

No. R. 198

9 March 2012

MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996**(ACT No. 47 OF 1996)****ESTABLISHMENT OF STATUTORY MEASURE: REGISTRATION OF PRODUCERS,
PROCESSORS, IMPORTERS AND EXPORTERS OF PECANS AND PECAN PRODUCTS**

I, Tina Joemat-Pettersson, 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.

**TINA JOEMAT-PETTERSSON,
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 a person or organisation who export pecans or pecan products for his own account, or acts as an agent on behalf of producers and/or packers of pecans or pecan products;

“grower” means any person or entity involved in growing pecan trees to be sold for commercial gain, i.e. nurseries;

“importer” means an entity which imports pecans or pecan products into South Africa for processing or retail distribution and includes persons organising imports on behalf of or in the name of someone else;

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

“pecan packer” means the entity which buys or acquires pecans and/or pecan products and packages it for resale; or packs its own products for retail sale;

“pecan processor” means the entity which sorts, cleans, cracks and processes pecans for resale;

“pecan products” means the processed products obtained from fresh pecans;

“pecans” means the fruits of the Pecan Nut tree Carya illinoensis;

“processed pecan products” means the fruits which have been processed and are ready for consumption;

“producer” means the person or entity which grows pecan trees to produce fresh pecans 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 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 SA Pecan Nut Producers Association (SAPPA). Registration is necessary to assist the SA Pecan 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 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 production and marketing of pecans. 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.

It will be administered by SAPPA which will implement and administer the measure as set out in this Schedule.

Products to which the statutory measure applies

3. This statutory measure shall apply to pecans and pecan products, both from a 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 pecans and/ or pecan products shall register with SAPPA in the manner prescribed in clause 6.

(2) Each person who becomes a producer, grower, processor, packer, importer and exporter of pecans and/or pecan products shall register with SAPPA within 30 days after he/she became a producer, grower, processor, packers, importer or exporter of pecans and/or pecan products.

- (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 an exporter and/or importer and/or a processor shall register as a producer and as an exporter and/or importer and/or a processor.

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 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@sappa.za.org

Commencement and period of validity

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