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REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Regulation Gazette

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Contents

<i>No.</i>		<i>Gazette No.</i>	<i>Page No.</i>
GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS			
Agriculture, Land Reform and Rural Development, Department of / Landbou, Grondhervorming en Landelike Ontwikkeling, Departement van			
R. 3611	Marketing of Agricultural Products Act (47/1996): Establishment of Statutory measure: Records and returns by certification bodies, fresh produce markets, importers, exporters, packaging material importers, packaging material manufacturers, potato producers, pre-packers and processors	48862	13
R. 3612	Marketing of Agricultural Products Act (47/1996): Establishment of Statutory measure: Determination of guideline prices and levies relating to potatoes.....	48862	23
R. 3613	Marketing of Agricultural Products Act (47/1996): Establishment of Statutory measure: Registration of certification bodies, exporters, fresh produce markets, importers, market agents, packaging material importers, packaging material manufacturers, potato producers, pre-packers, processors and traders.....	48862	32
R. 3614	Marketing of Agricultural Products Act (47/1996): Establishment of statutory measure: Determination of guideline prices and levies relating to potatoes.....	48862	38
R. 3615	Marketing of Agricultural Products Act (47/1996): Wine Industry: Amendment of statutory measures and determination of guideline prices.....	48862	47
R. 3616	Agricultural Product Standards Act (119/1990): Regulations relating to the quality, grading, packing and marking of tomatoes intended for sale in the Republic of South Africa.....	48862	62
R. 3617	Agricultural Product Standards Act (119/1990): Regulations regarding the classification, packing and marking of edible ices intended for sale in the Republic of South Africa	48862	77
Justice and Constitutional Development, Department of / Justisie en Staatkundige Ontwikkeling, Departement van			
R. 3618	Special Investigating Units and Special Tribunals Act (74/1996): Referral of matters to existing Special Investigating Unit: Revised application – Chris Hani District Municipality	48862	98
R. 3618	Wet op Spesiale Ondersoekeenheid en Spesiale Tribunale (74/1996): Verwysing van aangeleenthede na bestaande Spesiale ondersoekeenheid: Chris Hani Distrik Munisipaliteit	48862	101
Employment and Labour, Department of / Indiensneming en Arbeid, Departement van			
R. 3619	Labour Relations Act, 1995: National Bargaining Council for Hairdressing, Cosmetology, Beauty and Skincare Industry: Extension of period of operation of the Main Collective Agreement.....	48862	104
South African Revenue Service / Suid-Afrikaanse Inkomstediens			
R. 3620	Customs and Excise Act, 1964: Amendment of Rules (DAR 249)	48862	105
R. 3621	Customs and Excise Act, 1964: Amendment of Rules (DAR 248)	48862	110



government
printing

Department:
Government Printing Works
REPUBLIC OF SOUTH AFRICA

HIGH ALERT: SCAM WARNING!!!

TO ALL SUPPLIERS AND SERVICE PROVIDERS OF THE GOVERNMENT PRINTING WORKS

It has come to the attention of the *GOVERNMENT PRINTING WORKS* that there are certain unscrupulous companies and individuals who are defrauding unsuspecting businesses disguised as representatives of the *Government Printing Works (GPW)*.

The scam involves the fraudsters using the letterhead of *GPW* to send out fake tender bids to companies and requests to supply equipment and goods.

Although the contact person's name on the letter may be of an existing official, the contact details on the letter are not the same as the *Government Printing Works*. When searching on the Internet for the address of the company that has sent the fake tender document, the address does not exist.

The banking details are in a private name and not company name. Government will never ask you to deposit any funds for any business transaction. *GPW* has alerted the relevant law enforcement authorities to investigate this scam to protect legitimate businesses as well as the name of the organisation.

Example of e-mails these fraudsters are using:

PROCUREMENT@GPW-GOV.ORG

Should you suspect that you are a victim of a scam, you must urgently contact the police and inform the *GPW*.

GPW has an official email with the domain as @gpw.gov.za

Government e-mails DO NOT have org in their e-mail addresses. All of these fraudsters also use the same or very similar telephone numbers. Although such number with an area code 012 looks like a landline, it is not fixed to any property.

GPW will never send you an e-mail asking you to supply equipment and goods without a purchase/order number. *GPW* does not procure goods for another level of Government. The organisation will not be liable for actions that result in companies or individuals being resultant victims of such a scam.

Government Printing Works gives businesses the opportunity to supply goods and services through RFQ / Tendering process. In order to be eligible to bid to provide goods and services, suppliers must be registered on the National Treasury's Central Supplier Database (CSD). To be registered, they must meet all current legislative requirements (e.g. have a valid tax clearance certificate and be in good standing with the South African Revenue Services - SARS).

The tender process is managed through the Supply Chain Management (SCM) system of the department. SCM is highly regulated to minimise the risk of fraud, and to meet objectives which include value for money, open and effective competition, equitability, accountability, fair dealing, transparency and an ethical approach. Relevant legislation, regulations, policies, guidelines and instructions can be found on the tender's website.

Fake Tenders

National Treasury's CSD has launched the Government Order Scam campaign to combat fraudulent requests for quotes (RFQs). Such fraudulent requests have resulted in innocent companies losing money. We work hard at preventing and fighting fraud, but criminal activity is always a risk.

How tender scams work

There are many types of tender scams. Here are some of the more frequent scenarios:

Fraudsters use what appears to be government department stationery with fictitious logos and contact details to send a fake RFQ to a company to invite it to urgently supply goods. Shortly after the company has submitted its quote, it receives notification that it has won the tender. The company delivers the goods to someone who poses as an official or at a fake site. The Department has no idea of this transaction made in its name. The company is then never paid and suffers a loss.

OR

Fraudsters use what appears to be government department stationery with fictitious logos and contact details to send a fake RFQ to Company A to invite it to urgently supply goods. Typically, the tender specification is so unique that only Company B (a fictitious company created by the fraudster) can supply the goods in question.

Shortly after Company A has submitted its quote it receives notification that it has won the tender. Company A orders the goods and pays a deposit to the fictitious Company B. Once Company B receives the money, it disappears. Company A's money is stolen in the process.

Protect yourself from being scammed

- If you are registered on the supplier databases and you receive a request to tender or quote that seems to be from a government department, contact the department to confirm that the request is legitimate. Do not use the contact details on the tender document as these might be fraudulent.
- Compare tender details with those that appear in the Tender Bulletin, available online at www.gpwonline.co.za
- Make sure you familiarise yourself with how government procures goods and services. Visit the tender website for more information on how to tender.
- If you are uncomfortable about the request received, consider visiting the government department and/or the place of delivery and/or the service provider from whom you will be sourcing the goods.
- In the unlikely event that you are asked for a deposit to make a bid, contact the SCM unit of the department in question to ask whether this is in fact correct.

Any incidents of corruption, fraud, theft and misuse of government property in the *Government Printing Works* can be reported to:

Supply Chain Management: Ms. Anna Marie Du Toit, Tel. (012) 748 6292.
Email: Annamarie.DuToit@gpw.gov.za

Marketing and Stakeholder Relations: Ms Bonakele Mbhele, at Tel. (012) 748 6193.
Email: Bonakele.Mbhele@gpw.gov.za

Security Services: Mr Daniel Legoabe, at tel. (012) 748 6176.
Email: Daniel.Legoabe@gpw.gov.za

Closing times for **ORDINARY WEEKLY** **REGULATION GAZETTE** **2023**

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

- **29 December**, Thursday for the issue of Friday **06 January 2023**
- **06 January**, Friday for the issue of Friday **13 January 2023**
- **13 January**, Friday for the issue of Friday **20 January 2023**
- **20 January**, Friday for the issue of Friday **27 January 2023**
- **27 January**, Friday for the issue of Friday **03 February 2023**
- **03 February**, Friday for the issue of Friday **10 February 2023**
- **10 February**, Friday for the issue of Friday **17 February 2023**
- **17 February**, Friday for the issue of Friday **24 February 2023**
- **24 February**, Friday for the issue of Friday **03 March 2023**
- **03 March**, Friday for the issue of Friday **10 March 2023**
- **10 March**, Friday for the issue of Friday **17 March 2023**
- **16 March**, Thursday for the issue of Friday **24 March 2023**
- **24 March**, Friday for the issue of Friday **31 March 2023**
- **30 March**, Thursday for the issue of Thursday **06 April 2023**
- **05 April**, Wednesday for the issue of Friday **14 April 2023**
- **14 April**, Friday for the issue of Friday **21 April 2023**
- **20 April**, Thursday for the issue of Friday **28 April 2023**
- **26 April**, Wednesday for the issue of Friday **05 May 2023**
- **05 May**, Friday for the issue of Friday **12 May 2023**
- **12 May**, Friday for the issue of Friday **19 May 2023**
- **19 May**, Friday for the issue of Friday **26 May 2023**
- **26 May**, Friday for the issue of Friday **02 June 2023**
- **02 June**, Friday for the issue of Friday **09 June 2023**
- **08 June**, Thursday for the issue of Thursday **15 June 2023**
- **15 June**, Thursday for the issue of Friday **23 June 2023**
- **23 June**, Friday for the issue of Friday **30 June 2023**
- **30 June**, Friday for the issue of Friday **07 July 2023**
- **07 July**, Friday for the issue of Friday **14 July 2023**
- **14 July**, Friday for the issue of Friday **21 July 2023**
- **21 July**, Friday for the issue of Friday **28 July 2023**
- **28 July**, Friday for the issue of Friday **04 August 2023**
- **03 August**, Thursday for the issue of Friday **11 August 2023**
- **11 August**, Friday for the issue of Friday **18 August 2023**
- **18 August**, Friday for the issue of Friday **25 August 2023**
- **25 August**, Friday for the issue of Friday **01 September 2023**
- **01 September**, Friday for the issue of Friday **08 September 2023**
- **08 September**, Friday for the issue of Friday **15 September 2023**
- **15 September**, Friday for the issue of Friday **22 September 2023**
- **21 September**, Thursday for the issue of Friday **29 September 2023**
- **29 September**, Friday for the issue of Friday **06 October 2023**
- **06 October**, Friday for the issue of Friday **13 October 2023**
- **13 October**, Friday for the issue of Friday **20 October 2023**
- **20 October**, Friday for the issue of Friday **27 October 2023**
- **27 October**, Friday for the issue of Friday **03 November 2023**
- **03 November**, Friday for the issue of Friday **10 November 2023**
- **10 November**, Friday for the issue of Friday **17 November 2023**
- **17 November**, Friday for the issue of Friday **24 November 2023**
- **24 November**, Friday for the issue of Friday **01 December 2023**
- **01 December**, Friday for the issue of Friday **08 December 2023**
- **08 December**, Friday for the issue of Friday **15 December 2023**
- **15 December**, Friday for the issue of Friday **22 December 2023**
- **20 December**, Wednesday for the issue of Friday **29 December 2023**

LIST OF TARIFF RATES FOR PUBLICATION OF NOTICES

COMMENCEMENT: 1 APRIL 2018

NATIONAL AND PROVINCIAL

Notice sizes for National, Provincial & Tender gazettes 1/4, 2/4, 3/4, 4/4 per page. Notices submitted will be charged at R1008.80 per full page, pro-rated based on the above categories.

Pricing for National, Provincial - Variable Priced Notices		
Notice Type	Page Space	New Price (R)
Ordinary National, Provincial	1/4 - Quarter Page	252.20
Ordinary National, Provincial	2/4 - Half Page	504.40
Ordinary National, Provincial	3/4 - Three Quarter Page	756.60
Ordinary National, Provincial	4/4 - Full Page	1008.80

EXTRA-ORDINARY

All Extra-ordinary National and Provincial gazette notices are non-standard notices and attract a variable price based on the number of pages submitted.

The pricing structure for National and Provincial notices which are submitted as **Extra ordinary submissions** will be charged at **R3026.32** per page.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

The **Government Printing Works (GPW)** has established rules for submitting notices in line with its electronic notice processing system, which requires the use of electronic *Adobe Forms*. Please ensure that you adhere to these guidelines when completing and submitting your notice submission.

CLOSING TIMES FOR ACCEPTANCE OF NOTICES

1. The *Government Gazette* and *Government Tender Bulletin* are weekly publications that are published on Fridays and the closing time for the acceptance of notices is strictly applied according to the scheduled time for each gazette.
2. Please refer to the Submission Notice Deadline schedule in the table below. This schedule is also published online on the Government Printing works website www.gpwnonline.co.za

All re-submissions will be subject to the standard cut-off times.

All notices received after the closing time will be rejected.

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
National Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Regulation Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Petrol Price Gazette	Monthly	Tuesday before 1st Wednesday of the month	One day before publication	1 working day prior to publication
Road Carrier Permits	Weekly	Friday	Thursday 15h00 for next Friday	3 working days prior to publication
Unclaimed Monies (Justice, Labour or Lawyers)	January / September 2 per year	Last Friday	One week before publication	3 working days prior to publication
Parliament (Acts, White Paper, Green Paper)	As required	Any day of the week	None	3 working days prior to publication
Manuals	Bi- Monthly	2nd and last Thursday of the month	One week before publication	3 working days prior to publication
State of Budget (National Treasury)	Monthly	30th or last Friday of the month	One week before publication	3 working days prior to publication
<i>Extraordinary Gazettes</i>	As required	Any day of the week	<i>Before 10h00 on publication date</i>	<i>Before 10h00 on publication date</i>
Legal Gazettes A, B and C	Weekly	Friday	One week before publication	Tuesday, 15h00 - 3 working days prior to publication
Tender Bulletin	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Gauteng	Weekly	Wednesday	Two weeks before publication	3 days after submission deadline
Eastern Cape	Weekly	Monday	One week before publication	3 working days prior to publication
Northern Cape	Weekly	Monday	One week before publication	3 working days prior to publication
North West	Weekly	Tuesday	One week before publication	3 working days prior to publication
KwaZulu-Natal	Weekly	Thursday	One week before publication	3 working days prior to publication
Limpopo	Weekly	Friday	One week before publication	3 working days prior to publication
Mpumalanga	Weekly	Friday	One week before publication	3 working days prior to publication

GOVERNMENT PRINTING WORKS - BUSINESS RULES

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
Gauteng Liquor License Gazette	Monthly	Wednesday before the First Friday of the month	Two weeks before publication	3 working days after submission deadline
Northern Cape Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 working days after submission deadline
National Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 working days after submission deadline
Mpumalanga Liquor License Gazette	Bi-Monthly	Second & Fourth Friday	One week before publication	3 working days prior to publication

EXTRAORDINARY GAZETTES

3. *Extraordinary Gazettes* can have only one publication date. If multiple publications of an *Extraordinary Gazette* are required, a separate Z95/Z95Prov *Adobe* Forms for each publication date must be submitted.

NOTICE SUBMISSION PROCESS

4. Download the latest *Adobe* form, for the relevant notice to be placed, from the **Government Printing Works** website www.gpwonline.co.za.
5. The *Adobe* form needs to be completed electronically using *Adobe Acrobat / Acrobat Reader*. Only electronically completed *Adobe* forms will be accepted. No printed, handwritten and/or scanned *Adobe* forms will be accepted.
6. The completed electronic *Adobe* form has to be submitted via email to submit.egazette@gpw.gov.za. The form needs to be submitted in its original electronic *Adobe* format to enable the system to extract the completed information from the form for placement in the publication.
7. Every notice submitted **must** be accompanied by an official **GPW** quotation. This must be obtained from the *eGazette* Contact Centre.
8. Each notice submission should be sent as a single email. The email **must** contain **all documentation relating to a particular notice submission**.
 - 8.1. Each of the following documents must be attached to the email as a separate attachment:
 - 8.1.1. An electronically completed *Adobe* form, specific to the type of notice that is to be placed.
 - 8.1.1.1. For *National Government Gazette* or *Provincial Gazette* notices, the notices must be accompanied by an electronic Z95 or Z95Prov *Adobe* form
 - 8.1.1.2. The notice content (body copy) **MUST** be a separate attachment.
 - 8.1.2. A copy of the official **Government Printing Works** quotation you received for your notice. (*Please see Quotation section below for further details*)
 - 8.1.3. A valid and legible Proof of Payment / Purchase Order: **Government Printing Works** account customer must include a copy of their Purchase Order. **Non-Government Printing Works** account customer needs to submit the proof of payment for the notice
 - 8.1.4. Where separate notice content is applicable (Z95, Z95 Prov and TForm 3, it should **also** be attached as a separate attachment. (*Please see the Copy Section below, for the specifications*).
 - 8.1.5. Any additional notice information if applicable.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

9. The electronic *Adobe* form will be taken as the primary source for the notice information to be published. Instructions that are on the email body or covering letter that contradicts the notice form content will not be considered. The information submitted on the electronic *Adobe* form will be published as-is.
10. To avoid duplicated publication of the same notice and double billing, Please submit your notice **ONLY ONCE**.
11. Notices brought to **GPW** by "walk-in" customers on electronic media can only be submitted in *Adobe* electronic form format. All "walk-in" customers with notices that are not on electronic *Adobe* forms will be routed to the Contact Centre where they will be assisted to complete the forms in the required format.
12. Should a customer submit a bulk submission of hard copy notices delivered by a messenger on behalf of any organisation e.g. newspaper publisher, the messenger will be referred back to the sender as the submission does not adhere to the submission rules.

QUOTATIONS

13. Quotations are valid until the next tariff change.
 - 13.1. **Take note:** **GPW's** annual tariff increase takes place on **1 April** therefore any quotations issued, accepted and submitted for publication up to **31 March** will keep the old tariff. For notices to be published from 1 April, a quotation must be obtained from **GPW** with the new tariffs. Where a tariff increase is implemented during the year, **GPW** endeavours to provide customers with 30 days' notice of such changes.
14. Each quotation has a unique number.
15. Form Content notices must be emailed to the *eGazette* Contact Centre for a quotation.
 - 15.1. The *Adobe* form supplied is uploaded by the Contact Centre Agent and the system automatically calculates the cost of your notice based on the layout/format of the content supplied.
 - 15.2. It is critical that these *Adobe* Forms are completed correctly and adhere to the guidelines as stipulated by **GPW**.
16. **APPLICABLE ONLY TO GPW ACCOUNT HOLDERS:**
 - 16.1. **GPW** Account Customers must provide a valid **GPW** account number to obtain a quotation.
 - 16.2. Accounts for **GPW** account customers **must** be active with sufficient credit to transact with **GPW** to submit notices.
 - 16.2.1. If you are unsure about or need to resolve the status of your account, please contact the **GPW** Finance Department prior to submitting your notices. (If the account status is not resolved prior to submission of your notice, the notice will be failed during the process).
17. **APPLICABLE ONLY TO CASH CUSTOMERS:**
 - 17.1. Cash customers doing **bulk payments** must use a **single email address** in order to use the **same proof of payment** for submitting multiple notices.
18. The responsibility lies with you, the customer, to ensure that the payment made for your notice(s) to be published is sufficient to cover the cost of the notice(s).
19. Each quotation will be associated with one proof of payment / purchase order / cash receipt.
 - 19.1. This means that **the quotation number can only be used once to make a payment.**

GOVERNMENT PRINTING WORKS - BUSINESS RULES**COPY (SEPARATE NOTICE CONTENT DOCUMENT)**

20. Where the copy is part of a separate attachment document for Z95, Z95Prov and TForm03
- 20.1. Copy of notices must be supplied in a separate document and may not constitute part of any covering letter, purchase order, proof of payment or other attached documents.
- The content document should contain only one notice. (You may include the different translations of the same notice in the same document).
- 20.2. The notice should be set on an A4 page, with margins and fonts set as follows:
- Page size = A4 Portrait with page margins: Top = 40mm, LH/RH = 16mm, Bottom = 40mm;
Use font size: Arial or Helvetica 10pt with 11pt line spacing;
- Page size = A4 Landscape with page margins: Top = 16mm, LH/RH = 40mm, Bottom = 16mm;
Use font size: Arial or Helvetica 10pt with 11pt line spacing;

CANCELLATIONS

21. Cancellation of notice submissions are accepted by **GPW** according to the deadlines stated in the table above in point 2. Non-compliance to these deadlines will result in your request being failed. Please pay special attention to the different deadlines for each gazette. Please note that any notices cancelled after the cancellation deadline will be published and charged at full cost.
22. Requests for cancellation must be sent by the original sender of the notice and must be accompanied by the relevant notice reference number (N-) in the email body.

AMENDMENTS TO NOTICES

23. With effect from 01 October 2015, **GPW** will not longer accept amendments to notices. The cancellation process will need to be followed according to the deadline and a new notice submitted thereafter for the next available publication date.

REJECTIONS

24. All notices not meeting the submission rules will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email info.egazette@gpw.gov.za). Reasons for rejections include the following:
- 24.1. Incorrectly completed forms and notices submitted in the wrong format, will be rejected.
- 24.2. Any notice submissions not on the correct *Adobe* electronic form, will be rejected.
- 24.3. Any notice submissions not accompanied by the proof of payment / purchase order will be rejected and the notice will not be processed.
- 24.4. Any submissions or re-submissions that miss the submission cut-off times will be rejected to the customer. The Notice needs to be re-submitted with a new publication date.

GOVERNMENT PRINTING WORKS - BUSINESS RULES**APPROVAL OF NOTICES**

25. Any notices other than legal notices are subject to the approval of the Government Printer, who may refuse acceptance or further publication of any notice.
26. No amendments will be accepted in respect to separate notice content that was sent with a Z95 or Z95Prov notice submissions. The copy of notice in layout format (previously known as proof-out) is only provided where requested, for Advertiser to see the notice in final Gazette layout. Should they find that the information submitted was incorrect, they should request for a notice cancellation and resubmit the corrected notice, subject to standard submission deadlines. The cancellation is also subject to the stages in the publishing process, i.e. If cancellation is received when production (printing process) has commenced, then the notice cannot be cancelled.

