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IMPORTANT ANNOUNCEMENT

Closing times **PRIOR TO PUBLIC HOLIDAYS** for

**GOVERNMENT NOTICES, GENERAL NOTICES,
REGULATION NOTICES AND PROCLAMATIONS**

2014

The closing time is 15:00 sharp on the following days:

- ▶ **11 December**, Thursday, for the issue of Friday **19 December 2014**
- ▶ **15 December**, Monday, for the issue of Wednesday **24 December 2014**
- ▶ **19 December**, Friday, for the issue of Friday **2 January 2015**

Late notices will be published in the subsequent issue, if under special circumstances, a late notice is accepted, a double tariff will be charged

The copy for a SEPARATE *Government Gazette* must be handed in not later than three calendar weeks before date of publication

BELANGRIKE AANKONDIGING

Sluitingstye **VOOR VAKANSIEDAE** vir

**GOEWERMENTS-, ALGEMENE- & REGULASIE-
KENNISGEWINGS ASOOK PROKLAMASIES**

2014

Die sluitingstyd is stiptelik 15:00 op die volgende dae:

- ▶ **11 Desember**, Donderdag, vir die uitgawe van Vrydag **19 Desember 2014**
- ▶ **15 Desember**, Maandag, vir die uitgawe van Woensdag **24 Desember 2014**
- ▶ **19 Desember**, Vrydag, vir die uitgawe van Vrydag **2 Januarie 2015**

Laat kennisgewings sal in die daaropvolgende uitgawe geplaas word. Indien 'n laat kennisgewing wel, onder spesiale omstandighede, aanvaar word, sal 'n dubbeltarief gehef word

Wanneer 'n APARTE *Staatskoerant* verlang word moet die kopie drie kalenderweke voor publikasie ingedien word

GOVERNMENT NOTICES GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES DEPARTEMENT VAN LANDBOU, BOSBOU EN VISSERYE

No. R. 880

14 November 2014

MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996
(ACT No. 47 OF 1996)

ESTABLISHMENT OF STATUTORY MEASURE: REGISTRATION OF MACADAMIA NURSERIES, GROWERS, PROCESSORS, CONSOLIDATORS OF NUT IN SHELL, IMPORTERS AND EXPORTERS OF MACADAMIA NUTS

I, Senzeni Zokwana, Minister of Agriculture, Forestry and Fisheries, 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.

SENZENI ZOKWANA,
Minister of Agriculture, Forestry and Fisheries.

SCHEDULE

Definitions

1. In this Schedule any word or expression to which a meaning has been assigned in the Act shall have that meaning, unless the context indicates otherwise:

“**exporter**” means any person that exports macadamias for his own account or, acts as agent on behalf of producers and/or processors or packers of macadamia nuts.

“**grower**” is synonymous with “**producer**” and means any person engaging, in a proprietary capacity, in the commercial production of macadamias.

“**importer**” means an entity which imports macadamias into South Africa for processing, retail distribution or export and includes persons organising imports on behalf of or in the name of another person.

“**macadamias**” means the fruits of the macadamia nut tree species, whether nut in shell or kernel.

“**macadamia industry**” means all participants and role players in the South African macadamia industry

“**macadamia nursery**” means any person involved in the production of macadamia nut nursery trees, either for own use or sale for commercial gain.

“**Nut in shell consolidator**” means a person that receives macadamia nuts from growers for the purpose of preparing and packing for sale as nut in shell. This definition includes persons that buy nut in shell from growers and /or act as agents for the sale of nut in shell. Growers that sell their own production of nut in shell directly to traders are also included in this definition.

“**person**” means an individual, partnership, company, association or any other business unit.

“**processor**” means a person that sorts, cleans, cracks and processes macadamias, excluding growers that dehusk and dry their own macadamia nut production on farm.

“**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 objectives of the Act

2. The purpose and aims of the statutory measure is to compel the parties set out herein to register with the Southern African Macadamia Growers' Association (SAMAC). Registration is necessary to assist the South African macadamia nut industry in ensuring that continuous, timeous and accurate information relating to the industry is available to all role players. Such 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, generic information for the whole 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 macadamias. The viability of the macadamia industry will thus be enhanced. The measure will not be detrimental to the number of employment opportunities and fair labour practice.

The measure, as set out in this Schedule will be implemented and administered by SAMAC.

Products to which the statutory measure applies

3. This statutory measure shall apply to macadamias, both locally produced and imported.

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 growers, nurseries, processors, nut in shell consolidators, importers and exporters of macadamias shall register with SAMAC in the manner prescribed in clause 6.
- (2) Each person becoming a grower, nursery, processor, nut in shell consolidator, importer or exporter of macadamias shall register with SAMAC within 30 days of becoming a grower, nursery, processor, nut in shell consolidator, importer or exporter of macadamias.
- (3) Persons whose activities are classified under more than one of the categories mentioned in clauses 5. (1) and 5. (2) shall register separately under each category. For example, a grower that dries and packages his own nut in shell for sale to a trader, shall register both as a grower and a nut in shell consolidator.

Application for registration

6. Application for registration shall –

- (1) be made within 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 30 days of becoming such a party.
- (2) be made on the application form obtainable free of charge from SAMAC:
- (3) be submitted, when forwarded by post, to –
SAMAC
PO Box 2714
Tzaneen
0850
- (4) when delivered by hand, be delivered to –
SAMAC c/o Subtrop

Ground Floor, Prosperitas Building
27 Peace Street
Tzaneen
0850

(5) when sent by telefax, be sent to –
015 307 6792

(6) when sent by email, be sent to –
info@subtrop.co.za

Commencement and period of validity

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

No. R. 881

14 November 2014

MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996
(ACT No. 47 OF 1996)**ESTABLISHMENT OF STATUTORY MEASURE: RECORDS AND RETURNS RELATING TO
MACADAMIA TREES AS WELL AS DOMESTIC PRODUCTION, PROCESSING, IMPORTS AND
EXPORTS OF MACADAMIA NUTS**

I, Senzeni Zokwana, Minister of Agriculture, Forestry and Fisheries, acting under sections 13 and 18 of the Marketing of Agricultural Products Act, 1996 (Act No. 47 of 1996), hereby establish the statutory measure set out in the Schedule.

SENZENI ZOKWANA,
Minister of Agriculture, Forestry and Fisheries.

SCHEDULE

Definitions

1. In this Schedule any word or expression to which a meaning has been assigned in the Act shall have that meaning, unless the context indicates otherwise:

“**exporter**” means any person that exports macadamias for his own account or, acts as agent on behalf of producers and/or processors or packers of macadamia nuts.

“**grower**” is synonymous with “**producer**” and means any person engaging, in a proprietary capacity, in the commercial production of macadamias.

“**importer**” means an entity which imports macadamias into South Africa for processing, retail distribution or export and includes persons organising imports on behalf of or in the name of another person.

“**macadamias**” means the fruits of the macadamia nut tree species, whether nut in shell or kernel.

“**macadamia industry**” means all participants and role players in the South African macadamia industry.

“**macadamia nursery**” means any person involved in the production of macadamia nut nursery trees, either for own use or sale for commercial gain.

“**Nut in shell consolidator**” means a person that receives macadamia nuts from growers for the purpose of preparing and packing for sale as nut in shell. This definition includes persons that buy nut in shell from growers and /or act as agents for the sale of nut in shell. Growers that sell their own production of nut in shell directly to traders are also included in this definition.

“**person**” means an individual, partnership, company, association or any other business unit.

“**processor**” means a person that sorts, cleans, cracks and processes macadamias, excluding growers that dehusk and dry their own macadamia nut production on farm.

“**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 objectives of the Act

2. The purpose and aims of the statutory measure are to compel the parties set out herein to keep records and render returns to the Southern African Macadamia Growers' Association (SAMAC). This is necessary to ensure that continuous, timeous and accurate information relating to the products as defined, is available to all role players in the South African macadamia nut industry. Such 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 an individual basis, import, domestic market, export and production information of macadamias can be processed and disseminated. In cases where information of individual persons is deemed sensitive, only aggregated information will be disseminated in order to keep the information of individuals confidential.

The establishment of the measure will assist in promoting the efficiency of the marketing of macadamia nuts. The viability of the macadamia industry should thus be enhanced. The measure will not be detrimental to the number of employment opportunities or fair labour practice. Any information obtained will be dealt with in a confidential manner and no sensitive client-specific information will be made available to any party without the prior approval of the party whose rights may be affected.

The measure, as set out in this Schedule will be implemented and administered by SAMAC.

Products to which the statutory measure applies

3. This statutory measure shall apply to macadamias, both locally produced and imported, as well as macadamia trees.

Area in which measure shall apply

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

Records to be kept and returns to be rendered

5. (1) The following parties shall keep records and furnish returns to SAMAC, as may be required, with regard to macadamia nuts and macadamia trees:
- (a) Nurseries
 - (b) Growers
 - (c) Processors
 - (d) Nut in shell consolidators
 - (e) Importers
 - (f) Exporters
- (2) Records and returns shall in the case of **nurseries**, contain information with regard to the following:
- (a) Number of trees produced in a given period
 - (b) Rootstocks
 - (c) Scion cultivars
 - (d) Geographic distribution of tree sales
- (3) Records and returns shall in the case of **growers**, contain information with regard to the following:
- (a) Number of trees planted
 - (b) Number of hectares planted
 - (c) Tree age
 - (d) Rootstocks
 - (e) Scion cultivars
 - (f) Presence or absence of irrigation systems
 - (g) Crop estimates
- (4) Records and returns shall in the case of **Processors**, contain information with regard to the following:

- (a) Carryover stock from previous seasons
- (b) Forecast intake of nut in shell for a given period
- (c) Intake of nut in shell for a given period
- (d) Forecast kernel production of various styles for a given period
- (e) Kernel stock of various styles not committed for sale for a given period
- (f) Nut in shell shipments by geographic region for a given period
- (g) Kernel shipments by geographic region for a given period
- (h) Sound kernel production
- (i) Details of factors leading to unsound kernel

Processors shall, annually, provide confirmation from their financial auditors that nut in shell intake volumes declared to SAMAC for the previous calendar year, are true and correct. Such confirmations shall be submitted to SAMAC before 30 June of each year

- (5) Records and returns shall in the case of **nut in shell consolidators**, contain information with regard to the following:
- (a) Carryover stock from previous seasons
 - (b) Forecast intake of nut in shell for a given period
 - (c) Intake of nut in shell for a given period
 - (d) Nut in shell shipments by geographic region for a given period
 - (e) Nut in shell stock not committed for sale for a given period

Nut in shell consolidators shall, annually, provide confirmation from their financial auditors that nut in shell intake volumes declared to SAMAC for the previous calendar year, are true and correct. Such confirmations shall be submitted to SAMAC before 30 June of each year

- (6) Records and returns shall in the case of **importers**, contain information with regard to the following:
- (a) Volume of nut in shell imported in a given period
 - (b) Volume of kernel imported in a given period
 - (c) Country of origin of imports
- (7) Records and returns shall in the case of **exporters**, contain information with regard to the following:
- (a) Volume of nut in shell exported in a given period
 - (b) Volume of kernel exported in a given period
 - (c) Geographic region of destination of exports
- (8) The National Department of Agriculture, Forestry and Fisheries or its assignee shall render a copy of all import certificates or furnish the information required by SAMAC contained in such certificates within the period specified in sub-clause (9).

