

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. R. 4133

1 December 2023

MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996 (ACT NO. 47 OF 1996)**ESTABLISHMENT OF STATUTORY MEASURE: REGISTRATION OF PRODUCERS,
PROCESSORS, IMPORTERS AND EXPORTERS OF PECAN NUTS AND PECAN NUT
PRODUCTS**

I, 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 Schedule.

(MS) 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 shall have that meaning, and unless the context otherwise indicates –

“**Exporter**” means a person or entity who exports pecan nuts or pecan nut products from South Africa and includes persons or entities who arranges or handles exports on behalf or in the name of someone else;

“**Grower**” means a person or entity involved in growing pecan nut trees to be sold for commercial gain, i.e. nurseries;

“**Importer**” means a person or entity who imports pecan nuts or pecan nut products into South Africa and includes persons or entities who arranges or handles imports on behalf or in the name of someone else;

“**Packer**” means a person or entity who buys or acquires pecan nuts and/or pecan nut products and packages it for resale; or packs its own products for retail sale;

“**Pecan nut industry**” means all participants and role players in the South African pecan nut industry;

“**Pecan nut kernels**” means shelled pecan nuts;

“**Pecan nut products**” means the processed products obtained from pecan nuts;

“**Pecan nut**” means the stone or pit of the fruit of the Pecan Nut tree *Carya illinoensis*;

“**Processor**” means a person or entity who sorts and/or cleans and/or shells and/or processes pecan nuts for resale;

“**Producer**” means a person or entity who grows pecan nut trees to produce pecan nuts for commercial gain; and

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

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 are to compel the parties set out herein to register with the South African Pecan Nut Producers Association NPC (SAPPA). Registration is necessary to assist SAPPA 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 marketing of pecan nuts and pecan nut products. The viability of the pecan nut 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 SAPPA, a non-profit company established in terms of the Companies Act (as amended), 2008 (Act 71 of 2008). SAPPA will implement and administer the measure as set out in the Schedule.

Products to which statutory measure applies

3. This statutory measure shall apply to pecan nuts and pecan nut products, both from domestic source and on imported product.

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, growers, processors, packers, importers and exporters of pecan nuts and/or pecan nut products shall register with SAPPA in the manner prescribed in clause 6.
 - (2) Each person or entity who becomes a producer, grower, processor, packer, importer and/or exporter of pecan nuts and/or pecan nut products shall register with SAPPA.
 - (3) A person shall have a choice to register as either a producer or processor or importer or exporter.
 - (4) A person who is a producer as well as a processor or importer or exporter shall register as a producer and as processor or importer or exporter.

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 SAPPA;
 - (3) be submitted, when forwarded by post, to –

SAPPA
PO Box 163
PAARL
7620

- (4) when delivered by hand, be delivered to –

SAPPA
258 Main Street
PAARL
7646

- (5) when sent by telefax, be addressed to –

012 870 2915

- (6) when sent by E-mail, addressed to –

admin@sappa.za.org

Commencement and period of validity

7. This statutory measure shall come into operation on the date of publication hereof and will lapse 4 years later.

DEPARTEMENT VAN LANDBOU, GRONDHERVORMING EN LANDELIKE ONTWIKKELING

NO. R. 4133

1 Desember 2023

WET OP DIE BEMARKING VAN LANDBOUPRODUKTE, 1996 (WET NO. 47 VAN 1996)**INSTELLING VAN 'N STATUTÊRE MAATREËL: REGISTRASIE VAN PRODUSENTE,
VERWERKERS, INVOERDERS EN UITVOERDERS VAN PEKANNEUTE EN
PEKANNEUTPRODUKTE**

Ek, Thoko Didiza, Minister van Landbou, Grondhervorming en Landelike Ontwikkeling, stel hiermee in terme van artikels 13 en 19 van die Wet op die Bemarking van Landbouprodukte, 1996 (Wet No. 47 van 1996), die statutêre maatreël in soos uiteengesit in hierdie Bylae.

(ME) A.T. DIDIZA, (MP)**MINISTER VAN LANDBOU, GRONDHERVORMING EN LANDELIKE ONTWIKKELING**

BYLAE**Definisies**

1. In hierdie Bylae het enige woord of uitdrukking waaraan 'n betekenis in die Wet geheg is, daardie betekenis en tensy uit die samehang anders blyk, beteken –

“**Die Wet**” beteken die Wet op die Bemaking van Landbouprodukte, 1996 (Wet No 47 van 1996);

“**Invoerder**” beteken 'n persoon of instansie wat pekanneute of pekanneutprodukte na Suid-Afrika invoer en sluit ook persone of instansies in wat invoere namens of ten behoeve van 'n ander reël of hanteer;

“**Kweker**” beteken 'n persoon of instansie wat pekanneutbome kweek om verkoop te word vir kommersiële gewin;

“**Pekanneutbedryf**” beteken al die deelnemers en rolspelers in die Suid-Afrikaanse pekanneutbedryf;

