

No. R. 298**16 April 2010**

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

**ESTABLISHMENT OF STATUTORY MEASURE: RECORDS AND RETURNS
RELATING TO VINES, GRAPES, GRAPE JUICE, GRAPE JUICE CONCENTRATE,
DRINKING WINE, DISTILLING WINE AND WINE SPIRIT**

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.

**T 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 –

“bottler” means any person who renders services in respect of bottling, stabilising, blending, filtering, labelling or storage on behalf of wine producers or wine traders, but is not registered as as a wine producer or wine trader;

“Department” means the Department of Agriculture, Forestry and Fisheries of the National Government;

“drinking wine” includes grape juice used in the production of drinking wine and drinking wine used in the production of other alcoholic products;

“grapes” means grapes intended for the production of drinking wine or distilling wine;

“grape juice” means grape juice and grape juice concentrate intended for use in drinking wine or other alcoholic products;

“grape producer” means any producer of grapes intended for the production of drinking wine or distilling wine;

“in bulk” means a container of more than five litres;

“registered” means registered with SAWIS as a bottler, grape producer, grape juice producer, wine exporter, wine producer or wine trader, as the case may be;

“SAWIS” means the South African Wine Industry Information and Systems, a company incorporated under section 21 of the Companies Act, 1973 (Act No. 61 of 1973);

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

“vines” means vines intended for the production of grapes;

“wine exporter” means any person who exports drinking wine who is not registered as a wine producer or wine trader;

“wine producer” means any person who crushes grapes and who is not registered as a wine trader;

“wine spirit” means any spirit derived from wine, wine lees or husks;

“wine trader” means any person not registered as a wine producer who purchases or otherwise acquires -

- (a) grapes;
- (b) drinking wine, distilling wine or wine spirit, in bulk from a wine producer.

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

2. (1) The purpose and aims of the records and returns statutory measure are to compel the parties set out herein to keep records and render returns to SAWIS. This is necessary to ensure that continuous, timeous and accurate information relating to the products 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 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.
- (2) The records and returns statutory measure will assist in promoting the efficiency of the marketing of products. The viability of the wine industry will, thus, be enhanced. The records and returns statutory 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 or potentially sensitive client-specific information

will be made available to any party without the prior approval of the party whose rights are affected.

- (3) The records and returns statutory measure will be administered by SAWIS. SAWIS will continue to implement and administer the records and returns statutory measure.

Products to which statutory measure shall apply

3. The records and returns statutory measure shall apply to vines, grapes, grape juice, grape juice concentrate, drinking wine, distilling wine and wine spirit.

Area in which statutory measure shall apply

4. The records and returns statutory measure shall apply in the geographical area of the Republic of South Africa.

Records and returns statutory measure

5. (1) All bottlers, grape producers, wine exporters, wine producers and wine traders shall keep such records and render the returns as may be required by SAWIS relating to –
 - (a) vines;
 - (b) grapes;
 - (c) grape juice, grape juice concentrate, drinking wine, distilling wine and wine spirit produced, received, stored, sold, exported or otherwise utilised.
- (2) The Department shall render a copy of all export documents required by SAWIS or furnish information required by SAWIS regarding exports within the period specified in subclause (4).
- (3) The records referred to in subclause (1) shall be –

- (a) recorded on a computer or with ink in a book;
 - (b) kept at the registered premises of the person required to keep it for a period of at least three years.
- (4) The returns referred to in subclause (1) shall be rendered on forms obtainable free of charge for this purpose from SAWIS within fifteen (15) days after the end of each calendar month and shall –
- (a) be submitted, when forwarded by post, to –

SAWIS, P.O. Box 238, Paarl, 7620;
 - (b) when delivered by hand, be delivered to –

SAWIS, 312 Main Road, Paarl;
 - (c) when sent by telefax, be addressed to -

(021) 8711360;
 - (d) when submitted electronically, be sent to the address and in the format obtainable from SAWIS.

Period of validity

6. The records and returns statutory measure shall come into operation on the date of publication hereof and lapse on 31 December 2013.