- (9) The records referred to in sub-clauses (2) – (7) shall be rendered on forms obtainable free of charge from SAMAC within 20 days after the end of the month in which the returns have been requested, unless a period of greater than 20 days is specified by SAMAC.

Forms shall be submitted,

- (a) when forwarded by post, to –
SAMAC
PO Box 2714
Tzaneen
0850
- (b) when delivered by hand, be delivered to –
SAMAC c/o Subtrop
Ground Floor, Prosperitas Building
27 Peace Street

Tzaneen
0850

- (c) when sent by telefax, be addressed to -
015 307 6792
- (d) when sent by email , addressed to –
info@subtrop.co.za

Commencement and period of validity

6. This statutory measure shall come into operation on the date of publication thereof and shall lapse 4 years later.

No. R. 882

14 November 2014

MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996
(ACT No. 47 OF 1996)

ESTABLISHMENT OF STATUTORY MEASURE AND DETERMINATION OF LEVIES ON MACADAMIA NUTS

I, Senzeni Zokwana, Minister of Agriculture, Forestry and Fisheries, acting under sections 13 and 15 of the Marketing of Agricultural Products Act, 1996 (Act No. 47 of 1996), hereby -

- (a) establish the statutory measure set out in the schedule hereto;
- (b) determine the guideline price for macadamias (recent average domestic growers' selling price, dry nut in shell, 1.5% moisture), as R30 per kg.

SENZENI ZOKWANA,
Minister of Agriculture, Forestry and Fisheries.

SCHEDULE

Definitions

1. In this Schedule any word or expression to which a meaning has been assigned in the Act shall have that meaning, unless the context indicates otherwise:

“**exporter**” means any person that exports macadamias for his own account or, acts as agent on behalf of producers and/or processors or packers of macadamia nuts.

“**grower**” is synonymous with “**producer**” and means any person engaging, in a proprietary capacity, in the commercial production of macadamias.

“**importer**” means an entity which imports macadamias into South Africa for processing, retail distribution or export and includes persons organising imports on behalf of or in the name of another person.

“**macadamias**” means the fruits of the macadamia nut tree species, whether nut in shell or kernel.

“**macadamia industry**” means all participants and role players in the South African macadamia industry.

“**Nut in shell consolidator**” means a person that receives macadamia nuts from growers for the purpose of preparing and packing for sale as nut in shell. This definition includes persons that buy nut in shell from growers and /or act as agents for the sale of nut in shell. Growers that sell their own production of nut in shell directly to traders are also included in this definition.

“**person**” means an individual, partnership, company, association or any other business unit.

“**processor**” means a person that sorts, cleans, cracks and processes macadamias, excluding growers that dehusk and dry their own macadamia nut production on farm.

“**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 objectives of the Act

2. The purpose and aims of this statutory measure are to provide financial support for the following in the interests of the South African macadamia industry as a whole:
- (a) Collection, processing and dissemination of reliable production and market information.
 - (b) Production, post harvest, product and market research
 - (c) Technology transfer
 - (d) Stimulation of consumption of macadamia nuts
 - (e) Determination of quality standards
 - (f) Liaison with local and international governments, organisations and interested groups
 - (g) Promotion of co-operation between growers, handlers, processors and other industry role players
 - (h) Promotion of market access including gaining, retaining and optimising markets
 - (i) Facilitation of transformation within the industry
 - (k) Medical and other research to promote the health aspects of macadamia nut consumption
 - (l) Benchmarking and determination of best practice

The measure will not be detrimental to the number of employment opportunities or fair labour practice.

The measure will be administered by the Southern African Macadamia Growers' Association (SAMAC)

Products to which statutory measure applies

3. This measure shall apply to macadamias both from domestic production and imports.

Area in which measure shall apply

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

Imposition of levy

5. A levy is hereby imposed on all inshell macadamia nuts received, from a grower, by a processor or consolidator of nut in shell.

Amount of levy

6. The amount of the levy shall be:
- (a) 23 c/kg of nut in shell at 1.5% kernel moisture content excluding VAT.

Persons by whom the levy shall be payable

7. (1) The levy imposed under clause 5 shall –
- (a) be payable by any processor or consolidator of nut in shell that receives inshell macadamias from a grower, regardless of whether such a processor or consolidator of nut in shell buys the macadamias from the grower or acts as a marketing agent.
 - (b) be a grower's levy, deducted from the grower's returns by the processor, importer or consolidator of nut in shell.
 - (c) be payable by importers of macadamias.

Payment of levy

8. (1) Payment of the levy shall be made not later than ninety (90) days following the month end wherein a quantity of macadamias was delivered.
- (2) Payment shall be made by means of a cheque or electronic transfer in favour of SAMAC, and shall –
- (a) when paid by cheque, be addressed to –
SAMAC
PO Box 2714
Tzaneen
0850
- (b) when electronically transferred, be paid to the bank account obtainable from SAMAC on request.

Administration of levies

9. The statutory measure shall be administered by SAMAC. Approximately 70% of levy income will be spent on core activities (such as research, information functions and stimulation of demand for macadamias), not more than 10% will be on administration of levies and 20% on transformation. The levies shall be accounted for in a manner and to the extent acceptable to the Auditor-General, separately from other funds or assets under the control of SAMAC. Annual audited financial statements will be submitted to the National Agricultural Marketing Council and the Auditor-General, with the percentage allocated towards transformation clearly indicated and accompanied by a report stating how the objectives of the levy have been met. Any deficit at the date of termination of this statutory measure shall be for the account of SAMAC. The Minister of Agriculture, Forestry and Fisheries shall decide on the application of any surplus levies at the date of termination of the statutory measure.

Commencement and period of validity

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

No. R. 883**14 November 2014****MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996****(ACT No. 47 OF 1996)****ESTABLISHMENT OF A STATUTORY MEASURE AND****DETERMINATION OF GUIDELINE PRICES:****LEVIES RELATING TO LUCERNE SEED AND LUCERNE HAY**

I, Senzeni Zokwana, Minister of Agriculture, Forestry and Fisheries, acting under sections 13 and 15 of the Marketing of Agricultural Products Act, 1996 (Act No. 47 of 1996), hereby-

- (a) establish the statutory measure set out in the Schedule hereto;
- (b) determine the guideline prices for –
 - (i) lucerne hay as R1 200 per ton and
 - (ii) lucerne seed as R60 per kg.

SENZENI ZOKWANA

Minister of Agriculture, Forestry and Fisheries

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-

“**cleaned lucerne seed**” means lucerne seed cleaned in terms of the Plant Improvement Act, 1976 (Act No. 53 of 1976);

“**commercial purpose**” means the buying and selling of lucerne seed or lucerne hay for commercial gain;

“**dealing**” means the buying and selling of lucerne seed or lucerne hay, whether for the account of the person thus dealing therein, or for the account of somebody else;

“**lucerne**” means lucerne seed or lucerne hay;

“**lucern seed cleaner**” means a person that cleans lucerne seed in terms of the Plant Improvement Act, 1976 (Act No. 53 of 1976);

“**lucerne hay**” means hay produced from lucerne;

“**lucerne hay dealer**” means a person dealing with lucerne hay;

“**lucerne seed**” means any locally produced lucerne seed;

“**NIR Instrument**” means a near infrared spectroscopy instrument used for the grading of lucerne hay and accredited with the NLT;

“**NLT**” means the National Lucerne Trust; 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 objectives of the Act

2. The purpose and aims of this statutory measure are to provide financial support to lucerne information, transformation and research functions, which have been identified by the lucerne industry as essential and in the interest of the industry as a whole.

These functions are:

- Cleaning, grading and classification standards and services;
- The collection and dissemination of statistics and other information;
- Liaison with Government and other role-players on industry issues;
- Small farmers development and training; and
- Research relating to lucerne seed and lucerne hay.

The establishment of the measure should assist in promoting the efficiency of the marketing of lucerne hay and seed. The viability of the lucerne industry should thus be enhanced.

The 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 fair labour practice in the lucerne industry.

The measure will be administered by the National Lucerne Trust, who will act in terms of the mandate on behalf of the lucerne industry.

Product to which statutory measure applies

3. This statutory measure shall apply to lucerne.

Area in which statutory measure applies

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

Imposition of levies

5. Levies are hereby imposed on -
- (a) Cleaned lucerne seed produced for commercial purposes;
 - (b) Lucerne hay produced for commercial purposes not analysed by the NIR Instrument;
 - (c) Lucerne hay produced for commercial purposes analysed by the NIR Instrument.

Amount of levies

6. The amounts (VAT excluded) of the levies imposed in terms of clause 5 shall be-
- (a) 80c per kg on clean seed;
 - (b) R4 per ton on lucerne hay not analysed by a NIR Instrument; and
 - (c) R6 per ton for lucerne hay analysed by a NIR Instrument.

Persons by whom levies are payable

7. (1) The levies payable in terms of clause 5 shall be payable-

- (a) in the case of a levy contemplated in clause 5(a), be payable by the lucerne seed cleaner;
 - (b) in the case of a levy contemplated in clause 5(b), be payable by the first lucerne hay dealer dealing with such lucerne hay; and
 - (d) in the case of a levy contemplated in clause 5(c), be payable by the owner of the NIR Instrument.
- (2) A levies paid by a person referred to in -
- (a) subclause (1)(a) may be recovered from the person submitting the lucerne seed concerned for cleaning;
 - (b) subclause (1)(b) may be recovered from the person from whom such lucerne hay is obtained;
 - (c) subclause (1)(c) may be recovered from the person submitting such lucerne hay for analysis.

Payment of levies

- 8.(1) Payment of a levy imposed in terms of clause 5 shall be made by the persons contemplated in clause 7, not later than the last day of the month following the month in which the lucerne seed was submitted for cleaning, or the lucerne hay was obtained or analysed.
- (2) Payment to the NLT, together with the returns required by the NLT shall –
- (a) be submitted, when forwarded by post, to -
 - The Manager
 - National Lucerne Trust
 - P.O. Box 185
 - OUDTSHOORN
 - 6620
 - (b) when delivered by hand, be delivered to –
 - The Manager
 - National Lucerne Trust
 - 152 St John Street
 - OUDTSHOORN
 - 6625
 - (c) when transferred electronically, be paid into the bank account of the NLT, ABSA account number 1120156566, branch code 63225.

Administration of levies

9. The statutory measure shall be administered by the NLT. Approximately 70% of levy income will be spent on core activities (research and information functions), not more than 10% on administration and 20% on transformation (development of emerging farmers). The levies shall be accounted for, in a manner and to the extent acceptable to the Auditor-General, separately from any other funds or assets under the control of the NLT. Annual audited financial statements will be submitted to the National Agricultural Marketing Council and the Auditor-General, with the percentage allocated towards transformation clearly indicated and accompanied by a report stating how the objectives of the levy have been met. Any deficit at the date of termination of this statutory measure shall be for the account of the NLT. The Minister of Agriculture, Forestry and Fisheries shall decide on the application of any surplus levies at the date of termination of the statutory measure.

Commencement and period of validity

10. This statutory measure shall come into operation on the date of publication thereof and shall lapse four years later.

