
GOVERNMENT NOTICES

DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES

No. R. 297

16 April 2010

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

CONTINUATION OF STATUTORY MEASURE: REGISTRATION OF BOTTLERS, GRAPE PRODUCERS, WINE EXPORTERS, WINE PRODUCERS AND WINE TRADERS

I, Tina Joemat-Pettersson, Minister of Agriculture, Forestry and Fisheries, acting under sections 13 and 19 of the Marketing of Agricultural Products Act, 1996 (Act No. 47 of 1996), hereby continue the statutory measure set out in the Schedule.

T JOEMAT-PETTERSSON,
Minister of Agriculture, Forestry and Fisheries.

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 –

“bottler” means any person who renders services in respect of bottling, stabilising, blending, filtering, labelling or storage on behalf of wine producers or wine traders, but is not registered as a wine producer or wine trader;

“drinking wine” includes grape juice used in the production of drinking wine and drinking wine used in the production of other alcoholic products;

“grapes” means grapes intended for the production of drinking wine or distilling wine;

“grape juice” means grape juice and grape juice concentrate intended for use in drinking wine or other alcoholic products;

“grape producer” means any producer of grapes intended for the production of drinking wine or distilling wine;

“in bulk” means a container of more than five litres;

“register” means register with SAWIS as a bottler, grape producer, grape juice producer, wine exporter, wine producer or wine trader, as the case may be; and “registered” and “registration” have corresponding meanings;

“SAWIS” means the South African Wine Industry Information and Systems, a company incorporated under section 21 of the Companies Act, 1973 (Act No. 61 of 1973);

“the Act” means the Marketing of Agricultural Products Act, 1996 (Act No. 47 of 1996);

“wine exporter” means any person who exports drinking wine who is not registered as a wine producer or wine trader;

“wine producer” means any person who crushes grapes and who is not registered as a wine trader;

“wine spirit” means any spirit derived from wine, wine lees or husks;

“wine trader” means any person not registered as a wine producer who purchases or otherwise acquires -

- (a) grapes;
- (b) drinking wine, distilling wine or wine spirit, in bulk from a wine producer.

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

2. (1) The purpose and aims of the continuation of the registration statutory measure are to continue to compel the parties set out herein to register with SAWIS. Registration is necessary to assist SAWIS in ensuring that continuous, timeous and accurate information relating to the products defined, is available to all role players. Market information is deemed essential for all role players in order for them to make informed decisions. By combining compulsory registration with the keeping of information and the rendering of returns on an individual basis, market information for the whole of the industry can be processed and disseminated and will form the basis for the collection of levies.
- (2) The continuation of the registration statutory measure will assist in promoting the efficiency of the marketing of products. The viability of the wine industry will, thus, be enhanced. The registration statutory measure will not be detrimental to the number of employment opportunities or fair labour practice.
- (3) The registration statutory measure will be administered by SAWIS. SAWIS will continue to implement and administer the registration statutory measure.

Products to which statutory measure shall apply

3. The registration statutory measure shall apply to grapes, grape juice, drinking wine, distilling wine and wine spirit.

Area in which statutory measure shall apply

4. The registration statutory measure shall apply in the geographical area of the Republic of South Africa.

Registration statutory measure

5. (1) (a) All bottlers, grape producers, grape juice producers, wine exporters, wine producers and wine traders shall register with SAWIS.
- (b) A person shall have a choice to register as either a wine producer or wine trader, but not both.
- (c) A person who is a grape producer as well as a wine producer or wine trader shall register as a grape producer and as a wine producer or wine trader.
- (d) Application for registration shall –
- (i) be made within 30 days of becoming a party as contemplated in subclause (1);
- (ii) be made on the application form obtainable free of charge from SAWIS;
- (iii) be submitted, when forwarded by post, to –
- SAWIS, P.O. Box 238, Paarl, 7620;
- (iv) when delivered by hand, be delivered to –

SAWIS, 312 Main Road, Paarl;

(v) when sent by telefax, be addressed to –

(021) 8711360;

(vi) when submitted electronically, be sent to the address and in the format obtainable from SAWIS.

Period of validity

6. The registration statutory measure shall continue from 1 November 2009 and lapse on 31 December 2013.