
GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT**NO. 826****31 JULY 2020****MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996
(ACT NO. 47 OF 1996)****ESTABLISHMENT OF STATUTORY MEASURE: RECORDS AND RETURNS BY
ABATTOIRS AND OTHER ROLE-PLAYERS IN THE RED MEAT INDUSTRY**

I, Angela Thoko Didiza, Minister of Agriculture, Land Reform and Rural Development, acting under sections 10, 13, 14 and 18 of the Marketing of Agricultural Products Act, 1996 (Act No. 47 of 1996), as amended, hereby establish the statutory measure set out in the attached Schedule.

MRS A T DIDIZA, MP
MINISTER OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

SCHEDULE

1. Definitions

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 –

“**designated animals**” for purposes of this notice, means cattle, sheep and goats;

“**levy notice**” means any notice whereby a levy is imposed on designated animals, red meat, red meat products and processed pork in terms of the Act;

“**Levy Administrator**” means Meat Statutory Measure Services, the juristic person entrusted with the implementation, administration and enforcement of the statutory measure established in this notice;

“**red meat**” means any carcass or any part of a slaughtered and skinned designated animal, fresh or frozen which has not undergone any processing other than deboning, portioning, dicing, mincing, cooling or freezing;

“**red meat products**” means any product derived from the processing of red meat, with or without the addition of other meat or food products; and

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

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

The purpose and aim of this statutory measure is to compel the parties set out herein to render records and returns to the Meat Statutory Measure Services. This is necessary to ensure that continuous, timeous and accurate information relating to the designated animals slaughtered and their products, is available to all role-players. Market information is deemed essential for all role-players in order for them to make informed decisions. By prescribing the keeping of records with the rendering of returns on a individual basis, market information for the whole of the industry can be processed and published.

The establishment of this statutory measure should assist in promoting the efficiency of the marketing of red meat. The viability and efficiency of the red meat industry should thus be enhanced.

This statutory measure is not detrimental to any of the objectives of the Act, and in particular will not be detrimental to the number of employment opportunities or on fair labour practice in the red meat industry.

Any information obtained through this mechanism will be dealt with in a confidential manner and sensitive or potentially sensitive client-specific information shall be dealt with in accordance with section 23 (2) of the Act.

This statutory measure will be administered by the Meat Statutory Measure Services, who will act in terms of the mandate and on behalf of the red meat industry through its representative structure, namely the Red Meat Industry Forum.

3. Products to which this statutory measure applies

This statutory measure shall apply to all -

- (a) designated animals purchased or sold;
- (b) red meat and red meat products from designated animals from designated animals within the boundaries of the Republic of South Africa;
- (d) red meat and red meat products (excluding hides and skins) imported into the Republic of South Africa;
- (e) designated animals exported live from the Republic of South Africa; and
- (f) processed pork.

4. Area in which the measure shall apply

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

5. Records to be kept, returns to be rendered and the enforcement thereof

Any person referred to in sections 5 (1), 5 (2) and 5 (3) of the levy notice, with the exception of persons referred to in sections 5 (1) (a) and 5 (2) (a) thereof, shall keep such record and render the returns as may be required by the Levy Administrator for the designated animals, red meat, red meat products and processed pork, as contemplated in section 3 -

5.1 The records referred to in section 5 shall –

- (a) be recorded on a computer or with ink in a book; and

(b) be kept at the registered premises of the person required to keep the records for a period of at least three years.

5.2 The returns referred to in section 5 shall be rendered on a form obtainable free of charge for this purpose from the Levy Administrator and shall -

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

Meat Statutory Measure Services
P O Box 36802
Menlo Park
Pretoria
0102

(b) When sent by telefax, be addressed to -

012 361 2382

5.3 The implementation, administration and enforcement of the statutory measure established in this notice are entrusted to Meat Statutory Measure Services, a non-profit company as contemplated in the Companies Act, 2008 (Act No. 71 of 2008).

5.4 Returns referred to in sections 5 (1) (b), (d), (e), (f) and (g) and 5 (2) (b), (d), (e), (f) and (g) and 5 (3) must be submitted within 14 days after the end of the calendar month in which the transaction took place. In the event of sections 5 (1) (c) and 5 (2) (c) must be submitted on or before the last day of March of the relevant year in which the levy is payable.