No. R. 883**14 November 2014****WET OP DIE BEMARKING VAN LANDBOUPRODUKTE, 1996**

(WET No. 47 VAN 1996)

**INSTELLING VAN STATUTÊRE MAATREËL EN BEPALINGS VAN RIGLYNPRYS: HEFFING
BETREFFENDE LUSERN SAAD EN LUSERN HOOI**

Ek, Senzeni Zokwana, Minister van Landbou, Bosbou en Visserye, handelende kragtens artikels 13 en 15 van die Wet op die Bemarking van Landbouprodukte, 1996 (Wet No. 47 van 1996)-

- (a) stel hiermee die statutêre maatreël in die Bylae uiteengesit, in;
- (b) bepaal hierby die riglynpryse vir –
 - (i) Lusernhooi as R1 200 per ton en
 - (ii) Lusernsaad as R60 per kg.

SENZENI ZOKWANA

Minister van Landbou, Bosbou en Visserye

BYLAE

Woordomskrywing

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 -

“**handel**” die koop en verkoop van lusernsaad of lusernhooi, vir die rekening van die persoon wat daarmee handel dryf of namens iemand anders daarmee handel;

“**kommersiële doeleindes**” die koop en verkoop van lusernsaad of lusernhooi vir kommersiële wins”

“**lusern**” lusernsaad of lusernhooi;

“**lusernhooi**” die hooi van lusern geproduseer;

“**lusernhooi handelaar**” die persoon wat met lusernhooi handel dryf;

“**lusernsaad skoonmaker**” die persoon wat lusernsaad skoonmaak in terme van die Plantverbeteringswet, 1976 (Wet No. 53 van 1976);

“**lusernsaad**” die plaaslik geproduseerde lusernsaad;

“**NIRS Instrument**” die Naby-infrarooi spektroskopie instrument wat vir die gradering van lusernhooi gebruik word en geakriditeer is by die NLT;

“**NLT**” die Nasionale Lusern Trust;

“**skoongemaakte lusernsaad**” lusernsaad skoongemaak in terme van die Plantverbeteringswet, 1976 (Wet No. 53 van 1976);

“**die Wet**” die Wet op Bemaking van Landbouprodukte, 1996 (Wet No. 47 van 1996) soos gewysig.

Oogmerk en doelwitte van statutêre maatreël en die verband daarvan met die oogmerke van die Wet

2. Die oogmerke en doelwitte van hierdie statutêre maatreël is om finansiële ondersteuning aan die lusern navorsing-, inligtings- en ontwikkelings-funksies te verleen wat deur die lusernbedryf as noodsaaklik en in belang van die bedryf as geheel geïdentifiseer is.

Hierdie funksies sluit die volgende in:

- Skoonmaak, gradering en klassifisering standarde en dienste;
- Die insameling en verspreiding van statistiek en ander inligting;
- Onderhandelings met regering en ander instansies insake bedryfsaange-leenthede;
- Kleinboer ontwikkeling en opleiding; en
- Navorsing betreffende lusernsaad en lusernhooi.

Die instelling van die maatreël sal die effektiwiteit van die bemaking van lusernsaad en lusernhooi bevorder. Die lewensvatbaarheid van die lusernbedryf sal versterk word.

Die maatreël is nie teenstrydig met enige van die oogmerke van die Wet nie, en sal nie werksgeleenthede of regverdige arbeidpraktyke benadeel nie.

Die maatreël sal deur die NLT geadminestreer word, wat sal handel volgens sy mandaat in belang van die lusernbedryf.

Produk waarop statutêre maatreël van toepassing is

3. Hierdie statutêre maatreël is op lusern van toepassing.

Gebied waarin statutêre maatreël van toepassing is

4. Hierdie statutêre maatreël is op die geografiese gebied van die Republiek van Suid-Afrika van toepassing.

Instel van heffings

5. 'n Heffing word hiermee ingestel op -

- (a) Skoongemaakte lusernsaad geproduseer vir kommersiële doeleindes;
- (b) Lusernhooi geproduseer vir kommersiële doeleindes wat deur die NIRS Instrument geanaliseer is nie;
- (c) Lusernhooi geproduseer vir kommersiële doeleindes wat deur die NIRS Instrument geanaliseer is.

Bedrag van heffings

6. Die bedrae van die heffings (BTW uitgesluit) is soos volg:

- (a) 80c per kg op skoon saad;
- (b) R4 per ton op lusernhooi nie deur die NIRS Instrument geanaliseer nie; en
- (c) R6 per ton op lusernhooi deur die NIRS Instrument geanaliseer.

Persone deur wie heffings betaalbaar is

7. (1) Die heffings wat in terme van klousule 5 opgelê is, sal betaalbaar wees deur-

- (a) in geval van die heffing genoem in klousule 5(a), deur die lusernsaad skoonmaker;
- (b) in geval van die heffing genoem in klousule 5(b), deur die eerste lusernhooi handelaar; en
- (c) in geval van die heffing genoem in klousule 5(c), deur die eienaar van die NIRS Instrument.

(2) Die heffings betaal deur die persoon genoem in –

- (a) subklousule (1)(a) mag verhaal word van die persoon wat die betrokke lusernsaad lewer vir skoonmaak;
- (b) subklousule (1)(b) mag verhaal word van die persoon van wie die betrokke lusernhooi verkry is;
- (c) subklousule (1)(c) mag verhaal word van die persoon wat die betrokke lusernhooi gestuur het vir analise.

Betaling van heffings

8. (1) Die betaling van die heffings opgelê in terme van klousule 5 sal gemaak word deur die persone bedoel in klousule 7, nie later nie as die laaste dag van die maand volgende op die maand waarin die lusernsaad versend is vir skoonmaak, of die lusernhooi verkry of geanaliseer is.
- (2) Betaling moet ten gunste van NLT uitgemaak word, en moet -
- (a) wanneer per pos gestuur, geadresseer wees aan –
Die Bestuurder
Nasionale Lusern Trust
Posbus 185
OUDTSHOORN
6620
 - (b) wanneer per hand afgelewer, afgelewer word by –
Die Bestuurder
Nasionale Lusern Trust
St John Straat 152
OUDTSHOORN
6625
 - (c) Indien elektronies oorbetaal, na die bankrekening van die NLT, ABSA rekening nommer 1120156566, takkode 63225.

Administrasie van heffings

9. Hierdie statutêre maatreël sal deur die NLT geadministreer word. Ongeveer 70% van heffings inkomste sal op primêre funksies (navorsing en inligting), nie meer as 10% op administrasie en 20% op transformasie (ontwikkeling van opkomende boere) spandeer word. Heffings sal bestuur word op 'n manier aanvaarbaar vir die Ouditeur Generaal, apart van enige ander fondse of bates beheer deur die NLT. Jaarlikse geouditeerde finansiële state sal aan die Nasionale Landboubeoordelingsraad en Ouditeur Generaal gestuur word, met die bedrae toegewys aan transformasie duidelik uitgewys en gestaaf deur 'n verslag wat aandui hoe die doelwitte van die heffing behaal is. Enige tekort op die vervaldatum van hierdie statutêre maatreël sal vir die rekening van die NLT wees. Die Minister van Landbou, Bosbou en Visserye sal oor die aanwending van enige surplus heffingsfondse, op die vervaldatum van die statutêre maatreël, besluit.

Inwerkingtreding en tydperk van geldigheid

10. Hierdie statutêre maatreël tree in werking op die dag van publikasie en sal vier jaar later verstryk.

No. R. 884

14 November 2014

**MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996
(ACT No. 47 OF 1996)**

**ESTABLISHMENT OF STATUTORY MEASURE - RECORDS AND RETURNS IN RESPECT OF
MAIZE PRODUCTS AND WHEATEN PRODUCTS**

I, Senzeni Zokwana, Minister of Agriculture, Forestry and Fisheries, acting under sections 13 and 18 of the Marketing of Agricultural Products Act, 1996 (Act No. 47 of 1996), hereby establish the statutory measure set out in the Schedule.

**SENZENI ZOKWANA,
MINISTER OF AGRICULTURE, FORESTRY AND FISHERIES.**

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 –

“commercial purposes” means where an income, remuneration or other benefit is obtained;

"exporter" means a person who exports maize products or wheaten products from South Africa, and this includes a person who arranges or handles the exports in the name of or on behalf of another person;

"importer" means a person who imports maize products or wheaten products into South Africa, and this includes a person who arranges or handles the imports in the name of or on behalf of another person;

"maize" means the threshed and unthreshed product of plants of *Zea mays indentata*, *Zea mays indurata* and *Zea mays ceratina* or one or more of the hybrids of these, irrespective whether it is classified as white maize or yellow maize;

"maize product" means the following products derived from maize:

- Maize Chop
- Maize Grits
- Maize Rice
- Samp
- Sifted Maize Meal
- Special Maize Meal
- Super Maize Meal
- Unsifted Maize Meal;

“manufacturer” means a person who, for own use or for commercial purposes, manufactures or processes maize products or wheaten products, and this includes a person who does so in the name of or on behalf of another person;

"premises" means premises where local or imported maize products or wheaten products are manufactured or dispatched from and of which the person referred to is the owner or renter or otherwise has control, and where such person has more than one such premises, it shall include all such premises;

“registered VAT vendor” means any person or entity that is registered as a vendor by the South African Revenue Services (SARS) in terms of the legislation pertaining to Value Added Tax and who has to submit returns for that purpose to SARS;

"SAGIS" means the South African Grain Information Services, a company not for gain incorporated under section 21 of the Companies Act, 1973 (Act No. 61 of 1973);

"the Act" means the Marketing of Agricultural Products Act, 1996 (Act No. 47 of 1996);

"wheat" means the threshed or unthreshed kernels of the species *Triticum aestivum*;

“wheaten product” means the following products derived from wheat:

- Brown Pan Baked Bread (400g/600g/700g/other)
- White Pan Baked Bread (400g/600g/700g/other)
- Whole Wheat Pan Baked Bread (400g/600g/700g/other)
- Other Pan Baked Bread

Wheat Bran
Wheat Meal
Brown Bread Flour
Cake Flour
Other Bread Flour
Self-Raising Flour
White Bread Flour

Purpose and Aim of statutory measure and its relation to the objectives of the Act

2. The aim and objectives of this statutory measure are to compel manufacturers, importers and exporters of maize products and wheaten products to keep records and submit returns to SAGIS. The statutory measure is deemed necessary in order to ensure that market information in respect of maize products and wheaten products is made available accurately to the public and to all role-players in the maize and wheat industries. Information gathered by SAGIS by means of records and returns is disseminated freely in the marketplace, but all individual information will be treated confidential. Through the mandatory submission of monthly returns, market information for the whole country can be disseminated in the marketplace.

This statutory measure will not only facilitate market access for all participants, but it will assist in promoting the effective marketing of maize and wheat. Furthermore, the market information obtained in this manner will promote the viability and international competitiveness of the maize and wheat industries and the agricultural sector at large, while at the same time enhancing food security and the formulation of such policy.

The statutory measure is to be administered by SAGIS. SAGIS was specifically established for the purpose of gathering, processing and disseminating information on behalf of the various cereal and oilseed industries in South Africa. SAGIS can be contacted by telephone on (012) 523-1400.

SAGIS already publishes macro generic market information on a monthly basis for the various cereal and oilseed industries and for other interested parties. This information is obtained and furnished from the returns that are submitted to SAGIS. The information is published in a manner that is suitable to address the requirements of the majority of role-players in the respective industries.

Product to which statutory measure applies

3. This statutory measure shall apply to maize products and wheaten products.

Area in which statutory measure applies

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

Records to be kept by manufacturers, importers and exporters

5. (1) Each manufacturer, importer and exporter of maize products and wheaten products, excluding such manufacturers, importers and exporters that are not registered VAT vendors, shall keep complete records for each calendar month in respect of maize products and wheaten products that are manufactured, imported or exported by him for own use or for commercial purposes. This shall include any person who acts in the capacity of the aforementioned persons.

