

DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES**NO. R. 610****06 NOVEMBER 2015****MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996 (ACT NO. 47 OF 1996)****ESTABLISHMENT OF STATUTORY MEASURE: REGISTRATION OF PRODUCERS,
PROCESSORS, IMPORTERS AND EXPORTERS OF PECAN NUTS AND PECAN NUT
PRODUCTS**

I, Senzeni Zokwana, Minister of Agriculture, Forestry & 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.

SENZENI ZOKWANA,

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 –

“Exporter” means a person or entity who exports pecan nuts or pecan nut products from South Africa and includes persons or entities who arranges or handles exports on behalf or in the name of someone else;

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

“Importer” means a person or entity who imports pecan nuts or pecan nut products into South Africa and includes persons or entities who arranges or handles imports on behalf or in the name of someone else;

“Packer” means a person or entity who buys or acquires pecan nuts and/or pecan nut products and packages it for resale; or packs its own products for retail sale;

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

“Pecan nut kernels” means shelled pecan nuts;

“Pecan nut products” means the processed products obtained from pecan nuts;

“Pecan nut” means the stone or pit of the fruit of the Pecan Nut tree Carya illinoensis;

“Processor” means a person or entity who sorts and/or cleans and/or shells and/or processes pecan nuts for resale;

“Producer” means a person or entity who grows pecan nut trees to produce pecan nuts 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 register with the South African Pecan Nut Producers Association NPC (SAPPA). Registration is necessary to assist SAPPA in ensuring that continuous, timeous and accurate information relating to the products as defined, is available to all role players. Market 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, market 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 marketing of pecan nuts and pecan nut products. 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.

The measure will be administered by SAPPA, a non-profit company established in terms of the Companies Act (as amended), 2008 (Act 71 of 2008). SAPPa will implement and administer the measure as set out in the Schedule.

Products to which statutory measure applies

3. This statutory measure shall apply to pecan nuts and pecan nut products, both from 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 pecan nuts and/or pecan nut products shall register with SAPPa in the manner prescribed in clause 6.
 - (2) Each person or entity who becomes a producer, grower, processor, packer, importer and/or exporter of pecan nuts and/or pecan nut products shall register with SAPPa.
 - (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 a processor or importer or exporter shall register as a producer and as processor or importer or exporter.

Application for registration

6. Application for registration shall –
 - (1) be made within thirty (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 thirty (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@sappamail.net

Commencement and period of validity

- 7. This statutory measure shall come into operation on 1 March 2016 and will lapse 4 years later.