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## DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES

NO. R. 1576

06 DECEMBER 2019

MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996  
(ACT No 47 OF 1996)**ESTABLISHMENT OF STATUTORY MEASURE: REGISTRATION OF  
PRODUCERS, EXPORTERS, MUNICIPAL MARKETS AND TRADERS OF  
PLUMS AND PRUNES, PEACHES AND NECTARINES, APRICOTS,  
APPLES AND PEARS AND PROCESSORS OF APPLE CONCENTRATE  
AND DRIED FRUIT**

I, Angela Thoko Didiza, Minister of Agriculture, Land Reform and Rural Development, 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 attached Schedule.

**AT DIDIZA,**

Minister for Agriculture, Land Reform and Rural Development.

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**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 –  
“**Exporter**” means a person who trade pome fruit and stone fruit for export for his own account, or acts as an agent on a commission basis on behalf of producers;  
“**Municipal market**” means the fresh produce markets as defined from time to time;  
“**Pome fruit producer**” means a producer of apples and pears intended for fresh pome fruit exports, domestic fresh consumption, dried fruit and for the production of apple juice concentrate;  
“**Processor**” means an apple juice concentrate manufacturer or a processor of dried (pome and stone) fruit;  
“**Retailer**” means a person who trades with pome fruit and stone fruit on a retail level on the domestic market; and  
“**Stone fruit producer**” means a producer of plums, prunes, peaches, nectarines and apricots intended for fresh stone fruit exports, domestic fresh consumption and dried fruit.

A person shall have a choice to register as either a producer or an exporter or municipal market or retailer or processor. A person who is a producer as well as an exporter or retailer or processor, must register as a producer and as an exporter or retailer or processor.

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

2. The purpose and aims of the statutory measure is to compel the parties set out herein to register with HORTGRO (Pty) Ltd. Registration is necessary to assist HORTGRO in ensuring that continuous, timeous and accurate information relating to the products as 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 where applicable and appropriate.

The establishment of the measure would assist in promoting the efficiency of the production and marketing of pome fruit and stone fruit products. The viability of the pome fruit and stone fruit industry will thus be enhanced. The measure will not be detrimental to the number of employment opportunities or fair labour practice.

The measure will be administered by HORTGRO, a company established in terms of the Companies Act (as amended), 2008 (Act 71 of 2008). HORTGRO will implement and administer the measure as set out in the Schedule within DFPT Finance, a non-profit company incorporated under the Companies Act (as amended), 2008 (Act 71 of 2008).

**Products to which statutory measure applies.**

3. This statutory measure shall apply to plums, prunes, peaches, nectarines, apricots, apples and pears intended for fresh domestic consumption and/or export and/or dried fruit and/or apples for juice concentrate processing.

**Area in which measure shall apply**

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

**Registration of parties concerned**

5.
  - (1) All producers, exporters, retailer, processors and municipal markets of pome fruit and stone fruit for fresh domestic consumption and/or export and/or dried fruit and/or processors of apples, shall register with HORTGRO.
  - (2) A person shall have a choice to register as either a producer or exporter or retailer or processor.

- (3) A person who is a producer as well as a processor or exporter or trader shall register as a producer and as exporter or retailer or processor.

**Application for registration**

6. Application for registration shall –

- (1) be made within thirty (30) days of the commencement of this statutory measure, and in the case of a person becoming a party as contemplated in clause 5 after such date of commencement, within thirty (30) days of becoming such a party;
- (2) be made on the application form obtainable free of charge from HORTGRO;
- (3) be submitted, when forwarded by post, to –  
HORTGRO  
PO Box 163  
PAARL  
7620
- (4) when delivered by hand, be delivered to –  
HORTGRO  
258 Main Road  
PAARL  
7646
- (5) when sent by telefax, be addressed to –  
021-870 2915
- (6) when sent by E-mail, addressed to –  
[info@hortgro.co.za](mailto:info@hortgro.co.za)

**Commencement and period of validity**

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