(2) Each person mentioned in sub-clause (1) shall keep the following records:

- (a) Quantity manufactured – the quantity of all maize products and wheaten products manufactured during a calendar month: Provided that the records should be kept separately for each product per province.
 - (b) Imports - in respect of maize products and wheaten products that are imported during a calendar month, records shall be kept of:
 - (i) Name and address of importer or person on whose behalf imports are made.
 - (ii) Quantity of maize products and wheaten products imported per country of origin.
 - (iii) Name and particulars of the vessel in which a quantity of maize products or wheaten products was imported.
 - (iv) Name of border post through which a quantity of maize products or wheaten products was imported.
 - (v) Name of harbour and owner of harbour premises through which the maize products or wheaten products were imported.
 - (c) Exports - in respect of maize products and wheaten products that are exported during a calendar month, records shall be kept in respect of:
 - (i) Name and address of the exporter and the person on behalf of whom the export takes place.
 - (ii) Quantity of maize products or wheaten products exported per country of intended destination.
 - (iii) Name of border post through which a quantity of maize products or wheaten products is exported.
 - (iv) Name and address of the last premises from where maize products or wheaten products were dispatched to a border post for export.
 - (v) Name of harbour and owner of harbour premises where the exported maize products or wheaten products were handled.
 - (vi) Name and particulars of the vessel in which a quantity of maize products or wheaten products is exported.
- (3) Records mentioned in sub-clauses (1) and (2) shall be –
- (a) kept separately in respect of each maize product and wheaten product;
 - (b) recorded on a computer or in ink in a book; and
 - (c) kept at the head office or usual place of business of the person who is required to keep them for a period of at least four years after the end of the period in respect of which such records were kept.

Returns to be submitted by manufacturers, importers and exporters

6. (1) Every manufacturer, importer and exporter of maize products and wheaten products shall within 10 working days from the end of each calendar month submit to SAGIS an accurate prescribed return in respect of maize products and wheaten products manufactured, imported or exported by him. This shall include any person who acts in the capacity of the aforementioned person.

(2) The return mentioned in sub-clause (1) shall be completed on a computer or in ink and submitted on the forms available from SAGIS.

(3) The returns shall –

- (a) if sent by mail, be addressed to :
The General Manager
SAGIS
P.O. Box 2267
Montanapark
0159
- (b) if delivered by hand, be delivered at:
SAGIS
Montana Forum Building
cnr Taaifontein and Tecomaria Streets
Montanapark X57
Pretoria
- (c) if transmitted electronically, be sent to:
Any of the fax numbers, e-mail addresses or other electronic addresses as furnished on the official return forms.

(4) The returns shall be posted, delivered or transmitted electronically to reach SAGIS before or on the deadline date mentioned in sub-clause (1).

(5) Zero returns shall be submitted if no maize products or wheaten products were manufactured, imported or exported during the period of the return.

Effective date

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

No. R. 884**14 November 2014****WET OP DIE BEMARKING VAN LANDBOUPRODUKTE, 1996
(WET No. 47 VAN 1996)****INSTELLING VAN STATUTÊRE MAATREËL: AANTEKENINGE EN OPGAWES MET
BETREKKING TOT MIELIEPRODUKTE EN KORINGPRODUKTE**

Ek, Senzeni Zokwana, Minister van Landbou, Bosbou en Visserye, handelende kragtens artikels 13 en 18 van die Wet op die Bemarking van Landbouprodukte, 1996 (Wet No. 47 van 1996), stel hiermee die statutêre maatreël in die Bylae uiteengesit, in.

**SENZENI ZOKWANA
MINISTER VAN LANDBOU, BOSBOU EN VISSERYE**

BYLAE**Woordomskrywing**

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” die Wet op die Bemaking van Landbouprodukte, 1996 (Wet No. 47 van 1996);

“geregistreerde BTW ondernemer” 'n persoon of entiteit wat as ondernemer deur die Suid-Afrikaanse Inkomstediens (SAID) geregistreer is ingevolge die wetgewing wat betrekking het op Belasting op Toegevoegde Waarde, en wie opgewas vir daardie doel by SAID moet indien;

“invoerder” 'n persoon wat mielieprodukte of koringprodukte na Suid-Afrika invoer, en sluit ook 'n persoon in wat die invoer namens of ten behoeve van 'n ander persoon reël of hanteer;

“kommersiële doeleindes” waar 'n inkomste, vergoeding of ander voordeel verkry word;

“koring” die gedorste en ongedorste produk van plante van die spesie *Triticum aestivum*;

“koringprodukte” die volgende produkte wat van koring verkry word:

- Bruin Pangebakte Brood (400g/600g/700g/ander)
- Volgraan Pangebakte Brood (400g/600g/700g/ander)
- Wit Pangebakte Brood (400g/600g/700g/ander)
- Ander Pangebakte Brood
- Bruin Broodmeel
- Wit Broodmeel
- Ander Broodmeel
- Bruismeel
- Koekmeelblom
- Koringmeel
- Koringsemels

“mielieprodukte” die volgende produkte wat van mielies verkry word:

- Gebreekte Mielies
- Mieliegruis
- Mielierys
- Stampmielies
- Gesifte Mieliemeel
- Ongesifte Mieliemeel
- Spesiale Mieliemeel
- Super Mieliemeel

“mielies” die gedorste en ongedorste produk van plante van *Zea mays indentata*, *Zea mays indurata* en *Zea mays ceratina* of een of meer kruisings daarvan, ongeag of dit as wit- of geelmielies geklassifiseer is;

“perseel” 'n perseel waar plaaslik geproduseerde of ingevoerde mielieprodukte of koringprodukte vervaardig of vanwaar dit versend word en waarvan die persoon waarna verwys word die eienaar of huurder is of andersins die beheer oor het en, waar sodanige persoon meer as een so 'n perseel het, sluit dit al sulke persele in;

“SAGIS” die Suid-Afrikaanse Graan Inligtingsdiens, 'n maatskappy sonder winsoogmerk ingelyf kragtens artikel 21 van die Maatskappywet, 1973 (Wet No. 61 van 1973);

“uitvoerder” ’n persoon wat mielieprodukte of koringprodukte vanuit Suid-Afrika uitvoer, en sluit ook ’n persoon in wat die uitvoere namens of ten behoeve van ’n ander persoon reël of hanteer;

“vervaardiger” ’n persoon wat, vir eie gebruik of vir kommersiële doeleindes, mielieprodukte of koringprodukte vervaardig of verwerk, en sluit ook ’n persoon in wat dit namens of ten behoeve van ’n ander persoon doen;

Doelwitte van die statutêre maatreël en ooreenstemming met oogmerke van die Wet

2. Die doel en doelwitte van die statutêre maatreël is om vervaardigers, invoerders en uitvoerders van mielieprodukte en koringprodukte te verplig om aantekeninge te hou en opgawes aan SAGIS te verstrek. Die statutêre maatreël word noodsaaklik geag ten einde te verseker dat markinligting aangaande mielieprodukte en koringprodukte akkuraat aan die publiek en aan alle rolspelers in die mielie- en koringbedrywe beskikbaar gestel word. Inligting wat SAGIS deur middel van aantekeninge en opgawes versamel, word vryelik in die markplek versprei. Deur die verpligte verskaffing van maandelikse opgawes kan markinligting vir die hele land versamel, verwerk en versprei word. SAGIS sal alle individuele inligting as streng vertroulik hanteer.

Hierdie statutêre maatreël sal nie slegs marktoegang vir alle deelnemers vergemaklik nie, maar behoort ook die doeltreffende bemerking van mielies en koring te bevorder. Voorts sal die markinligting wat daardeur verkry word, die lewensvatbaarheid van die mielie- en koringbedrywe en die landbousektor in die breë bevorder, terwyl dit terselfdertyd voedselsekerheid en die formulering van ’n voedselsekerheidsbeleid sal bevorder.

Die statutêre maatreël sal deur SAGIS geadministreer word. SAGIS is spesifiek gestig vir die doel om inligtingversameling, -verwerking en -verspreiding namens die verskillende graan- en oliesadebedrywe in Suid-Afrika te behartig. SAGIS kan per telefoon gekontak word by telefoonnommer (012) 523-1400.

SAGIS publiseer reeds makrogeneriese markinligting op ’n maandelikse basis vir die verskillende graan- en oliesadebedrywe en vir ander belanghebbende partye. Hierdie inligting word uit die opgawes wat aan SAGIS verstrek word, verkry en verskaf. Die inligting word op ’n wyse wat geskik is om die meerderheid van die rolspelers in die betrokke bedrywe te bereik, gepubliseer.

Produk waarop statutêre maatreël van toepassing is

3. Hierdie statutêre maatreël is op Mielieprodukte en koringprodukte van toepassing.

Gebied waarin statutêre maatreël van toepassing is

4. Hierdie statutêre maatreël is in die geografiese gebied van die Republiek van Suid-Afrika van toepassing.

Aantekeninge wat gehou moet word deur vervaardigers, invoerders en uitvoerders

5. (1) Elke vervaardiger, invoerder en uitvoerder van mielieprodukte en koringprodukte, uitgesluit vervaardigers, invoerders en uitvoerders wat nie geregistreerde BTW ondernemers is nie, moet vir elke kalendermaand volledige aantekeninge hou in verband met mielieprodukte en koringprodukte wat deur hom vervaardig, ingevoer of uitgevoer is vir eie gebruik of vir kommersiële doeleindes. Dit sluit ook enige persoon in wat optree in die hoedanigheid van die voorafgenoemde persone.

(2) Elke persoon in subklousule (1) genoem, moet die volgende aantekeninge hou:

(a) Hoeveelheid vervaardig - die hoeveelheid mielieprodukte en koringprodukte wat gedurende ’n kalendermaand vervaardig is: Met dien verstande dat aantekeninge afsonderlik gehou moet word vir elke produk volgens provinsie.

- (b) Invoere - ten opsigte van ingevoerde mielieprodukte en koringprodukte gedurende 'n kalendermaand moet aantekeninge gehou word van:
- (i) Naam en adres van invoerder of persoon namens wie ingevoer is.
 - (ii) Hoeveelheid mielieprodukte en koringprodukte wat ingevoer is per land van oorsprong.
 - (iii) Naam en besonderhede van die vaartuig waarmee 'n hoeveelheid mielieprodukte en koringprodukte ingevoer is.
 - (iv) Naam van grenspos waardeur 'n hoeveelheid mielieprodukte en koringprodukte ingevoer is.
 - (v) Naam van hawe en eienaar van haweperseel waardeur die mielieprodukte en koringprodukte ingevoer is.
- (c) Uitvoere- ten opsigte van mielieprodukte en koringprodukte wat uitgevoer word gedurende 'n kalendermaand, moet aantekeninge gehou word ten opsigte van:
- (i) Naam en adres van die uitvoerder en persoon namens wie uitgevoer word.
 - (ii) Hoeveelheid mielieprodukte of koringprodukte wat uitgevoer is per land van beoogde bestemming.
 - (iii) Naam van grenspos waardeur 'n hoeveelheid mielieprodukte of koringprodukte uitgevoer is.
 - (iv) Naam en adres van die laaste perseel vanwaar mielieprodukte of koringprodukte vir uitvoer versend is na 'n grenspos.
 - (v) Naam van hawe en eienaar van haweperseel waar die uitgevoerde mielieprodukte of koringprodukte hanteer is.
 - (vi) Naam en besonderhede van die vaartuig waarmee 'n hoeveelheid mielieprodukte of koringprodukte uitgevoer is.
- (3) Die aantekeninge genoem in subklousule (1) moet –
- (a) afsonderlik ten opsigte van elke mielieprodukt en koringprodukt gehou word;
 - (b) aangeteken word op 'n rekenaar of met ink in 'n boek; en
 - (c) by die hoofkantoor of gewone plek van besigheid van die persoon van wie vereis word om dit te hou, gehou word vir 'n tydperk van ten minste vier jaar na die einde van die tydperk ten opsigte waarvan sodanige aantekeninge gehou is.