GOVERNMENT PRINTER INDEMNIFIED AGAINST LIABILITY

27. The Government Printer will assume no liability in respect of—
 - 27.1. any delay in the publication of a notice or publication of such notice on any date other than that stipulated by the advertiser;
 - 27.2. erroneous classification of a notice, or the placement of such notice in any section or under any heading other than the section or heading stipulated by the advertiser;
 - 27.3. any editing, revision, omission, typographical errors or errors resulting from faint or indistinct copy.

LIABILITY OF ADVERTISER

28. Advertisers will be held liable for any compensation and costs arising from any action which may be instituted against the Government Printer in consequence of the publication of any notice.

CUSTOMER INQUIRIES

Many of our customers request immediate feedback/confirmation of notice placement in the gazette from our Contact Centre once they have submitted their notice – While **GPW** deems it one of their highest priorities and responsibilities to provide customers with this requested feedback and the best service at all times, we are only able to do so once we have started processing your notice submission.

GPW has a 2-working day turnaround time for processing notices received according to the business rules and deadline submissions.

Please keep this in mind when making inquiries about your notice submission at the Contact Centre.

29. Requests for information, quotations and inquiries must be sent to the Contact Centre **ONLY**.
30. Requests for Quotations (RFQs) should be received by the Contact Centre at least **2 working days** before the submission deadline for that specific publication.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

PAYMENT OF COST

31. The Request for Quotation for placement of the notice should be sent to the Gazette Contact Centre as indicated above, prior to submission of notice for advertising.
32. Payment should then be made, or Purchase Order prepared based on the received quotation, prior to the submission of the notice for advertising as these documents i.e. proof of payment or Purchase order will be required as part of the notice submission, as indicated earlier.
33. Every proof of payment must have a valid **GPW** quotation number as a reference on the proof of payment document.
34. Where there is any doubt about the cost of publication of a notice, and in the case of copy, an enquiry, accompanied by the relevant copy, should be addressed to the Gazette Contact Centre, **Government Printing Works**, Private Bag X85, Pretoria, 0001 email: info.egazette@gpw.gov.za before publication.
35. Overpayment resulting from miscalculation on the part of the advertiser of the cost of publication of a notice will not be refunded, unless the advertiser furnishes adequate reasons why such miscalculation occurred. In the event of underpayments, the difference will be recovered from the advertiser, and future notice(s) will not be published until such time as the full cost of such publication has been duly paid in cash or electronic funds transfer into the **Government Printing Works** banking account.
36. In the event of a notice being cancelled, a refund will be made only if no cost regarding the placing of the notice has been incurred by the **Government Printing Works**.
37. The **Government Printing Works** reserves the right to levy an additional charge in cases where notices, the cost of which has been calculated in accordance with the List of Fixed Tariff Rates, are subsequently found to be excessively lengthy or to contain overmuch or complicated tabulation.

PROOF OF PUBLICATION

38. Copies of any of the *Government Gazette* or *Provincial Gazette* can be downloaded from the **Government Printing Works** website www.gpwnonline.co.za free of charge, should a proof of publication be required.
39. Printed copies may be ordered from the Publications department at the ruling price. The **Government Printing Works** will assume no liability for any failure to post or for any delay in despatching of such *Government Gazette(s)*

GOVERNMENT PRINTING WORKS CONTACT INFORMATION

Physical Address:
Government Printing Works

149 Bosman Street

Pretoria

Postal Address:

Private Bag X85

Pretoria

0001

GPW Banking Details:
Bank: ABSA Bosman Street

Account No.: 405 7114 016

Branch Code: 632-005

For Gazette and Notice submissions: Gazette Submissions:

For queries and quotations, contact: Gazette Contact Centre:

E-mail: submit.egazette@gpw.gov.za
E-mail: info.egazette@gpw.gov.za
Tel: 012-748 6200

Contact person for subscribers: Mrs M. Toka:

E-mail: subscriptions@gpw.gov.za
Tel: 012-748-6066 / 6060 / 6058

Fax: 012-323-9574

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

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

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

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

SCHEDULE

Definitions

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

“administrator” means Potatoes South Africa

“certification body” means a body that executes the certification of seed potatoes on behalf of the Independent Certification Council for Seed Potatoes;

“exporter” means a person who trades potatoes for export for his or her own account, or acts as an agent on a commission basis on behalf of potato producers;

“fresh produce market” means a market, either privately owned or owned by local government, established for the orderly and centralised distribution of fresh produce;

“importer” means a person who imports potatoes for his own account or acts as an agent on a commission basis or on behalf of potato producers, traders or processors;

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

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

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

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

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

“PIDT” means the Potato Industry Development Trust;

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

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

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

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

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

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

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

Purpose and aims of statutory measure and the relation thereof to objectives of the Act

2. (1) The purpose and aims of this statutory measure are to compel certification bodies, fresh produce markets, importers, exporters, packaging material importers, packaging material manufacturers, potato producers, pre-packers and processors to submit records and returns to the administrator.
- (2) Records and returns is necessary to assist the administrator to ensure that continuous, timeous and accurate market information relating to the potato industry is available to all role players, as well as well as to enforce the payment of statutory levies imposed on potatoes under the Act.
- (3) Relevant market information is deemed essential in a deregulated market for all role players to make informed decisions. By combining the compulsory registration with the furnishing of returns on an individual basis, market information for the whole of the country can be processed and disseminated to the market place.
- (4) The establishment of this statutory measure will not only assist in enhancing market access for all market participants, but will also develop new markets for South African potatoes internationally. The viability of the potato industry will thus be enhanced. The measure will not be detrimental to the number of employment opportunities within the economy or fair labour practice.
- (5) The compulsory keeping of records and the provision of information, including information relating to third parties, by certification bodies, exporters, fresh produce markets, importers, market agents, packaging material importers, packaging material manufacturers, potato producers, pre-packers, processors and traders, complies with and is not a contravention of the Protection of Personal Information Act, 2013 (Act No. 4 of 2013).

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

Products to which statutory measure applies

3. This statutory measure applies to potatoes.

Area in which statutory measure applies

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

Records and returns to be kept and submitted

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

6 De Havilland Crescent
Persequor Techno Park
Persequorpark
PRETORIA

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

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

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

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

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

Commencement and period of validity

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

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT**NO. R. 3612****30 June 2023****MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996
(ACT No. 47 OF 1996)****ESTABLISHMENT OF STATUTORY MEASURE: DETERMINATION OF
GUIDELINE PRICES AND LEVIES RELATING TO POTATOES**

I, Angela Thokozile Didiza, Minister of Agriculture, Land Reform and Rural Development 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 establish the statutory measure set out in the Schedule hereto.

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

SCHEDULE

Definitions

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

“Administrator” means Potatoes South Africa;

“FOB” means Free on Board

“importer” means a person who imports potatoes into South Africa for his own account or acts as an agent on a commission basis or on behalf of potato producers, traders or processors;

“exporter” means a person who trades potatoes for export from South Africa for his or her own account, or acts as an agent on a commission basis on behalf of potato producers;

“NAMC” means the National Agricultural Marketing Council established under the Act;

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

“packaging material importer” means a person that imports and sells packaging material, and includes an agent acting on behalf of such a person;

“packaging material manufacturer” means a person that manufactures and sells packaging material, and includes an agent acting on behalf of such person;

“PIDT” means the Potato Industry Development Trust;

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

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

“potato producer” means a person –

- (a) who produces potatoes for export, or for domestic consumption as table potatoes or as potato products;
- (b) who produces seed potatoes for sale; or
- (c) who acts for or on behalf of producer mentioned in paragraph (a) or (b).

“processor” means a person who processes potatoes;

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

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

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

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

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

Purpose and aims of the statutory measure and the relation thereof to objectives of the Act

2. (1) The measure was applied for by the PIDT and is required by the potato industry to fund:
- (a) The development and implementation of appropriate programs to assist emerging black commercial farmers by way of transformation to become commercial potato producers and to extend their access to marketing opportunities.
 - (b) Basic as well as applied research, including cultivar evaluation, and the dissemination of all relevant technical information.
 - (c) The gathering, processing, analysing and compiling pertinent industry related information and market statistics, and the dissemination thereof.
 - (d) The development and implementation of strategic marketing development and generic promotional programmes to establish, maintain and expand local and foreign markets.
 - (e) The expansion of the pool of knowledge and human capital development in the potato industry.
- (2) The measure will further the objectives of the Act, will not prejudice such objectives and will not be detrimental to food security, the number of employment opportunities or fair labour practices.
- (3) The compulsory keeping or levy records and the rendering of levy returns in accordance with this measure, including the provision of information relating to third parties, complies with and is not a contravention of the Protection of Personal Information Act, 2013 (Act No. 4 of 2013).
- (4) The levies collected under this measure will be utilised in accordance with the purposes set out in this notice.
- (5) The PIDT has appointed Potatoes South Africa as administrator to implement and administer the statutory measure.

Employment of statutory levies

3. Levies collected will be used in accordance with the business plan for the imposition and use of the statutory measure submitted by the PIDT to the NAMC, of which:
- (a) At least 20% of the funds collected shall be used for transformation.
 - (b) Approximately 70% of the funds collected shall be used for the core activities of the potato industry.
 - (c) Not more than 10% of the funds collected shall be used for the administration of the statutory measures.

Products to which statutory measure applies

4. This statutory measure shall apply to potatoes.

Area in which statutory measure applies

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

Determination of guideline prices

6. The guideline prices are hereby determined as -
- (a) 478 c/kg for table potatoes;
 - (b) 110 c/kg for seed potatoes;
 - (c) 383 c/kg for potatoes for processing;
 - (d) 478 c/kg for potatoes destined for exports;
 - (e) 100,9 c/kg for imported potatoes (FOB).

Amount of levies

7. The amount of the levies payable is as set out in the schedule and is applicable to the following -
- (a) all classes of locally produced potatoes for sale on the domestic market irrespective of the format in which it is marketed;
 - (b) all classes of locally produced potatoes intended for the export market irrespective of the format in which it is marketed; and
 - (c) all classes of imported potatoes irrespective of usage.

Commodity	Annual levy per kilogram in cent			
	2023/2024	2024/2025	2025/2026	2026/2027
Table potatoes	2.370	2.450	2.529	2.609
Seed potatoes	0.942	0.973	1.005	1.037
Potatoes for processing	1.112	1.149	1.186	1.224
Potatoes for export	2.370	2.450	2.529	2.609
Imported potatoes	1.674	1.730	1.786	1.842

Persons by whom levies are payable

8. (1) The levies set out in clause 7 are payable by -
- (a) a potato producer; on potatoes locally produced and sold, or on potatoes exported; or
 - (b) an importer, on all imported potatoes.
- (2) For the purposes of the application of clause 8(1) levies shall only be payable once.
- (3) The levies shall be paid to the Administrator in accordance with clauses 7 and 9.

Payment of levy

9. (1) For the purpose of determining levies payable by a potato producer in terms of clause 8(1)(a):
- (a) The levies concerned shall in the first instance be payable upon the purchase of packaging material from a packaging material manufacturer or a packaging material importer.
 - (b) The packaging material manufacturer or packaging material importer shall collect the levy due by adding the amount thereof to the price of the packaging material, calculated by multiplying the levy amounts set out in clause 7 ("A") by the capacity of the packaging material purchased expressed in kilogram ("B"), multiplied by the quantity of the packaging material purchased ("C") (**AxBxC**).
 - (c) The packaging material manufacturer or packaging material importer shall provide a return to the Administrator, setting out the names and addresses of the persons who purchased packaging material during the previous calendar month, together with the capacity and quantities of packaging material thus purchased and levies thus raised, within twenty days after the end of that calendar month.
 - (d) The Administrator shall upon receipt of a return in terms of paragraph (c) invoice the packaging material manufacturer or packaging material importer for indicating the amount of the levies due, as well as the amount of the commission that the packaging material manufacturer or packaging material importer is entitled to retain upon remittance of that invoice, which retention amount shall not exceed 2% (two percent) of the levies due.
 - (e) The packaging material manufacturer or packaging material importer shall fully pay an invoice referred to in paragraph (d) before or on the seventh day of the month following receipt hereof.
 - (f) A packaging material manufacturer or packaging material importer who claims that a levy is not payable as the empty packaging material concerned was exported, lost, stolen or damaged, or sold to a person other than a potato producer, or has already been paid

or is otherwise not payable, must provide sufficient documentary proof thereof to the Administrator, failing which it shall be deemed that the levy remains payable by such packaging material manufacturer or importer.

- (2) In the event that a levy payable by a potato producer in terms of clause 8(1)(a) has not been paid upon the purchase of packaging material under clause 9(1), including but not limited where potatoes are sold in bulk to processors, traders or pre-packers, or are exported, the levies due shall then be paid as follows:
- (a) If potatoes are delivered to a processor, trader or exporter, the processor, trader or exporter shall collect the levy by subtracting the amount thereof from any payment due to the potato producer for potatoes delivered to that processor, trader or exporter, calculated by multiplying the levy amounts set out in clause 7 ("A"), by the volume delivered expressed in kilogram ("B"). **(A x B)**.
 - (b) If potatoes are delivered to a pre-packer, the pre-packer shall collect the levy by subtracting the amount thereof from the payment due to the potato producer for potatoes delivered to the pre-packer, calculated by multiplying the levy amounts set out in clause 7 ("A") by the capacity of the packaging material used by the pre-packer for packing the potatoes expressed in kilogram ("B"), multiplied by the quantity of the packaging material used ("C") **(AxBxC)**.
 - (c) The provisions of clause 9(1)(c),(d),(e) and (f) shall mutatis mutandis apply to a processor, trader, exporter or pre-packer referred to in paragraphs (a) and (b) above.
- (3) In the event that a levy payable by a potato producer in terms of clause 8(1)(a) has not been paid under either clause 9(1) or clause 9(2):
- (a) The potato producer concerned shall remain liable for the payment of levies due to the Administrator not later than the seventh day of the month following the month of sale of the potatoes concerned.
 - (b) The provisions of clause 9(1)(f) shall mutatis mutandis apply.

- (4) For the purpose of levies payable in terms of clause 8(1)(b) by a potato importer, the levies due shall be :
 - (a) Calculated by multiplying the levy amounts set out in clause 7 ("A") by the volume imported, expressed in kilogram ("B") (**A x B**).
 - (b) Paid by the potato importer concerned to the Administrator not later than the seventh day of the month following the month of import.
- (5) Payment in terms of clause 9(1), (2), (3) or (4) must be made directly by electronic transfer into the bank account indicated by the Administrator.
- (6) Interest on levy payments in arrears shall be charged at the prime lending rate then in force, plus 2% (two percent).
- (7) Any legal costs relating to the collection of levies will be for the account of the defaulter and costs will be recovered on an attorney and client basis.

10. **Commencement and validity**

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

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

I, Angela Thokozile Didiza, Minister of Agriculture, Land Reform and Rural Development, acting under sections 13 and 19 of the Marketing of Agricultural Products Act, 1996 (Act No. 47 of 1996), hereby continue the statutory measure set out in the Schedule hereto.

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

SCHEDULE

Definitions

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

“Administrator” Potatoes South Africa;

“certification body” means a body that executes the certification of seed potatoes on behalf of the Independent Certification Council for Seed Potatoes;

“fresh produce market” means a market, either privately owned or owned by local government, established for the orderly and centralised distribution of fresh produce;

“importer” means a person who imports potatoes for his own account or acts as an agent on a commission basis or on behalf of potato producers, traders or processors;

“exporter” means a person who trades potatoes for export for his or her own account, or acts as an agent on a commission basis on behalf of potato producers;

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

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

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

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

“PIDT” means the Potato Industry Development Trust;

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

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

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

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

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

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

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

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

Purpose and aims of continuation of statutory measure and the relation thereof to objectives of the Act

2. (1) The purpose and aims of this statutory measure are to compel certification bodies, exporters, fresh produce markets, importers, market agents, packaging material importers, packaging material manufacturers, potato producers, pre-packers, processors and traders to register with the administrator.
- (2) Registration is necessary to assist the administrator to ensure that continuous, timeous and accurate market information relating to the potato industry is available to all role players, as well as to enforce the payment of statutory levies imposed on potatoes under the Act.
- (3) Relevant market information is deemed essential in a deregulated market for all role players to make informed decisions. By combining the compulsory registration with the furnishing of returns on an individual basis, market information for the whole of the country can be processed and disseminated to the market place.
- (4) The establishment of this statutory measure will not only assist in enhancing market access for all market participants, but will also develop new markets for South African potatoes internationally. The viability of the potato industry will thus be enhanced. The measure will not be detrimental to the number of employment opportunities within the economy or fair labour practice.
- (5) The compulsory registration of certification bodies, exporters, fresh produce markets, importers, market agents, packaging material importers, packaging material manufacturers, potato producers, pre-packers, processors and traders in accordance with this measure, and the provision of information, including the provision of information relating to third parties, complies with and is not a contravention of the Protection of Personal Information Act, 2013 (Act No. 4 of 2013).

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

Product to which statutory measure applies

3. This statutory measure applies to potatoes.

Area in which statutory measure applies

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

Registration of parties concerned

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

Application for registration

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

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

Commencement and period of validity

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

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT**NO. R. 3614****30 June 2023****MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996
(ACT No. 47 OF 1996)****ESTABLISHMENT OF STATUTORY MEASURE: DETERMINATION OF
GUIDELINE PRICES AND LEVIES RELATING TO POTATOES**

I, Angela Thokozile Didiza, Minister of Agriculture, Land Reform and Rural Development 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 establish the statutory measure set out in the Schedule hereto.

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

SCHEDULE

Definitions

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

“Administrator” means Potatoes South Africa;

“FOB” means Free on Board

“importer” means a person who imports potatoes into South Africa for his own account or acts as an agent on a commission basis or on behalf of potato producers, traders or processors;

“exporter” means a person who trades potatoes for export from South Africa for his or her own account, or acts as an agent on a commission basis on behalf of potato producers;

“NAMC” means the National Agricultural Marketing Council established under the Act;

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

“packaging material importer” means a person that imports and sells packaging material, and includes an agent acting on behalf of such a person;

“packaging material manufacturer” means a person that manufactures and sells packaging material, and includes an agent acting on behalf of such person;

“PIDT” means the Potato Industry Development Trust;

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

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

“potato producer” means a person –

- (a) who produces potatoes for export, or for domestic consumption as table potatoes or as potato products;
- (b) who produces seed potatoes for sale; or
- (c) who acts for or on behalf of producer mentioned in paragraph (a) or (b).

“processor” means a person who processes potatoes;

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

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

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

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

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

Purpose and aims of the statutory measure and the relation thereof to objectives of the Act

2. (1) The measure was applied for by the PIDT and is required by the potato industry to fund:
 - (a) The development and implementation of appropriate programs to assist emerging black commercial farmers by way of transformation to become commercial potato producers and to extend their access to marketing opportunities.
 - (b) Basic as well as applied research, including cultivar evaluation, and the dissemination of all relevant technical information.
 - (c) The gathering, processing, analysing and compiling pertinent industry related information and market statistics, and the dissemination thereof.
 - (d) The development and implementation of strategic marketing development and generic promotional programmes to establish, maintain and expand local and foreign markets.
 - (e) The expansion of the pool of knowledge and human capital development in the potato industry.
- (2) The measure will further the objectives of the Act, will not prejudice such objectives and will not be detrimental to food security, the number of employment opportunities or fair labour practices.
- (3) The compulsory keeping or levy records and the rendering of levy returns in accordance with this measure, including the provision of information relating to third parties, complies with and is not a contravention of the Protection of Personal Information Act, 2013 (Act No. 4 of 2013).
- (4) The levies collected under this measure will be utilised in accordance with the purposes set out in this notice.
- (5) The PIDT has appointed Potatoes South Africa as administrator to implement and administer the statutory measure.

Employment of statutory levies

3. Levies collected will be used in accordance with the business plan for the imposition and use of the statutory measure submitted by the PIDT to the NAMC, of which:
- (a) At least 20% of the funds collected shall be used for transformation.
 - (b) Approximately 70% of the funds collected shall be used for the core activities of the potato industry.
 - (c) Not more than 10% of the funds collected shall be used for the administration of the statutory measures.

Products to which statutory measure applies

4. This statutory measure shall apply to potatoes.

Area in which statutory measure applies

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

Determination of guideline prices

6. The guideline prices are hereby determined as -
- (a) 478 c/kg for table potatoes;
 - (b) 110 c/kg for seed potatoes;
 - (c) 383 c/kg for potatoes for processing;
 - (d) 478 c/kg for potatoes destined for exports;
 - (e) 100,9 c/kg for imported potatoes (FOB).

Amount of levies

7. The amount of the levies payable is as set out in the schedule and is applicable to the following -
- (a) all classes of locally produced potatoes for sale on the domestic market irrespective of the format in which it is marketed;
 - (b) all classes of locally produced potatoes intended for the export market irrespective of the format in which it is marketed; and
 - (c) all classes of imported potatoes irrespective of usage.

Commodity	Annual levy per kilogram in cent			
	2023/2024	2024/2025	2025/2026	2026/2027
Table potatoes	2.370	2.450	2.529	2.609
Seed potatoes	0.942	0.973	1.005	1.037
Potatoes for processing	1.112	1.149	1.186	1.224
Potatoes for export	2.370	2.450	2.529	2.609
Imported potatoes	1.674	1.730	1.786	1.842

Persons by whom levies are payable

8. (1) The levies set out in clause 7 are payable by -
- (a) a potato producer; on potatoes locally produced and sold, or on potatoes exported; or
 - (b) an importer, on all imported potatoes.
- (2) For the purposes of the application of clause 8(1) levies shall only be payable once.
- (3) The levies shall be paid to the Administrator in accordance with clauses 7 and 9.

