

No. R. 1044

3 September 2004

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

**CONTINUATION OF STATUTORY MEASURE - RECORDS AND RETURNS BY
BROKERS, TRADERS, PROCESSORS, IMPORTERS AND EXPORTERS OF WOOL**

I, Angela Thokozile Didiza, Minister of Agriculture, 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.


A.T. DIDIZA
Minister of Agriculture
28/08/2004

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 -

"broker" means a person dealing with wool in the course of trade by treating, keeping, conveying, selling or processing wool on behalf of a producer or cause such actions to be taken on behalf of a producer;

"Cape Wools SA" means Cape Wools SA, an association not for gain incorporated under section 21 of the Companies Act, 1973 (Act No. 61 of 1973), with registration number 1997/03450/08;

"exporter" means a person dealing with wool in the course of trade by exporting it from the Republic;

"importer" means a person dealing with wool in the course of trade by importing it into the Republic;

"magisterial district" means a magisterial district as defined from time to time by the national Government of the Republic;

"processor" means a person dealing with wool in the course of trade by scouring and combing it, or processing it in any other manner, or cause such actions to be taken;

"producer" means a person producing wool or involved in the production of wool;

"Republic" means the Republic of South Africa;

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

"trader or wool buyer" means a person dealing with wool in the course of trade by buying and selling wool;

"wool" means the removed natural coat of the sheep (genus ovis), in whatever form;

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

2. The purpose and aim of this statutory measure is to provide a statutory mechanism for the keeping of records and the furnishing of returns to Cape Wools SA. This is deemed necessary to ensure that continuous, timeous and accurate statistics and information relating to the characteristics and the marketing and sale of wool is made available to all role-players. The statutory measure will further the objects of the Act as set out in section 2(2) thereof, and will not be detrimental to any of the matters specified in section 2(3) of the Act.

A centralised source of reliable, objective and user-friendly statistics and information on the aggregate profile of the industry at any given point in time, to aid decision-making during the growing, marketing, processing and promotion of South African wool is an essential tool to continuously position the South African wool industry nationally and internationally.

Reliable national statistics and objective aggregate information regarding production (on magisterial district basis), sales, price trends and projections, export volumes, prices and destinations and co-ordinated national and international economic data are fundamental to the need to increase market access for all participants, but especially developing farmers who need impartial and objective information. Access to a national database of this nature supports the development of efficient marketing mechanisms for wool and assists in the optimisation of export earnings for all sectors.

The viability of the agricultural sector, particularly in developing areas, can only be accelerated if reliable, inclusive and comprehensive industry data is available to assess the progress of this sector over time against the benchmark of reliable historical data.

This statutory measure will be implemented and administered by Cape Wools SA, with due consideration of the South African wool industry's international associations and links and the need to establish a structure that will ensure the ongoing involvement by all affected parties.

Information gathered will be dealt with in the context of section 23(2) of the Act read with the applicable provisions of the Constitution and the Promotion of Access to Information Act.

Cape Wools SA will provide macro generic industry statistics and information on and for the wool industry. This information will be made available on an aggregate basis, in an appropriate format.

Product to which statutory measure applies

3. This statutory measure shall apply to wool.

Area in which statutory measure applies

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

Records to be kept by brokers, traders, processors, importers and exporters

5(1) Each broker, trader, processor, importer and exporter of wool shall keep the following records with regard to wool that he or she has in his or her possession or under his or her control:

5(1)(i) *Brokers and traders or wool buyers*

- (a) Monthly receipts of wool, (bales, bags and total mass) to be offered for sale by catalogue.
- (b) Monthly purchases of wool (bales, bags and total mass) not for offer for sale by catalogue.
- (c) Details of sale of wool by catalogue, in respect of all relevant and certified technical specification thereof.
- (d) Auction sales data of wool (gross total monthly wool sales).
- (e) Lots put up for sale at auctions and not knocked down at that auction.
- (f) Monthly payments to producers and other sellers of wool (total mass and value).

- (g) Name and address changes of producers from whom wool is received.
- (h) Details of actual sales of wool per auction, including details relating to the broker, the producer or other seller, and the trader or wool buyer buying that wool, including the prices obtained per lot and details of wool put up for sale but not sold at that auction.

5(1)(ii) *Processors*

- (a) Total mass of greasy wool processed on a monthly basis identified by product category (Merino, Karakul, Coarse and Coloured, as appropriate).
- (b) Total mass of processed output on a monthly basis identified by product category (scoured not for carbonising or topmaking, carbonised, top, noil or waste, as appropriate).

5(1)(iii) *Exporters*

- (a) Description of consignment (greasy, scoured, carbonised, top, noil or waste, as appropriate).
- (b) Mass of consignment.
- (c) Free on board value of consignment.
- (d) Port of export.
- (e) Destination of consignment (country where further processing will take place).

5(1)(iv) *Importers*

- (a) Description of consignment (greasy, scoured, carbonised, top, noil or waste, as appropriate).
- (b) Mass of consignment.
- (c) Value of consignment.
- (d) Country imported from.

5(2) The records referred to in subsection (1) shall -

- (a) be recorded on a computer or with ink in a book; and
- (b) be kept at the head office or usual place of business of the person required to keep it for a period of at least four years after the end of the period for which such records must be kept.

Returns to be rendered by brokers, traders, processors, importers and exporters

6(1) Each broker, trader, processor, importer and exporter of wool shall within 15 days after the end of each calendar month, furnish to Cape Wools SA an accurate return of the particulars prescribed in section 5.

6(2) Notwithstanding the provisions of section 6(1), each broker selling wool by auction, shall furnish an accurate return of the particulars prescribed in 5(1)(i)(h) by not later than close of business on the day following the auction.

6(3) The returns referred to in subsection (1), shall be furnished in the form or manner determined by Cape Wools SA for this purpose, and shall, if furnished on paper, be completed in ink.

6(4) The return shall -

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

The General Manager
Cape Wools SA
P.O. Box 2191
North End
PORT ELIZABETH
6056; or

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

The General Manager
Cape Wools SA
Wool House
18 Grahamstown Road
North End
PORT ELIZABETH
6056

(c) when submitted electronically, be submitted to an address supplied by Cape Wools on request.

6(5) The return shall be forwarded or delivered so as to reach the General Manager of Cape Wools SA before or on the return date mentioned in subclause (1).

6(6) The return shall be rendered even if there is nothing to be reported on the return.

Commencement and period of validity

7. This statutory measure shall come into operation on the date of publication hereof and shall lapse on 30 June 2008.