Opgawes wat verstrek moet word deur vervaardigers, invoerders en uitvoerders

6. (1) Elke vervaardiger, invoerder en uitvoerder van mielieprodukte en koringprodukte, uitgesluit vervaardigers, invoerders en uitvoerders wat nie geregistreeerde BTW ondernemers is nie, moet binne 10 werksdae na die einde van elke kalendermaand, 'n akkurate voorgeskrewe opgawe aan SAGIS verstrek ten opsigte van mielieprodukte en koringprodukte wat deur hom

vervaardig, ingevoer of uitgevoer is. Dit sluit ook enige persoon in wat optree in die hoedanigheid van die voorgenoemde persone.

(2) Die opgawe genoem in subklousule (1) moet op 'n rekenaar of in ink ingevul word en verstrek word op die vorms wat by SAGIS verkrygbaar is.

(4) Die opgawes moet –

(a) wanneer dit per pos gestuur word, geadresseer word aan :
Die Hoofbestuurder
SAGIS
Posbus 2267
Montanapark
0159

(b) wanneer per hand afgelewer word, afgelewer word by :
SAGIS
Montana Forum Gebou
h/v Taaifontein- en Tecomariastraat
Montanapark X57
Pretoria

(c) wanneer dit elektronies gestuur word, gestuur word na :
Enige van die faksnommers, e-pos adresse of enige ander elektroniese adresse soos op die amptelike opgawevorms vermeld.

(5) Die opgawes moet gepos, afgelewer of elektronies gestuur word om SAGIS te bereik voor of op die keerdatum genoem in subklousule (1).

(6) Nul-opgawes moet verstrek word indien daar geen mielieprodukte of koringprodukte gedurende die tydperk van die opgawe vervaardig, ingevoer of uitgevoer is nie.

Inwerkingtreding

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

No. R. 885**14 November 2014****MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996
(ACT No. 47 OF 1996)****ESTABLISHMENT OF STATUTORY MEASURE - REGISTRATIONS IN RESPECT OF
MANUFACTURERS, IMPORTERS AND EXPORTERS OF MAIZE PRODUCTS AND WHEATEN
PRODUCTS**

I, Senzeni Zokwana, Minister of Agriculture, Forestry and Fisheries, acting under sections 13 and 18 of the Marketing of Agricultural Products Act, 1996 (Act No. 47 of 1996), hereby establish the statutory measure set out in the Schedule.

**SENZENI ZOKWANA,
MINISTER OF AGRICULTURE, FORESTRY AND FISHERIES.**

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 –

“commercial purposes” means where an income, remuneration or other benefit is obtained;

"exporter" means a person who exports maize products or wheaten products from South Africa, and this includes a person who arranges or handles the exports in the name of or on behalf of another person;

"importer" means a person who imports maize products or wheaten products into South Africa, and this includes a person who arranges or handles the imports in the name of or on behalf of another person;

"maize" means the threshed and unthreshed product of plants of *Zea mays indentata*, *Zea mays indurata* and *Zea mays ceratina* or one or more of the hybrids of these, irrespective whether it is classified as white maize or yellow maize;

"maize product" means the following products derived from maize:

- Maize Chop
- Maize Grits
- Maize Rice
- Samp
- Sifted Maize Meal
- Special Maize Meal
- Super Maize Meal
- Unsifted Maize Meal;

“manufacturer” means a person who, for own use or for commercial purposes, manufactures or processes maize products or wheaten products, and this includes a person who does so in the name of or on behalf of another person;

"SAGIS" means the South African Grain Information Services, a company not for gain incorporated under section 21 of the Companies Act, 1973 (Act No. 61 of 1973);

"the Act" means the Marketing of Agricultural Products Act, 1996 (Act No. 47 of 1996);

"wheat" means the threshed or unthreshed kernels of the species *Triticum aestivum*;

“wheaten product” means the following products derived from wheat:

- Brown Pan Baked Bread (400g/600g/700g/other)
- White Pan Baked Bread (400g/600g/700g/other)
- Whole Wheat Pan Baked Bread (400g/600g/700g/other)
- Other Pan Baked Bread
- Cake Flour
- Brown Bread Flour
- White Bread Flour
- Other Bread Flour
- Self-Raising Flour
- Wheat Bran
- Wheat Meal

Purpose and Aim of statutory measure and its relation to the objectives of the Act

2. The aim and objectives of this statutory measure are to compel manufacturers, importers and exporters of maize products and wheaten products to register with SAGIS.

Registration of the said persons is necessary to enable SAGIS to make available continuous, timely and accurate market information in respect of maize products and wheaten products to the public. It is essential for market information in the deregulated market to be as accurate as possible in order for market participants to make informed decisions. Through the combination of mandatory registration of manufacturers, importers and exporters, together with the submission of monthly returns on an individual basis, market information for the whole country can be disseminated in the marketplace.

This statutory measure will not only assist in improving market access for all market participants, but it will also assist in promoting the effective marketing of maize products and wheaten products. The viability of the maize and wheat industries will thus be promoted, while at the same time food security will be enhanced. The information could also be used to determine food security policies.

The statutory measure is to be administered by SAGIS. SAGIS was specifically established for purposes of the registration of market players and for information gathering, sorting and dissemination in respect of the various cereal and oilseed industries in South Africa. SAGIS will treat all individual information as strictly confidential and can be contacted by telephone on (012) 523-1400.

Product to which statutory measure applies

3. This statutory measure shall apply to maize products and wheaten products.

Area in which statutory measure applies

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

Registration of manufacturers, importers and exporters

5. (1) All manufacturers, importers and exporters of maize products and wheaten products shall register with SAGIS in the manner set out in clause 6. This shall also include any person who acts in the capacity of the aforementioned persons.

(2) Each person who becomes a manufacturer, importer or exporter of maize products or wheaten products after the date at which this statutory measure comes into force, shall register with SAGIS within 30 days after he became such a manufacturer, importer or exporter.

(3) Upon registration of an applicant by SAGIS, a certificate of registration is to be issued to him.

(4) The registration certificate issued in terms of sub-clause (3) shall expire when it is cancelled by SAGIS or when this statutory measure is revoked.

(5) The provisions of sub-clause (4) shall apply *mutatis mutandis* to persons who are already registered with SAGIS at the time of this publication.

(6) Every manufacturer, importer and exporter of maize products or wheaten products shall notify SAGIS in writing within 30 days after he has ceased to act in that capacity, whereupon his registration will be cancelled.

Application for registration as manufacturer, importer or exporter

6. (1) An application for registration in terms of clause 5 shall be made on the application form that is available from SAGIS.

(2) The application form shall be completed on a computer or in ink by a person who is duly authorised and it shall be accompanied by the corroborating documentation as specified in the application form.

(3) The application form shall –

(a) if sent by mail, be addressed to :

The General Manager
SAGIS
P.O. Box 2267
Montanapark
0159

(b) if delivered by hand, be delivered at :

SAGIS
Montana Forum Building
Cnr Taaifontein and Tecomaria Street
Montanapark X57
Pretoria

(c) if sent electronically, be sent to :

Any of the fax numbers, e-mail addresses or other electronic addresses as stipulated on the application form.

Effective date

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

No. R. 885

14 November 2014

**WET OP DIE BEMARKING VAN LANDBOUPRODUKTE, 1996
(WET No. 47 VAN 1996)**

**INSTELLING VAN STATUTÊRE MAATREËL: REGISTRASIE VAN VERVAARDIGERS,
INVOERDERS EN UITVOERDERS VAN MIELIEPRODUKTE EN KORINGPRODUKTE**

Ek, Senzeni Zokwana, Minister van Landbou, Bosbou en Visserye, handelende kragtens artikels 13 en 19 van die Wet op die Bemarking van Landbouprodukte, 1996 (Wet No. 47 van 1996), stel hiermee die statutêre maatreël in die Bylae uiteengesit, in.

**SENZENI ZOKWANA,
MINISTER VAN LANDBOU, BOSBOU EN VISSERYE.**

BYLAE**Woordomskrywing**

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” die Wet op die Bemaking van Landbouprodukte, 1996 (Wet No. 47 van 1996);

“invoerder” ’n persoon wat mielieprodukte of koringprodukte na Suid-Afrika invoer, en sluit ook ’n persoon in wat die invoer namens of ten behoeve van ’n ander persoon reël of hanteer;

“kommersiële doeleindes” waar 'n inkomste, vergoeding of ander voordeel verkry word;

“koring” die gedorste en ongedorste produk van plante van die spesie *Triticum aestivum*;

“koringprodukte” die volgende produkte wat van koring verkry word:

- Bruin Pangebakte Brood (400g/600g/700g/ander)
- Volgraan Pangebakte Brood (400g/600g/700g/ander)
- Wit Pangebakte Brood (400g/600g/700g/ander)
- Ander Pangebakte Brood
- Bruin Broodmeel
- Wit Broodmeel
- Ander Broodmeel
- Bruismeel
- Koringmeel
- Koekmeelblom
- Koringsemels

“mielieprodukte” die volgende produkte wat van mielies verkry word:

- Gebreekte Mielies
- Mieliegruis
- Mielierys
- Stampmielies
- Gesifte Mieliemeel
- Ongesifte Mieliemeel
- Spesiale Mieliemeel
- Super Mieliemeel;

“mielies” die gedorste en ongedorste produk van plante van *Zea mays indentata*, *Zea mays indurata* en *Zea mays ceratina* of een of meer kruisings daarvan, ongeag of dit as wit- of geelmielies geklassifiseer is;

“SAGIS” die Suid-Afrikaanse Graan Inligtingsdiens, ’n maatskappy sonder winsoogmerk ingelyf kragtens artikel 21 van die Maatskappywet, 1973 (Wet No. 61 van 1973);

“uitvoerder” ’n persoon wat mielieprodukte of koringprodukte vanuit Suid-Afrika uitvoer, en sluit ook ’n persoon in wat die uitvoere namens of ten behoeve van ’n ander persoon reël of hanteer;

“vervaardiger” ’n persoon wat, vir eie gebruik of vir kommersiële doeleindes, mielieprodukte of koringprodukte vervaardig of verwerk, en sluit ook ’n persoon in wat dit namens of ten behoeve van ’n ander persoon doen;

Doel en doelwit van statutêre maatreël en verband met oogmerke van die Wet

2. Die doel en doelwitte van hierdie statutêre maatreël is om vervaardigers, invoerders en uitvoerders van mielieprodukte en koringprodukte te verplig om by SAGIS te registreer. Registrasie van al die betrokke persone is nodig om SAGIS in staat te stel om deurlopende, tydige en akkurate markinligting aangaande mielieprodukte en koringprodukte aan die publiek beskikbaar te stel. Dit is noodsaaklik dat markinligting in 'n gedereguleerde mark so akkuraat as moontlik is ten einde alle rolspelers in staat te stel om ingeligte besluite te kan neem. Deur die kombinerende van verpligte registrasie van vervaardigers, invoerders en uitvoerders, tesame met die verskaffing van maandelikse opgawes op 'n individuele basis, kan markinligting vir die hele land verwerk en in die markplek versprei word.