Payment of levy

9. (1) For the purpose of determining levies payable by a potato producer in terms of clause 8(1)(a):
- (a) The levies concerned shall in the first instance be payable upon the purchase of packaging material from a packaging material manufacturer or a packaging material importer.
 - (b) The packaging material manufacturer or packaging material importer shall collect the levy due by adding the amount thereof to the price of the packaging material, calculated by multiplying the levy amounts set out in clause 7 ("A") by the capacity of the packaging material purchased expressed in kilogram ("B"), multiplied by the quantity of the packaging material purchased ("C") (**AxBxC**).
 - (c) The packaging material manufacturer or packaging material importer shall provide a return to the Administrator, setting out the names and addresses of the persons who purchased packaging material during the previous calendar month, together with the capacity and quantities of packaging material thus purchased and levies thus raised, within twenty days after the end of that calendar month.
 - (d) The Administrator shall upon receipt of a return in terms of paragraph (c) invoice the packaging material manufacturer or packaging material importer for indicating the amount of the levies due, as well as the amount of the commission that the packaging material manufacturer or packaging material importer is entitled to retain upon remittance of that invoice, which retention amount shall not exceed 2% (two percent) of the levies due.
 - (e) The packaging material manufacturer or packaging material importer shall fully pay an invoice referred to in paragraph (d) before or on the seventh day of the month following receipt hereof.
 - (f) A packaging material manufacturer or packaging material importer who claims that a levy is not payable as the empty packaging material concerned was exported, lost, stolen or damaged, or sold to a person other than a potato producer, or has already been paid

or is otherwise not payable, must provide sufficient documentary proof thereof to the Administrator, failing which it shall be deemed that the levy remains payable by such packaging material manufacturer or importer.

- (2) In the event that a levy payable by a potato producer in terms of clause 8(1)(a) has not been paid upon the purchase of packaging material under clause 9(1), including but not limited where potatoes are sold in bulk to processors, traders or pre-packers, or are exported, the levies due shall then be paid as follows:
- (a) If potatoes are delivered to a processor, trader or exporter, the processor, trader or exporter shall collect the levy by subtracting the amount thereof from any payment due to the potato producer for potatoes delivered to that processor, trader or exporter, calculated by multiplying the levy amounts set out in clause 7 ("A"), by the volume delivered expressed in kilogram ("B"). **(A x B)**.
 - (b) If potatoes are delivered to a pre-packer, the pre-packer shall collect the levy by subtracting the amount thereof from the payment due to the potato producer for potatoes delivered to the pre-packer, calculated by multiplying the levy amounts set out in clause 7 ("A") by the capacity of the packaging material used by the pre-packer for packing the potatoes expressed in kilogram ("B"), multiplied by the quantity of the packaging material used ("C") **(AxBxC)**.
 - (c) The provisions of clause 9(1)(c),(d),(e) and (f) shall mutatis mutandis apply to a processor, trader, exporter or pre-packer referred to in paragraphs (a) and (b) above.
- (3) In the event that a levy payable by a potato producer in terms of clause 8(1)(a) has not been paid under either clause 9(1) or clause 9(2):
- (a) The potato producer concerned shall remain liable for the payment of levies due to the Administrator not later than the seventh day of the month following the month of sale of the potatoes concerned.
 - (b) The provisions of clause 9(1)(f) shall mutatis mutandis apply.

- (4) For the purpose of levies payable in terms of clause 8(1)(b) by a potato importer, the levies due shall be :
 - (a) Calculated by multiplying the levy amounts set out in clause 7 ("A") by the volume imported, expressed in kilogram ("B") (**A x B**).
 - (b) Paid by the potato importer concerned to the Administrator not later than the seventh day of the month following the month of import.
- (5) Payment in terms of clause 9(1), (2), (3) or (4) must be made directly by electronic transfer into the bank account indicated by the Administrator.
- (6) Interest on levy payments in arrears shall be charged at the prime lending rate then in force, plus 2% (two percent).
- (7) Any legal costs relating to the collection of levies will be for the account of the defaulter and costs will be recovered on an attorney and client basis.

10. **Commencement and validity**

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

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT**NO. R. 3615****30 June 2023****MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996****(ACT No. 47 OF 1996)****WINE INDUSTRY: AMENDMENT OF STATUTORY MEASURES AND
DETERMINATION OF GUIDELINE PRICES**

I, Angela Thokozile Didiza, Minister of Agriculture, Land Reform and Rural Development, acting under sections 13, 15, 18 and 19 of the Marketing of Agricultural Products Act, 1996 (Act No. 47 of 1996), hereby –

- (a) amend the statutory measures published by Government Notice No. R. 11335 of 10 September 2021 by the replacement with the content in this Schedule;
- (c) determine that the guideline price for –
 - (i) grapes intended for the production of wine shall be R5 965.00 per ton;
 - (ii) grape juice concentrate intended for use in wine shall be 705.74 cents per litre at 17.4 degrees Balling;
 - (iii) drinking wine shall be 753.66 cents per litre;
 - (iv) distilling wine and wine spirit shall be 236.06 cents per litre at 10 per cent alcohol by volume; and
 - (v) export wine shall be 753.66 cents per litre;

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

SCHEDULE

Definitions

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

"brandy levy" means the statutory levy referred to in clause 9;

"bottler" means any person who renders services in respect of bottling, stabilising, blending, filtering, labelling or storage on behalf of wine producers or wine traders, but is not registered as such;

"certified" means granted authorization in terms of a scheme for the use of particulars referred to in section 11(3)(a) of the Liquor Products Act, 1989 (Act No. 60 of 1989);

"Department" means the Department of Agriculture, Land Reform and Rural Development;

"drinking wine" includes grape juice used in the production of drinking wine, wine spirit added to drinking wine for fortification or other purposes, wine used in the production of other alcoholic products, low alcohol wine, de-alcoholised wine and alcohol-free wine;

"export levy" means the statutory levy referred to in clause 8;

"export wine" means drinking wine exported from the Republic of South Africa;

"grapes" means grapes intended for the production of drinking wine or distilling wine;

"grape juice" means grape juice and grape juice concentrate intended for use in drinking wine or other alcoholic products;

“grape producer” means any producer of grapes intended for the production of drinking wine, industrial or distilling wine;

“in bulk” means a container of more than five litres;

“industrial wine” is wine not incorporated or transformed into other alcoholic beverages, such as wine used for vinegar, food, medical products, hand sanitizers, food sauces and household and vehicle cleaning products;

“registration statutory measure” means the statutory measure referred to in clause 5;

“research, development and information levy” means the statutory levy referred to in clause 7;

“returns statutory measure” means the statutory measure referred to in clause 6;

“SA Wine” means South Africa Wine NPC, a non-profit company in terms of the Companies Act, 2008 (Act No. 71 of 2008);

“SAWIS” means the SA Wine Industry Information and Systems NPC, a non-profit company in terms of the Companies Act, 2008 (Act No. 71 of 2008);

“statutory measures” means –

- (a) brandy statutory levy;
- (b) export statutory levy;
- (c) registration statutory measure;
- (d) research, development and information statutory levy; and
- (e) returns statutory measure

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

“uncertified” means not granted authorization in terms of a scheme for the use of particulars referred to in section 11(3)(a) of the Liquor Products Act, 1989 (Act No. 60 of 1989);

“vines” means vines intended for the production of grapes;

“wine exporter” means any person who exports drinking wine who is not registered as a wine producer or wine trader;

“wine producer” means any person who crushes grapes and who is not registered as a wine trader;

“wine spirit” means any spirit derived from wine, wine lees or husks;

“wine trader” means any person not registered as a wine producer who purchases or otherwise acquires -

- (a) grapes; or
- (b) drinking wine, industrial wine, distilling wine or wine spirit, in bulk from a wine producer;

Purpose and aims of the amendment of statutory measures and the relation thereof to the objectives of the Act

2. (1) (a) The purpose and aims of the registration statutory measure are to compel the parties set out herein to register with SAWIS. Registration is necessary to assist SAWIS in ensuring that continuous, timeous and accurate information relating to the products defined, is available to all role players. Market information is deemed essential for all role players in order for them to make informed decisions. By combining compulsory registration with the keeping of information and the rendering of returns on an individual basis, market information for the whole of the industry can be processed and disseminated and will form the basis for the collection of statutory levies.

- (b) The continuation of the registration statutory measure will assist in promoting the efficiency of the marketing of products. The viability of the wine industry will, thus, be enhanced. The registration measure will not be detrimental to the number of employment opportunities or fair labour practice.
 - (c) The registration measure will be administered by SAWIS. SAWIS will continue to implement and administer the registration measure as set out in the Schedule.
- (2)
 - (a) The purpose and aims of the returns statutory measure is to compel the parties set out herein to keep records and render returns to SAWIS. This is necessary to ensure that continuous, timeous and accurate information relating to the products defined, is available to all role players. Market information is deemed essential for all role players in order for them to make informed decisions. By prescribing the keeping of records with the rendering of returns on an individual basis, market information for the whole of the industry can be processed and disseminated.
 - (b) The continuation of the returns measure will assist in promoting the efficiency of the marketing of products. The viability of the wine industry will, thus, be enhanced. The returns 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 or potentially sensitive client-specific information will be made available to any party without the prior approval of the party whose rights are affected.
 - (c) The returns measure will be administered by SAWIS. SAWIS will continue to implement and administer the returns measure as set out in the Schedule.
- (3)
 - (a) The objectives of the research, development and information statutory levy are –
 - (i) to support the wine industry with expertise, enabling it to be cost effective while producing quality wines and other grape based

products through the application of environmentally friendly technologies;

- (ii) to support the training and education of individuals for the industry – at all levels in terms of skills, knowledge and insight development – in order to ensure the practical implementation of the best knowledge and most advanced technologies in viticulture, wine making and other grape based products;
- (iii) to establish a culture of technological innovation, to ensure the ongoing utilisation of the best technology within the industry, and to facilitate its dissemination to all the sectors of the industry;
- (iv) to facilitate the development of resource poor and previously disadvantaged producers and to improve their access to the industry by making leading edge appropriate technology available to such producers;
- (v) to establish world leadership in selected niche areas of the wine industry through a network of scientific and technological expertise;
- (vi) to commission relevant and thoroughly planned research, technology development and technology transfer in the promotion of the industry's technological capabilities and in the attainment of the other objectives.
- (vii) to fund the registration of industry role players, and ensure the collection and dissemination of information. These measures are necessary to ensure that continuous, timeous and accurate information relating to various products in the wine industry, is available to all role players in order for them to make informed decisions.
- viii) to fund, maintain and further develop an ethical trade system. It will ensure rapid transitioning to a transformed, ethical, just and sustainable environment, which is a key global sourcing requirement to ensure that impacts on workers are positive and developmental rather than negative, contributing to violations, and worker abuse. South Africa's international markets are having an increased focus on addressing their South African suppliers' readiness to address the protection of workers and their human

rights. The requirement for exported products such as wine to trade ethically and to participate in the monitoring of labour practices, progress made in development indicators such as skills development leading to transformation through leadership and ownership, harm reduction and identification of potential transgressions, has become a global commercial imperative. The successful and continuous implementation of ethical labour best practices that both empowers workers to exercise their labour rights and allows for opportunities to create social dialogue between owners and workers to address disputes and remedy abuses is key to the transformation of wine enterprises into successful and sustainable wine business ventures.

- (b) The research, development and information levy will not be detrimental to food security, the number of employment opportunities within the economy or to fair labour practice. It is aimed at growing the competitiveness and capacity of the industry concerned.
 - (c) The research, development and information levy will be administered by SA Wine. SA Wine will continue to implement and administer the research, development and information levy as set out in the Schedule.
 - (d) The research, development and information levy will be collected by SAWIS, who will act on behalf of SA Wine in this regard. SA Wine is the actual beneficiary of the levy who will utilise it in accordance with their business plan.
- (4) (a) The objective of the export statutory levy aims at increasing the profit margin for the industry for each focus market. This promotion will enhance the image of South Africa as a quality wine producer and increase opportunities for growth in new markets. It will assist South Africa to remain competitive in the global market place. In addition, it will assist in capacity building among all exporters, in particular SMME's and BEE's, and in improving the efficiency of the export process. To last-mentioned end a portion of the levy is used to fund,

maintain and further develop the Wine-on-Line system, a free, user friendly, automated export certification process.

- (b) The export levy will not be detrimental to food security, the number of employment opportunities within the economy or to fair labour practice. It is aimed at growing the competitiveness and capacity of the industry concerned.
 - (c) The export levy will be administered by SA Wine. SA Wine will continue to implement and administer the export levy as set out in the Schedule.
 - (d) The export levy will be collected by SAWIS, who will act on behalf of SA Wine in this regard. SA Wine is the actual beneficiary of the levy who will utilise it in accordance with their business plan.
- (5)
- (a) The objective of the brandy statutory levy, brandy being an integral part of the wine industry, is to contribute in creating a transformed and responsible value chain and focus market. An integrated approach in collaboration with the wine industry will create a larger impact on the entire value chain. This is important to empower new entrants into the category and offer support/mentorship to ensure successful launches.
 - (b) By utilising innovation within the brandy category as well as a strong drive to create relevance to a new consumer base will substantially stimulate the category to ensure market growth and to contribute to the long-term viability and sustainability of the wine and brandy industry as a whole.
 - (c) The brandy levy will not be detrimental to food security, the number of employment opportunities within the economy or to fair labour practice. It is aimed at growing the competitiveness and capacity of the industry concerned.
 - (d) The brandy levy will be administered by SA Wine. SA Wine will implement and administer the brandy levy as set out in the Schedule.
 - (e) The brandy levy will be collected by SAWIS, who will act on behalf of SA Wine in this regard. SA Wine is the actual beneficiary of the levy who will utilise it in accordance with their business plan.

Products to which statutory measures apply -

3. (1) The registration statutory measure shall apply to grapes, grape juice, drinking wine, industrial wine, distilling wine and wine spirit.
- (2) The returns statutory measure shall apply to vines, grapes, grape juice, grape juice concentrate, drinking wine, industrial wine, distilling wine and wine spirit.
- (3) The brandy statutory levy shall apply to distilling wine and wine spirit.
- (4) The research, development and information statutory levy shall apply to grapes, grape juice concentrate and drinking wine.
- (5) The export statutory levy shall apply to export wine.

Area in which the statutory measures shall apply

4. The statutory measures shall apply in the geographical area of the Republic of South Africa.

Registration statutory measure

5. (1) (a) All bottlers, grape producers, grape juice producers, wine exporters, wine producers and wine traders shall register with SAWIS.
- (b) A person shall have a choice to register as either a wine producer or wine trader, but not both.
- (c) A person who is a grape producer as well as a wine producer or wine trader shall register as a grape producer and as a wine producer or wine trader.
- (d) Application for registration shall –
 - (i) be made within 30 days of becoming a party as contemplated in subclause (1);
 - (ii) be made on the application form obtainable free of charge from SAWIS;
 - (iii) be submitted, when forwarded by post, to –
SAWIS, P.O. Box 238, Paarl, 7620;
 - (iv) when delivered by hand, be delivered to –
SAWIS, Main Road 312, Paarl;
 - (v) when submitted electronically, be sent to the address and in the format obtainable from SAWIS or done on sawionline.co.za.

Returns statutory measure

6. (1) All bottlers, grape producers, wine exporters, wine producers and wine traders shall keep such records and render the returns as may be required by SAWIS relating to –
- (a) vines;
 - (b) grapes;
 - (c) grape juice, grape juice concentrate, drinking wine, industrial wine, distilling wine and wine spirit produced, received, stored, sold, exported or otherwise utilised.
- (2) The Department shall render a copy of all export documents required by SAWIS or furnish information required by SAWIS regarding exports within the period specified in subclause (4).
- (3) The records referred to in subclause (1) shall –
- (a) be recorded on a computer or with ink in a book;
 - (b) be kept at the registered premises of the person required to keep it for a period of at least three years.
- (4) The returns referred to in subclause (1) shall be rendered on forms obtainable free of charge for this purpose from SAWIS within 15 days after the end of each calendar month and shall –
- (a) be submitted, when forwarded by post, to –
SAWIS, P.O. Box 238, Paarl, 7620;
 - (b) when delivered by hand, be delivered to –
SAWIS, Main Road 312, Paarl;
 - (c) when submitted electronically, be sent to the address and in the format obtainable from SAWIS or done on sawisonline.co.za.

Research, development and information statutory levy

7. (1) A research, development and information statutory levy is hereby continued to be imposed on –
- (a) grapes;
 - (b) grape juice concentrate; and

- (c) drinking wine;
- (2) The amount of the research, development and information statutory levy shall -
- a) in the case of grapes, be -
 - (i) R48.58 per ton for the period 1 July 2023 to 31 December 2023;
 - (ii) R50.75 per ton for the period 1 January 2024 to 31 December 2024; and
 - (iii) R53.06 per ton for the period 1 January 2025 to 31 December 2025;
 - b) in the case of grape juice concentrate, be -
 - (i) 6.94 cent per litre at 17,4 degrees Balling for the period 1 July 2023 to 31 December 2023;
 - (ii) 7.25 cent per litre at 17,4 degrees Balling for the period 1 January 2024 to 31 December 2024; and
 - (iii) 7.58 cent per litre at 17,4 degrees Balling for the period 1 January 2025 to 31 December 2025; and
 - c) in the case of drinking wine, be -
 - (i) 6.94 cent per litre for the period 1 July 2023 to 31 December 2023;
 - (ii) 7.25 cent per litre for the period 1 January 2024 to 31 December 2024; and
 - (iii) 7.58 cent per litre for the period 1 January 2025 to 31 December 2025.
- (3) The research, development and information statutory levy shall –
- (a) be payable by a wine producer in respect of drinking wine packaged in containers of 5 litres or less;
 - (b) be payable by a wine trader in respect of -
 - (i) grapes;
 - (ii) grape juice concentrate in containers of more than 5 litres, acquired from a wine producer; and
 - (iii) drinking wine in containers of more than 5 litres, acquired from a wine producer.

- (4) The research, development and information statutory levy shall be payable to SAWIS, acting on behalf of SA Wine, in accordance with subclause (5).
- (5) (a) Payment of the research, development and information levy shall be made not later than sixty days following the month of delivery of a quantity of grapes, grape juice concentrate or drinking wine, sold, purchased or otherwise acquired.
- (b) Payment shall be made by means of an electronic transfer to the bank account obtainable from SAWIS.

Export statutory levy

- 8. (1) A wine export generic promotion statutory levy is hereby continued to be imposed on export wine.
- (2) The amount of the wine export generic promotion statutory levy shall –
 - (a) in the case of certified bulk export wine, be –
 - (i) 15.28 cent per litre for the period 1 July 2023 to 31 December 2023, of which 0.65 cent per litre shall be used to fund, maintain and further develop the Wine-on-Line system;
 - (ii) 15.97 cent per litre for the period 1 January 2024 to 31 December 2024, of which 0.68 cent per litre shall be used to fund, maintain and further develop the Wine-on-Line system; and
 - (iii) 16.69 cent per litre for the period 1 January 2025 to 31 December 2025, of which 0.71 cent per litre shall be used to fund, maintain and further develop the Wine-on-Line system;
 - (b) in the case of certified packaged export wine, be –
 - (i) 18.35 cent per litre for the period 1 July 2023 to 31 December 2023, of which 0.65 cent per litre shall be used to fund, maintain and further develop the Wine-on-Line system;
 - (ii) 19.18 cent per litre for the period 1 January 2024 to 31 December 2024, of which 0.68 cent per litre shall be used to

- fund, maintain and further develop the Wine-on-Line system;
and
- (iii) 20.04 cent per litre for the period 1 January 2025 to 31 December 2025, of which 0.71 cent per litre shall be used to fund, maintain and further develop the Wine-on-Line system;
and
- (c) in the case of uncertified export wine, be –
- (i) 14.55 cent per litre for the period 1 July 2023 to 31 December 2023, of which 0.65 cent per litre shall be used to fund, maintain and further develop the Wine-on-Line system;
- (ii) 15.21 cent per litre for the period 1 January 2024 to 31 December 2024, of which 0.68 cent per litre shall be used to fund, maintain and further develop the Wine-on-Line system;
and
- (iii) 15.89 cent per litre for the period 1 January 2025 to 31 December 2025, of which 0.71 cent per litre shall be used to fund, maintain and further develop the Wine-on-Line system.
- (3) The wine export generic promotion statutory levy shall be paid by the exporter.
- (4) The wine export generic promotion statutory levy shall be payable to SAWIS, acting on behalf of SA Wine, in accordance with subclause (5).
- (5) (a) Payment of the wine export generic promotion statutory levy shall be made not later than 60 days following the month of export.
- (b) Payment shall be made by means of an electronic transfer to the bank account obtainable from SAWIS.
- (6) SA Wine may, in accordance with criteria determined by it, grant exemption from the payment of the wine export generic promotion levy for a consignment of wine exported if satisfied that such exemption will not frustrate the purpose and aims of this statutory measure.

