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**DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT****NO. R. 3611****30 June 2023****MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996  
(ACT No. 47 OF 1996)****ESTABLISHMENT OF STATUTORY MEASURE: RECORDS AND RETURNS BY  
CERTIFICATION BODIES, FRESH PRODUCE MARKETS, IMPORTERS,  
EXPORTERS, PACKAGING MATERIAL IMPORTERS, PACKAGING MATERIAL  
MANUFACTURERS, POTATO PRODUCERS, PRE-PACKERS AND  
PROCESSORS**

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

**MRS A.T. DIDIZA, (MP)****MINISTER OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT**

## 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 -

**“administrator”** means Potatoes South Africa

**“certification body”** means a body that 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;

**“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 potatoes for his own account or acts as an agent on a commission basis or on behalf of potato producers, traders or processors;

**“market agent”** means an agent acting on a commission basis on a fresh produce market;

**“packaging material”** means packaging material intended to be used for the packing of potatoes, including paper bags, plastic bags and cartons;

**“packaging material importer”** means a person that imports and sells packaging material for local sale or for the export market, and includes an agent acting on behalf of such a person;

**“packaging material manufacturer”** means a person that manufactures and sells packaging material locally or on the export market, and includes an agent acting on behalf of such person;

**“potatoes”** means table potatoes, seed potatoes, processed potatoes or any other product manufactured from potatoes;

**“PIDT”** means the Potato Industry Development Trust;

**“potato producer”** means a person who produces potatoes for export, or for domestic consumption as table potatoes or as potato products, and includes seed potato producers who produce seed potatoes for sale;

**“pre-packer”** means any person that pre-packs potatoes in plastic, paper bags or cartons, or causes potatoes to be thus pre-packed, and includes wholesalers and retailers that pre-pack potatoes for the sale thereof to retailers or end consumers;

**“Potatoes South Africa”** means Potatoes South Africa NPC, a non-profit company registered under the Companies Act, No. 71 of 2008;

**“retailer”** means a person that normally sells potatoes to end consumers;

**“trader”** means a person who purchases potatoes from a potato producer or any other supplier for trading on the domestic market, or for exporting, and includes wholesalers and retailers;

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

**“wholesaler”** means a person who normally purchases potatoes for re-sale to a retailer.

**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 certification bodies, fresh produce markets, importers, exporters, packaging material importers, packaging material manufacturers, potato producers, pre-packers and processors to submit records and returns to the administrator.
- (2) Records and returns 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, as well as well as to enforce the payment of statutory levies imposed on potatoes under the Act.
- (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 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) The compulsory keeping of records and the provision of information, including information relating to third parties, by certification bodies, exporters, fresh produce markets, importers, market agents, packaging material importers, packaging material manufacturers, potato producers, pre-packers, processors and traders, complies with and is not a contravention of the Protection of Personal Information Act, 2013 (Act No. 4 of 2013).

- (6) The PIDT appoints Potatoes South Africa as Administrator to perform the administrative functions regarding the administration of this statutory measure.

**Products to which statutory measure applies**

3. This statutory measure applies to potatoes.

**Area in which statutory measure applies**

4. This statutory measure applies within the geographical area of the Republic of South Africa.

**Records and returns to be kept and submitted**

5. (1) The following parties must keep records and render returns to the administrator as may be required by the PIDT:
- (a) Certification body.
  - (b) Exporters.
  - (d) Fresh produce markets.
  - (e) Importers.
  - (f) Market agents.
  - (g) Packaging material manufacturers.
  - (h) Packaging material importers.
  - (i) Potato producers.
  - (j) Pre-packers.
  - (k) Processors.
  - (i) Traders.
- (2) Returns must be completed on the applicable forms obtainable free of charge from the administrator.
- (3) Returns must -
- (a) when delivered by hand, be delivered to -  
The Administrators  
Potato Industry Development Trust  
Potato House

6 De Havilland Crescent  
Persequor Techno Park  
Persequorpark  
PRETORIA

- (b) when submitted electronically, be sent to [potatolevies@potatoes.co.za](mailto:potatolevies@potatoes.co.za)
- (4) Certification bodies must submit a monthly return to the administrator, which reflects the -
- (a) month concerned;
  - (b) name and address of Certification body;
  - (c) names and addresses of potato producers or other persons concerned, whose seed potatoes were certified and the report number;
  - (d) date on which the report is submitted;
  - (e) quantities in kilograms of the certified seed potatoes; and
  - (f) date of certification of the seed potatoes.
- (5) An importer must submit a monthly return to the administrator, which reflects the -
- (a) month concerned;
  - (b) name and address of the importer concerned;
  - (c) name and address of the producer or trader in the country of origin;
  - (d) date on which the report is submitted;
  - (e) type of product imported;
  - (f) quantities in kilograms of the products imported;
  - (g) the type of container in which the product was delivered; and
  - (h) destination of the imported products.
- (6) A packaging material importer must submit a monthly return to the administrator, which reflects the -
- (a) month concerned;
  - (b) name and address of the packaging material importer concerned;

