

No. R. 527

29 June 2007

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

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

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 must have that meaning, and unless the context otherwise indicates -

**"agent"** means a person who purchases and stores potato bags on behalf of a potato producer and deliver such bags at a time agreed upon between the agent and the producer;

**"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, 1990 (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 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 kraft paper for the manufacturing of potato bags;

**"kraft paper manufacturer"** means any person who manufactures kraft paper locally for use in the manufacture of potato bags;

**"potatoes"** means table potatoes, seed potatoes, processed potatoes or any other form of potatoes;

**"Potatoes South Africa"** means the association 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 bag importer"** means a person who imports potato bags manufactured from kraft paper;

**"potato bag manufacturer"** means a person who manufactures potato bags from kraft paper;

**"processor"** means a person who processes potatoes into various products intended for human consumption or for 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 agents, certification bodies, exporters, export inspection bodies, fresh produce markets, importers, kraft paper importers, kraft paper manufacturers, potato producers, potato bag importers, potato bag manufacturers, processors and traders to register with the administrator.

(2) Registration is necessary to assist the administrator to ensure 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 South African potatoes 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 Potato Industry Development Trust will appoint Potatoes South Africa as administrator to establish and administer the statutory measure as set out in the Schedule.

***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) agents;
- (b) certification bodies;
- (c) exporters;
- (d) export inspection bodies;
- (e) fresh produce markets;
- (f) importers;
- (g) kraft paper importers;
- (h) kraft paper manufacturers;
- (i) potato producers;
- (j) potato bag importers;
- (k) potato bag manufacturers;
- (l) processors; and
- (m) traders.

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

***Application for registration***

6. (1) An application for registration in the case of a person becoming a party in terms of clause 5(1) must be made within 30 days after becoming such a 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) Applications must -
- (a) when forwarded by post, be addressed to -
- The Administrator  
Potato Industry Development Trust  
Private Bag X135  
PRETORIA  
0001
- (b) when delivered by hand, be delivered to -
- The Administrator  
Potato Industry Development Trust  
Potato House  
6 De Havilland Crescent  
Persequor Technopark  
Persequor Park  
PRETORIA
- (c) when submitted electronically, be sent to  
potatolevies@agric.co.za

***Commencement and period of validity***

7. This statutory measure shall come into operation on the date of publication hereof and lapse four years later.