

No. R. 1238

31 December 2010

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

**ESTABLISHMENT OF A STATUTORY MEASURE: RECORDS AND RETURNS
BY PROCESSORS AND PERSONS DEALING IN LUCERNE SEED AND
LUCERNE HAY**

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) as amended, 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, and unless the context otherwise indicates -

“deal” means the buying and selling of lucerne seed or lucerne hay, whether for the account of the person thus dealing therein, or for the account of somebody else;

“lucerne” means lucerne seed or lucerne hay;

“lucerne hay” means hay produced from lucerne;

“lucerne hay dealer” means a person dealing in the course of business with lucerne hay;

“lucerne processor” means a person that processes lucerne hay;

“lucerne seed” means any locally produced and imported lucerne seed;

“lucerne seed dealer” means a person dealing in the course of business with lucerne seed;

“private and public cultivars” means cultivars of lucerne seed in which the plant variety rights vests privately or may be used by the public;

“process” means any process or action whereby value is added to lucerne hay, whether such lucerne hay remains in its original form or not, and “processes” has a similar meaning; and

“the Act” means the Marketing of Agricultural Products Act, 1996 (Act No. 47 of 1996), as amended.

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

2. The purpose and aims of this statutory measure is to compel the parties set out herein to render records and returns to the National Lucerne Trust. This is necessary to ensure that continuous timeous and accurate information relating to lucerne hay and lucerne seed 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 information for the whole of the industry can be processed and disseminated.

The establishment of the measure should assist in promoting the efficiency of the marketing of lucerne hay and seed. The viability of the lucerne industry should thus be enhanced.

The measure is not detrimental to any of the objectives of the Act, and in particular will not be detrimental to the number of employment opportunities or fair labour practice in the lucerne industry.

Any information obtained through this mechanism 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 are affected.

The measure will be administered by the National Lucerne Trust, a section 21 company incorporated in terms of the companies Act of South Africa, who will act in terms of the mandate and on behalf of the lucerne industry.

Products to which statutory measure applies

3. This statutory measure shall apply to lucerne seed and lucerne hay.

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 lucerne seed dealers, lucerne hay dealers and lucerne hay processors shall keep the following records and render returns on a monthly basis to the National Lucerne Trust relating to -

(a) Lucerne seed:

Lucerne seed locally received, imported, exported, sold and balance on hand at end of month, rendered separately per category for private and public cultivars, per kg.

(b) Lucerne hay:

Lucerne hay locally received, imported, exported, sold and balance on hand at end of month, rendered separately per category and class, per ton.

(c) Processors:

Lucerne hay received and processed and balance of lucerne hay at end of month, rendered separately per category and class, per ton.

(2) The records referred to in subsection (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.

(3) The returns referred to in subsection (1) shall be rendered on a form obtainable free of charge for this purpose from the National Lucerne Trust within 15 days after the end of each calendar month and shall -

(a) be submitted, when forwarded by post, to -

The Manager
National Lucerne Trust
P.O. Box 185
OUDTSHOORN
6620

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

The Manager
National Lucerne Trust
152 St John Street
OUDTSHOORN
6625

(c) when sent by telefax, be addressed to -

044 - 2792838

Commencement and period of validity

6. This statutory measure shall come into operation on 1 May 2010 and shall lapse on 30 April 2013.