Hierdie statutêre maatreël sal nie slegs help om marktoegang vir alle markdeelnemers te verbeter nie, maar behoort ook te help om die doeltreffendheid van die bemarking van mielieprodukte en koringprodukte te bevorder. Die lewensvatbaarheid van die mielie- en koringbedrywe word sodoende bevorder en terselfdertyd verbeter dit voedselsekerheid. Die inligting kan voorts bydra tot die beter formulering van voedselsekerheidsbeleid.

Die statutêre maatreël sal deur SAGIS geadminestreer word. SAGIS is spesifiek gestig vir die doel van registrasie en inligtingversameling, -verwerking en -verspreiding met betrekking tot die verskillende graan- en oliesadebedrywe in Suid-Afrika. SAGIS sal alle individuele inligting streng vertroulik hanteer en kan per telefoon gekontak word by (012) 523-1400.

Produk waarop statutêre maatreël van toepassing is

3. Hierdie statutêre maatreël is op mielieprodukte en koringprodukte van toepassing.

Gebied waarin statutêre maatreël van toepassing is

4. Hierdie statutêre maatreël is in die geografiese gebied van die Republiek van Suid-Afrika van toepassing.

Registrasie van vervaardigers, invoerders en uitvoerders

5. (1) Alle vervaardigers, invoerders en uitvoerders van mielieprodukte en koringprodukte moet as sulks by SAGIS registreer op die wyse in klousule 6 uiteengesit. Dit sluit ook enige persoon in wat optree in die hoedanigheid van voorgenoemde persone.

(2) Elke persoon wat 'n vervaardiger, invoerder of uitvoerder van mielieprodukte of koringprodukte word na die datum van inwerkingtreding van hierdie statutêre maatreël, moet binne 30 dae nadat hy sodanige vervaardiger, invoerder of uitvoerder geword het, by SAGIS registreer.

(3) By registrasie van 'n aansoeker deur SAGIS word 'n sertifikaat van registrasie aan hom uitgereik.

(4) Die registrasiesertifikaat wat ingevolge subklousule (3) uitgereik word, vervel wanneer hierdie statutêre maatreël herroep word of wanneer die sertifikaat deur SAGIS gekanselleer word.

(5) Die bepalinge van subklousule (4) is *mutatis mutandis* van toepassing op persone wat reeds by SAGIS geregistreer is ten tye van hierdie publikasie.

(6) Elke vervaardiger, invoerder of uitvoerder van mielieprodukte en koringprodukte moet SAGIS binne 30 dae nadat hy ophou om in daardie hoedanigheid op te tree, skriftelik daarvan in kennis stel, waarop sy registrasie gekanselleer sal word.

Aansoek om registrasie as vervaardiger, invoerder of uitvoerder

6. (1) 'n Aansoek om registrasie in terme van klousule 5 moet op die aansoekvorm wat by SAGIS verkrygbaar is, gedoen word.

(2) Die aansoekvorm moet op 'n rekenaar of in ink ingevul word deur 'n persoon wat behoorlik daartoe gemagtig is en moet vergesel word deur die stawende dokumentasie soos in die aansoekvorm gespesifiseer.

(3) Die aansoekvorm moet –

(a) wanneer dit per pos gestuur word, geadresseer word aan:

Die Hoofbestuurder
SAGIS
Posbus 2267
Montanapark
0159

(b) wanneer per hand afgelewer word, afgelewer word by :

SAGIS
Montana Forum Gebou
h/v Taaifontein- en Tecomariastraat
Montanapark X57
Pretoria

(c) wanneer dit elektronies gestuur word, gestuur word na :

Enige van die faksnummers, e-pos adresse of ander elektroniese adresse soos op die aansoekvorm vermeld.

Inwerkingtreding

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

No. R. 886

14 November 2014

DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES

AGRICULTURAL PRODUCT STANDARDS ACT, 1990
(ACT No. 119 OF 1990)REGULATIONS REGARDING CONTROL OF THE EXPORT OF FRESH CUT
FLOWERS AND FRESH ORNAMENTAL FOLIAGE

The Minister of Agriculture, Forestry and Fisheries has, under section 15 of the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990) -

- (a) made the regulations in the Schedule;
- (b) determined that the said regulations shall come into operation on the date of publication and
- (c) read together with section 4 of the said Act, repeal the regulations published by Government Notice Nos. R. 2014 of 23 August 1991, R. 2015 of 23 August 1991, R. 2016 of 23 August 1991, R. 2017 of 23 August 1991, R. 2159 of 12 November 1993, R. 189 of 13 February 1998 with effect from the said date of commencement.

SCHEDULE

Definitions

1. In these Regulations any word or expression to which a meaning has been assigned in the Act, shall have that meaning, and –

“**accredited laboratories**” means any laboratory that is not a National Reference Laboratory and that is nominated by the Executive Officer in writing as being suitable or required for the testing of compliance as envisaged in terms of regulation 6(1) and 7(1);

“**assignee**” means a person, undertaking, body, institution, association or board designated as such under section 2 (3) (a) of the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990);

“**certificates**” means a certificate that may be issued either in paper format (including electronically prepared) or in a verified electronic format which describe and attest to conformity of a consignment of regulated agricultural products to stipulated requirements as set out in regulation 6.

“**chinkerinchees**” means the sexual reproductive parts of the genus *Ornithogalum*;

“**consignment**” means a quantity of fresh cut flowers and fresh ornamental foliage of the same cultivar, belonging to the same owner and delivered at the same time under cover of the same delivery note, consignment note or receipt note, or is delivered by the same vehicle, or in the case of a quantity of fresh cut flowers and fresh ornamental foliage that is divided into different cultivars, classes, diameter groups, pallet loads, trademarks or types of packaging, every quantity of each of the different cultivars, classes, diameter groups, pallet loads, trademarks of types of packaging;

"**consignment note**" means a description of consignment approved by the Executive Officer or the Assignee;

"**Executive Officer**" means the officer designated under section 2 (1) of the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990)

"**flowers**" means the inflorescence or buds which normally houses the sexual reproductive parts of plants, foliage and stems which is not dried and of which the moisture content is more than 15 per cent, and -

- (i) fresh foliage and stems of plants or mixtures of different plants; and
- (ii) fresh parts of plants,

which are destined to be used for decorative purposes;

"**fresh cut flowers and fresh ornamental foliage**" means flowers of the kinds chinkerinchees, flowers, ornamental foliage, ornithogalum bulbs and protea;

"**inspector**" means the Executive Officer or an officer under his control, or an Assignee or an employee of an Assignee;

"**national reference laboratory**" means an official laboratory of the Department of Agriculture, Forestry and Fisheries that has been nominated in writing by the Executive Officer for the testing of compliance as envisaged in terms of regulation 6(1) and 7(1);

"**ornamental foliage**" means the fresh leaves and fresh stems of any plant (*inter alia* ferns) which are used for ornamental purposes.

"**ornithogalum bulbs**" means the subterranean reproduction parts obtained from the genus *Ornithogalum*; and

"**protea**" means the sexual reproductive and vegetative parts of the family Proteaceae

"**the Act**" means the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990); and

Prohibition on the export of fresh cut flowers and fresh ornamental foliage

2. (1) Subject to the provisions of subregulation (2), no person shall export fresh cut flowers and fresh ornamental foliage from the Republic unless each quantity thereof has been approved by the Executive Officer for that purpose.

(2) Fresh cut flowers and fresh ornamental foliage which are -

- (a) exported in a consignment of less than 10 kg net mass; and
- (b) taken in as provisions aboard a conveyance to another country,

shall be exempted from the prohibition set out in subregulation (1).

(3) An approval in terms of subregulation (1) may also be given by an Assignee designated with regard to fresh cut flowers and fresh ornamental foliage.

Application for approval for export

3. (1) An application for an approval in terms of section 4 of the Act for the export of a consignment of fresh cut flowers and fresh ornamental foliage, shall be directed in writing to the Executive Officer or the Assignee who has been designated with regard to fresh cut flowers and fresh ornamental foliage

(2) Such an application shall be made at least four working days before the intended date of export or as otherwise arranged with the Executive Officer or designated Assignee.

(3) The following particulars shall be supplied when such an application is made:

- (a) The name and address to the applicant and, where applicable, of his agent or exporter.
- (b) The cultivar and class thereof.
- (c) The number and type of containers in the consignment.
- (d) The intended date and time of export and the port or airport from which the consignment concerned shall be exported.
- (e) The particulars concerning the marking and destination of the consignment concerned.
- (f) The address of the premises where the consignment concerned can be inspected and the date and time when the consignment will be ready for inspection.
- (g) Any other additional information regarding the consignment concerned.

Presentation for inspection

4. (1) Each consignment of fresh cut flowers and fresh ornamental foliage intended for export which has to be presented for inspection in terms of these regulations shall, prior to the export thereof, be approved for export by an inspector: Provided that the consignment of fresh cut flowers and fresh ornamental foliage concerned shall be presented for inspection at least 12 hours prior to the intended time of export or as otherwise arranged with the Executive Officer or designated Assignee.

(2) A consignment of fresh cut flowers and fresh ornamental foliage referred to in subregulation (1), shall be submitted for inspection in such a manner that -

- (a) access to each container therein can be obtained readily; and
- (b) the marks, printing or stamping on such containers can readily be read.

Consignment note

5. (1) Every consignment of fresh cut flowers and fresh ornamental foliage destined for export shall, when submitted for inspection, be accompanied by a consignment note completed clearly, legibly, fully and correctly.

(2) All the copies of such a consignment note shall have the same serial number and one copy thereof shall be retained by the Department or Assignee.

Procedure at inspection

6. (1) An inspector may in any consignment of fresh cut flowers and fresh ornamental foliage open as many containers and inspect the contents thereof and remove samples of such contents for the purpose of further inspection or analyses as he/she may deem necessary.

(2) An inspector's finding in relation to the containers opened by him/her by virtue of the provisions of subregulation (1), and the contents thereof, shall apply as a finding in respect of the whole consignment from which such containers were abstracted.

(3) If an inspector is satisfied after his/her inspection that the consignment of fresh cut flowers and fresh ornamental foliage:

(a) comply with the requirements of these regulations he/she shall approve such consignment for export, either by marking or causing to be marked on each container or label affixed thereto with a mark of approval or by issuing a certificate which indicates such approval; or

(b) do not comply with the requirements of these regulations he/she shall prohibit such consignment for export, either by marking or causing to be marked on each container or label affixed thereto with a mark or prohibition or by issuing a certificate which indicates such prohibition.

(4) An inspector may at his/her own discretion re-inspect a consignment of fresh cut flowers and fresh ornamental foliage which has already been approved for export, and may confirm or withdraw according to sub regulation (3)(b) any previous approval with regard to the consignment concerned: Provided that no inspection fee shall be payable in respect of a re-inspection carried out on demand of an inspector.

Assessment of the Competence of testing Laboratories involved in the export of fresh cut flowers and fresh ornamental foliage

7. (1) For the purpose of analysis as required by regulation 6 (1), such analyses shall be conducted by a National Reference Laboratory or Accredited Laboratories.