“**Pekanneut**” beteken die steen of pit van die vrug van die Pekanneutboom *Carya illinoensis*;

“**Pekanneutkerns**” beteken uitgedopte pekanneute;

“**Pekanneutprodukte**” beteken die verwerkte produkte van pekanneute verkry;

“**Produsent**” beteken 'n persoon of instansie wat pekanneutbome aanplant om pekanneute vir kommersiële gewin te produseer;

“**Uitvoerder**” beteken 'n persoon of instansie wat pekanneute of pekanneutprodukte vanuit Suid-Afrika uitvoer en sluit ook persone of instansies in wat uitvoere namens of ten behoeve van 'n ander reël of hanteer;

“**Verpakker**” beteken 'n persoon of instansie wat pekanneute of pekanneutprodukte aankoop of verkry en verpak met die doel om dit te verhandel, of sy eie produk verpak om te verhandel; en

“**Verwerker**” beteken 'n persoon of instansie wat pekanneute sorteer en/of skoonmaak en/of uitdop en/of verwerk sodat dit aangebied kan word vir verkoop.

Doelwit en oogmerk van die statutêre maatreël en die verwantskap daarvan met die doelwitte van die Wet

2. Die doelwit en oogmerk van die statutêre maatreël is om die partye soos uiteengesit hierin, te laat registreer by die Suid-Afrikaanse Pekanneutprodusente Assosiasie NPC (SAPPA). Registrasie is noodsaaklik om SAPPA instaat te stel om deurlopende, tydige en akkurate inligting oor die produkte soos gedefinieer, beskikbaar te maak aan alle rolspelers. Mark inligting word geag noodsaaklik te wees vir alle rolspelers ten einde ingeligte besluite te kan neem. Deur die kombinerende van verpligte registrasie met die hou van inligting en die indiening van inligting op 'n individuele basis, kan mark inligting vir die totale bedryf verwerk en beskikbaar gestel word en sal dit ook die basis vorm vir die vordering van heffings waar toepaslik.

Die instel van die maatreël sal die doeltreffendheid van die bemarking van pekanneute en pekanneutprodukte bevorder en verbeter. Die lewensvatbaarheid van die pekanneutbedryf sal derhalwe verbeter word. Die maatreël sal nie nadelig op werksgeleenthede en regverdige arbeidspraktyke inwerk nie.

Die maatreël sal deur SAPPa, 'n maatskappy sonder winsoogmerk wat in terme van die Maatskappy Wet (soos gewysig), 2008 (Wet 71 van 2008) opgerig is, administreer word. SAPPa sal die maatreëls implementeer en administreer soos uiteengesit in hierdie Bylae.

Produkte waarop die statutêre maatreëls van toepassing is

3. Hierdie statutêre maatreël sal toegepas word op pekanneute en pekanneutprodukte wat plaaslik geproduseer word, sowel as enige pekanneute wat ingevoer word.

Area waarin die maatreëls toegepas sal word

4. Hierdie maatreël sal in die geografiese gebied van die Republiek van Suid-Afrika geld.

Registrasie van geaffekteerde partye

5.
 - (1) Alle produsente, kwekers, verwerkers, verpakkers, invoerders en uitvoerders van pekanneute en/of pekanneutprodukte sal by SAPPa registreer soos aangedui in klousule 6.
 - (2) Elke persoon wat 'n produsent, kweker, verwerker, verpakker, invoerder en/of uitvoerder van pekanneute en/of pekanneutprodukte word, sal by SAPPa registreer.
 - (3) 'n Persoon sal 'n keuse hê om óf as produsent óf as verwerker óf as uitvoerder óf as invoerder te registreer.
 - (4) 'n Persoon wat 'n produsent sowel as 'n verwerker of uitvoerder of invoerder is, sal as produsent en as 'n verwerker of uitvoerder of invoerder, registreer.

Aansoek om registrasie

6. Aansoek om registrasie sal –
 - (1) binne dertig (30) dae na die instelling van hierdie statutêre maatreël, en in die geval van 'n persoon/instansie wat 'n party word soos aangedui in klousule 5 na sodanige datum van instelling, binne dertig (30) dae nadat hy sodanige party geword het;
 - (2) gedoen word op die aansoekvorm wat gratis van SAPPa verkry kan word;

- (3) ingedien word, wanneer aangestuur word per pos, na –

SAPPA
Posbus 163
PAARL
7620

- (4) wanneer per hand besorg word, afgelewer word by –

SAPPA
Hoofstraat 258
PAARL
7646

- (5) wanneer per telefaks gestuur word, geadresseer aan –

012 870 2915

- (6) wanneer aangestuur word per e-pos, geadresseer aan –

admin@sappa.za.org

Inwerkingtreding en periode van toepassing

7. Hierdie statutêre maatreël sal in werking tree op die datum van publikasie hiervan en sal 4 jaar later verval.