- (c) date on which the report is submitted;
  - (d) quantity of packaging material imported;
  - (e) size of imported packaging material;
  - (f) country of origin of the imported packaging material; and
  - (g) name and address of the person to whom the packaging material is supplied and relevant invoice number, date of invoice and quantities (both for local sales as well as for exports);
  - (h) Tax invoice of the recipient (both for local sales and exports);
  - (i) Export documents where bags are exported;
  - (j) SARS SAD-500 Customs declaration forms where bags are exported; and
  - (k) The destination of bags exported.
- (7) A packaging material manufacturer must submit a monthly return to the administrator, which reflects the -
- (a) month concerned;
  - (b) name and address of the packaging material manufacturer concerned;
  - (c) date on which the report is submitted;
  - (d) quantities per packaging size manufactured;
  - (e) quantities of each size of packaging sold;
  - (f) name and address of the person to whom the packaging material is supplied and the relevant invoice number, date of invoice and quantities (both for local sales as well as for exports);
  - (g) Tax invoice of the recipient (both for local sales and exports);
  - (h) Export documents where bags are exported;
  - (i) SARS SAD-500 Customs declaration forms where bags are exported; and
  - (j) The destination of bags exported.
- (8) A processor must submit a monthly return to the administrator, which reflects the -
- (a) month concerned;
  - (b) name and address of the processor concerned;

- (c) date on which the report is submitted;
  - (d) quantities in kilograms of the raw products purchased;
  - (e) name and address of the potato producer, trader, importer or other person concerned from whom the raw products were purchased; and
  - (f) type of container in which the product was delivered.
- (9) A fresh produce market must, as may be required by the PIDT, submit a monthly return to the administrator, which reflects the -
- (a) month concerned;
  - (b) name and address of the fresh produce market concerned;
  - (c) names and addresses of the producers or other persons concerned;
  - (d) date on which report is submitted;
  - (e) quantities in kilograms of the product sold; and
  - (f) type of container in which the product was delivered.
- (10) A potato producer must, as may be required by the PIDT, submit a seasonal return to the administrator, which reflects the -
- (a) production year concerned;
  - (b) name and address of the potato producer concerned;
  - (c) hectares planted;
  - (d) cultivars planted;
  - (e) yield per hectare; and
  - (f) total crop that was produced.
- (11) A pre-packer must, as may be required by the PIDT, submit a quarterly return to the administrator, which reflects the -
- (a) quarter concerned;
  - (b) name and address of the re-packer concerned;
  - (c) date on which the report is submitted;
  - (d) name and address of the potato producer or any other supplier concerned;
  - (e) quantities in kilograms of the products purchased; and;



- (f) type of container in which the product was delivered;
  - (g) quantity in kilograms of the of the product pre-packed;
  - (h) supplier from whom the packaging material was purchased;
  - (i) number of bags purchased; and
  - (j) type of container in which the product was pre-packed.
- (12) An exporter must, as may be required by the PIDT, submit a monthly return to the administrator, which reflects the –
- (a) month concerned;
  - (b) production year concerned;
  - (c) name and address of the exporter concerned;
  - (d) name and address of the potato producer concerned;
  - (e) date on which the report is submitted;
  - (f) type of product exported;
  - (g) quantities in kilograms of the products exported;
  - (h) type of container in which the product was delivered; and
  - (i) destination of the exported products.
- (13) A trader must, as may be required by the PIDT, submit a monthly return to the administrator, which reflects the –
- (a) month concerned;
  - (b) name and address of the trader concerned;
  - (c) name and address of the supplier concerned;
  - (d) date on which the report is submitted;
  - (e) quantities in kilograms of the product delivered; and
  - (f) type of container in which the product was delivered.
- (14) A record system that reflects good accounting practice must be introduced and kept by the administrator.
- (15) The records of fresh produce markets, importers, packaging material importers, packaging material manufacturers, certification bodies, potato producers, pre-packers and processors, traders and, if appointed, their agents shall be audited as required by the PIDT, on an annual basis or as

deemed necessary, by an internationally recognised firm of chartered accountants.

**Commencement and period of validity**

6. This statutory measure will come into effect on the date of publication and will lapse four years later.