6. Commencement and period of validity

This statutory measure shall come into operation on 5 November 2020 and will lapse after an extension period of two years. The lapsing of the statutory measure shall not

- (a) Affect the previous operation of the statutory measure so lapsed or anything duly done or suffered under the statutory measure so lapsed; or
- (b) Affect any right, privilege, obligation or liability acquired, accrued or incurred under the statutory measure so lapsed; or
- (c) Affect any penalty, forfeiture or punishment incurred in respect of any offence committed against the statutory measure so lapsed; or
- (d) Affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, forfeiture or punishment as acquired, accrued or incurred in terms of the statutory measure so lapsed.

And any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the statutory measure had not lapsed.

DEPARTEMENT VAN LANDBOU, GRONDHERVORMING EN LANDELIKE ONTWIKKELING

NO. 826

31 JULIE 2020

WET OP DIE BEMARKING VAN LANDBOUPRODUKTE, 1996

(WET Nr. 47 VAN 1996)

**DAARSTELLING VAN STATUTÊRE MAATREËL: OPGAWES EN
VERSLAGGEWING DEUR ABATTOIRS EN ANDER ROLSPELERS IN DIE
ROOIVLEISBEDRYF**

Ek, Angela Thoko Didiza, Minister van Landbou, Grondhervorming en Landelike Ontwikkeling, handelende kragtens artikels 10, 13, 14 en 18 van die Wet op die Bemarking van Landbouprodukte, 1996 (Wet Nr. 47 van 1996), soos gewysig, stel hiermee die statutêre maatreël in soos in die Bylaag hierby aangeheg, uiteengesit is.

**MRS A T DIDIZA, MP
MINISTER VAN LANDBOU, GRONDHERVORMING EN LANDELIKE
ONTWIKKELING**

BYLAAG

1. Woordomskrywing

In hierdie Bylaag het enige woord of uitdrukking waaraan 'n betekenis volgens die Wet toegeken is, daardie betekenis tensy die konteks anders bepaal, en beteken –

“aangewese dier” vir die doel van hierdie kennisgewing verwys na beeste, skape en bokke;

“die Wet” verwys na die Wet op die Bemaking van Landbouprodukte, 1996 (Wet nr. 47 van 1996) soos gewysig;

“Heffingsadministrateur” verwys na Meat Statutory Measure Services, die regspersoon wat toevertrou is met die implementering, administrasie en toepassing van die statutêre maatreël gevestig in hierdie kennisgewing;

“heffingskennisgewing” verwys na enige kennisgewing waarvolgens 'n heffing op 'n aangewese dier, rooivleis, rooivleisprodukte, geprosesseerde varkveis in terme van die Wet ingestel word;

“rooivleis” beteken enige karkas of enige gedeelte van 'n geslagte en afgeslagde aangewese dier, vars of bevrore, wat nie prosessering andersins as ontbening, versnippering, verdeling, maal, verkoeling of bevvriesing ondergaan het nie; en

“rooivleisprodukte” beteken enige produkte wat ontstaan as gevolg van die prosessering van rooivleis met of sonder die byvoeging van ander vleis- of voedselprodukte.

2. Doel en oogmerk van die statutêre maatreël en die verwantskap met die doelwitte van die Wet

Die doel en oogmerke van hierdie statutêre maatreël is om die partye hierin uiteengesit te noop om opgawes en verslae by die Meat Statutory Measure Services in te handig. Dit is om te verseker dat aaneenlopende, tydige en akkurate inligting rakende geslagte aangewese diere en hul produkte, aan alle rolspelers beskikbaar is. Markinligting is noodsaaklik vir alle rolspelers om ingeligte keuses te kan uitoefen. Deur voor te skryf om opgawes by te hou deur die inhandiging van verslae op 'n individuele basis beteken markinligting kan verwerk en vir die bedryf gepubliseer word.

Die daarstelling van hierdie statutêre maatreël moet help om die effektiwiteit van die rooivleisbemarking te bevorder. Die lewensvatbaarheid en doeltreffendheid van die rooivleisbedryf behoort dus bevorder te word.

Hierdie statutêre maatreël is nie nadelig vir enige van die doelwitte van die Wet nie en sal, in besonder, nie nadelig vir die aantal werksgeleenthede of op regverdige arbeidspraktyk in die rooivleisbedryf wees nie.