Brandy statutory levy

9. (1) A brandy statutory levy is hereby imposed on –
- (a) distilling wine; and
 - (b) wine spirit.
- (2) The amount of the brandy statutory levy shall –
- (a) in the case of distilling wine and wine spirit, be –
 - (i) 3.33 cent per litre at 10 per cent alcohol by volume for the period 1 July 2023 to 31 December 2023;
 - (ii) 3.48 cent per litre at 10 per cent alcohol by volume for the period 1 January 2024 to 31 December 2024; and
 - (iii) 3.64 cent per litre at 10 per cent alcohol by volume for the period 1 January 2025 to 31 December 2025.
- (3) The brandy statutory levy shall –
- (a) be payable by a wine producer in respect of –
 - (i) wine spirit packaged in containers of 5 litres or less;
 - (ii) wine spirit sold to another wine producer;
 - (iii) wine spirit produced by a wine producer and used for fortification of that wine producer's own drinking wine.
 - (b) be payable by a wine trader in respect of –
 - i) distilling wine and wine spirit, in containers of more than 5 litres, acquired from a wine producer.
- (4) The brandy statutory levy shall be payable to SAWIS, acting on behalf of SA Wine, in accordance with subclause (5).
- (5) (a) Payment of the brandy statutory levy shall be made not later than sixty days following the month of delivery of a quantity of distilling wine or wine spirit sold, purchased or otherwise acquired.
- (b) Payment shall be made by means of an electronic transfer to the bank account obtainable from SAWIS.

Period of validity

10. This amendment of the existing statutory measures shall come into operation on the date of publication and will lapse on 31 December 2025.

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT


NO. R. 3616

30 June 2023

**AGRICULTURAL PRODUCT STANDARDS ACT, 1990
(ACT No. 119 OF 1990)**

**REGULATIONS RELATING TO THE QUALITY, GRADING, PACKING AND
MARKING OF
TOMATOES INTENDED FOR SALE IN THE REPUBLIC OF SOUTH AFRICA**

The Minister of Agriculture, Land Reform and Rural Development has, under section 15 of the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990).



**MRS AT DIDIZA, MP
MINISTER FOR AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT**

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, unless the context otherwise indicates, –

abrasion marks means an indentation on the surface of the tomato that does not penetrate the skin and is caused by friction or scraping of the fruit during handling or transport;

"Arthropoda" means any stage in the life of an invertebrate member of the Animal Kingdom that is bilaterally symmetrical with a segmented body, with jointed limbs that are paired and a chitinous external skeleton;

"bacterial speck" means small dark brown to black lesions on the surface of the tomato caused by bacterial pathogens;

"blemishes" means any mark or skin defects on the surface of the tomato which adversely affects the appearance thereof;

"blotchy ripening" means the partial ripening of the tomato fruit, with green to yellow areas of varying extent;

"blossom-end rot" means a dark brown or black patch which develops a sunken or leathery on the blossom end of the tomato fruit;

"bruises" means any pressure which shows an indentation or results in discoloration directly under the skin, adversely affect the quality of the tomatoes and is visually noticeable;

"carrier container" means a container in which more than one consumer package of tomatoes is packed;

"cat faces" means a condition involving malformation and scarring of tomato, particularly at the blossom end;

"chemical residues" means residues of agricultural remedies which in terms of the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act No. 36 of 1947), are permissible for the treatment of pests and diseases and which do not exceed the prescribed maximum residue limit;

"chilling injury/pitting" means a physiological disorder caused by exposure to low, non-freezing temperature for a prolonged period of time. The fruit is affected with a dull pink/translucent colour with shrivelling or sunken indentations on shoulders;

"class" means a class referred to in regulation 4(2);

"classified tomatoes" means tomatoes which have been classified according to the classes specified in these regulations and of which the container is marked with a class designation or other designation indicating that the tomato is of a particular class or possesses particular quality properties;

"consignment" means –

(a) a quantity of tomatoes of the same class belonging to the same owner which is delivered at any one time under cover of the same consignment note, delivery note or receipt note, or is delivered by the same vehicle, or

(b) if such quantity is subdivided into different classes, size groups, cultivars, trademark or, types of packaging, each quantity of each of the different classes, size groups, cultivars, trademarks or types of packaging;

"**container**" means the immediate container in which tomatoes are packed directly, the outer container in which prepacked units are packed and bulk containers excluding prepacked units and shipping containers in which pallet loads are shipped;

"**colour defects**" means tomatoes which show striped, blotchy, or other colour patterns that are not characteristic of normal colouring/ripening;

"**cracks**" means the splitting of the epidermis around the calyx or stem scar; there are two types of tomato cracks:

- Concentric cracking is the splitting of tomato skin in a circular pattern;
- Radial cracking is the splitting of the tomato skin from the stem scar towards the blossom end.

"**decay**" means a state of decomposition, fungal development, or internal insect infestation or excrement or insect damage with signs of tissue collapse which partly or completely affect the quality of the tomato detrimentally, is visually noticeable;

"**diameter**" means the greatest transverse measurement of a tomato, measured at right angles to a line running from the stem-end to the apex of the tomato;

"**firm**" means a stage of development at which the flesh of the tomato is hard enough to withstand normal commercial handling;

"**Food Business Operator**" (**FBO**) means the person or persons responsible for ensuring that the prescribed requirements of these regulations are met within the food business as well as the person with overall authority on site or in the specific establishment;

"**foreign matter**" means any material or substance that is visually noticeable, which does not naturally form part of the tomatoes;

"**green shoulder or green back**" means is a physiological disorder of tomatoes that is characterized by discoloured regions under the skin that show through and reduce the quality of the fruit;

"**injury**" means any wound which exposes the flesh of the tomato, excluding a wound which has healed completely or has calloused;

"**insect puncture marks or damage**" means any damage caused by insects on the surface of the tomato with no signs of tissue collapsing for example not limited to sting and bite marks;

"**inspector**" means the Executive Officer or an officer under his/her control, or an Assignee or a suitably qualified employee of an Assignee;

"**malformed**" means that the shape of a tomato is not typical of the cultivar concerned;

"**Mosaic**" means abnormal yellow colour pattern on the surface of the fruit caused by Tomato *Mosaic* Virus;

"**size group**" means a size group referred to in Table 2 and 3 of the Annexures;

"**speciality tomatoes**" mean the smaller snacking and heirloom-type varieties of various sizes, shapes and colours;

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

"**tomato**" means the unprocessed fruit of the plant *Lycopersicon lycopersicum* (L.) Karsten ex. Farwell intended for human consumption and includes all cultivars, varieties, and commercial types;

"**unclassified tomatoes**" means tomatoes which have not been classified according to the classes specified in these regulations and the quality specifications in Table 1, and of which the container is marked

with a designation to indicate that no definite class or grade has been applied to the container or marked as unclassified or no class;

"unprocessed" means that the tomatoes have not been cooked, peeled, dried, or processed in any other way, excluding normal sorting, grading, packing or cleaning practices;

"unspecified defects" means any defects caused by physiological or non-physiological factors affecting the quality of the tomato detrimentally; and.

"Yellow shoulder or yellowback" means is a physiological disorder of tomatoes that is characterized by discoloured regions under the skin that show through and reduce the quality of the fruit.

Restrictions on the sale of tomatoes

2. (1) No person shall sell in the Republic of South Africa tomatoes, other than imported tomatoes referred to in subregulation (2), --

- (i) unless the tomatoes are unclassified or sold according to the classes in regulation 4;
- (ii) unless the tomatoes comply with the different standards for classified or unclassified tomatoes in regulation 5;
- (iii) unless the tomatoes are packed in a container and in the manner prescribed in regulations 7,8 and 9;
- (iv) unless the tomatoes are marked with the particulars and in the manner prescribed in regulation 10;
- (v) if the tomatoes contain a substance prescribed as a substance which it may not contain;
- (vi) if the tomatoes are packed in a container or in a manner so prescribed as a container in which or a manner in which it may not be packed;
- (vii) if the tomatoes are marked with particulars or in a manner prescribed as particulars with which or a manner in which it may not be marked.

(2) Imported tomatoes shall be exempted from the provisions of subregulation (1), provided that the tomatoes -

- (a) comply with either the Codex Alimentarius, **UNECE** (United Nations Economic Commission for Europe) or **OECD** (Organisation for Economic Co-operation and Development) standards; and
- (b) are according to bilateral agreement accompanied by certificate issued by a relevant government authority responsible for quality control of fresh fruit and vegetables and in which it is certified that the quality of the tomatoes as verified through inspection conforms to the relevant standard.

(3) In applying Section 3(1) (c) of the Act, the Minister authorises the Executive Officer to prohibit the sale of tomatoes if the compliance with the regulations is not met.

(4) The Executive Officer may grant written exemption, entirely or partially, to any person on such conditions as he or she deems necessary, from the provisions of subregulation (1): Provided that such exemption is done in terms of section 3 (1) (c) of the Act.

(5) The Executive Officer may grant written permission to a quantity of imported consignment from complying with the provisions of Section 4A (1) of the Act if such quantity of tomato is imported for purposes other than for the purpose of sale in the Republic of South Africa.

QUALITY STANDARDS

Types of tomatoes

- 3
- (1) Round tomatoes
 - (2) Elongated tomatoes
 - (3) Speciality types of tomatoes

Classes for tomatoes

- 4.
- (1) Tomatoes shall be sold as either classified tomatoes or unclassified tomatoes.
 - (2) There are four classes of classified tomatoes namely Class 1, Class 2, Class 3, and Lowest Class.

Standards for classes

- 5.
- (1) Classified and unclassified tomatoes shall, contain no chemical residues that exceed the prescribed maximum residue limit permissible in terms of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972,
 - (2) Tomatoes which are classified as Class 1, Class 2, Class 3, and Lowest Class shall comply with the specifications set out in Table 1 of the Annexure.
 - (3) The extent to which Class 1, Class 2, Class 3, and Lowest Class tomatoes may deviate from the specifications prescribed in subregulation (2), is determined in accordance with regulations 14, 15, and 16 and as set out in Table 4 of the Annexure.
 - (4) No consignment of tomato classified as "Class 1", "Class 2", "Class 3" and "Lowest Class" shall contain;
 - (a) plant injurious organisms of phytosanitary importance as specified by the Department of Agriculture, Land Reform and Rural Development; and
 - (b) Arthropoda infestation including the organisms which according to paragraph (a) do not form part of plant injurious organisms, excluding organisms which may be a source of danger to the human being, on more than 3% of the tomatoes or three free running Arthropoda per pallet load or part thereof in the consignment: Provided that it does not exceed a maximum of one Arthropoda per container.

Sizing

6. Size is determined by the maximum diameter of the equatorial section, by weight. The following provision shall not apply to the Speciality types of tomatoes. Tomatoes which are classified as Class 1, Class 2, Class 3, and Lowest Class shall comply with the size groupings set out in Table 2 and 3 of the Annexure. Sizing does not apply to trusses of tomatoes,

CONTAINERS, PACKING AND MARKING REQUIREMENTS***Requirements for containers***

7. (1) Containers in which tomatoes are packed shall--
- (a) be intact, clean, suitable, and strong enough for the packing and normal handling of tomatoes;
 - (b) not impart a taste or odour to the tomatoes;
 - (c) be free from any foreign matter other than the tomatoes packed therein and the packing material in which tomatoes are customarily packed;
 - (d) in the case of containers that are re-used, the container should --
 - (i) be of such material that the container can be cleaned and disinfected prior to re-use;
 - (ii) be thoroughly clean before tomatoes are packed therein; and
 - (iii) be free from all marks and labels removed or be covered by new labels.
- (2) A carrier container shall be strong enough not to bulge out or dent in during normal handling and transporting practices.

Packing requirements

8. Each container of tomatoes shall--
- (a) be packed with tomatoes to the full capacity thereof; and
 - (b) in the case of classified tomatoes, contain tomatoes of the same class and size group and as far as practical, possible of the same colour, with the exclusion of speciality and trusses tomatoes.

Stacking of containers on pallets

9. If containers containing tomatoes are palletised --
- (a) the pallet shall be clean, undamaged, and suitable and not transmit to tomatoes any harmful substance or any substance that may be injurious to human health;
 - (b) the pallet for imported consignments of tomatoes shall comply with the requirements of the **International Standards for Phytosanitary Measures (ISPM 15)**.
 - (c) the pallet shall be free from Arthropoda infestation and any visible signs of fungal growth;
 - (d) the containers shall be stacked firmly and square with each other on the pallet;
 - (e) only containers of the same dimensions shall be stacked in the same layer on the pallet; and
 - (f) the containers shall not be stacked upside-down on the pallet.

Marking requirements

10. (1) Containers containing tomatoes destined for sale shall be marked in clear and legible letters and numerals in a manner described in subregulation (5) with the following particulars:

- (a) The name of the FBO or trademark and physical or postal address of either the producer or owner or importer or packer of the tomatoes packed in that container.
- (b) The expression "Product of" followed by the name of the country of origin of the tomatoes.
- (c) The class, in the case of Class 1, Class 2, Class 3 and Lowest Class: Provided that additional to the class names the following names may be used:
 - **Class 1 - First,**
 - **Class 2 - Select,**
 - **Class 3 - Standard,**
 - **Lowest Class - Budget.**
- (d) The size group of the tomatoes in the container, indicated as either minimum diameter and maximum diameter or as --
 - **"Extra Large" or "XL",**
 - **"Large" or "L",**
 - **"Medium Plus" or "M+",**
 - **"Medium" or "M",**
 - **"Medium small" or MS**
 - **"Small" or "S" and**
 - **"Extra Small" or "XS"** tomatoes: Provided that the size group indication may be omitted in the case of speciality types of tomatoes and tomatoes packed in heightened transparent plastic bags and containers for retail sale.
- (e) The net mass of the contents as prescribed by the Legal Metrology Act, 2014 (Act No. 9 of 2014)
- (f) The word "tomatoes", in the case of containers the contents of which are not visible from outside.

(2) If containers containing tomatoes are packed in a carrier container where the contents are not visible, each carrier container shall be marked with the particulars in subregulation (1), as well as with the number of containers it contains, on at least one end of every carrier container by means of stamping or stenciling or by pasting a printed label thereon.

(3) The particulars prescribed in subregulation (1) shall be indicated on the container by stamping, printing or by affixing a label thereon.

(4) Particulars shall be printed in English or both in English and any other official language: Provided that internationally acknowledged symbols may be used.

(5) If at any stage the class or size designation should change the labels shall be replaced unless the new class or size designation is stamped across the old class or size designation, in clear legible letters of at least 2 mm larger than the previous marks, with a suitable stamp.

(6) Each container containing tomatoes shall be provided with only one or more labels that shall be –

- (a) intact, clean, and neat;

- (b) manufactured from paper or other suitable material; and
 - (c) affixed firmly to the container and in such a manner that re-stamping is possible without opening or damaging the container.
- (7) If classified tomatoes are displayed for sale in loose quantities –
- (a) any quantity of a particular class, size group or cultivar shall not be displayed mixed with tomatoes of any other class, size group or cultivar except in the case of speciality types of tomatoes;
 - (b) the class of the tomatoes shall be indicated in clear, legible letters on the label or notice board prominently placed at the quantity of tomatoes.
- (8) Containers containing unclassified tomatoes shall be marked with no class or unclassified in clear and legible letters and also comply with subregulations 10(1)(a), (b), (e), and (f) and sub regulations 10(2), (3), (4) and (6).

Prohibited particulars

11. No wording, illustration or other device of expression which constitutes a misrepresentation or which directly or by implication can create a misleading impression of the contents shall appear on a container containing tomatoes or on a label affixed thereto or which is displayed therewith.

SAMPLING PROCEDURES

Obtaining a sample

12. (1) At least two percent of the containers in a consignment shall be drawn at random for inspection purposes and an inspector shall be satisfied that the containers so drawn are representative of the consignment concerned. An inspector shall obtain a sample from a consignment by –
- (a) in the case of tomatoes packed in containers –
 - (i) draw at least two percent of containers and satisfy him or herself that the containers abstracted are representative of the consignment concerned; and
 - (ii) taking as inspection sample 25 tomatoes from each container obtained in subparagraph (i), or the entire contents of the containers if the containers contain less than 25 tomatoes; and
 - (b) in the case of tomatoes kept or displayed for sale in loose quantities –
 - (i) taking separate samples from the various classes and size groups which have been identified; and
 - (ii) taking as inspection sample at least 25 tomatoes at random from each quantity mentioned in subparagraph (i), or all the tomatoes if the number is less than 25 tomatoes.
- (2) Each sample that is taken in accordance with the provisions of subregulation (1) shall be deemed to be representative of the quantity of tomatoes from which the samples have been taken.

Deviating sample

13. If an inspector should notice during the process of drawing the random sample or during the inspection, that some of the containers derived from any part of the pallet load, truck load or consignment, contain tomatoes which are noticeably inferior to or differ from the contents of containers which represent the remainder of the pallet load, truck load or consignment, the inspection result shall be based only on the containers derived from the deviating portion of the pallet load, truck load or consignment, and further samples required for inspection shall be drawn from this deviating portion.

METHODS OF INSPECTION***Determination of percentage in too green tomatoes***

14. The percentage of too green tomatoes shall be determined as follows:

- (a) Take from the inspection sample those tomatoes which are most likely to be too green.
- (b) Cut not more than four tomatoes open through the diameter thereof.
- (c) Determine visually how many of the tomatoes thus cut open, have pips which are undeveloped and not covered with jelly.
- (d) Express the number thus determined as a percentage of the total number of tomatoes in that sample, which percentage represents the extent to which too green tomatoes occur in such sample.

Determination of size variations

15. The size variation shall where applicable be determined as follows:

- (a) Measure the diameter of each tomato in the inspection sample concerned.
- (b) Calculate the average diameter of the tomatoes in that inspection sample.
- (c) Determine the number of tomatoes in that inspection sample of which the diameter differs with more than 10 mm from the average thus calculated.
- (d) Express the number thus determined as a percentage of the total number of tomatoes in that inspection sample, which percentage represents the extent to which tomatoes with unacceptable size variations occur in the sample.

Determination of percentage of quality factors other than too green tomatoes and size variations

16. Percentage quality factors other than too green tomatoes and size variations shall be determined as follows:

- (a) Examine each tomato in the inspection sample concerned visually or if necessary, by handling it or cutting it.
- (b) Determine in respect of each of the various quality factors the number of tomatoes in that inspection sample in which deviations occur.
- (c) Express the number in respect of each quality factor thus determined as a percentage of the total number of tomatoes in that inspection sample, which percentage represents the extent to which tomatoes with the deviation concerned occur in the sample.

OFFENCES AND PENALTIES

17. Any person who contravenes or fails to comply with a provision of these regulations shall be guilty of an offense and upon conviction be liable to a fine or imprisonment in consultation with article 11 of the Act.

COMMENCEMENT

18. The regulations shall come into operation on date of publication.

REPEAL

19. Regulations published by Government Notices No, R. 1072 of 1st August 2003 and R. 750 of 03 October 2014 are hereby repealed from the date of commencement of these regulations

ANNEXURES

TABLE 1: QUALITY STANDARDS FOR TOMATOES

Quality Factors	Standards to be complied with			
	Class 1	Class 2	Class 3	Lowest Class
1	2	3	4	5
1. Decay	Not permissible	Not permissible	Not permissible	<u>20%</u>
2. Foreign matter	Not permissible	Not permissible	Not permissible	*
3. Firmness	Fairly firm and not overripe	Reasonably firm and not overripe	May not have a blistered appearance (including speciality types tomatoes) and must still be firm enough to be sliced in 5 mm slices (excluding Speciality types tomatoes)	*
4. Blemishes (excluding Speciality types of tomatoes)	Blemishes not deeper than 1,5 mm and not exceeding a total area of ± 225 mm ² (circle with a diameter of 15 mm) is permissible	Blemishes not deeper than 1,5 mm and not exceeding a total area of ± 340 mm ² (circle with diameter of 20 mm) is permissible	Blemishes not deeper than 3 mm and not exceeding a total area of ± 615 mm ² is permissible provided that not more than 20% of the tomato is cut away in one or more flat slices to remove damaged parts	*
5. Cat faces (Disfigurement and blemishes at the flowering end of the tomato) (excluding Speciality types of tomatoes)	A few scabby marks not deeper than 1,5 mm or exceeding a total area of ± 225 mm ² (circle with a diameter of 15 mm) is permissible	Wrinkled and suberic marks not deeper than 1,5 mm and not exceeding a total area of ± 340 mm ² is permissible	Severe wrinkled and suberic parts with a total area of ± 615 mm ² is permissible provided that no more than 20% of the tomato may be cut away in one or more flat slice to remove the malformed part	*
6. Cracks (a) Circular cracks (excluding Speciality types of tomatoes)	Circular crack(s) not deeper than 1,5 mm and which individually or collectively form a quarter circle is permissible	Circular crack(s) not deeper than 1,5 mm and which individually or collectively form a half circle is permissible	Circular crack(s) not deeper than 1,5 mm and which individually or collectively form a full circle is permissible	*

Quality Factors	Standards to be complied with			
	Class 1	Class 2	Class 3	Lowest Class
1	2	3	4	5
(b) Stalk-end cracks or Radial cracks (excluding Speciality types of tomatoes)	One or more cracks which individually or collectively are not longer than 10 mm and deeper than 1,5 mm is permissible	One individual crack not longer than 20 mm and not deeper than 1,5 mm or two or more cracks which collectively are not longer than 20 mm or deeper than 1,5 mm is permissible	Tomatoes in a poorer condition than Class 2: Provided that no more than 20% of the tomato must be cut away in one of more flat slices to remove the damaged parts and that none of the cracks show any sign of decay	*
7. Bruises/ Abrasion marks	Not permissible	Not permissible	Not permissible	*
8. Colour defects Too green, (greenback / yellowback) Blotchy ripening	Not permissible	Colour defects with an area of not more than 12,5% (1/8) of the total surface of the tomatoes is permissible	Colour defects with an area not more than 50% of the total surface of the tomato is permissible	*
9. Appearance	Sound and attractive	Sound and attractive	Sound and attractive	*
10. Shape	Well shaped for the relevant cultivar	Reasonably well shaped for the relevant cultivar	Tomatoes with points are permissible	*
11. Injury	Not permissible	Not permissible	Not permissible	35%
12. Leaking tomatoes (not regarded as decay)	Not permissible	Not permissible	Not permissible	20%*
13. Mosaic	Not permissible	Mosaic stain with an area of not more than 12,5% (1/8) of the total surface of the tomatoes is permissible, provided that no blistered appearance is present	Mosaic stain with an area not more than 50% of the total surface of the tomato is permissible	*
14. Sunburn	Not permissible	A light-yellow colour without any sign of leatheriness and sunkenness is permissible	A yellow colour, sunkenness and leatheriness is permissible provided that not more than 20% of the tomato must be cut away in one or more flat slices to remove damaged parts and no sign of decay is present	*
15. Dust	Not permissible	Not permissible	Not permissible	

