

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT**NO. R. 3613****30 June 2023****MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996
(ACT No. 47 OF 1996)****ESTABLISHMENT OF STATUTORY MEASURE: REGISTRATION OF
CERTIFICATION BODIES, EXPORTERS, FRESH PRODUCE MARKETS,
IMPORTERS, MARKET AGENTS, PACKAGING MATERIAL IMPORTERS,
PACKAGING MATERIAL MANUFACTURERS, POTATO PRODUCERS, PRE-
PACKERS, PROCESSORS AND TRADERS**

I, Angela Thokozile 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 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” 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;

“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;

“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;

“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;

“PIDT” means the Potato Industry Development Trust;

“potatoes” means table potatoes, seed potatoes, potatoes for processing or potato products;

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

“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 produces 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-packs potatoes for the sale thereof to retailers or end consumers;

“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 continuation 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, exporters, fresh produce markets, importers, market agents, packaging material importers, packaging material manufacturers, potato producers, pre-packers, processors and traders to register with the administrator.
- (2) Registration 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 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 registration of certification bodies, exporters, fresh produce markets, importers, market agents, packaging material importers, packaging material manufacturers, potato producers, pre-packers, processors and traders in accordance with this measure, and the provision of information, including the provision of information relating to third parties, 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.

Product 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.

Registration of parties concerned

5. (1) The following parties must register as such with the administrator as may be required by the PIDT, in the manner set out in clause 6:
- (a) Certification body
 - (b) Exporters
 - (c) Fresh produce markets.
 - (d) Importers
 - (e) Market agents
 - (f) Packaging material manufacturers.
 - (g) Packaging material importers.
 - (h) Potato producers.
 - (i) Pre-packers.
 - (j) Processors.
 - (k) Traders.
- (2) A person who is required to register for more than one category listed in subclause (1) must complete a separate application for registration for each category.

Application for registration

6. (1) An application for registration in the case of a person becoming a party referred to in clause 5(1), must be submitted within 30 days after becoming such a party.

- (2) An application for registration must be made on an application form obtainable free of charge from the Administrator.
- (3) The application form must be completed and signed by a person duly authorised thereto.
- (4) Applications must -
 - (a) when delivered by hand, be delivered to -
The Administrator
Potatoes South Africa
Potato House
6 De Havilland Crescent
Persequor Technopark
Persequor Park
PRETORIA
 - (b) when submitted electronically, be sent to
potatolevies@potatoes.co.za

Commencement and period of validity

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