

No. R. 1047

10 September 2004

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

**ESTABLISHMENT OF STATUTORY MEASURE: RECORDS AND RETURNS BY POTATO
PRODUCERS, TRADERS, PROCESSORS, EXPORTERS, IMPORTERS, CERTIFICATION BODIES,
EXPORT INSPECTION BODIES, KRAFT PAPER IMPORTERS, KRAFT PAPER MANUFACTURERS,
POTATO SACK MANUFACTURERS, POTATO SACK IMPORTERS, AND FRESH PRODUCE
MARKETS**

I, Angela Thokozile Didiza, Minister of Agriculture, 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.


A.T. DIDIZA,
Minister of Agriculture.

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 -

"certification body" means an organisation which executes the certification of seed potatoes on behalf of the Independent Certification Council for Seed Potatoes;

"exporter" means a person who trades potatoes for export for his or her own account, or acts as an agent on a commission basis on behalf of potato producers;

"export inspection body" means an organisation which executes the export inspection of potatoes in terms of the Agricultural Product Standards Act, (Act No. 119 of 1990);

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

"importer" means a person who imports table potatoes, seed potatoes, processed potatoes or any other form of potatoes for his or her own account or acts as an agent on a commission basis or on behalf of potato producers, traders or processors;

"kraft paper importer" means any person who imports extensible wet strength sack kraft paper for the manufacturing of potato sacks;

"kraft paper manufacturer" means any person who manufactures extensible wet strength sack kraft paper locally for use in the manufacture of potato sacks;

"Potatoes South Africa" means the Potato Producers' Organisation, trading as Potatoes South Africa, an organisation incorporated under section 21 of the Companies Act, 1973 (Act No. 61 of 1973);

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

"potato sack importer" means a person who imports potato sacks manufactured from extensible wet strength sack kraft paper;

"potato sack manufacturer" means a person who manufactures potato sacks from extensible wet strength kraft paper;

"processor" means a person who processes potatoes in various products intended for human consumption or 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 potato producers, traders, processors, exporters, importers, certification bodies, export inspection bodies, kraft paper importers, kraft paper manufacturers, potato sack manufacturers, potato sack importers and fresh produce market owners to keep records and furnish returns to the Potato Industry Development Trust. This is necessary to ensure that continuous, timeous and accurate market information relating to potatoes is made available to all role players.

(2) Relevant information gathered by the Potato Industry Development Trust from the records and returns will be freely available to the market place. Market information is deemed essential for all role players in a deregulated market, in order for them to make informed decisions. By the compulsory furnishing of monthly returns on an individual basis, market information for the whole country can be processed and disseminated to the market place.

(3) The establishment of this statutory measure will not only enhance market access for all market participants but will also promote the efficient marketing of potatoes. Proper market information will enhance the viability of the potato industry and the agricultural sector at large. The measure will not be detrimental to the number of employment opportunities within the economy and will not negatively influence fair labour practice.

(4) It is envisaged that the Trust will appoint an administrator to perform the administrative functions regarding the administration of this statutory measure.

(5) It is envisaged that the administrators will make available macro generic market information to the potato industry and other interested parties on a monthly basis. This information will be obtained from the returns rendered to the administrators and will be made available on a national basis in a manner accessible to the majority of the role players in the potato industry.

Products to which statutory measure applies

3. This statutory measure shall apply to potatoes.

Area in which statutory measure applies

4 This statutory measure shall apply 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 administrators in respect of potatoes in his or her possession or under his or her control –

- (a) potato producers;
- (b) traders;
- (c) processors;
- (d) exporters;
- (e) importers;
- (f) certification bodies;
- (g) export inspection bodies;
- (h) kraft paper importers;
- (i) kraft paper manufacturers;
- (j) potato sack manufacturers;
- (k) potato sack importers; and
- (l) fresh market owners.

(2) Returns must be completed on the applicable forms obtained free of charge from the administrators.

(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
529 Belvedere Street
ARCADIA
PRETORIA

- (c) when delivered electronically, be sent to potatolevies@agric.co.za

(4) Monthly returns must reach the administrators on or before the twentieth day of the month following the month to which the records and returns relate, while seasonal returns must reach the administrators not later than the last day of the month in which such season ends.

- (5) 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.

- (6) A trader must submit a monthly return, which reflects the -

- (a) month concerned;
- (b) production year concerned;
- (c) name and address of the trader concerned;
- (d) date on which the report is submitted;
- (e) name and address of the potato producer or any other supplier concerned;
- (f) quantities in kilograms of the products purchased; and
- (g) type of container in which the product was delivered.

