

No. R. 1048

10 September 2004

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

**ESTABLISHMENT OF STATUTORY MEASURE: REGISTRATION OF POTATO PRODUCERS,
TRADERS, PROCESSORS, EXPORTERS, IMPORTERS, CERTIFICATION BODIES, EXPORT
INSPECTION BODIES, KRAFT PAPER IMPORTERS, KRAFT PAPER MANUFACTURER, POTATO
SACK MANUFACTURES, POTATO SACK IMPORTERS AND FRESH PRODUCE MARKETS**

I, Angela Thokozile Didiza, 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.



A.T. DIDIZA,
Minister of Agriculture.

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 -

"certification body" means an organisation which executes the certification of seed potatoes on behalf of the Independent Certification Council for Seed Potatoes;

"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;

"export inspection body" means an organisation which executes the export inspection of potatoes in terms of the Agricultural Product Standards Act, (Act No. 119 of 1990);

"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 table potatoes, seed potatoes, processed potatoes or any other form of potatoes for his or her own account or acts as an agent on a commission basis or on behalf of potato producers, traders or processors;

"kraft paper importer" means any person who imports extensible wet strength sack kraft paper for the manufacturing of potato sacks;

"kraft paper manufacturer" means any person who manufactures extensible wet strength sack kraft paper locally for use in the manufacture of potato sacks;

"Potatoes South Africa" means the Potato Producers' Organisation, trading as Potatoes South Africa, an organisation incorporated under section 21 of the Companies Act, 1973 (Act No. 61 of 1973);

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

"potato sack importer" means a person who imports potato sacks manufactured from extensible wet strength sack kraft paper;

"potato sack manufacturer" means a person who manufactures potato sacks from extensible wet strength kraft paper;

"processor" means a person who processes potatoes in various products intended for human consumption or industrial purposes; and

"trader" means a person who purchases seed potatoes or table potatoes from a potato producer or any other supplier for trade 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 potato producers, traders, processors, exporters, importers, certification bodies, export inspection bodies, kraft paper manufacturers, potato sack manufacturers, potato sack importers and fresh market owners to register with the administrators

(2) Registration is necessary to assist the potato industry in ensuring that continuous, timeous and accurate market information relating to the potato industry is available to all role players.

(3) Relevant market information is deemed essential in a deregulated market for all role players to make informed decisions. By combining the compulsory registration with the furnishing of monthly returns on an individual basis, market information for the whole of the country can be processed and disseminated to the market place.

(4) ~~The establishment of this statutory measure will not only assist in enhancing market access for all market participants, but will also develop new markets for the South African potato, internationally. The viability of the potato industry will thus be enhanced. The measure will not be detrimental to the number of employment opportunities within the economy or fair labour practice.~~

(5) It is envisaged that the Trust will appoint an administrator to perform the administrative functions regarding the administration of this statutory measure.

Product to which statutory measure applies

3. This statutory measure shall apply to potatoes.

Area in which statutory measure applies

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

Registration of parties concerned

5. (1) The following parties must register as such with the administrators in the manner set out in clause 6 –

- (a) potato producers;
- (b) traders;
- (c) processors;
- (d) exporters;
- (e) importers;
- (f) certification bodies;
- (g) export inspection bodies;
- (h) kraft paper importers;
- (i) kraft paper manufacturers;
- (j) potato sack manufacturers
- (k) potato sack importers; and
- (l) fresh market owners.

(2) A person who is required to register for more than one category listed in subclause (1) must complete a separate application for each category.

Application for registration

6 (1) An application for registration must be made within 30 days from the date of commencement of this statutory measure and, in the case of a person becoming a party in terms of clause 5(1) after such date of commencement, within 30 days of becoming such party.

(2) An application for registration must be made on an application form obtainable free of charge from the administrators.

(3) The application form must be completed and signed by a person duly authorised thereto.

(4) Application must -

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

The Administrators: Potato Industry Development Trust
Private Bag X135
PRETORIA
0001

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

The Administrators: Potato Industry Development Trust
529 Belvedere Street
ARCADIA
PRETORIA

- (c) when delivered electronically, be sent to
- potatolevies@agric.co.za

Commencement and period of validity

7. This statutory measure comes into operation on the date of publication hereof and lapses on 30 June 2007.