Quality Factors	Standards to be complied with			
	Class 1	Class 2	Class 3	Lowest Class
1	2	3	4	5
16. Soil covered	Not permissible	Mud-smeared during handling and light soil splatters is permissible	Soil covered tomato due to contact with soil during growth period is permissible, provided that the tomato has not decayed	*
17. Chilling injury/ pitting	Not permissible	Not permissible	Not permissible	*
18. Bacterial speck	Not permissible	Bacterial speck with an area of not more than 12,5% (1/8) of the total surface of the tomatoes is permissible, provided that no blistered appearance is present	Bacterial speck with an area not more than 50% of the total surface of the tomato is permissible	*
19. Insect puncture marks/ insect damage	Not permissible	Damage not exceeding 10mm ² and not affecting more than 10% of tomatoes or one tomato per container	Damage not exceeding 25mm ² and not affecting more than 10% of tomatoes or one tomato per container	*
20. Unspecified defects other than those mentioned in items 1 - 20	Not permissible	Not permissible	Not permissible	*
21. Colour variations (excluding speciality types of tomatoes)	Tomatoes in the same container should be uniform in colour and ripeness	Tomatoes in the same container should be uniform in colour and ripeness	Different colour may be packaged together	*
22. Size variation (excluding Speciality types of tomatoes)	Fairly uniform in size: Provided that, in the case of Speciality types of tomatoes, only 4 mm difference is permissible between the largest and smallest tomato in the same container is allowed	Reasonably uniform in size: Provided that, in the case of Speciality types of tomatoes, only 4 mm difference is permissible between the largest and the smallest tomato	Different sizes may be packed together: Provided that in the case of Speciality types of tomatoes, only 4 mm difference is permissible between the largest and the smallest tomato	*
			• Means Not applicable	

TABLE 2: SIZE GROUPS AND MASS RANGES FOR ROUND TOMATOES

Size groups	Symbols	Diameter range to be complied with				Mass ranges
		Minimum -maximum				
		Class 1	Class 2	Class 3	Lowest Class	
1	2	3	4	5	6	7
Extra Small	XS	45-50 mm	45-50 mm	45-50 mm	*	60-75g
Small	S	50-55 mm	50-55 mm	50-55 mm	*	75-91g
Medium small	MS	55-62 mm	55-62 mm	55-62 mm	*	91-122g
Medium	M	62-68 mm	62-68 mm	62-68 mm	*	122-147g
Medium Plus	M+	68-76 mm	68-76 mm	68-76 mm	*	147-215g
Large	L	76-85 mm	76-85 mm	76-85 mm	*	215-260g
Extra Large	XL	85-95 mm	85-95 mm	85-95 mm	*	>260g

TABLE 3: SIZE GROUPS AND MASS RANGES FOR ELONGATED TOMATOES (ROMA)

Size groups	Symbols	Diameter range to be complied with				Mass ranges
		Minimum - maximum				
		Class 1	Class 2	Class 3	Lowest Class	
1	2	3	4	5	6	7
Small	S	49-55 mm	49 – 55 mm	49-55 mm	*	50-80g
Medium small	MS	55-62 mm	55- 62 mm	55- 62 mm	*	80-110g
Medium	M	62-68 mm	62- 68 mm	62- 68 mm	*	110-150g
Medium Plus	M+	68-75 mm	68-76 mm	68-76 mm	*	150-190g
Large	L	+75 mm	+75 mm	+75 mm	*	+190g

TABLE 3: PERMISSIBLE DEVIATIONS IN RESPECT OF QUALITY FACTORS BY NUMBER

Quality Factors	Maximum extent to which deviations may occur in tomatoes that are classified as-			
	Class 1	Class 2	Class 3	Lowest Class
1	2	3	4	5
1. Decay	1%	2%	5%	20%
2. Foreign matter	2%	8%	12%	*
3. Firmness, scars, blemishes, cracks, bruises, too green, appearance, form, injuries, leaking tomatoes, mosaic, sunburn, dust, soil, and other quality factors referred to in item 20 Table 1 individually	5%	15%	25%	*
4. Bacterial speck	0%	15%	25%	*
5. Deviations referred to in items 1, 2 and 3 collectively: provided that the deviations individually are within the specified requirements	5%	15%	25%	*
6. Size groups (excluding Speciality type of tomatoes)	10%	15%	25%	*
7. Size variations	10%	15%	25%	*
8. Colour variations	20%	25%	*	*

* Not applicable

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. R. 3617

30 June 2023

AGRICULTURAL PRODUCT STANDARDS ACT, 1990 (ACT No. 119 OF 1990)

**REGULATIONS REGARDING THE CLASSIFICATION, PACKING AND MARKING OF
EDIBLE ICES INTENDED FOR SALE IN THE REPUBLIC OF SOUTH AFRICA**

The Minister of Agriculture, Land Reform and Rural Development has under section 15 of the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990) made the regulations in the Schedule.



Mrs A.T. Didiza

Minister of Agriculture, Land Reform and Rural Development.

SCHEDULE

Contents	Regulation
PART I: DEFINITIONS, SCOPE AND RESTRICTIONS	
Definitions	1
Scope	2
Restrictions on the sale of Edible Ices	3
PART II: CLASSES OF AND STANDARDS FOR EDIBLE ICES	
Classes of Edibles Ices	4
Dairy ice-cream mix and dairy ice-cream	5
Ice-cream mix and ice-cream	6
Frozen dairy dessert mix, Frozen dessert mix, Frozen dairy dessert and Frozen dessert	7
Frozen yoghurt, Frozen yoghurt and dairy ice-cream blend, and Frozen yoghurt and ice-cream blend	8
Soft serve mix and Soft serve	9
Frozen fruit sorbet	10
Frozen fruit ice	11
Flavoured ice	12
PART III: CONTAINERS AND OUTER CONTAINERS	
Requirements for containers and outer containers	13
PART IV: MARKING REQUIREMENTS	
Marking of containers and outer containers	14
Indicating the class designation	15
Additions to the class designation	16
Additional particulars on the main panel	17
Additional particulars on the container	18
Indicating the name and address	19
Indicating the country of origin	20
Indicating the date marking or batch code or batch number	21
Restricted particulars on containers and outer containers	22
PART V: SAMPLING AND ANALYSIS	
Sampling	23
Analysis	24
Determination of overrun	25
PART VI: OFFENCES AND PENALTIES	
Offences and penalties	26
PART VII: COMMENCEMENT AND REPEAL	
Commencement	27
Repeal	28
ANNEXURES:	
Annexure A: Summary of the compositional standards for edible ices, excluding the classes frozen fruit sorbet, frozen fruit ice and flavoured ice	
Annexure B: Summary of the compositional standards for the classes frozen fruit sorbet, frozen fruit ice and flavoured ice	

PART I**DEFINITIONS, SCOPE AND RESTRICTIONS****Definitions**

1. In these regulations any word or expression to which a meaning has been assigned in the Act shall have that meaning and, unless the context indicates otherwise --

"address" means a physical address and includes the street or road number or street name and the name of the town, village or suburb and, in the case of a farm, the name or number of the farm and of the magisterial district in which it is situated;

"assignee" means a person, undertaking, body, institution, association or board designated under section 2(3) of the Act;

"batch" means a definite quantity of an Edible Ice product produced essentially under the same conditions and which do not exceed a period of 24 hours;

"best before date" or **"best quality before date"** means the date which signifies the end of the period under any stated storage conditions during which the unopened product will remain fully marketable and will retain any specific qualities for which implied or express claims have been made, however, beyond the date the food may still be acceptable for consumption;

"butter fat" means the fatty portion of milk;

"close proximity" means in the immediate vicinity of or nearest/ closest/ next to, and which shall not be interrupted or separated by for example any wording, symbols, figures, lines, depictions, etc.;

"consignment" means a quantity of Edible Ices belonging to the same owner, that is delivered at any one time under cover of the same consignment note, delivery note or receipt note, or is delivered by the same vehicle;

"container" means --

- (a) the immediate packaging (container or wrapper) in which a single Edible Ice product, excluding Soft Serve, is presented for sale; and
- (b) a multipack which contains two or more Edible Ice products, and which is presented for sale as a unit only;

"dairy gelato" means a product as described in regulation 7(3);

"dairy ice-cream" means a product as described in regulation 5(2);

"dairy ice-cream mix" means a product as described in regulation 5(1);

"edible ices" mean the classes of products set out in regulation 4;

"Executive Officer" means the officer designated under section 2(1) of the Act;

"factory" means a building or group of buildings in which Edible Ices are manufactured industrially, or any other premises (e.g. ice-cream parlours/outlets/emporiums) where Edible Ices are manufactured on a small scale;

"flavoured ice" means a product as described in regulation 12;

"flavouring" means a flavouring substance as defined in the regulations published under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972);

"food additive" means a permitted substance as defined in the regulations published under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972);

"foodstuff" means a foodstuff as defined in the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972);

"frozen dairy dessert" means a product as described in regulation 7(3);

"frozen dairy dessert mix" means a product as described in regulation 7(1);

"frozen dessert" means a product as described in regulation 7(3), but excludes baked frozen desserts;

"frozen dessert mix" means a product as described in regulation 7(2);

"frozen fruit ice" means a product as described in regulation 11;

"frozen fruit sorbet" means a product as described in regulation 10;

"frozen yoghurt" means a product as described in regulation 8(1);

"frozen yoghurt and dairy ice-cream blend" means a product as described in regulation 8(2);

"frozen yoghurt and ice-cream blend" means a product as described in regulation 8(2);

"fruit" means the edible part of fruit, either fresh or preserved, presented as but not limited to fruit pieces, fruit juice, fruit juice concentrate, fruit pulp, fruit puree or fruit extract;

"gelato" means a product as described in regulation 7(3);

"ice-cream" means a product as described in regulation 6(2);

"ice-cream mix" means a product as described in regulation 6(1);

"inclusion" means any ingredient or foodstuff added to an Edible Ice product after pasteurisation that is regarded as an addition and which would, if taken into account, alter the fat content and total solids content of the product concerned;

"inspector" means an officer under the control of the Executive Officer, or an assignee or an employee of an assignee;

"label" means any tag, brand, mark, pictorial, graphic or other descriptive matter, which is written, printed, stencilled, marked, embossed, impressed upon, or permanently attached to a container of an Edible Ice product, and includes labelling for the purpose of promoting its sale or disposal;

"main ingredient" means the ingredient(s), excluding water, which by weight or volume, as the case may be, contributes the highest percentage mass or volume to the Edible Ice product concerned;

"main panel" means that part of the container, outer container or label that bears the brand name or trade mark in greatest prominence, or any other part of the container, outer container or label that bears the brand or trade name in equal prominence;

"milk" means a product as defined in the latest regulations relating to the classification, packing and marking of dairy products and imitation dairy products intended for sale in the Republic of South Africa published under the Act;

"milk solids" means the solids of milk after removal of the moisture;

"milk solids non-fat" means the solids of milk after removal of the moisture and fat;

"(m/m)" means mass per mass basis;

"outer container" means any packaging in which two or more containers containing Edible Ices is packed, irrespective whether it completely or partially encloses the containers;

"overrun cup" means a cup made from any material with a flat top which is suitable for filling ice cream into, and used to determine the overrun;

"pasteurisation" means the heat treatment of an Edible Ice product as defined in the regulations published under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972);

"soft serve" means a product as described in regulation 9(2) and which is sold to the consumer in single serve portions;

"soft serve mix" means a product as described in regulation 9(1);

"trade mark" means a trade mark as defined in the Trade Marks Act, 1993 (Act No. 194 of 1993);

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

"use by date" or "expiration date" means the date which signifies the end of the period under any stated storage conditions, after which the product should not be sold or consumed due to safety and quality reasons;

"variant name" means a name used in addition to and separately from the class designation to, amongst other --

- (a) distinguish between the different variants in a particular class of Edible Ices; or
- (b) emphasise a certain taste and/or flavour profile and/or appearance of the Edible Ice product;

"vegetable fat" means fat or oil that is obtained from vegetable matter;

"yoghurt" means a product as defined in the latest regulations relating to the classification, packing and marking of dairy products and imitation dairy products intended for sale in the Republic of South Africa published under the Act, and which contain at least 10^6 CFU/g of viable yoghurt cultures per gram of final product, except in the case of yoghurt which has been pasteurised after fermentation; and

"yoghurt culture" means a culture consisting of *Lactobacillus delbrueckii subsp. bulgaricus*, *Streptococcus thermophilus*, *Lactobacillus acidophilus*, or any other similar culture used for the manufacture of yoghurt.

Scope of regulations

2. These regulations shall apply to Edible Ices intended for sale in the Republic of South Africa to which and under circumstances in which a prohibition in terms of section 3 of the Act regarding control over the sale of Edible Ices apply.

Restrictions on the sale of Edible Ices

3. (1) No person shall sell Edible Ices in the Republic of South Africa --
- (a) unless such products are classified and presented for sale according to the classes referred to in regulation 4;
 - (b) unless such products comply with the relevant standards for each class referred to in regulations 5 to 12;
 - (c) unless the containers and outer containers in which such products are packed, comply with the requirements referred to in regulation 13;
 - (d) unless such products are marked with the particulars and in the manner prescribed in regulations 14 to 21; and
 - (e) if such products are marked with any restricted particulars or in a manner which is prohibited in terms of regulation 22.
- (2) The Executive Officer may grant written exemption, entirely or partially, to any person on such conditions as he or she deems necessary, from the provisions of sub-regulation (1) above.

PART II CLASSES OF AND STANDARDS FOR EDIBLE ICES

Classes of Edible Ices

4. (1) The classes of Edible Ices shall be as follows:
- (a) Dairy ice-cream.
 - (b) Ice-cream.
 - (c) Frozen dairy dessert.

- (d) Frozen dessert.
- (e) Frozen yoghurt.
- (f) Frozen yoghurt and Dairy ice-cream blend.
- (g) Frozen yoghurt and Ice-cream blend.
- (h) Soft serve.
- (i) Frozen fruit sorbet.
- (j) Frozen fruit ice.
- (k) Flavoured ice.
- (2) (a) Each class of Edible Ice referred to in sub-regulation (1) above, shall comply with the applicable compositional standards set out in regulations 5 to 12 respectively.
- (b) A summary of the compositional standards for Edible Ices, excluding the classes Frozen Fruit Sorbet, Frozen Fruit Ice and Flavoured Ice, are set out in Annexure A.
- (c) A summary of the compositional standards for the classes Frozen Fruit Sorbet, Frozen Fruit Ice and Flavoured Ice, are set out in Annexure B.

Standards of classes of Edible Ices

Dairy ice-cream mix and Dairy ice-cream

5. (1) Dairy ice-cream mix –
- (a) means an unfrozen, homogenised and pasteurised product;
 - (b) shall contain at least 7% (m/m) of butter fat only;
 - (c) shall contain at least 33% (m/m) total solids of which at least 20% must be milk solids non-fat [e.g. $20/100 \times 33/1 = 6.6\%$ (min) for a product containing 33% total solids]; and
 - (d) may contain other foodstuffs and food additives.
- (2) Dairy ice-cream --
- (a) means aerated and frozen Dairy ice-cream mix; and
 - (b) shall not have an overrun of more than 130%: Provided that a maximum deviation of 3% is permissible.

Ice-cream mix and ice-cream

6. (1) Ice-cream mix --
- (a) means an unfrozen, homogenised and pasteurised product;
 - (b) shall contain at least 7% (m/m) vegetable fat or a combination of both vegetable fat and butter fat;
 - (c) shall contain at least 33% (m/m) total solids; and
 - (d) may contain other foodstuffs and food additives.

(2) Ice-cream --

- (a) means aerated and frozen Ice-cream mix; and
- (b) shall not have an overrun of more than 130%: Provided that a maximum deviation of 3% is permissible.

Frozen dairy dessert mix, Frozen dessert mix, Frozen dairy dessert and Frozen dessert

7. (1) Frozen dairy dessert mix --

- (a) means an unfrozen, homogenised and pasteurised product;
- (b) shall contain the following percentage of butter fat only for the fat class concerned:
 - (i) Frozen dairy dessert mix – more than 3% (m/m) but less than 7% (m/m).
 - (ii) Low fat frozen dairy dessert mix – more than 0.5% (m/m) but not exceeding 3% (m/m).
 - (iii) Fat free frozen dairy dessert mix – 0.5% (m/m) or less.
- (c) shall contain at least 25% (m/m) total solids; and
- (d) may contain other foodstuffs and food additives.

(2) Frozen dessert mix --

- (a) means an unfrozen, homogenised and pasteurised product;
- (b) shall contain the following percentage of vegetable fat or a combination of both vegetable fat and butter fat for the fat class concerned:
 - (i) Frozen dessert mix – more than 3% (m/m) but less than 7% (m/m).
 - (ii) Low fat frozen dessert mix – more than 0.5% (m/m) but not exceeding 3% (m/m).
 - (iii) Fat free frozen dessert mix – 0.5% (m/m) or less.
- (c) shall contain at least 25% (m/m) total solids; and
- (d) may contain other foodstuffs and food additives.

(3) (a) Frozen dairy dessert and Frozen dessert --

- (i) means frozen Dairy dessert mix or frozen Dessert mix, which may be aerated or not; and
- (ii) shall, if aerated, not have an overrun of more than 130%: Provided that a maximum deviation of 3% is permissible.
- (b) Frozen dairy dessert may be presented for sale as "Dairy Gelato": Provided that it shall not have an overrun of more than 50%: Provided further that a maximum deviation of 3% is permissible.
- (c) Frozen dessert may be presented for sale as "Gelato": Provided that it shall not have an overrun of more than 50%: Provided further that a maximum deviation of 3% is permissible.

Frozen yoghurt, Frozen yoghurt and Dairy ice-cream blend, and Frozen yoghurt and Ice-cream blend

8. (1) Frozen yoghurt --
- (a) means a product obtained by aerating and freezing pasteurised or unpasteurised yoghurt;
 - (b) shall contain the following percentage of butter fat only for the fat class concerned:
 - (i) Frozen yoghurt – more than 3% (m/m).
 - (ii) Low fat frozen yoghurt – more than 0.5% (m/m) but not exceeding 3% (m/m).
 - (iii) Fat free frozen yoghurt – 0.5% (m/m) or less.
 - (c) shall contain at least 33% (m/m) total solids of which at least 20% must be milk solids non-fat [e.g. $20/100 \times 33/1 = 6.6\%$ (min) for a product containing 33% total solids];
 - (d) shall not have an overrun of more than 130%: Provided that a maximum deviation of 3% is permissible; and
 - (e) may contain other foodstuffs and food additives.
- (2) Frozen yoghurt and Dairy ice-cream blend or Frozen yoghurt and Ice-cream blend --
- (a) means a product obtained by blending yoghurt with either dairy ice-cream mix or ice-cream mix where after it is pasteurised (optional), aerated and frozen: Provided that the yoghurt content of the final product shall in no case be less than 30% (m/m);
 - (b) shall contain at least --
 - (i) 7% (m/m) butter fat only in the case where yoghurt and dairy ice-cream mix are blended; or
 - (ii) 7% (m/m) vegetable fat and butter fat combined in the case where yoghurt and ice-cream mix are blended;
 - (c) shall contain at least 33% (m/m) total solids of which at least 20% must be milk solids non-fat [e.g. $20/100 \times 33/1 = 6.6\%$ (min) for a product containing 33% total solids] when the blend consists of yoghurt and dairy ice-cream; or
 - (d) shall contain at least 33% (m/m) total solids when the blend consists of yoghurt and ice-cream;
 - (e) shall not have an overrun of more than 130%: Provided that a maximum deviation of 3% is permissible; and
 - (f) may contain other foodstuffs and food additives.

Soft serve mix and Soft serve

9. (1) Soft serve mix --
- (a) means an unfrozen, homogenised and pasteurised product;
 - (b) shall contain at least 3% (m/m) vegetable fat or a combination of both vegetable fat and butter fat;
 - (c) shall contain at least 25% (m/m) total solids; and
 - (d) may contain other foodstuffs and food additives.

- (2) Soft serve means semi-frozen Soft serve mix.

Frozen fruit sorbet

10. Frozen fruit sorbet --

- (a) means an aerated and frozen product consisting of mainly water and sugars;
- (b) shall contain no added butter fat, milk solids non-fat or whey powder;
- (c) shall contain at least 15% (m/m) fruit;
- (d) may contain not more than 2.9% (m/m) vegetable fat;
- (e) shall not have an overrun of more than 130%: Provided that a maximum deviation of 3% is permissible; and
- (f) may contain other foodstuffs and food additives.

Frozen fruit ice

11. Frozen fruit ice --

- (a) means a frozen product consisting of mainly water and sugars;
- (b) shall contain no added butter fat or milk solids non-fat;
- (c) shall contain at least 6% (m/m) fruit; and
- (d) may contain other foodstuffs and food additives.

