
No. R. 637**4 August 2011**

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

**ESTABLISHMENT OF STATUTORY MEASURE: RECORDS AND RETURNS BY
EXPORTERS, FRESH PRODUCE MARKETS, IMPORTERS, MARKET AGENTS, POTATO
PRODUCERS, PROCESSORS AND TRADERS**

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

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 -

"Administrator" means Potatoes South Africa;

"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;

"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 potatoes for his own account or acts as an agent on a commission basis or on behalf of potato producers, traders or processors;

"market agent" means an agent acting on a commission basis on a fresh produce market;

"potatoes" mean table potatoes, seed potatoes, potatoes for processing or potato products;

"Potatoes South Africa" means an association incorporated under section 21 of the Companies Act, 1973 (Act No. 61 of 1973);

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

"processor" means a person who processes potatoes; and

"trader" means a person who purchases potatoes from a potato producer or any other supplier for trading 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 exporters, fresh produce markets, importers, market agents, potato producers, processors and traders to keep records and furnish returns to the Administrator. 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 Administrator 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 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) The Potato Industry development Trust appoints Potatoes South Africa to implement and administer this statutory measure.
- (5) It is envisaged that the Administrator 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 furnished to the administrator 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 applies to potatoes.

Area in which statutory measure applies

4. This statutory measure applies 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 administrator in respect of potatoes in his or her possession or under his or her control:

- (a) exporters;
- (b) fresh produce markets;
- (c) importers;
- (d) market agents;
- (d) potato producers;
- (e) processors; and
- (f) traders.

- (2) Returns must be completed on the applicable forms obtainable free of charge from the Administrator.

- (3) Returns must -

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

The Administrator
Potatoes South Africa
Private Bag X135
PRETORIA
0001

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

The Administrator
Potatoes South Africa
Potato House
7 De Havilland Crescent

Persequor Techno Park
Persequorpark
PRETORIA

- (c) when submitted electronically, be sent to potatolevies@agric.co.za
- (4) Monthly returns must reach the Administrator 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 Administrator not later than the last day of the month in which such season ends.
- (5) 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.
- (6) 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.

- (7) 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.
- (8) A market agent must submit a monthly return, which reflects the -
- (a) month concerned;
 - (b) production year concerned;
 - (c) name and address of the market agent 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.
- (9) 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.

- (10) 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.
- (11) 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.
- (12) A record system that reflects good accounting practice must be introduced and kept by the Administrator.
- (13) The records of exporters, fresh produce markets, importers, market agents, potato producers, potato processors and traders and, if appointed, their agents must be audited at least annually by an internationally recognised firm of chartered accountants.

Commencement date and period of validity

6. This statutory measure comes into operation on the date of publication and lapses four years later.