

No. R. 199

9 March 2012

**MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996****(ACT No. 47 OF 1996)****ESTABLISHMENT OF STATUTORY MEASURE: RECORDS AND RETURNS RELATING TO  
PECAN TREES AS WELL AS DOMESTIC PRODUCTION, PROCESSING, IMPORTS AND  
EXPORTS OF PECANS AND PECAN PRODUCTS**

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 shall have that meaning, unless the context indicates otherwise:

**“exporter”** means a person or organisation who exports pecans and/or pecan products for his own account, or acts as an agent on behalf of producers and/or packers of pecans and/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 and/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 for resale; or pack 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 the objectives of the Act

2. The purpose and aims of the statutory measure is to compel the parties set out herein to keep records and render returns to SA Pecan Nut Producers Association (SAPPA). This is necessary to ensure that continuous, timeous and accurate information relating to the products as defined, is available to all role players in the South African pecan nut industry. Such 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, import and production information of pecans can be processed and disseminated.

The establishment of the measure will assist in promoting the efficiency of the marketing of pecans products. The viability of the pecans industry should thus be enhanced. The measure will not be detrimental to the number of employment opportunities or fair labour practice. Any information obtained will be dealt with in a confidential manner and no sensitive client-specific information will be made available to any party without the prior approval of the party whose rights may be affected.

It will be administered by SAPPA, who 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/or 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.

Records to be kept and returns to be rendered

5. (1) All producers, importers, exporters and processors of pecans and/or pecan products shall keep such records and render the returns as may be required by SAPPA, relating to

(a) Pecan nut trees;

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- (b) Volumes of pecans and/or pecan products produced; and
  - (c) Volumes pecans and/or pecan products imported and/or exported.
- (2) No records or returns will be required in terms of this measure which could be regarded as confidential or of a marketing nature. Specifically no information which reflects amongst others contracting parties, buyers of pecan products, cost of services, price of products or similar information will be required.
- (3) The National Department of Agriculture or its assignee shall render a copy of all import certificates or furnish the information required by SAPPA contained in such certificates within the period specified in sub-clause (5)
- (4) The records referred to in sub-clause (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.
- (5) The returns referred to in sub-clause (1) shall be rendered on forms obtainable free of charge for this purpose from SAPPA within 15 days after the end of the month in which the returns have been requested.
- (a) be submitted, when forwarded by post, to –  
SAPPA  
PO Box 32140  
TOTIUSDAL  
0127
  - (b) when delivered by hand, be delivered to –  
SAPPA  
353 24<sup>th</sup> Avenue  
Villieria  
PRETORIA  
0186
  - (c) when sent by telefax, be addressed to –  
012 – 329 9869

- (d) when sent by E-mail, addressed to –  
admin@sappa.za.org

Commencement and period of validity

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