

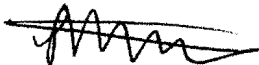
No. 53

30 January 2009

**MARKETING OF AGRICULTURAL PRODUCTS ACTS, 1996 (ACT NO.47 OF 1996),  
AS AMENDED**

**ESTABLISHMENT OF STATUTORY MEASURE – RECORDS AND RETURNS BY  
BROKERS, TRADERS, PROCESSORS, IMPORTERS AND EXPORTERS OF  
MOHAIR**

I, Lulama Xingwana, 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.



**L. XINGWANA**

**Minister of Agriculture**

## SCHEDULE

### 1. Definitions

In this Schedule any word or expression to which a meaning has been assigned in the Act shall have that meaning, unless the context otherwise indicates -

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

**“exporter”** means a person dealing with mohair in the course of trade by exporting it from the Republic;

**“importer”** means a person dealing with mohair in the course of trade by importing it into the Republic;

**“mohair”** means the removed natural fleece of the angora goat (*Capra Angoriensis*) in whatever form;

**“Mohair SA”** means Mohair South Africa Ltd, an association not for gain incorporated under section 21 of the Companies Act, 1973 (Act No. 61 of 1973), with registration number 1997/021800/09;

**“processor”** means a person dealing with mohair 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 mohair or is involved in the production of mohair;

**“Republic”** means the Republic of South Africa;

**“the Act”** means the Marketing of Agriculture Products Act, 1996 (Act No. 47 of 1996), as amended; and

**“trader or mohair buyer”** means a person dealing with mohair in the course of trade by buying and selling mohair.

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

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 Mohair 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 mohair is made available to all role-players. The statutory measure will further the objectives 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 centralized 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 mohair is an essential tool to continuously position the South African mohair industry nationally and internationally.

Reliable national statistics and objective aggregate information regarding production (on magisterial district basis), sales, price trends and projections, export 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 mohair and assists in the optimization 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 Mohair SA, with due consideration of the South African mohair 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.

Mohair SA will provide macro generic industry statistics and information on and for the mohair industry. This information will be made available on an aggregate basis and in an appropriate format.

### **3. Product to which statutory measure applies**

This statutory measure shall apply to mohair.

### **4. Area in which statutory measure applies**

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

### **5. Records to be kept by brokers, traders, processors, importers and exporters**

- 5.1 Each broker, trader, processor, importer and exporter of mohair shall keep the following records with regard to mohair that he or she has in his or her possession or under his or her control:

#### 5.1.1 Brokers and traders or mohair buyers -

- (a) Monthly receipts of mohair, (bales, bags and total mass) to be offered for sale by catalogue
- (b) Monthly purchases of mohair, (bales, bags and total mass) not for offer for sale by catalogue
- (c) Details of sale of mohair by catalogue, in respect of all relevant and certified technical specification thereof
- (d) Auction sales data of mohair (gross total monthly mohair 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 mohair (total mass and value)
- (g) Name and address changes of producers from whom mohair is received
- (h) Details of actual sales of mohair per auction, including details relating to the broker, the producer or other seller, and the trader or mohair buyer buying that mohair, including the prices obtained per lot and details of mohair put up for sale but not sold at that auction

#### 5.1.2 Processors -

- (a) Total mass of greasy mohair processed on a monthly basis identified by product category (kids, young goats, fine adult, adult by micron & length)
- (b) Total mass of processed output on a monthly basis identified by product category (scoured not for carbonizing or top making, carbonized, top, noil or waste, as appropriate)

#### 5.1.3 Exporters -

- (a) Description of consignment (greasy, scoured, carbonized, 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)

#### 5.1.4 Importers -

- (a) Description of consignment (greasy, scoured, carbonized, 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 section 5.1 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.

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

6.1 Each broker, trader, processor, importer and exporter of mohair shall within 15 days after the end of each calendar month, furnish to Mohair SA an accurate return of the particulars prescribed in section 5.

6.2 Notwithstanding the provisions of section 6.1, each broker selling mohair by auction, shall furnish an accurate return of the particulars prescribed in section 5.1.1 by not later than close of business on the day following the auction.

6.3 The returns referred to in subsection 5.1, shall be furnished in the form or manner determined by Mohair 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  
Mohair SA  
P.O. Box 2243  
North End  
PORT ELIZABETH  
6056

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

The General Manager  
Mohair SA  
4-8 Jochla Road  
Sydenham  
PORT ELIZABETH  
6001

- (c) when submitted electronically, be submitted to an address supplied by Mohair SA on request.

- 6.5 The returns shall be forwarded or delivered so as to reach the General Manager of Mohair SA before or on the return date mentioned in section 5.1.
- 6.6 The return shall be rendered even if there is nothing to be reported on the return.

**7. Commencement and period of validity**

This statutory measure shall come into operation on the date of publication hereof and shall lapse on 31 July 2012.