelig op werksgeleenthede en regverdigde arbeidspraktyke inwerk nie.

Die maatreël sal deur SAPPA, 'n maatskappy sonder winsoogmerk wat in terme van die Maatskappy Wet (soos gewysig), 2008 (Wet 71 van 2008) opgerig is, administreer word. SAPPA sal die maatreëls implementeer en administreer soos uiteengesit in hierdie Bylae.

Produkte waarop die statutêre maatreëls van toepassing is

3. Hierdie statutêre maatreël sal toegepas word op pekanneute en pekanneutprodukte wat plaaslik geproduseer word, sowel as enige pekanneute wat ingevoer word.

Area waarin die maatreëls toegepas sal word

4. Hierdie maatreël sal in die geografiese gebied van die Republiek van Suid-Afrika geld.

Registrasie van geaffekteerde partye

5. (1) Alle produsente, kwekers, verwerkers, verpakkers, invoerders en uitvoerders van pekanneute en/of pekanneutprodukte sal by SAPPA registreer soos aangedui in klousule 6.
- (2) Elke persoon wat 'n produsent, kweker, verwerker, verpakker, invoerder en/of uitvoerder van pekanneute en/of pekanneutprodukte word, sal by SAPPA registreer.
- (3) 'n Persoon sal 'n keuse hê om óf as produsent óf as verwerker óf as uitvoerder óf as invoerder te registreer.
- (4) 'n Persoon wat 'n produsent sowel as 'n verwerker of uitvoerder of invoerder is, sal as produsent en as 'n verwerker of uitvoerder of invoerder, registreer.

Aansoek om registrasie

6. Aansoek om registrasie sal –
 - (1) binne dertig (30) dae na die instelling van hierdie statutêre maatreël, en in die geval van 'n persoon/instansie wat 'n party word soos aangedui in klousule 5 na sodanige datum van instelling, binne dertig (30) dae nadat hy sodanige party geword het;
 - (2) gedoen word op die aansoekvorm wat gratis van SAPPA verkry kan word;
 - (3) ingedien word, wanneer aangestuur word per pos, na –

SAPPA
Posbus 32140
TOTIUSDAL
0127

- (4) wanneer per hand besorg word, afgelewer word by –
SAPPA
24ste Laan 353
Villieria
Pretoria
0186
- (5) wanneer per telefaks gestuur word, geadresseer aan –
012 329 9869
- (6) wanneer aangestuur word per e-pos, geadresseer aan –
admin@sappamail.net

Inwerkingtreding en periode van toepassing

7. Hierdie statutêre maatreël sal in werking tree op 1 Maart 2016 en sal 4 jaar later verval.