Flavoured ice

12. Flavoured ice --

- (a) means a frozen product consisting of mainly water and sugars;
- (b) shall contain no added butter fat or milk solids non-fat;
- (c) shall contain less than 6% (m/m) fruit, or only flavourings and colourants; and
- (d) may contain other foodstuffs and food additives.

**PART III
CONTAINERS AND OUTER CONTAINERS**

Requirements for containers and outer containers

13. (1) A container in which an Edible ice is packed shall --

- (a) be manufactured from a material that --
 - (i) is suitable for this purpose;
 - (ii) will protect the contents thereof from contamination; and
 - (iii) will not impart any undesirable taste or flavour to the contents thereof;
- (b) be so strong that it will not be damaged or deformed during normal storage, handling and transport practices;

- (c) be intact and clean; and
 - (d) be closed properly in a manner permitted by the nature thereof.
- (2) If containers containing Edible ices are packed in outer containers, such outer containers shall
- (a) be intact, clean, neat, suitable and strong enough; and
 - (b) not impart any undesirable taste or flavour to the contents thereof.

PART IV MARKING REQUIREMENTS

Marking of containers and outer containers

14. (1) Except where specifically prescribed, all other marking requirements as specified by these regulations shall be clearly legible and be indicated at least in English, in detached letters or figures of at least 1 mm in size for lower case vowels.

(2) Each container in which Edible Ices, excluding the class Soft serve, is packed shall be marked with the following particulars at least in English:

- (a) **The class designation and, where applicable, the additions to the class designation**, as specified in regulations 15 and 16 respectively, in detached letters of the same type, size, colour and font, prominently on at least one main panel in a letter size of at least 2 mm for lower case vowels: Provided that –
 - (i) the difference in letter size between the smallest letter in the class designation and smallest letter in the additions to the class designation indication shall not exceed 3 mm;
 - (ii) trade marks forming part of the additions to the class designation may be indicated in letters of a different type, size, colour and font; and
 - (iii) the following particulars may be indicated in one different colour only:
 - (aa) The fat class (i.e. 'low fat' or 'fat free'), where applicable, in the class designation in the case of the classes Frozen dairy dessert, Frozen dessert and Frozen yoghurt; or
 - (bb) The name of the added foodstuff and/ or the name of the added flavourant when used in the additions to the class designation.
 - (b) **The additional particulars on the main panel**, where applicable, as specified in regulation 17.
 - (c) **The additional particulars on the container**, as specified in regulation 18.
 - (d) **The name and address**, as specified in regulation 19.
 - (e) **The country of origin**, as specified in regulation 20.
 - (f) **The date marking** (i.e. "best before" or "best quality before" or "use by" or "expiration date") or **batch code** or **batch number** for the purpose of traceability and batch identification, as specified in regulation 21.
- (3) (a) The particulars referred to in sub-regulation (2)(a), (d), (e) and (f) above shall be marked on an outer container in which more than one container of an Edible Ice is packed.
- (b) The marking requirements prescribed in paragraph (a) above need not to be complied with if –
- (i) a transparent outer container is used and the particulars on the containers packed therein are visible from the outside; or

- (ii) the same label which is affixed to the containers is also affixed to the outer container.

(4) When Edible Ices products from a dispensing machine are sold in single serve portions, the applicable class designation shall be marked conspicuously on each dispensing machine in a letter size of at least 50 mm for lower case vowels: Provided that in the case of semi-frozen Edibles Ices other than the class Soft serve, the applicable class designation shall be preceded by the expression "semi-frozen" (e.g. 'semi-frozen low fat dairy dessert', 'semi-frozen fat free yoghurt', etc.) in letters of the same size as the class designation.

(5) When Edible Ices, excluding the class Soft serve, are sold in single serve portions, the applicable class designation shall be indicated conspicuously on either the immediate container in which it is displayed, or on the display freezer unit in which the products are displayed, in a letter size of at least 50 mm for lower case vowels.

- (6) (a) When individual units are packed in a multipack, the expression "NOT FOR INDIVIDUAL SALE", or any other wording having a similar meaning, shall at least be indicated on each container containing the individual units in a letter size of at least 2 mm for lower case vowels: Provided that --

- (i) such individual units may not be sold loose and that the multipack is marked with all the prescribed marking requirements; and
- (ii) the containers containing individual units shall be exempted from having to indicate these particulars in instances where it is technically not practical to print on the type of packaging material used due to the nature thereof.

- (b) The requirements and exemptions in paragraph (a) above shall not apply when the individual units are sold loose (i.e. have not been packed in a multipack).

- (7) No word or expression may be bigger than the class designation unless it is --

- (a) a registered trade mark or brand name;
- (b) a variant name (e.g. 'Neapolitan'; 'Classic'; 'Orange Maid'; 'Almond'; etc.);
- (c) wording communicating to the consumer that a particular product is new, has been produced according to a new recipe and/or is on promotion for a maximum period of 12 months (e.g.: 'new', 'try me I'm new', 'new recipe', 'on promotion', 'on sale', etc.); or
- (d) an expression indicating the nett mass or volume indication as prescribed by the Legal Metrology Act, 2014 (Act No. 9 of 2014).

Indicating the class designation

15. (1) The class designation of an Edible Ice shall be the applicable class designation or alternate class designation as specified in columns 2 and 3 of Table 1 below:

TABLE 1
CLASS DESIGNATIONS AND ALTERNATE CLASS DESIGNATIONS FOR EDIBLE ICES

Class	Class designation	Alternate class designation
1	2	3
Dairy ice-cream	Dairy ice-cream	-
Ice-cream	Ice-cream	-
Frozen dairy dessert	Frozen dairy dessert	Frozen dairy confection/ Dairy gelato
	Low fat frozen dairy dessert	Low fat frozen dairy confection/ Low fat frozen dairy gelato
	Fat free frozen dairy dessert	Fat free frozen dairy confection/ Fat free frozen dairy gelato

Class 1	Class designation 2	Alternate class designation 3
Frozen dessert	Frozen dessert	Frozen confection/ Gelato
	Low fat frozen dessert	Low fat frozen confection/ Low fat frozen gelato
	Fat free frozen dessert	Fat free frozen confection/ Fat free frozen gelato
Frozen yoghurt	Frozen yoghurt	Full cream frozen yoghurt/ Full fat frozen yoghurt
	Low fat frozen yoghurt	-
	Fat free frozen yoghurt	Skim(med) frozen yoghurt
Frozen yoghurt and Dairy ice-cream blend	Frozen yoghurt and dairy ice-cream blend	Frozen yoghurt and dairy ice-cream medley/ Yoghurt and dairy ice-cream blend/ Yoghurt and dairy ice-cream medley
Frozen yoghurt and Ice-cream blend	Frozen yoghurt and ice-cream blend	Frozen yoghurt and ice-cream medley/ Yoghurt and ice-cream blend/ Yoghurt and ice-cream medley
Soft serve	Soft serve	-
Frozen fruit sorbet	Frozen fruit sorbet	Fruit sorbet
Frozen fruit ice	Frozen fruit ice	Fruit ice/ Fruit ice confection
Flavoured ice	Flavoured ice	Flavoured ice confection

- Not specified

(2) In the case of the classes Frozen fruit sorbet and Frozen fruit ice --

- (a) the word "fruit" in the class designation shall be substituted by the name(s) of the specific fruit(s) used in the case where one or two kinds of fruit have been used; or
- (b) the word "mixed" only may precede the word "fruit" in the class designation in the case where three or more kinds of fruit have been used: Provided that the names of --
 - (i) all the fruit species used shall be indicated in descending order of appearance in close proximity to the class designation concerned in letters of the same size and at least 2 mm in height; or
 - (ii) only the first two main fruit species shall be indicated in descending order of appearance, followed by the expression "and other fruit", in close proximity to the class designation concerned in letters of the same size of at least 2 mm; or
 - (iii) only the first two (or more) fruit species lending the predominant flavour and aroma to the product concerned, followed by the expression "and other fruit", shall be indicated in close proximity to the class designation concerned in letters of the same size of at least 2 mm: Provided further that --
 - (aa) a complete ingredients list shall appear on the container; and
 - (bb) the emphasised, predominant fruit species shall be subject to the requirements on Quantitative Ingredient Declarations (QUID), as specified in the regulations published under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972).

(3) In the case of the class Flavoured Ice, the word "flavoured" in the class designation shall be preceded by the name(s) of the specific fruit(s) and/or flavouring(s) used.

(4) In the case of instant mix products (powder) which are intended to be prepared either at home, or on the premises (e.g. at ice-cream parlours/outlets/emporiums) for the purpose of dispensing it from a soft serve dispensing machine, by the addition of for example full cream milk, full cream yoghurt, butter milk, water, etc., the classification of the product concerned shall be based on --

- (a) the fat content of the final product when prepared in accordance with the mixing instructions provided on the packaging [i.e. the combined fat content of the dry/powdered milk and/or vegetable oil (e.g. palm kernel oil, coconut kernel oil, etc.) in

the instant mix and the full cream milk, full cream yoghurt, butter milk, etc. it is intended to be mixed with.]; and

- (b) the total solids content and milk solids non-fat content (where applicable) of the final product when prepared in accordance with the mixing instructions provided on the packaging: Provided that --
 - (i) inclusions shall not be taken into account when determining the fat content and the total solids; and
 - (ii) the manufacturer, packer or importer shall on request provide the Executive Officer or the inspector with the necessary information/composition (e.g. analysis report, etc.) of the instant mix when prepared in accordance with the mixing instructions.

(5) An altered word sequence of the class designation is permissible: Provided that the altered word sequence shall not constitute a misrepresentation, or not directly or by implication creates or may create a misleading impression regarding the quality, nature, origin or composition of the Edible Ice product concerned.

Additions to the class designation

16. (1) When a flavouring has been added to Edible Ices in order to render a distinctive flavour thereto, the applicable class designation or alternate class designation shall either be preceded by the expression "X flavoured" or followed by the expression "with X flavour" or "with X flavouring", where "X" indicates the name(s) of the flavouring(s) used, unless the flavouring concerned has been added with the intention to enhance the flavour of the fruit or added foodstuff concerned.

(2) When lactic acid and yoghurt flavouring, instead of yoghurt, have been added to the class Dairy ice-cream, Ice-cream, Frozen dairy dessert, Frozen dessert or Soft serve, the applicable class designation or alternate class designation shall either be preceded by the expression "Yoghurt flavoured" or followed by the expression "with yoghurt flavour" or "with yoghurt flavouring".

(3) When a foodstuff has been added to an Edible Ice product --

- (a) the applicable class designation shall be followed by the expression "with X", or wording having a similar meaning, where "X" indicates the generic name(s) of the foodstuff(s) added (e.g. "with chocolate pieces", "with choc-chip cookies", "with pineapple and mango pieces", etc); or
- (b) the applicable class designation shall be preceded by the generic name(s) of the foodstuff(s) added (e.g. "choc-chip cookies ice-cream", "mango and peach frozen yoghurt", etc.); and
- (c) the requirements on Quantitative Ingredient Declarations (QUID), as specified in the regulations published under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972), shall be complied with.

(4) When at least 2% (m/m) cocoa powder has been added to an Edible Ice product in order to render a distinctive chocolate flavour and taste thereto, the applicable class designation shall either be preceded by the expression "chocolate", or be followed by the expression "with chocolate": Provided that the requirements on Quantitative Ingredient Declarations (QUID), as specified in the regulations published under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972), have been complied with.

(5) When vanilla in the form of vanilla bean, vanilla pod, vanilla seed or pure vanilla extract has been added to an Edible Ice product in order to render a distinctive vanilla flavour thereto, the applicable class designation shall either be preceded by the expression "vanilla", or be followed by the expression "with vanilla".

(6) When the classes Ice-cream and Frozen dessert contain no butter fat or milk solids --

- (a) the expression "non-dairy", "dairy-free", or wording having a similar meaning, may precede the applicable class designation; or

- (b) the expression “non-dairy”, “dairy-free”, or wording having a similar meaning, may precede the applicable class designation when the source of the edible ice is indicated as part of the applicable class: Provided that the applicable class designation and additions of the class designation does not mislead or cause misrepresentation.
- (7) The expression “pasteurised” may form part of the class designation in the case where –
 - (a) Frozen yoghurt has been pasteurised after fermentation; and
 - (b) blends of yoghurt and either Dairy ice-cream mix or Ice-cream mix has been pasteurised.
- (8) When a multipack comprises of different variants of the same class of Edible Ice, the expression “assorted”, or any other word having a similar meaning, may precede the applicable class designation: Provided that the names of the various kinds and/or flavours shall appear in close proximity to the class designation in a letter size not less than 50% of the size of the class designation.
- (9) The claim “lactose free”, or indications with a similar meaning, may form part of the class designation and/or be indicated on its own in the case where Edible Ice products meet the requirements for this claim as prescribed by the regulations published under the Foodstuffs, Cosmetics & Disinfectants Act, 1972 (Act No. 54 of 1972).

Additional particulars on the main panel

17. The expression “contains no live cultures”, “contains no live micro-organisms”, or wording having a similar meaning, shall be indicated in close proximity to the class designation in the case where –
- (a) Frozen yoghurt has been pasteurised after fermentation; and
 - (b) blends of yoghurt and either Dairy ice-cream mix or Ice-cream mix have been pasteurised.
18. In a case of an edible ice of the classes Ice-cream and Frozen dessert containing no butter fat or milk solids –
- (a) the expression “made with (name of the vegetable fat)” sourced from, may immediately follow the applicable class designation; and/or
 - (b) the expression “non-dairy”, “dairy-free”, or wording having a similar meaning, may be indicated on its own away from the class designation.

Additional particulars on the container

19. Clear mixing instructions shall be indicated on every container containing an instant mix (powder) Edible Ice product intended for mixing either at home, or on the premises where it will be dispensed from a soft serve dispensing machine.

Indicating the name and address

20. The name and address of the manufacturer, packer, importer, seller or entity on whose behalf the Edible Ices have been packed shall be indicated on every container: Provided that in the case where –
- (a) it is not possible to indicate the physical address, a postal address with a telephone number may be used instead; and
 - (b) imported Edible Ice products indicate the address of the foreign manufacturer or packer only, a South African address for the importer, seller or entity on whose behalf the Edible Ices have been packed shall in addition be indicated on each container.

Indicating the country of origin

21. (1) The country of origin shall be indicated as follows on every container of Edible Ice:

- (a) "Product of (name of country)" if all the main ingredients, processing and labour used to make the product are from one specific country; or
- (b) "Produced in (name of country)", "Processed in (name of country)", "Manufactured in (name of country)", "Made in (name of country)", or wording having a similar meaning, when the product is processed in a second country which changes its nature.

(2) The expression "Packed in (name of country)" may be used in addition to the requirements of sub-regulation (1).

(3) The name(s) of the country(ies) indicated in terms of sub-regulations (1) and (2) may not be abbreviated.

Indicating the date marking or batch code or batch number

22. (1) Each container containing an Edible Ice product shall be clearly marked with the date marking or batch code or batch number in such a way that the specific batch is easily identifiable and traceable.

- (2) (a) When a date marking appears on a container --
 - (i) it shall be preceded by appropriate wording "best before" or "best quality before" and/or "use by", and/or "expiration date", depending on the nature of the Edible Ice product concerned;
 - (ii) abbreviations of the preceding wording shall not be allowed, except in the case of "best before" where the abbreviation "BB" may be used;
 - (iii) the date sequence shall be "day-month-year" (i.e. "dd/mm/yyyy") when numbers only are used: Provided that in the case of imported products where an altered date sequence is used, the month shall be indicated in letters, either written out in full or abbreviated, and the year shall be written out in full; and
 - (iv) it shall not be removed or altered by any person.
- (b) When an Edible Ice product is packed in an outer container, which will during normal usage be discarded by the consumer, the date marking shall, if indicated, appear on each individual container that will be retained by the consumer until consumption.

Restricted particulars on containers and outer containers

- 23. (1) (a) No class designation other than the applicable class designation shall be marked on a container or outer container.
- (b) No word or expression which so nearly resembles the class designation of an Edible Ice product that it could be misleading with regard to the composition shall be marked on a container or outer container.
- (2) (a) Depictions or illustrations of the specific fruit(s) added to or used in the manufacturing of Edible Ices shall only be allowed on a container or outer container if the Edible Ice product concerned has a total fruit content of at least 6% (m/m) or more fruit: Provided that --
 - (i) in the case of the classes Frozen fruit sorbet and Frozen fruit ice consisting of two or more kinds of fruit, a depiction or pictorial representation of only those fruit species imparting the predominant flavour and aroma to the product concerned, shall, subject to the provisions of regulation 15(2), not be regarded as constituting any misrepresentation; and
 - (ii) the requirements on Quantitative Ingredient Declarations (QUID), as specified in the regulations published under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972), have been complied with.

- (b) Depictions or illustrations of ingredient(s) other than those referred to in paragraph (a) above used to emphasise the presence of the ingredient(s) concerned on a container or outer container shall only be allowed if the requirements on Quantitative Ingredient Declarations (QUID), as specified in the regulations published under the Foodstuffs, Cosmetics and Disinfects Act, 1972 (Act No. 54 of 1972), have been complied with.

(3) No word, mark, illustration, depiction or any other method of expression that constitutes a misrepresentation, or directly or by implication creates or may create a misleading impression regarding the quality, nature, class, origin or composition of Edible Ices shall be marked on a container or outer container.

(4) No claim regarding the absence of any substance that does not normally occur in Edible Ices shall be marked on a container or outer container thereof, except in cases where it is allowed for in the regulations published under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972).

(5) No claim which compares the total fat, saturated fat, cholesterol, sugar, sodium or salt, or energy value of two or more similar Edible Ices by using words such as "reduced", "less than", "fewer", "light" and "lite", or words having a similar meaning, shall be made on a container or outer container thereof, unless the following conditions are complied with:

- (a) The Edible Ice product shall be compared with a different version of the same or similar product.
 - (b) The Edible Ice product being compared shall be clearly marked on the container with the following information:
 - (i) A statement of the amount of difference in the energy value or relevant nutrient content, expressed as a percentage.
 - (ii) The identity of the Edible Ice product(s) to which it is being compared in close proximity to or as part of the comparative claim.
 - (c) The comparison shall be based on a relative difference of at least 25% in the energy value or nutrient content of an equivalent mass or volume.
 - (d) The Edible Ice product shall be marked with the prescribed nutritional information declaration required in terms of the regulations published under the Foodstuffs, Cosmetics and Disinfects Act, 1972 (Act No. 54 of 1972).
- (6) (a) The use of variant names which include any reference to a foodstuff, either directly or by implication, and which have been in use or allowed for on Edible Ices prior to 8 February 2013 (i.e. the date of publication of the first Edible Ices regulations in the Government Gazette) are permissible on a container or outer container, even though the reference to such foodstuff may in some instances consist of a flavouring only (e.g. 'Vanilla', 'Rum & Raisin', etc.): Provided that the manufacturer, owner, importer or retailer shall upon request provide the Executive Officer or inspector with the necessary evidence of such prior use within the Republic of South Africa.
- (b) The use of variant names other than those referred to in paragraph (a) above on a container or outer container which include any reference to a foodstuff, either directly or by implication, shall be --
 - (i) subject to the requirements on Quantitative Ingredient Declarations (QUID), as specified in the regulations published under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972), if the actual foodstuff is present in the Edible Ices product concerned;
 - (ii) subject to the provisions of sub-regulation 16(4) if cocoa powder has been added;
 - (iii) subject to the provisions of sub-regulation 16(5) if vanilla has been added; or

- (iv) followed by the word 'flavoured' in letters of the same size, type, colour and font if the reference to such foodstuff consists of a flavouring only.
- (7) The provisions of this regulation shall also apply to particulars that are marked on –
- (a) a Soft serve dispensing machine;
 - (b) the container or the display freezer unit in the case of Edible Ices, excluding the class Soft serve, sold in single serve portions;
 - (c) a notice board displayed at or in the immediate vicinity of Edible Ices that are kept or displayed for sale; and
 - (d) all advertisements for Edible Ices.

PART V SAMPLING AND ANALYSIS

Sampling

24. (1) (a) For the purpose of inspection for quality control an inspector shall take such samples of a product, material, substance or other article in question as he or she may deem necessary.
- (b) (i) Samples of Edible Ices shall be obtained directly from the factory and in the case of imported products at the port of entry or warehouse where the products will be kept/ stored prior to distribution.
- (ii) A sample shall consist of at least 100g (150g if product has any inclusions) of final product or Soft Serve Mix, as the case may be.
- (iii) The samples shall be kept in the frozen state (except for the Soft serve mix) and shall be transported to the laboratory in refrigerated containers: Provided that if the analysis is not carried out immediately, the samples shall be kept under refrigeration with the maximum temperature not exceeding -18 °C at any time.

Analysis

25. (1) The preparation of the sample shall be done in accordance with the procedure set out in the "AOAC Official Method 969.20 -1969, Ice Cream and Frozen Desserts – Preparation of Test Portion Procedure" (Official Methods of Analysis of AOAC International, 21st Edition, 2019), or any other international recognised and acceptable reference methods and procedures.

