

No. 895

2 November 2012

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

ESTABLISHMENT OF STATUTORY MEASURE: RECORDS AND RETURNS  
IN RESPECT OF DRIED FRUIT

I, Tina Joemat-Pettersson, 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.

**TINA JOEMAT-PETTERSSON,**  
**Minister of Agriculture, Forestry and Fisheries.**

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**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

"currants" means the dried fruit obtained from seedless currant-type vine fruit;

"dried" deciduous fruit" means apricots, apples, nectarines, pears, peaches, prunes and vine fruit (raisins, seedless raisins, sultanas and currants) where either in the whole, cut up or minced form, subjected to any acknowledged drying process during which the largest part of the moisture had been abstracted therefrom, irrespective whether having been treated with water or steam or any preservative;

"Dried Fruit Technical Services (DFTS)" means the company registered in terms of the Companies Act, 2008 (Act No. 71 of 2008 as amended) and which operates under the name Dried Fruit Technical Services (DFTS). The DFTS is a company with the aim to keep the local dried fruit industry abreast of the need for agricultural research, strategic information on volumes and quality to meet all sanitary and phytosanitary requirement for local and export marketing to serve the best interest of the industry as the need arises and keep the NAMC and Minister of Agriculture informed on strategic issues. The DFTS is located at, 258 Main Street, Paarl, Western Cape, South Africa;

"exporter" means a person who exports dried fruit from South Africa, and includes a person who arranges or handles the exports in the name of or on behalf of another person;

"handle" means receive, store, dispatch or process;

"importer" means a person who imports dried fruit into South Africa, and this includes a person who arranges or handles the imports in the name of or on behalf of another person;

"packer" means a person who handles dried fruit and packs it for the purpose of sale;

"process" means to sort, clean, wash, cut, mince, mix or prepare to be packed for sale;

"producer" includes any person concerned in the production of dried fruit;

"prunes" means the dried fruit obtained from fruit of plants of *Prunus domestica* L;

"raisins" means the dried fruit other than currants, seedless raisins that is obtained from vine fruit;

"seedless raisins" means the dried fruit obtained from seedless non-currant type vine fruit, and is either lyed or lyed and bleached or unlyed and unbleached;

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

"vine fruit" means the fruits of the plants of *Vitis vinifera*;

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

2. The purpose and aim of this statutory measure is to compel importers, packers, exporters and processors of dried fruit to keep records and submit returns to Dried Fruit Technical Services (DFTS). These shall also include any person, e.g. a producer who acts in the capacity of the aforementioned persons. The statutory measure is deemed necessary in order to ensure that market information in respect of dried fruit is made available accurately to all role-players in the dried fruit industry. Information gathered by DFTS by means of records and returns is disseminated freely in the marketplace. Through the mandatory submission of monthly returns on an individual basis, market information for the whole country can be processed and disseminated in the marketplace.

This statutory measure will not only facilitate access for all participants, but it should also assist in promoting the effective marketing of dried fruit. Furthermore, the market information obtained in this *manner*, will promote the viability of the dried fruit industry and the agricultural sector at large.

#### **Product to which statutory measure applies**

3. This statutory measure shall apply to all dried deciduous fruit as defined.

#### **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 importers, packers, exporters and processors of dried fruit**

5. (1) Each importer, packer, exporter and processor of dried fruit shall keep complete records for each calendar month in respect of dried fruit handled, imported or exported by him. These shall *also* include any person, e.g. a producer who acts in the capacity of the aforementioned persons.
- (2) Each person mentioned in sub-clause (1), irrespective of whether or not he has premises, shall keep the following records:
- (a) Opening stock - the opening stock of all dried fruit physically on his premises on the first day of a calendar month.
  - (b) Producer deliveries - all dried fruit received direct from the farm of a producer on his premises according to fruit kind of production.
  - (c) Imports - in respect of imported dried fruit, records shall be kept of:
    - (i) Name and address of importer and person on whose behalf imports are made.
    - (ii) Quantity of dried fruit imported per country of origin and per fruit kind.
    - (iii) Quantity of imported dried fruit destined for:
      - (aa) consumption in South Africa.
      - (bb) exports per country of destination.

- (d) Other receipts - all dried fruit received at the premises other than dried fruit already declared above as producer deliveries and imports, including records of the name of the consignor and address of the premises from where the dried fruit was dispatched as well as the mass of the dried fruit received.
  - (e) Dried fruit processed - all dried fruit processed on his premises in the name of or on behalf of producers or other clients.
  - (f) Exports - in respect of dried fruit that is exported, 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 dried fruit per fruit kind exported per country of intended destination.
    - (iii) Name of harbour and owner of harbour premises where the exported dried fruit was handled.
    - (iv) Name and particulars of the vessel in which a quantity of dried fruit is - exported.
  - (g) Other local dispatches - records shall be kept of all dried fruit dispatched from his premises to other premises than those mentioned in (f), including separate records of the name of the person and the address of the premises to which the dried fruit was dispatched, as well as the mass per fruit kind dispatched.
  - (h) Closing stock - the closing stock of all dried fruit physically on his premises on the last day of a calendar month.
  - (i) Storage of dried fruit on producer's farm - the quantity of dried fruit that is in a storage facility on the producer's farm on the last day of a calendar month and of which the full ownership has already passed on to the keeper of the records.
- 3 Records mentioned in sub-clauses (1) to (2) shall be
- (a) recorded on a computer or in ink in a book; and
  - (b) 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.
- 4 Producers may be requested to supply any records, e.g. numbers of trees or vines or fruit produced if required.

**Returns to be rendered by importers, packers, exporters and processors of dried fruit**

6. (1) Each importer, packer, exporter and processor of dried fruit shall within 15 days after the end of each calendar month furnish an accurate return to DFTS in respect of dried fruit handled, imported or exported by him. These shall also include any person, e.g. a producer who acts in the capacity of the aforementioned person.
- (2) The return shall be furnished on the form obtainable free of charge from DFTS, and shall be completed in ink. Totals returns for a specific year must reach DFTS by 31 July after which additions can be made monthly.
- (3) The return shall
- (a) when forwarded by post, be addressed to:

The General Manager: DFTS  
PO Box 163  
Paarl  
7620

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

The General Manager: DFTS  
258 Main Street  
Paarl  
7646

- (c) when transmitted electronically, be sent to:

Any of the fax numbers, e-mail addresses or any other electronic addresses as furnished on the official return forms.

- (4) The return shall be forwarded, delivered or transmitted electronically to reach the general manager of DFTS before or on the return date mentioned in sub-clause (1).
- (5) A zero return shall be submitted if no dried fruit was handled, imported or exported during the period of the return.

**Commencement and period of validity**

7. This statutory measure shall come into operation on the date of publication hereof and shall lapse four (4) years later.