(2) The Executive Officer shall in accrediting or nominating a National Reference Laboratory or Accredited Laboratories to conduct such analyses in regulation 7(1) consider inter alia their suitability with regards to the following criteria:

(a) A reasonable knowledge or expertise in fresh cut flowers and fresh ornamental foliage;

(b) Compliance with the general criteria for testing laboratories laid down in ISO/IEC Guide 17025;

(c) Participation in appropriate proficiency testing schemes for analysis which conform to the requirements laid down in "The international harmonized protocol for the proficiency testing of analytical laboratories";

(d) Whenever available, use methods of analysis which have been validated according to the principles laid down by the Codex *Alimentarius* Commission; and

(e) Use internal quality control procedures, such as those described in the "Harmonized Guidelines for internal Quality Control in Analytical Chemistry Laboratories".

Fees for inspection and analysis

8. The following fees shall be payable for inspection and analysis:

(1) The prescribed inspection fee when fresh cut flowers and fresh ornamental foliage are presented for inspection.

(2) The laboratory analysis fee when samples of fresh cut flowers and fresh ornamental foliage are analysed chemically, physically or microbiologically for export purposes.

(3) The courier (transport) fee when samples are dispatched to the laboratory.

Appeal

9. (1) Any person who appeals in terms of section 10(1) of the Act against a decision or direction of an inspector, shall submit a written notice of appeal to an inspector within one day after he/she has been notified of the said decision or direction unless that day falls on a Saturday, Sunday or public holiday in which case the appeal shall be submitted on the first following working day.

(2) Such person shall pay the prescribed fee with the inspector or at any office of the Executive Officer, as the case may be: Provided that such fee shall be paid in respect of each separate consignment, and provided further that if the notice of appeal and the fee are not submitted and paid within the period specified in subregulation (1), the appellant shall lose his/her right of appeal.

(3) An inspector may apply any mark or marks which he/she may deem necessary for identification purposes to the fresh cut flowers and fresh ornamental foliage in respect of which an appeal has been submitted, or to the containers thereof, and such fresh cut flowers and fresh ornamental foliage shall not without his consent, be removed from the place where they were inspected or where they are stored.

(4) The Director-General shall designate at least three persons to serve as an appeal board.

(5) Such an appeal board shall give the appellant or his representative a reasonable notice of the time and place determined for the hearing of the appeal and may, after the fresh cut flowers and fresh ornamental foliage concerned have been produced and identified and all interested parties have been heard, instruct all persons to leave the place where the appeal is being considered: Provided that the appeal board may make use of persons to assist in an advisory capacity.

(6) An appeal board shall decide an appeal within 48 hours (excluding Sundays and public holidays) after it was submitted, and its decision shall be final.

(7) If the fresh cut flowers and fresh ornamental foliage concerned are not produced at the time and place determined by the appeal board, the amount paid in respect thereof shall be forfeited.

Offences and penalties

10. Any person who contravenes or fails to comply with the provisions of these regulations shall be guilty of an offence and shall be liable to a fine or imprisonment as set out in section 11 of the Act.

**DEPARTMENT OF LABOUR
DEPARTEMENT VAN ARBEID**

No. R. 887

14 November 2014

LABOUR RELATIONS ACT, 1995

**FURNITURE BARGAINING COUNCIL: EXTENSION TO NON-PARTIES OF
THE COLLECTIVE BARGAINING FEE COLLECTIVE AGREEMENT**

I, **MILDRED NELISIWE OLIPHANT**, Minister of Labour, hereby in terms of section 32(2) read with section 32 (3) (b) and (c) of the Labour Relations Act, 1995, declare that the collective agreement which appears in the Schedule hereto, which was concluded in the Furniture Bargaining Council and is binding in terms of section 31 of the Labour Relations Act, 1995, on the parties which concluded the agreement, shall be binding on the other employers and employees in that Industry, with effect from 2014 -11- 24 and for the period ending 30 June 2016.


MINISTER OF LABOUR

UMNYANGO WEZABASEBENZI

No. R. 887

14 November 2014

UMTHETHO WOBUDLELWANO KWEZABASEBENZI KA-1995

UMKHANDLU WOKUXOXISANA PHAKATHI KWABAQASHI
NABASEBENZI BEMBONI YEFENISHA: UKWELULELWA
KWESIVUMELWANO SENKOKHELO SELULELWA KULABO
ABANGEYONA INGXENYE YASO

Mina, **MILDRED NELISIWE OLIPHANT**, uNgqongqoshe Wezabasebenzi ngokwesigaba 32(2) sifundwa nesigaba 32(3) (b) no (c) soMthetho Wobudlelwano Kwezabasebenzi ka-1995, ngazisa ukuthi isiVumelwano phakathi kwabaqashi nabasebenzi esitholakala kwiSheduli yesiNgisi exhunywe lapha, esenziwa uMkhandlwini Wokuxoxisana Kwabaqashi Nabasebenzi Embonini Yefenisha, futhi ngokwesigaba 31 soMthetho Wobudlelwano Kwezabasebenzi ka 1995, esibopha labo abasenzayo, sizobopha bonke abaqashi nabasebenzi kuleyoMboni kusukela mhlaka
 2014 -11- 24kuze kube ngu 30 kuNhlanguvana 2016.


UNGQONGQOSHE WEZABASEBENZI

SCHEDULE**FURNITURE BARGAINING COUNCIL****COLLECTIVE BARGAINING FEE COLLECTIVE AGREEMENT**

In accordance with the provisions of the Labour Relations Act, 1995 (Act 66 of 1995)(as amended), made and entered into by and between the

**Furniture, Bedding & Upholstery Manufacturers' Association for the Greater Northern
Region**

(hereinafter referred to as the "employers" or the employers' organisation"), of the one part,
and the

National Union of Furniture and Allied Workers of South Africa

and

Chemical, Energy, Paper, Printing, Wood and Allied Workers Union (CEPPWAWU)

(hereinafter referred to as the "employees" or the "trade unions"), of the other part being the
parties to the Furniture Bargaining Council.

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CHAPTER 1

1. SCOPE OF APPLICATION

1.1 The terms of this Agreement shall be observed in the Furniture, Bedding and Upholstery Manufacturing Industry-

1.1.1 by all employers who are members of the party employers' organisation, which is party to this Agreement and by all employees who are members of the party trade unions, which are party to this Agreement and the Council's Main Collective Agreement, and who are engaged or employed in the Furniture, Bedding and Upholstery Manufacturing Industry, respectively;

1.1.2 in the Provinces of Gauteng, North West, Mpumalanga, Limpopo and Free State.

- 1.2 Notwithstanding the provisions of clause 1.1 the provisions of this Agreement-
- 1.2.1 apply only to employees for whom wages are prescribed in the Council's Main Collective Agreement and to the employers of such employees; and
 - 1.2.2 apply to learners under the Skills Development Act, 1998, or any contracts entered into or any conditions fixed thereunder.

2. PERIOD OF OPERATION OF AGREEMENT

This Agreement shall, in terms of section 31 of the Act, become binding on the above parties on 1 July 2014 and for non-parties on such date as may be determined by the Minister of Labour in terms of section 32 of the Act and shall remain in force for the period ending 30 June 2016.

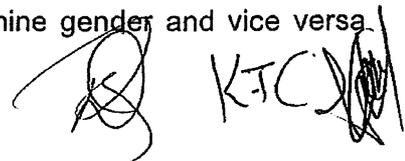
3. TERMS AND CONDITIONS

A separate Collective Bargaining Fee Agreement is hereby agreed to and the provisions of the Labour Relations Act, 1995 (Act 66 of 1995)(as amended)(hereinafter referred to as the Act), where applicable, shall apply to this Agreement. The object of this Agreement is to ensure that all employees and employers in the scope of the Council who receive the benefits of collective bargaining contribute towards its costs.

This Agreement shall be subject to the respective parties being representative, as required by section 25 of the Act, of employees or employers who are covered by the Main Collective Agreement of the Furniture Bargaining Council as verified by the Department of Labour from time to time. Accordingly, the application of this agreement to either of the parties shall be subject to that party being representative.

4. DEFINITIONS

Any expressions used in this Agreement which are defined in the Labour Relations Act, 1995, shall have the same meaning as in that Act and any reference to an Act shall include any amendments to such Act, and unless the contrary intention appears, words importing the masculine gender shall also include the feminine gender and vice versa further, unless inconsistent with the context-



"Act" means the Labour Relations Act, 1995 (Act 66 of 1995)(as amended);

"Collective Bargaining Fee" means the fee set out in clause 5 of this Agreement;

"Council" means the Furniture Bargaining Council;

"Furniture, Bedding and Upholstery Manufacturing Industry" or "Industry" means, without in any way limiting the ordinary meaning of the expression, the industry in which employers and their employees are associated for the manufacture, either in whole or in part, of all types of furniture and bedding as well as upholstery and/or re-upholstery and will, inter alia, include the following:

(a) **Furniture**

Repairing, staining, spraying, polishing, re-polishing, making loose covers and/or cushions, wood machining, veneering, woodturning, carving, assembling, painting, wood bending and laminating. Furniture manufacturing will also include the manufacturing, repairing, polishing, re-polishing, staining, spraying of pianos, organs, movable room/office partitions, kitchen cupboards, attached wall cupboards, built-in cupboards, free standing bars or built-in bar counters, cane, wicker or grass furniture, cabinets including cabinets for musical instruments and radios, wireless or television cabinets, bathroom cupboards, cupboard tops and furniture for tea-rooms, restaurants, offices, churches, schools, libraries, other educational institutions, conference centres and theatres but excluding the manufacturing of furniture made mainly of metal and/or plastic materials.

(b) **Bedding**

The manufacturing, repairing, covering, re-covering of mattress bases, mattresses, spring mattresses, overlays, bolsters, pillows, cushions for studio couches, spring units, box-spring mattresses and studio couches but excluding the manufacturing of bedding made mainly of metal and/or plastic materials.

"Studio Couch" means an article of furniture, which is designed for seating and for conversion into a double bed or two or more beds and of which the frames are constructed mainly of metal and the seating and/or sleeping surfaces consist of mattresses and/or cushions.

(c) **Upholstery**

The upholstering or re-upholstering of any furniture, or item of furniture, bedding, pelmets and mattress bases.