- (2) The fat content and total solids content shall be determined in accordance with the methods set out in Table 2 below: Provided that inclusions shall not be taken into account:

**TABLE 2
METHODS OF ANALYSIS**

Nature of determination	Method description	Method source
1	2	3
Fat content	"Milk - determination of the fat content - Röse Gottlieb – Gravi-metric method (reference method)"	International Dairy Federation, IDF 1C: 1987
	"Dried milk, dried whey, dried buttermilk and dried butter serum - determination of the fat content – Röse Gottlieb - (reference method)"	International Dairy Federation, IDF 9C: 1987

Nature of determination	Method description	Method source
1	2	3
	"Milk based edible ices and ice mixes – Determination of fat content -Gravimetric method (reference method)"	International Organization for Standardization, ISO 7328: 2008/ International Dairy Federation, IDF 116: 2008
	"Skimmed milk, whey and buttermilk - Determination of the fat content (reference method)"	International Dairy Federation, IDF 22B: 1987
	"Milk powders, whey powders, blend of skimmed milk and vegetable fat in powder form – Determination of the fat content – Gravimetric method (Röse Gottlieb)"	International Dairy Federation, IDF 9: 2008
	"Dried milk and dried milk products - Determination of fat content - Gravimetric method (reference method)"	International Organization for Standardization, ISO 1736: 2008
	"Milk - determination of the fat content – Gerber butyrometers"	International Organization for Standardization, ISO 488: 2008/ International Dairy Federation, IDF 105: 2008
Total solids content	"Ice-cream and milk ice – Determination of total solids content (reference method)"	International Organization for Standardization, ISO 3728: 2004/ International Dairy Federation, IDF 70: 2004
	"Milk, Cream and Evaporated Milk – determination of total solids content (reference method)"	International Organization for Standardization, ISO 6731: 2010/ International Dairy Federation, IDF 21: 2010

(3) Notwithstanding sub-regulation (2) above, any other method which is accepted and approved by AOAC International, the International Organization for Standardization (ISO), the International Dairy Federation (IDF) or the CODEX Alimentarius may be used: Provided that --

- (a) the method concerned has been validated;
- (b) the laboratory concerned employing this method has been accredited (e.g. by SANAS); and
- (c) the laboratory concerned conducts proficiency testing/ inter-laboratory comparisons.

Determination of overrun

26. The overrun of a Dairy ice-cream, Ice-cream, Frozen dairy dessert, Frozen dessert, Frozen yoghurt, Frozen yoghurt and Dairy ice-cream blend, Frozen yoghurt and Ice-cream blend and Frozen fruit sorbet sample shall be determined at the factory by using one of the following methods: Provided that inclusions shall not be taken into account:

A. Calculation by volume:

The overrun is calculated by using the following formula:

$$\% \text{ Overrun} = \frac{(\text{Volume of finished product} - \text{Volume of mix used}) \times 100}{\text{Volume of mix used}}$$

B. Use of an overrun cup and overrun table:

- (1) The overrun is determined as follows by means of an overrun cup:
- (a) Place a clean, dry overrun cup on a scale and adjust the scale to zero.
 - (b) Fill the overrun cup completely with Dairy ice-cream mix, Ice-cream mix, Frozen dairy dessert mix, Frozen dessert mix, unfrozen Yoghurt, a blend of unfrozen Yoghurt and Dairy ice-cream mix, a blend of unfrozen Yoghurt and ice-cream mix or unfrozen Fruit sorbet, as the case may be.
 - (c) Weigh the overrun cup and its contents and record the mass.
 - (d) Clean the overrun cup thoroughly and dry it.
 - (e) Slightly overfill the overrun cup with aerated Dairy ice-cream, Ice-cream, Frozen dairy dessert, Frozen dessert, Frozen yoghurt, Frozen yoghurt and Dairy ice-cream blend, Frozen yoghurt and Ice-cream blend or Frozen fruit sorbet, as the case may be.
 - (f) Remove all inclusions (e.g. chocolate coating, pieces of chocolate, fruit, nuts, etc.) where possible, and ensure that no air pockets are trapped in the cup.
 - (g) Level the sample in the overrun cup off with the surface of the cup.
 - (h) Weigh the overrun cup and its contents and record the mass.
 - (i) Calculate the overrun by using the following formula:

$$\% \text{ Overrun} = \frac{\text{Mass of the unfrozen mix/product}}{\text{Mass of the aerated finished product}} - 1 \times \frac{100}{1}$$
 - (j) The overrun can also be determined by using an overrun table as supplied by the factory and which is based on the specific gravity value (SG) of the product concerned: Provided that the specific gravity value (SG) of the product concerned shall be provided by the factory on request from the inspector.

(2) In the case of Dairy ice-cream, Ice-cream, Frozen dairy dessert, Frozen dessert, Frozen yoghurt, Frozen yoghurt and Dairy ice-cream blend, Frozen yoghurt and Ice-cream blend or Frozen fruit sorbet packed in smaller units, the volume can be determined as follows by the displacement of water:

- (a) Weigh the sample and its container and record the mass.
- (b) Remove the sample from its container.
- (c) Weigh the empty container and record the mass.
- (d) Place a known volume of water into a measuring beaker.
- (e) Submerge the sample in the water and record how much water is displaced.
- (f) Calculate the overrun by using the following formula:

$$\% \text{ Overrun} = \frac{[\text{Specify gravity (SG)} \times \text{Volume (V)} \times 100]}{\text{Mass (M)}} - 100$$

Where:

SG = Specific gravity value of the product concerned which shall be provided by the factory on request from the inspector

V = The volume of water displaced by the sample

M = The mass of the sample after subtracting the mass of the container

PART VI OFFENCES AND PENALTIES

Offences and penalties

27. Any person who contravenes or fails to comply with the provisions of these regulations shall be guilty of an offence and upon conviction be liable to a fine or to imprisonment in accordance with section 11 of the Act.

PART VII COMMENCEMENT AND REPEAL

Commencement

28. These regulations shall come into operation 12 months after the date of publication.

Repeal

29. Regulations published under Government Notice No. R.78 of 08 February 2013 are hereby repealed from the date of commencement of these regulations.

ANNEXURES

ANNEXURE A

SUMMARY OF THE COMPOSITIONAL STANDARDS FOR EDIBLE ICES, EXCLUDING THE CLASSES FROZEN FRUIT SORBET, FROZEN FRUIT ICE AND FLAVOURED ICE

Class	Class designation	Fat content* (%)(m/m)	Total solids (%)(m/m)
1	2	3	4
Dairy Ice-cream	Dairy Ice-cream	≥ 7	≥ 33
Ice-cream	Ice-cream	≥ 7	≥ 33
Frozen Dairy Dessert	Frozen Dairy Dessert	$> 3 < 7$	≥ 25
	Low Fat Frozen Dairy Dessert	$> 0.5 \leq 3$	≥ 25
	Fat Free Frozen Dairy Dessert	≤ 0.5	≥ 25
Frozen Dessert	Frozen Dessert	$> 3 < 7$	≥ 25
	Low Fat Frozen Dessert	$> 0.5 \leq 3$	≥ 25
	Fat Free Frozen Dessert	≤ 0.5	≥ 25
Frozen Yoghurt	Frozen Yoghurt	> 3	≥ 33
	Low Fat Frozen Yoghurt	$> 0.5 \leq 3$	≥ 33
	Fat Free Frozen Yoghurt	≤ 0.5	≥ 33
Frozen Yoghurt and Dairy Ice-cream Blend	Frozen Yoghurt and Dairy Ice-cream Blend	≥ 7	≥ 33
Frozen Yoghurt and Ice-cream Blend	Frozen Yoghurt and Ice-cream Blend	≥ 7	≥ 33
Soft Serve	Soft Serve	≥ 3	≥ 25

* "Fat content" in the case of the classes --

- Dairy Ice-cream, Frozen Dairy Dessert, Frozen Yoghurt and Frozen Yoghurt and Dairy Ice-cream Blend means: Butter fat only; and
- Ice-cream, Frozen Dessert, Frozen Yoghurt and Ice-cream Blend, and Soft Serve means: Vegetable fat or a combination of both vegetable fat and butter fat.

ANNEXURE B

SUMMARY OF THE COMPOSITIONAL STANDARDS FOR THE CLASSES FROZEN FRUIT SORBET,
FROZEN FRUIT ICE AND FLAVOURED ICE

Class	Class designation	Fruit content (%) (m/m)	Fat content* (%) (m/m)
1	2	3	4
Frozen Fruit Sorbet	Frozen Fruit Sorbet	≥ 15	≤ 2.9
Frozen Fruit Ice	Frozen Fruit Ice	≥ 6	-
Flavoured Ice	Flavoured Ice	< 6	-

* "Fat content" in the case of the class Frozen Fruit Sorbet means: Vegetable fat only

- Denotes no specification – refer to individual standard

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. R. 3618

30 June 2023



by the

PRESIDENT of the REPUBLIC of SOUTH AFRICA**SPECIAL INVESTIGATING UNITS AND SPECIAL TRIBUNALS ACT, 1996 (ACT NO. 74 OF 1996): REFERRAL OF MATTERS TO EXISTING SPECIAL INVESTIGATING UNIT: REVISED APPLICATION - CHRIS HANI DISTRICT MUNICIPALITY**

WHEREAS allegations as contemplated in section 2(2) of the Special Investigating Units and Special Tribunals Act, 1996 (Act No. 74 of 1996) (hereinafter referred to as "the Act"), have been made in respect of the affairs of the Chris Hani District Municipality, which is situated in the Eastern Cape Province (hereinafter referred to as "the Municipality");

AND WHEREAS the Municipality or the State may have suffered losses that may be recovered;

AND WHEREAS I deem it necessary that the said allegations should be investigated and civil proceedings emanating from such investigation should be adjudicated upon;

NOW, THEREFORE, I hereby, under section 2(1) of the Act, refer the matters mentioned in the Schedule, in respect of the Municipality, for investigation to the Special Investigating Unit established by Proclamation No. R. 118 of 31 July 2001 and determine that, for the purposes of the investigation of the matters, the terms of reference of the Special Investigating Unit are to investigate as contemplated in the Act, any alleged—

- (a) serious maladministration in connection with the affairs of the Municipality;
- (b) improper or unlawful conduct by officials or employees of the Municipality;
- (c) unlawful appropriation or expenditure of public money or property;
- (d) unlawful, irregular or unapproved acquisitive act, transaction, measure or practice having a bearing upon State property;

2

- (e) intentional or negligent loss of public money or damage to public property;
- (f) offence referred to in Parts 1 to 4, or section 17, 20 or 21 (in so far as it relates to the aforementioned offences) of Chapter 2 of the Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004), and which offences were committed in connection with the affairs of the Municipality; or
- (g) unlawful or improper conduct by any person, which has caused or may cause serious harm to the interests of the public or any category thereof,

which took place between 1 December 2011 and the date of publication of this Proclamation or after the date of publication of this Proclamation, but is relevant to, connected with, incidental or ancillary to the matters mentioned in the Schedule or involve the same persons, entities or contracts investigated under authority of this Proclamation, and to exercise or perform all the functions and powers assigned to or conferred upon the said Special Investigating Unit by the Act, including the recovery of any losses suffered by the Municipality or the State, in relation to the said matters in the Schedule.

Given under my Hand and the Seal of the Republic of South Africa at this
..... day of Two thousand and twenty three.

President

By Order of the President-in-Cabinet:

Minister of the Cabinet

SCHEDULE

1. Serious maladministration in the affairs of the Municipality in relation to the appointment of the Chris Hani Co-operative Development Centre NPC for the conversion of the Community Service Providers and Operators into functional co-operatives, in a manner that was—

- (a) not fair, competitive, transparent, equitable or cost-effective; or
- (b) contrary to applicable—
 - (i) legislation;
 - (ii) manuals, guidelines, practice notes, circulars, or instructions issued by the National Treasury or the relevant Provincial Treasury;
 - (iii) manuals, policies, procedures, prescripts, instructions or practices of or applicable to the Municipality; and

any related unauthorised, irregular or fruitless and wasteful expenditure incurred by the Municipality or the State;

2. Any improper, unlawful or irregular conduct by—

- (a) officials or employees of the Municipality;
- (b) suppliers or service provider of the Municipality; or
- (c) any other person or entity,

in relation to the allegations set out in paragraph 1 of this Schedule.

DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING

NO. R. 3618

30 Junie 2023



van die

PRESIDENT van die REPUBLIEK van SUID AFRIKA

**WET OP SPESIALE ONDERSOEKEENHEDE EN SPESIALE TRIBUNALE, 1996:
VERWYSING VAN AANGELEENTHEDE NA BESTAANDE SPESIALE
ONDERSOEKEENHEID: CHRIS HANI DISTRIK MUNISIPALITEIT**

AANGESIEN bewerings soos beoog in artikel 2(2) van die Wet op Spesiale Ondersoekeenhede en Spesiale Tribunale, 1996 (Wet No. 74 van 1996) (hierna na verwys as "die Wet"), gemaak is in verband met die aangeleenthede van die Chris Hani Distrik Munisipaliteit (hierna verwys as "die Munisipaliteit");

EN AANGESIEN die Munisipaliteit of die Staat verliese gely het wat verhaal kan word;

EN AANGESIEN ek dit nodig ag dat gemelde bewerings ondersoek en siviele geskille voortspruitend uit sodanige ondersoek bereg moet word;

DERHALWE verwys ek hierby, kragtens artikel 2(1) van die Wet, die aangeleenthede in die Bylae vermeld ten opsigte van die Munisipaliteit, vir ondersoek na die Spesiale Ondersoekeenheid ingestel by Proklamasie No. R. 118 van 31 Julie 2001 en bepaal dat, vir die doeleindes van die ondersoek van die aangeleenthede, die opdrag van die Spesiale Ondersoekeenheid is om soos beoog in gemelde Wet, ondersoek te doen na enige beweerde—

- (a) ernstige wanadministrasie in verband met die aangeleenthede van die Munisipaliteit;
- (b) onbehoorlike of onregmatige optrede deur beamptes of werknemers van die Munisipaliteit;
- (c) onregmatige bewilliging of besteding van publieke geld of eiendom;

- (d) onwettige, onreëlmatige of nie-goedgekeurde verkrygende handeling, transaksie, maatreël of praktyk wat op Staatseiendom betrekking het;
- (e) opsetlike of nalatige verlies van publieke geld of skade aan publieke eiendom;
- (f) misdryf bedoel in Dele 1 tot 4, of artikel 17, 20 of 21 (vir sover dit op voornoemde misdrywe betrekking het) van Hoofstuk 2 van die Wet op die Voorkoming en Bestryding van Korrupte Bedrywighede, 2004 (Wet No. 12 van 2004), en welke misdrywe gepleeg is in verband met die sake van die Munisipaliteit; of
- (g) onwettige of onbehoorlike optrede deur enige persoon wat ernstige benadeling vir die belange van die publiek of enige kategorie daarvan veroorsaak het of kan veroorsaak, wat plaasgevind het tussen 1 Junie 2019 en die datum van publikasie van hierdie Proklamasie of wat plaasgevind het voor 1 Junie 2019 of na die datum van publikasie van hierdie Proklamasie, wat relevant is tot, verband hou met, insidenteel of bykomstig is tot, die aangeleenthede vermeld in die Bylae of wat dieselfde persone, entiteite of kontrakte betrek wat ondersoek word kragtens die volmag verleen deur hierdie Proklamasie, en om al die werksaamhede en bevoegdhede wat deur die Wet aan die gemelde Spesiale Ondersoekkeenheid toegewys of opgedra is, uit te oefen of te verrig in verband met die genoemde aangeleenthede in die Bylae, insluitend die verhaal van enige verliese wat deur die Munisipaliteit of die Staat gely is.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te op hede die dag van Twee duisend-en-Drie-en-twintig.

President

Op las van die President-in-Kabinet

Minister van die Kabinet

BYLAE

1. Ernstige wanadministrasie in die sake van die Munisipaliteit ten opsigte van die aanstelling van die Chris Hani Samewerkende Ontwikkelingssentrum MSW vir die omskepping van die Gemeenskapsdiensverskaffers en Operateurs in funksionele operatiewe op 'n wyse wat—

- (a) nie regverdig, mededingend, deursigtig of koste-effektief was nie; of
- (b) strydig was met toepaslike—
 - (i) wetgewing;
 - (ii) handleidings, riglyne, omsendskrywes, praktyknotas, of instruksies wat deur die Nasionale Tesourie of toepaslike Provinsiale Tesourie uitgevaardig is; of
 - (iii) handleidings, beleid, prosedures, voorskrifte, instruksies of praktyke wat op die Munisipaliteit van toepassing is,

en enige verwante ongemagtigde, onreëlmatige of vrugtelose en verkwiste uitgawes wat aangegaan is, deur die Munisipaliteit of die Staat;

2. Enige onwettige, onbehoorlike of onreëlmatige gedrag deur—

- (a) beamptes of werknemers van die Munisipaliteit;
- (b) verskaffers of diensverskaffers van die Munisipaliteit; of
- (c) enige ander persoon of entiteit,

met betrekking tot die bewerings uiteengesit in paragraaf 1 van hierdie Bylae.

DEPARTMENT OF EMPLOYMENT AND LABOUR

NO. R. 3619

30 June 2023

LABOUR RELATIONS ACT, 1995

**NATIONAL BARGAINING COUNCIL FOR HAIRDRESSING, COSMETOLOGY, BEAUTY
AND SKINCARE INDUSTRY:
EXTENSION OF PERIOD OF OPERATION OF THE MAIN COLLECTIVE
AGREEMENT**

I, **STEPHEN RATHAI**, Director: Collective Bargaining, duly authorised thereto by the Minister of Employment and Labour, hereby, in terms of section 32(6)(a)(i) of the Labour Relations Act, 1995, extend the periods fixed in Government Notices Nos. R. 663 of 12 June 2020, R. 965 of 4 September 2020, R. 1264 of 27 November 2020, R. 362 of 18 June 2021, a notice of 27 August 2021 and R. 2141 of 10 June 2022 by a further period ending 31 December 2023.

**DIRECTOR: COLLECTIVE BARGAINING**

DATE: 21/06/2023

SOUTH AFRICAN REVENUE SERVICE

NO. R. 3620

30 June 2023

GENERAL EXPLANATORY NOTE:

[] Words that are between square brackets and in bold typeface indicate deletions from the existing rules.

_____ Words that are underlined with a solid line indicate insertions in the existing rules.

**CUSTOMS AND EXCISE ACT, 1964
AMENDMENT OF RULES (DAR 249)**

Under sections 46, 49 and 120 of the Customs and Excise Act, 1964 (Act No. 91 of 1964), the rules published in Government Notice R.1874 of 8 December 1995 are hereby amended to the extent set out in the Schedule hereto.



EDWARD CHRISTIAN KIESWETTER
COMMISSIONER FOR THE SOUTH AFRICAN REVENUE SERVICE

SCHEDULE**Amendment of rule 00.09**

1. Rule 00.09 is hereby amended-
 - (a) by the substitution for the words preceding paragraph (a) of the following words:
“00.09 Any reference in any provision in any provision of these Rules to –”;
 - (b) by the deletion of the word “and” after paragraph (b);

- (c) by the deletion of the full stop after paragraph (c) and the insertion of the expression “;and”; and
- (d) by the addition of the following paragraph:
“(d) “export SAD Form” must be read as a reference to “export bill of entry.”.

Amendment of rule 46A1.02

2. Rule 46A1.02 is hereby amended by the substitution for subparagraph (ii) of paragraph (a) of the following subparagraph:

- “(ii) The certificate of origin and the application for a visa, the export bill of entry and supporting documents shall be **[delivered for processing at]** submitted for certification to the office of the Controller [at any place] prescribed in item 200.03 (paragraphs (g) and (h)) of the Schedule to the Rules, [provided it is a place] nearest to the place of business of the exporter, except when submitted by the holder of a binding origin determination in which case submission may be to any Customs and Excise office prescribed in item 200.03.**[unless the manager responsible for the administration of the rules of origin section in Head Office otherwise determines.]”.**

Amendment of rule 49A.16(19), (20)

3. Rule 49A.16(19), (20) is hereby amended by the substitution for subparagraph (iii) of paragraph (b) of the following subparagraph:

- “(iii) The form EUR1, export bill of entry and supporting documents shall be **[delivered for processing at]** submitted for certification to the office of the Controller prescribed in item 200.03 (paragraphs (g) and (h)) of the Schedule to the Rules, nearest to the place of business of the exporter, except when submitted by the holder of a binding origin determination in which case submission may be to any Customs and Excise office prescribed in item 200.03. **[unless the Manager responsible for the**

administration of the rules of origin section in Head Office otherwise determines.]”.

Amendment of rule 49B.10(9)1

4. Rule 49B.10(9)1 is hereby amended by the substitution for subparagraph (iii) of paragraph (b) of the following subparagraph:

“(iii) The SCO, export bill of entry and supporting documents shall be **[delivered for processing at]** submitted for certification to the office of the Controller prescribed in item 200.03 (paragraphs (g) and (h)) of the Schedule to the Rules, nearest to the place of business of the exporter, except when submitted by the holder of a binding origin determination in which case submission may be to any Customs and Excise office prescribed in item 200.03. **[unless the manager responsible for the administration of the rules of origin section in Head Office or the Controller otherwise determines.]**”.

Amendment of rule 49D.14(14), (15)

5. Rule 49D.14(14), (15) is hereby amended by the substitution for subparagraph (iii) of paragraph (b) of the following subparagraph:

“(iii) The form EUR1, export **[SAD Form]** bill of entry and supporting documents shall be **[delivered for processing at]** submitted for certification to the office of the Controller prescribed in item 200.03 (paragraphs (g) and (h)) of the Schedule to the Rules, nearest to the place of business of the exporter, except when submitted by the holder of a binding origin determination in which case submission may be to any Customs and Excise office prescribed in item 200.03. **[unless the Manager: Commercial Services otherwise determines.]**”.