- (7) A processor must submit a monthly return, which reflects the -

- (a) month concerned;
- (b) production year concerned;
- (c) name and address of the processor concerned;
- (d) date on which the report is submitted;
- (e) quantities in kilograms of the raw products purchased;
- (f) name and address of the potato producer, trader, importer or other person concerned from whom the raw products were purchased; and
- (g) type of container in which the product was delivered.

- (8) An exporter must submit a monthly return, which reflects the -
- (a) month concerned;
 - (b) production year concerned;
 - (c) name and address of the exporter concerned;
 - (d) name and address of the potato producer concerned;
 - (e) date on which the report is submitted;
 - (f) type of product exported;
 - (g) quantities in kilograms of the products exported;
 - (h) type of container in which the product was delivered; and
 - (i) destination of the exported products.
- (9) An importer must submit a monthly return, which reflects the -
- (a) month concerned;
 - (b) production year concerned;
 - (c) name and address of the importer concerned;
 - (d) name and address of the producer or trader in the country of origin;
 - (e) date on which the report is submitted;
 - (f) type of product imported;
 - (g) quantities in kilograms of the products imported;
 - (h) the type of container in which the product was delivered; and
 - (i) destination of the imported products.
- (10) A certification body must submit a monthly return, which reflects the -
- (a) month concerned;
 - (b) production year concerned;
 - (c) name and address of the certification body;
 - (d) names and addresses of potato producers or other persons concerned, whose seed potatoes were certified;
 - (e) date on which the report is submitted;
 - (f) quantities in kilograms of the certified seed potatoes; and
 - (g) date of certification of the seed potatoes.
- (11) An export inspection body must submit a monthly return, which reflects the -
- (a) month concerned;
 - (b) production year concerned;

- (c) name and address of the export inspection body concerned;
 - (d) names and addresses of potato producers, exporters or other persons concerned, whose products were inspected;
 - (e) date on which the report is submitted;
 - (f) types of products inspected;
 - (g) quantities in kilograms of the products inspected;
 - (h) types of containers in which the products were delivered; and
 - (i) destinations of the inspected products.
- (12) A kraft paper importer must submit a monthly return, which reflects the -
- (a) month concerned;
 - (b) production year concerned;
 - (c) name and address of the kraft paper importer concerned;
 - (d) date on which the report is submitted;
 - (e) quantities in tonnage of kraft paper importer;
 - (f) name and address of the person to whom kraft paper was sold; and
 - (g) end stock of kraft paper at month end.
- (13) A kraft paper manufacturer must submit a monthly return, which reflects the -
- (a) month concerned;
 - (b) production year concerned;
 - (c) name and address of the kraft paper manufacturer concerned;
 - (d) date on which the report is submitted;
 - (e) quantities in tonnage of kraft paper manufactured;
 - (f) name and address of the person to whom the kraft paper was sold; and
 - (g) end stock of kraft paper at month end.
- (14) A potato sack manufacturer must submit a monthly return, which reflects the -
- (a) month concerned;
 - (b) production year concerned;
 - (c) name and address of the potato sack manufacturer concerned;
 - (d) date on which the report is submitted;
 - (e) quantities per sack size of potato sacks manufactured;
 - (f) tonnage of kraft paper supplied to the manufacturer concerned and the name and address of that supplier;
 - (g) quantities of each size of potato sacks sold;

- (h) end-stock of kraft paper at the end of the month concerned; and
 - (i) names and addresses of the persons to whom the potato sacks are supplied.
- (15) A potato sack importer must submit a monthly return, which reflects the -
- (a) month concerned;
 - (b) production year concerned;
 - (c) name and address of the potato sack importer concerned;
 - (d) date on which the report is submitted;
 - (e) quantity of potato sacks imported;
 - (f) sack sizes of the potato sacks importer;
 - (g) country of origin of the imported potato sacks; and
 - (h) name and address of the person to whom the potato sacks are supplied.
- (16) The owner of a fresh produce market must submit a monthly return, which reflects the -
- (a) month concerned;
 - (b) production year concerned;
 - (c) name and address of the fresh produce market concerned;
 - (d) names and addresses of the producers, traders or other persons concerned;
 - (e) date on which report is submitted;
 - (f) quantities in kilograms of the product sold; and
 - (g) type of container in which the product was delivered.
- (17) A record system that reflects good accounting practice must be introduced and kept by the administrators.
- (18) The records of potato producers, traders, processors, exporters, importers, certification bodies, export inspection bodies, kraft paper importers, kraft paper manufacturers, potato sack manufacturers, potato sack importers and fresh produce market owners 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 the date of publication hereof and lapses on 30 June 2007.