5. COLLECTIVE BARGAINING FEE

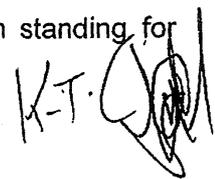
- 5.1 A Collective Bargaining Fee is payable by an employer who is not a member of the representative employers' organisation known as the Furniture, Bedding & Upholstery Manufacturers' Association for the Greater Northern Region, although such an employer is eligible for membership thereof but is not compelled to be a member thereof.
- 5.2 For the purposes of this agreement, "representative employers' organisation" means a registered employers' organisation whose members employ the majority of employees in the furniture, bedding and upholstery manufacturing industry in the scope of the Council.
- 5.3 This Collective Bargaining Fee Agreement is binding on all employers who are not members of the representative employers' organisation, being the non-party employers in the furniture, bedding and upholstery manufacturing industry and in the scope of the Council's Main Agreement.
- 5.4 The prescribed Collective Bargaining Fee shall be equivalent to or less than the amount of the prevailing membership fees payable by the employer members of the Furniture, Bedding & Upholstery Manufacturers' Association for the Greater Northern Region to the same association.
- 5.5 The prescribed Collective Bargaining Fee payable by employers who are not members of the employers' organisation known as Furniture, Bedding & Upholstery Manufacturers' Association for the Greater Northern Region, who is a party to this Agreement, shall be as follows:



Number of employees employed	Monthly membership fees
0-15	R 307-80
16-50	R 433-20
51-100	R 615-60
101-200	R 912-00
201+	R1 140-00

- 5.6 Every non-party employer shall together with the Collective Bargaining Fee also submit to the Secretary of the Council, at the same time, a monthly return form reflecting the amount of the Collective Bargaining Fee due on the return form as specified by the Council from time to time.
- 5.7 The Secretary of the Council shall deposit all moneys received as Collective Bargaining Fees in terms of clause 5.5 into a bank account of the Council.
- 5.8 The prescribed Collective Bargaining Fee must be paid by the employers as identified in clause 5.3 to the Council by the 10th day of each month following the month in which it became due and the same Collective Bargaining Fee must be paid by the Council monthly to the Furniture, Bedding & Upholstery Manufacturers' Association for the Greater Northern Region.
- 5.9 The Secretary of the Council shall transfer all moneys received as Collective Bargaining Fees into a separate bank account administered by the party employers' organisation.
- 5.10 Despite sub-clause 5.9, a conscientious objector may request the Council in writing to pay his Collective Bargaining Fees into a fund administered by the Department of Labour.
- 5.11 No Collective Bargaining Fee may be:
- 5.11.1 paid to a political party as an affiliation fee; or
- 5.11.2 contributed in cash or kind to a political party or a person standing for election to any political office; or

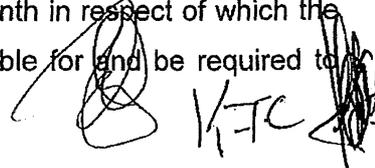
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- 5.11.3 used for any expenditure that does not advance or protect collective bargaining and the socio-economic interests of employers in the scope of the Furniture Bargaining Council.
- 5.12 The provisions of sections 98 and 100 (b) and (c) of the Act apply, read with the changes required by the context, to the separate account referred to in sub-clause 5.9.
- 5.13 Any person may inspect the auditor's report, in so far as it relates to an account referred to in sub-clause 5.9.
- 5.14 The Registrar must provide a certified copy of, or an extract from, any of the documents referred to in clause 5 to any person who has paid the prescribed fees.
- 5.15 If an employer or an employers' organisation or any interested person or organisation alleges that the representative employer's organisation is no longer a representative employers' organisation as envisaged in sub-clause 5.2 it must give the employers' organisation written notice of the allegation, and must allow the employers' organisation 90 days from the date of the notice to prove that it is a representative employers' organisation.
- 5.16 If, within the 90-day period, the representative employers' organisation fails to prove that it is a representative employers' organisation, the employer or employers' organisation or interested person or organisation making the allegation, must give the employers' organisation which claims to be representative notice of its intention to request the Minister of Labour to withdraw the extension of this agreement to non-parties.
- 5.17 If the extension of this agreement to non-parties is withdrawn by the Minister of Labour for any reason, the provisions of sub-clauses 5.8 and 5.9 shall apply until all the Collective Bargaining Fees due up until the date of the withdrawal of this Agreement have been received and paid out in accordance with sub-clauses 5.8 and 5.9.

6. UNPAID COLLECTIVE BARGAINING FEES

- 6.1 Should any amounts due to the Council in terms of this agreement not be received by the Council by the 10th day of the month following the month in respect of which the amounts are payable, the employer shall forthwith be liable for and be required to

Handwritten signature and initials, possibly 'VTC', in black ink.

pay interest on such amounts or on such lesser amounts that remain unpaid at a rate which does not exceed the maximum rate as prescribed by the Prescribed Rate of Interest Act, 1975 (Act 55 of 1975)(as amended), calculated from the 11th day of the month until the day upon which the payment is actually received by the Council. The Council shall be entitled at its absolute discretion to waive payment of such interest or part thereof in any individual instance.

- 6.2 In the event of the Council incurring any costs or becoming obliged to pay any collection costs and commission by reason of the failure of the employer to make any payment on or before the applicable due date, the employer shall then also be liable to forthwith pay all such collection costs and commission to the Council and the Council shall be entitled in its absolute discretion to allocate any payment received from such an employer firstly to such costs, collection commission and interest, and thereafter to the reduction of the unpaid Collective Bargaining Fees.
- 6.3 Disputes about the interpretation, application or enforcement of this agreement shall be resolved in accordance with the Dispute Resolution Procedure prescribed in the Furniture Bargaining Council's Main Collective Agreement.

7. EXEMPTIONS

7.1 Exemptions Body and Independent Exemptions Appeal Body

An exemptions body and an Independent Exemptions Appeal Body is hereby established to consider all applications for exemptions from the provisions of this Agreement and to hear and decide, as soon as possible and according to the prescribed criteria, any appeal against-

7.1.1 the Bargaining Council's refusal of a party's or non-party's application for an exemption from the provisions of this Collective Agreement; and

7.1.2 the withdrawal of an exemption by the Bargaining Council.

7.2 Administration

7.2.1 Any person, establishment or body bound by this Collective Agreement may apply for an exemption from any of the provisions of this Agreement.

7.2.2 An application for exemption shall be in writing on the Bargaining Council's prescribed application form obtainable from the Council's offices, fully motivated and served on the Bargaining Council. The Applicant or the Appellant, depending on the nature of the process, shall satisfy the Body concerned that a proper application or appeal has been served on the appropriate body.

7.2.3 Whenever an employer applies for an exemption he or she shall consult with the affected workforce through their trade union representatives or, where there are no trade union representatives, with the affected workforce itself as to the need for the exemption and its effect on the affected employees and shall include in the application written proof of matters discussed during such consultation and written proof of the views expressed by the affected workforce during the consultation in this regard as well as the signed confirmation of all individually affected employees.

7.2.4 The Bargaining Council shall issue to every person, establishment or body to whom an exemption has been granted or for whom an appeal has been considered by either the Exemptions Body or the Independent Exemptions Appeal Body, a notice of exemption or outcome of the appeal, setting out the following:

7.2.4.1 the full name of the person(s), body or bodies or establishment concerned;

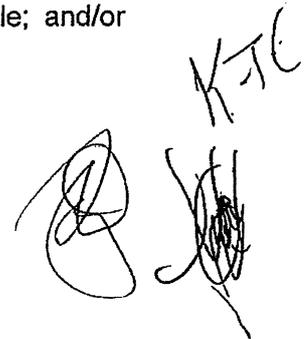
7.2.4.2 the trading name of the employer;

7.2.4.3 the exact provision(s) of this Collective Agreement from which the exemption has been granted or refused;

7.2.4.4 the conditions subject to which the exemption is granted;

7.2.4.5 the period for which the exemption is applicable; and/or

7.2.4.6 the outcome of an appeal.

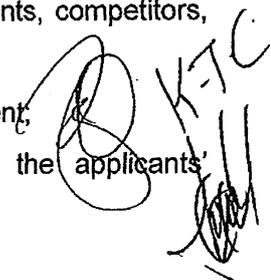


- 7.2.5 The Bargaining Council must ensure that:-
- 7.2.5.1 all notices of exemptions granted or refused and notices of appeal outcomes are issued to the applicants or appellants; and
- 7.2.5.2 a copy of each exemption granted or refused and a notice of an appeal outcome is retained by the Bargaining Council.
- 7.2.6 The Bargaining Council may, on good cause shown, give the holder of an exemption 30 days' notice of its intention to apply to the Independent Exemptions Appeal Body for the withdrawal of a particular exemption.
- 7.2.7 The following processes and criteria shall be considered with regard to an application for exemption from the provisions of any collective agreement concluded in the Bargaining Council or the application for the withdrawal of an exemption previously granted or when any appeal against a decision of the Council is considered:

Processes: Any employer, employee, trade union or employer's association may at any point in time apply for an exemption from any of the provisions of this Collective Agreement. The applicant is required to complete and submit in writing with the relevant office of the Council, a fully and properly completed prescribed application for exemption form, accompanied by all relevant supporting documentation.

Criteria: The Council and/or the Independent Exemptions Appeal Body shall, without limiting its own considerations, *inter alia* consider the following criteria to wit:

- The financial and social implications on the applicants, competitors, employees and the Industry as a whole;
- viability of the continued existence of the establishment;
- the views expressed by the employees and/or the applicants' competitors;

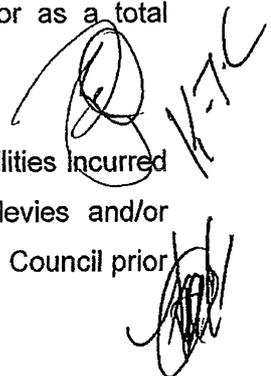


- the views and recommendations submitted by the bargaining council or any other person or body with an interest in the matter.
- the possibility of job losses if the exemption is granted or refused;
- the limitation on any employment opportunities if the exemption is granted or refused;
- any other relevant information that might have an impact on the outcome of either an application or an appeal;
- the applicant's past record (if applicable) of compliance with the provisions of the main agreement and/or exemption certificates.
- any special circumstances that exist or any precedent that might be set;
- the interests of the Industry in relation to unfair competition, centralised collective bargaining as well as the economic stability of the Industry;
- the interests of the employees with regards to exploitation, job preservation, sound conditions of employment, potential financial benefits, health and safety and the possible infringement of basic rights; and
- the interests of the employer with regards to its financial stability, the impact on productivity, its future relationship with employees and recognised trade union operational requirements and the viability of the employers business.

7.2.8 an exemption should not contain terms and conditions that would have an unreasonably detrimental effect on the fair, equitable and uniform application in the Industry of any collective agreement concluded in the Bargaining Council;

7.2.9 no exemption shall be granted for an indefinite period or as a total (blanket) exemption;

7.2.10 no exemption should be granted retrospectively for any liabilities incurred by an employer in terms of this agreement, such as levies and/or contributions, which became payable by the employer to the Council prior



to the date on which the application for such an exemption was received by the Council.

Agreement signed at Johannesburg on this 17th day June 2014.

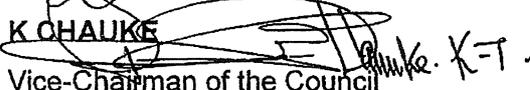
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Chairman of the Council



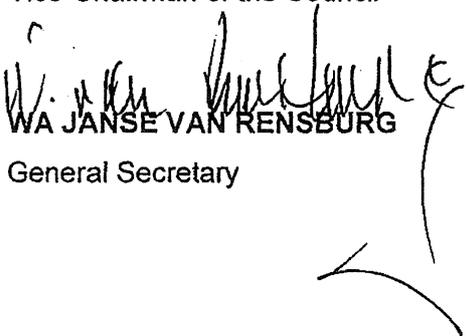
K CHAUKE

Vice-Chairman of the Council


Chauke. K-T.

WA JANSE VAN RENSBURG

General Secretary



NOTICE – CHANGE OF TELEPHONE NUMBERS: GOVERNMENT PRINTING WORKS

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The new numbers are as follows:

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- Maps : 012 748 6061/6065 BookShop@gpw.gov.za
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- Subscription : 012 748 6054/6055/6057 Subscriptions@gpw.gov.za
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Please consult our website at www.gpwonline.co.za for more contact details.

The numbers for our provincial offices in Polokwane, East London and Mmabatho will not change at this stage.

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