

No. 607

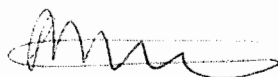
4 June 2008

MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996

(ACT No. 47 OF 1996)

**ESTABLISHMENT OF STATUTORY MEASURE - REGISTRATION OF CERTAIN PERSONS IN
RESPECT OF MAIZE, OILSEEDS, SORGHUM AND WINTER CEREAL**

I, Lulama Xingwana, Minister of Agriculture, 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.

**L XINGWANA****Minister of Agriculture**

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 -

“canola” means the seed of the rapeseed plant *Brassica Napus* and *B. campestris*;

“commercial purposes” means where an income, remuneration or benefit is obtained;

“end-consumer” means a person who consumes or processes grain or oilseeds for commercial purposes, but who does not sell any resulting product;

“exporter” means a person who exports grain or oilseeds from South Africa, and includes a person who arranges or handles the exports in the name of or on behalf of another person;

“grain” means maize, sorghum and winter cereal;

“groundnuts” means the underground fruit of the groundnut plant *Arachis hypogaeae*;

“handle” means receive, store, dispatch or process;

“importer” means a person who imports grain or oilseeds into South Africa, and includes a person who arranges or handles the imports in the name of or on behalf of another person;

"maize" means the threshed and unthreshed product of plants of *zea mays indentata*, *zea mays indurata* and *zea mays ceratina* or one of more of the hybrids of these;

"oilseeds" means canola, groundnuts, soybeans or sunflower seed;

"premises" means premises where locally produced or imported grain or oilseeds is handled and of which the person referred to is the owner or renter or otherwise has control, and where such person has more than one such premises, it shall include all such premises;

"processor" means any person who processes grain or oilseeds, in any manner or process whatsoever, to manufacture maize products, oilseed products, sorghum products or winter cereal products, including bio-fuel and drinking alcohol, with the aim of selling the resultant product;

"producer" means any person involved in the production of grains or oilseeds;

"SAGIS" means the South African Grain Information Service, an association not for gain incorporated under section 21 of the Companies Act, 1973 (Act No. 61 of 1973);

"sorghum" means the threshed ripe seed of plants *Sorghum bicolor (L.) Moench*;

"soybeans" means the seed of the soybean plant, *Glycine soya*;

"storer" means a person with storage facilities where 500 tons and more grain or oilseeds can be handled for commercial purposes;

"sunflower seed" means the seed of the sunflower plant *Helianthus annuus*;

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

"winter cereal" means wheat, barley and oats;

"white maize" means maize of which the endosperm has a white colour by nature; and

"yellow maize" means maize of which the endosperm has a yellow colour by nature.

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

2. The purpose and aims of this statutory measure are to compel end-consumers, importers, storers, exporters and processors of grain or oilseeds to register with SAGIS. These shall also include any person e.g. a producer who acts in the capacity of the aforementioned persons. Registration of the said persons is necessary to enable SAGIS to make available continuous, timely and accurate market information in respect of grain or oilseeds to all role-players. It is essential that market information in the deregulated market be as accurate as possible in order to be able to make informed decisions. Through the combination of mandatory registration of the major role-players together with the submission of monthly returns on an individual basis, market information for the whole of the country can be processed and disseminated in the marketplace.

This statutory measure will not only assist in improving market access for all market participants, but it should also assist in promoting the efficiency of the marketing of grain and oilseeds. The viability of the grain and oilseeds industries will thus be promoted.

This statutory measure is administered by SAGIS. SAGIS was specifically established for the purpose of registration and information gathering, processing and dissemination in respect of the various grain and oilseed industries in South Africa.

Product to which statutory measure applies

3. This statutory measure shall apply to:

- (a) maize, but shall exclude maize seed destined for planting purposes, maize on the cob for human consumption and maize used for silage;
- (b) sorghum but exclude sorghum for planting purposes or sorghum utilised as silage;
- (c) oilseeds; and
- (d) winter cereal.

Area in which statutory measure applies

4. This statutory measure shall apply within the geographical area of the Republic of South Africa.

Registration of end-consumers, importers, storers, exporters and processors of maize, oilseeds, sorghum and winter cereal

5. (1) All end-consumers, importers, storers, exporters and processors of grain and oilseeds shall register as such with SAGIS in the manner set out in clause 6. These shall also include any person e.g. a producer who acts in the capacity of the aforementioned persons.

(2) Each person who becomes an end-consumer, importer, storer, exporter or processor after the date at which this statutory measure comes into force, shall register with SAGIS within 30 days after he became an end-consumer, importer, storer, exporter or processor.

(3) Each end-consumer, importer, storer, exporter or processor who registered with SAGIS in terms of Government Notice R.1045, R.1046, R.1047 and R.1048 of 27 October 2000 as amended, shall be deemed to be registered with SAGIS in terms of this statutory measure.

(4) Upon registration a certificate of registration will be issued by SAGIS to the applicant.

(5) The registration certificate issued in terms of subclause (4) shall expire when this statutory measure is revoked or when it is cancelled by SAGIS.

(6) Every end-consumer, importer, storer, exporter and processor of grain or oilseeds shall notify SAGIS in writing within 30 days after he has ceased to act in that capacity, whereupon his registration will be cancelled.

(7) The provisions of clause 6 shall apply mutatis mutandis to persons who were already registered with SAGIS at the time of this publication.

Application for registration as end-consumer, importer, storer, exporter or processor of maize, oilseeds, sorghum and winter cereal

6. (1) An application for registration in terms of clause 5 shall be made on the application form available from SAGIS.

(2) The application form shall be completed in ink by a person who is duly authorised and it shall be accompanied by the corroborating documentation as specified in the application form.

(3) The application form shall -

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

The General Manager: SAGIS
P.O. Box 2267
Montanapark
0159, or

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

The General Manager: SAGIS
Montana Forum Building
Cnr Taaifontein and Tecomaria Streets
Montanapark x 57
Pretoria

(c) if sent electronically, be sent to:

Any of the fax numbers, e-mail addresses or any other electronic addresses as they appear on the application form.

Commencement and period of validity

7. This statutory measure shall come into operation on the date of publication hereof and shall lapse on 30 April 2012.