Enige inligting wat deur middel van hierdie meganisme bekom word, sal op 'n vertroulike basis hanteer word en sensitiewe of potensieël sensitiewe, klient spesifieke inligting sal kragtens artikel 23(2) van die Wet hanteer word.

Die statutêre maatreël sal deur die Meat Statutory Measure Services volgens die mandaat en namens die rooivleisbedryf deur middel van die verteenwoordigende liggaam, die Rooivleisbedryfsforum, geadministreer word.

3. Produkte waarop die statutêre maatreël van toepassing is

Hierdie statutêre maatreël sal van toepassing wees op alle -

- (a) aangewese diere wat gekoop of verkoop is;
- (b) rooivleis en rooivleisprodukte van aangewese diere van die aangewese diere wat binne die grense van die Republiek van Suid-Afrika geprosesseer word;
- (d) rooivleis en rooivleisprodukte (uitgesluit huide en velle) wat ingevoer word na die Republiek van Suid-Afrika;
- (e) aangewese diere wat uitgevoer word van die Republiek van Suid-Afrika; en
- (f) geprosesseerde varkvlies.

4. Gebied waarin die statutêre maatreël van toepassing is

Hierdie statutêre maatreël sal binne die geografiese grense van die Republiek van Suid-Afrika van toepassing wees.

5. Opgawes wat gehou en verslae wat ingehandig moet word en die toepassing daarvan

Enige persoon waarna in artikels 5(1), 5(2) en 5(3) van die heffingskennisgewing verwys is, met die uitsondering van persone na wie in artikels 5 (1) (a), 5 (2) (a), verwys word, sal sodanige opgawes byhou en verslae inhandig soos deur die Meat Statutory Measure Services vereis mag word vir aangewese diere, rooivleis, rooivleisprodukte.

5.1 Die opgawes waarna in artikel 5 verwys word sal -

- (a) op rekord geplaas word deur middel van 'n rekenaar of met ink in 'n boek; en
- (b) vir 'n tydperk van ten minste drie jaar gehou word op die geregistreerde perseel van die persoon wat die opgawes moet indien.

5.2 Die verslae waarna in artikel 5 verwys word sal ingehandig word op 'n vorm, gratis verkrygbaar van die Meat Statutory Measure Services, en moet -

- (a) per pos gestuur word aan-

Meat Statutory Measure Services
Posbus 36802
Menlopark
Pretoria
0102

- (b) of per telefaks gestuur word aan -

012 361 2382

5.3 Die implementering, administrasie en toepassing van die statutêre maatreël gevestig in hierdie kennisgewing is toevertrou aan Meat Statutory Measure Services, 'n nie-winsgewende maatskappy soos uiteengesit in die Wet op Maatskappye, 2008 (Wet Nr. 71 van 2008).

5.4 Die opgawes waarna in artikels 5 (1) (b), (d), (e), (f) en (g) asook 5 (2) (b), (d), (e), (f), (g) en 5 (3) verwys word moet ingehandig word binn 14 dae na die einde van die kalendermaand waarin die transaksie plaasgevind het. Die opgawe waarna in artikels 5 (1) (c) and 5 (2) (c) verwys word moet op of voor die laaste dag van Maart van die betrokke jaar wat die heffing betaalbaar is ingehandig word.

6. Aanvang en geldigheidstydperk

Hierdie statutêre maatreël sal op 5 November 2020 in werking tree en sal na 'n verlengingsperiode van twee jaar verval. Die verval van die statutêre maatreël sal nie -

- (a) invloed hê op die vorige werking van die statutêre maatreël of op iets behoorlik gedoen of gely onder die statutêre maatreël nie; of

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- (b) Enige reg, voorreg, verpligting of aanspreeklikheid hê, verkry, toeval of aangaan onder die statutêre maatrêel soos verval nie; of
- (c) Enige boete, verbeurdverklaring of straf hê aangegaan ten opsigte van 'n misdryf gepleeg onder die statutêre maatrêel soos verval nie; of
- (d) Enige ondersoek, regsgeeding of regsmiddel ten opsigte van enige sodanige reg, voorreg, verpligting, aanspreeklikheid, verbeuring of straf hê, verkry, toeval of aangaan in terme van die statutêre maatrêel soos verval, en so 'n ondersoek, regsgeeding of middel mag ingestel, voortgesit of afdwing word, en so 'n boete, verbeurdverklaring of straf kan opgelê kan word, asof die statutêre maatrêel nie verval het nie.