Amendment of rule 49E.15(15), (16)

6. Rule 49E.15(15), (16) is hereby amended by the substitution for subparagraph (iii) of paragraph (b) of the following subparagraph:

“(iii) The certificate of origin, export **[SAD Form]** bill of entry and supporting documents shall be **[delivered for processing at]** submitted for certification to the office of the Controller prescribed in item 200.03 (paragraphs (g) and (h)) of the Schedule to the Rules, nearest to the place of business of the exporter, except when submitted by the holder of a binding origin determination in which case submission may be to any Customs and Excise office prescribed in item 200.03. [unless the Manager responsible for the administration of the rules of origin section in Head Office otherwise determines.]”.

Amendment of rule 49F.20(21)

7. Rule 49F.20(21) is hereby amended by the substitution for subparagraph (iii) of paragraph (b) of the following subparagraph:

“(iii) The **[C]**certificate of [O]origin, export bill of entry and supporting documents shall be **[delivered for processing at]** submitted for certification to the office of the Controller prescribed in item 200.03 (paragraphs (g) and (h)) of the Schedule to the Rules, nearest to the place of business of the exporter, except when submitted by the holder of a binding origin determination in which case submission may be to any Customs and Excise office prescribed in item 200.03. [unless the Manager responsible for the administration of the rules of origin section in Head Office otherwise determines.]”.

Amendment of rule 49G.15(19), (20)

8. Rule 49G.15(19), (20) is hereby amended by the substitution for subparagraph (iii) of paragraph (b) of the following subparagraph:

- “(iii) The form EUR1, export bill of entry and supporting documents shall be **[delivered for processing at]** submitted for certification to the office of the Controller prescribed in item 200.03 (paragraphs (g) and (h)) of the Schedule to the Rules, nearest to the place of business of the exporter, except when submitted by the holder of a binding origin determination in which case submission may be to any Customs and Excise office prescribed in item 200.03. [unless the Manager responsible for the administration of the rules of origin section in Head Office otherwise determines.]”.

SOUTH AFRICAN REVENUE SERVICE**NO. R. 3621****30 June 2023****GENERAL EXPLANATORY NOTE:**

[] Words that are between square brackets and in bold typeface indicate deletions from the existing rules.

 Words that are underlined with a solid line indicate insertions in the existing rules.

**CUSTOMS AND EXCISE ACT, 1964
AMENDMENT OF RULES (DAR248)**

Under section 120 of the Customs and Excise Act, 1964 (Act No. 91 of 1964), the rules published in Government Notice R.1874 of 8 December 1995 are hereby amended to the extent set out in the Schedule hereto



**EDWARD CHRISTIAN KIESWETTER
COMMISSIONER FOR THE SOUTH AFRICAN REVENUE SERVICE**

SCHEDULE**Substitution of forms**

Item 202.00 of the Schedule to the rules is hereby amended by the substitution of the following forms:

“DA 185	Application form: Registration/Licensing of Customs and Excise clients
---------	--

DA 185.4A3 Registration Client Type 4A3 – Rebate/Refund User (Schedule No's
3, 4 and 6)"



APPLICATION FORM: REGISTRATION / LICENSING OF CUSTOMS AND EXCISE CLIENTS

For official use

[illegible]

1. Where the asterisk (*) appears, delete whichever is not applicable.
2. Indicate with an "X" in the appropriate block(s) whichever is applicable.
3. Complete the annexure listed in container 11 which is relevant to the registration or licensing type applied for.
4. Reflect the relevant customs and excise client number when updating (by amending or confirming) existing registration or licensing information.
5. Where security must be furnished, complete and submit annexure DA 185.C.
6. An importer, exporter, remover in bond or searcher for wreck not located in the Republic, must also complete and submit annexure DA 185.D, to disclose a registered agent.
7. Complete and submit any prescribed agreement, if applicable.
8. If the space provided in a particular container on form DA185 or any annexure is insufficient, the information required must be furnished on an addendum referencing the relevant container number of the form or annexure, which must be attached to form DA185 or the relevant annexure.
9. All references to sections and rules pertain to the Customs and Excise Act, 1964 ("the Act").
10. All Customs and Excise forms are available on the SARS website (www.sars.gov.za) or at any SARS branch office.

If currently registered/licensed in terms of the Act, please state allocated customs and excise client number

[illegible]

Natural person, located in the Republic

Yes ☐ No ☐

Juristic person, located in the Republic

Yes ☐ No ☐

New registration/licence or renewal:

□

Update of existing information:

☐

Notification of
cancellation:

☐Registered name of business (juristic person)
or name of natural person:Business address: Complex

Street name and number:

Unit Number

floor number:

Building name and floor number:

Suburb/District:

City/Town:

Street
code:

Postal address:

Suburb/District:

City/Town:

Postal
code

Country

Business telephone (Including code):

Code: ()

Tel.

()

Fax number (Including code):

Code: ()

Fax. ()

Cellular phone number:

Business e-mail address:

Home telephone
number:

6. SOUTH AFRICAN BANK ACCOUNT DETAILS

Bank account number:																				
Mark if you do not have a South African bank account and are using a South African bank account of a third party		<input type="checkbox"/>																		
Branch Name:															Branch No:					
Bank Name:															Cheque:	<input type="checkbox"/>	Savings:	<input type="checkbox"/>	Transmission:	<input type="checkbox"/>
Account holder name:																				

7. SARS TAXPAYER REFERENCE NUMBERS (if applicable)

i. VAT Registration Number:	4													ii. Income Tax Reference Number:													
iii. PAYE Reference Number:	7													iv. SDL Reference Number:	L												
v. UIF Reference Number:	U																										

8. NATURE OF ENTITY

Company		Close corporation		Trust		Sole proprietor / natural person		Partnership	
Co-operative		Organ of state						Any other juristic person	
Registration number of juristic person, where registration is a requirement for such entity									

9. SOLE PROPRIETOR / NATURAL PERSON OR DIRECTORS / PARTNERS / MEMBERS / TRUSTEES/ ADMINISTRATOR ETC PARTICULARS

i. Initials:														First name/s:												
Surname:																										
Designation or capacity:																										
Citizenship:																										
ID Type:																										
ID / Passport no:													Passport country (e.g. South Africa = ZAF)													
ii. Initials:														First name/s:												
Surname:																										
Designation or capacity:																										
Citizenship:																										
ID Type:																										
ID / Passport No:													Passport country (e.g. South Africa = ZAF)													
iii. Initials:														First name/s:												
Surname:																										
Designation or capacity:																										
Citizenship:																										
ID Type:																										
ID / Passport No:													Passport country (e.g. South Africa = ZAF)													

10. AUTHORISED OFFICER (as defined in the rules for sections 59A and 60)

Initials:														First name/s:													
Surname:																											
Telephone (including code):	Code: (____)	Tel. (____)												Fax number (including code):	Code: (____)	Fax. (____)											

E-mail address:					Cellular phone number:	()			
Public Officer:	<input type="checkbox"/>	Curator/Trustee:	<input type="checkbox"/>	Partner:	<input type="checkbox"/>	Accounting officer / Treasurer / Financial Officer:	<input type="checkbox"/>	Other, please specify:	

Duly authorised to act on behalf of juristic entity by –

*a resolution passed at a meeting of the Board of Directors, held at on the day of (CCYY); or

express consent in writing of all the members of the close corporation / partners of the partnership /* trustees of the trust; or

* being a person having the management of any other juristic person (please state name); or

* being a delegated officer of an organ of State,

hereby apply on behalf of the applicant for registration* / licensing*.

11. REGISTRATION OR LICENSE TYPES AND RELEVANT ANNEXURES					
Annexure	Registration	Tick box	Annexure	Licensing	Tick box
DA 185 4A1	Importer (Located/ not located in the Republic)	<input type="checkbox"/>	DA 185 4B1	Special Manufacturing Warehouse – (Section 21 and the rules thereto)	<input type="checkbox"/>
DA 185 4A2	Exporter (Located/ not located in the Republic)	<input type="checkbox"/>	DA 185 4B2	Manufacturing Warehouse – (Sections 19A, 27, 54E, 54J, 54AA and the rules thereto)	<input type="checkbox"/>
DA 185 4A2	Exporter for SADC, SADC-EPA, SACU/EFTA, SACU/MERCOSUR, AfCFTA and SACUM-UK EPA (Located/ not located in the Republic) – (rule 59A.01, rules 49A, 49B, 49D, 49E, 49F and 49G)	<input type="checkbox"/>	DA 185 4B3	Storage Warehouse (Section 19 and the rules thereto)	<input type="checkbox"/>
DA 185 4A2 (Section A) & Form DA 46A1.02	Exporter for GSP - AGOA (Located/ not located in the Republic) – (rules 46A1.02)	<input type="checkbox"/>	DA 185 4B4	Special Storage Warehouse (Sections 19A and 21 and the rules thereto)	<input type="checkbox"/>
DA 185 4A2 (Section B) & Form DA 49A.02	Approved Exporter – SADC-EPA, SACU/EFTA, AfCFTA or SACUM-UK EPA (Located/ not located in the Republic) – (rules 49A.20 (24), (25), 49D.18(19)(22), 49F.19(19),(20) and 49G.20(24),(25))	<input type="checkbox"/>	DA 185 4B5	Clearing Agent – (Section 64B and the rules thereto)	<input type="checkbox"/>
DA 185 4A2 (Section C) & Form DA 46A.01	Exporter for GSP (various countries) (Located/ not located in the Republic) – (relevant rules for section 46A)	<input type="checkbox"/>	DA 185 4B6	Remover of goods in Bond (Located/ not located in the Republic) – (Section 64D and the rules thereto)	<input type="checkbox"/>
DA 185 4A3	Rebate / Refund User (Schedule Nos. 3, 4 and 6) – (Section 75 and the rules thereto)	<input type="checkbox"/>	DA 185 4B7	Distributor of Fuel – (Section 64F and the rules thereto)	<input type="checkbox"/>
DA 185 4A4 & DA46A1.03	Manufacturer – (Section 46)	<input type="checkbox"/>	DA 185 4B8	Special Ad Valorem Manufacturing Warehouse – (Section 36A and the rules thereto)	<input type="checkbox"/>
DA 185 4A5	Special Manufacturing Warehouse: APDP (Item 317.03 of Part 1 of Schedule No.3)	<input type="checkbox"/>	DA 185 4B9	Storage Warehouse (Customs Controlled Area Enterprise) – (Sections 19A, 21, 21A and Rule 21A.10)	<input type="checkbox"/>
DA 185 4A6	Electronic User – (Section 101A and the rules thereto)	<input type="checkbox"/>	DA 185 4B10	Manufacturing Warehouse (Customs Controlled Area Enterprise) – (Sections 19A, 21A, 27 and Rule 21A.10)	<input type="checkbox"/>
DA 185 4A7 & Form DA 46A.02	Producer for SADC, SADC-EPA, SACU/EFTA, SACU/MERCOSUR, AfCFTA, SACUM-UK EPA and GSP – (rule 59A.01, rules 49A, 49B, 49D, 49E, 49F, 49G and 46A2.18)	<input type="checkbox"/>	DA 185 4B11	Distillation of spirits by an agricultural distiller (Section 62 and rule 63.07)	<input type="checkbox"/>
DA 185 4A9	Non-commercial manufacturer of biodiesel – (Section 37B and rule 37B.02(a))	<input type="checkbox"/>	DA 185 4B12	To own, possess or keep stills (Section 63 and rule 116.01)	<input type="checkbox"/>

DA 185 4A10	Manufacturer in terms of drawback items 501.00 to 521.00 (Note 2(a) to Part 1 of Schedule No. 5)	<input type="checkbox"/>	DA 185 4B13	To manufacture or import stills for sale or to repair stills for reward (rule 63.01)	<input type="checkbox"/>
DA185 4A11	Special Economic Zone Operator and/or designation of a Customs Controlled Area (CCA) – (Sections 21A and rule 21A.04)	<input type="checkbox"/>	DA 185 4B14	Degrouping depot (Section 64G and rules thereto)	<input type="checkbox"/>
DA 185 4A12	Electricity Producer – (rule 54FA.04)	<input type="checkbox"/>	DA 185 4B15	Searching wreck or searching for wreck (Section 64C and rule 64C.01)	<input type="checkbox"/>
DA 185 4A13	Registered Agent (rule 59A.01A)	<input type="checkbox"/>	DA 185 4B16	Container depot (Section 64A and rule 64A.01)	<input type="checkbox"/>
DA 185 4A14	Registered Still (rule 63.04)	<input type="checkbox"/>			
DA 185 4A15	Manufacture of excisable goods solely for own use by the manufacturer (Section 116 and rule 116.01)	<input type="checkbox"/>			
DA 185 4A16	Non-commercial manufacturer of sugary beverages (Section 59A and Rule 54I.03)	<input type="checkbox"/>			
DA 185.4A17	Tobacco leaf dealer (Section and rule 107A)	<input type="checkbox"/>			
DA 185 4A18	To be in possession or control of and to use goods consisting of a mixture which includes marked goods (Section 37A(9) and rule 37A.12)	<input type="checkbox"/>			
DA 185 4A19	Supply of aviation kerosene and / or aviation spirit (Items 460.05 / 496.00 or 623.11 / 671.01)	<input type="checkbox"/>			
DA 185 4A20	Producer of goods not capable of use in any engine (Section 37A(4) and rule 37A.11)	<input type="checkbox"/>			
DA 185.4A21	Seller of eligible purchases of distillate fuel to diesel refund users (Section 59A, rule 59A.01A and rule 75.25.02)	<input type="checkbox"/>			
DA 185.4A22	Diesel refund user under the diesel refund scheme (Section 75(1A) and rule 75.25.03)	<input type="checkbox"/>			

DA 185 C	Security Particulars	<input type="checkbox"/>
DA 185 D	Disclosure of registered agent by importer, exporter, or remover of goods in bond or searcher for wreck not located in the Republic (rule 59A.01A(b)(iii) and Section 64D.01)	<input type="checkbox"/>

12. INFORMATION REGARDING CONTRAVENTIONS AND OTHER MATTERS

Please indicate whether during the preceding five years, the applicant or an employee of the applicant in a managerial position, or if the applicant is a juristic entity, a director, administrator or trustee or other person managing the entity-			
(a) Has contravened or failed to comply with the provisions of the Act	Yes:		No:
(b) Has failed to comply with any condition, obligation or other requirement imposed by the Commissioner in respect of a registration or licence*	Yes:		No:
(c) Has been convicted of any offence under the Act	Yes:		No:
(d) Has been convicted of any offence involving fraud or dishonesty	Yes:		No:
(e) Has made any false or misleading statement in any material respect or omitted to state any material fact which was required to be stated in any application for registration or licensing or for any other purpose under the Act	Yes:		No:
(f) Has been declared insolvent or in liquidation	Yes:		No:
Note: • If the answer is "yes" to any of the above questions, full details must be furnished on a separate page and attached to the application. • Any applicant may, where it is contended in respect of paragraphs (a) and (b) that the contravention or failure was inadvertent, without fraudulent intent or gross negligence, include a submission to this effect which should be furnished on a separate page and attached to the application.			

13. INFORMATION REGARDING TAX COMPLIANCE

Indicate whether the applicant -

(a) owes SARS any of the following for which the applicant is liable in terms of this Act or any other tax law: Outstanding-				
(i) taxes	Yes:		No:	
(ii) interest	Yes:		No:	
(iii) penalties	Yes:		No:	
(iv) other amounts	Yes:		No:	
(b) has any outstanding tax returns or other documents that must be submitted for tax purposes to SARS in terms of this Act or any other tax law	Yes:		No:	

14. DOCUMENTS IN SUPPORT OF APPLICATION

An application must, unless otherwise stated in the specific Annexure, be supported by the following documents to be submitted to the customs authority on request:

- (a) A document confirming the banking details of the bank account referred to in box 6, which can be –
 - (i) A bank certified original bank statement or a legible bank certified copy of an original bank statement;
 - (ii) a bank certified auto bank statement; or
 - (iii) an original letter from the bank on an official bank letterhead;
- (b) the original or a certified copy of—
 - (i) a municipal account, fixed line telephone or cellular phone account or any other monthly account or statement (for example, if appropriate in the circumstances, a co-operative statement for farmers, medical aid statement, mortgage statement, SABC television licence documents, eToll account, major retail accounts) issued to the applicant that can confirm physical address of the applicant, if the applicant is located in the Republic; and
 - (ii) a telephone or cellular phone account issued to the applicant to confirm the applicant's telephone or cellular phone contact details;
- (c) if the applicant is a juristic entity, a certified copy of the founding document or any certificate issued in terms of the laws of the Republic or of another country certifying that the applicant is incorporated, registered or recognised in terms of the laws of the Republic or that other country;
- (d) a certified copy of the identification document or passport proving identity and citizenship—
 - (i) if the applicant is a natural person, of the applicant;
 - (ii) if the applicant is a juristic entity, of the directors, members, partners, trustees, administrator, chairperson, manager, as the case may be, of the applicant; and
 - (iii) the authorised officer of the applicant, if not already provided under (ii);
- (e) a certified copy of the court order in the case of the applicant being an emancipated minor;
- (f) if the applicant applies for registration as an agent for a non-local licensee or registered person, a certified copy of the agency contract between the applicant and the non-local licensee or registered person;
- (g) a certified copy of the document authorising a person to act as authorised officer on behalf of the applicant;
- (h) if applicable, documents evidencing that the applicant has in place—
 - (i) an information security policy and security procedures or mechanisms to protect the applicant's electronic systems from unauthorised access; and
 - (ii) procedures and back-up capabilities to protect it against the loss of information; and
- (i) any other document as the Commissioner may require for purposes of the application or for purposes of an update of information already submitted.

15. CONSENT BY THE APPLICANT FOR INFORMATION SHARING WITH OTHER GOVERNMENT AGENCIES (Applicable only to Importers and Exporters)

Does the applicant consent as contemplated in section 4(3D) of the Customs and Excise Act, 1964, that bill of entry information and supporting documents may be shared with other government agencies

Yes ☐

No ☐

*Please note that withholding consent will have the effect that the applicant will not be able to take advantage of the benefits associated with the electronic exchange of information with a government agency with whom this capability has been developed. Applicants who do not consent will have to follow the manual process of submitting bill of entry information and supporting documents to the government agency with whom this capability has been developed. An applicant may revoke consent to share information at any time after it has been given, but such revocation of

consent will not affect any bill of entry of which the processing has commenced under the consent nor any VOC associated with that bill of entry. Provided that where a new applicant submits a VOC associated with that bill of entry the new applicant's consent at the time of the submission of the VOC will determine if information may be shared.

16. DECLARATION BY APPLICANT OR AUTHORISED OFFICER ON BEHALF OF APPLICANT THAT IS A JURISTIC PERSON

I hereby-

- (a) declare that the particulars in the application and all annexures are true and correct; and
 (b) undertake to-
- (i) inform the SARS promptly in accordance with the rules of any changes in the particulars furnished in the application; and
 - (ii) comply with customs and excise laws and procedures.

 (Initials and surname)

 (Status / Capacity, e.g. Director)

 (Signature)

 (Date & Place)

17. FOR OFFICIAL USE ONLY

I, _____ Team Member, Office hereby certify /
 at _____ confirm
Full name and surname Branch Office name

that the applicant (or authorised officer) /
 representative*:

- Visited this office in person;
- Is in fact the person reflected on his/her identification document/passport*; and
- Is the person as is reflected on the letter of authority (where applicable).

Team Member: SID

Team Member: Signature

Date

I, _____ Team Leader, at Office hereby certify /
 _____ confirm
Full name and surname Office name

that the applicant / representative*:

- Visited this office in person;
- Is in fact the person reflected on his/her identification document/passport*; and
- Is the person as is reflected on the letter of authority (where applicable).

Team Leader: SID

Team Leader: Signature

Date



ANNEXURE DA 185.4A3

REGISTRATION CLIENT TYPE 4A3 - REBATE / REFUND USER (Schedule No's 3, 4 and 6)

Notes:

- It is the responsibility of the importer / rebate / refund user to ensure that the tariff headings of the goods in question are correct and that the goods comply with the terms of the rebate / refund item concerned. See the SARS website (www.sars.gov.za) or make enquiry through the SARS contact centre at 0800 00 7277 to access details on the relevant Schedules to the Act. Should there be any doubt, the importer / rebate / refund user should apply for a formal tariff determination on form DA 314.
- The information required in respect of each business premises / rebate store / manufacturing premises must be furnished separately for each such premises on an addendum which must be attached to form DA185.4A3.

1. Trading Particulars:

Please supply all trade names and physical addresses if the business is conducted from a different address or under a different name as that stated in container 5 of the application form (DA 185).

Trade name of business:	
Physical address of business premises / rebate store / manufacturing premises:	
Street name and number:	
Building name and floor number:	
Suburb/District:	
City/Town:	
Street code:	
Web address:	
Will customs and excise transactional documents be kept at this location:	Yes: <input type="checkbox"/> No: <input type="checkbox"/>
Schedule No. 3 <input type="checkbox"/>	Schedule No. 4 <input type="checkbox"/> Schedule No. 6 <input type="checkbox"/>

2. Manufacturing Process & Materials / Goods Used:

Please give a short description of the manufacturing process and how the raw materials / goods in respect of each applicable rebate / refund item(s) will be used:

Rebate / Refund item(s)	Tariff subheading(s) / item(s)	Rebate Code	Description of raw material / good to be used	Estimated quantity of raw material / good to be used per annum (kg / litre)
(1)				
(2)				
(3)				
(4)				
(5)				
(6)				
(7)				

3. Compensating (Finished) Product Particulars:

Please state the tariff subheading(s) / item(s) and give the description for the finished products:

Tariff subheading(s) / item(s)	Description	Expected yield or ratio of final product from raw material / good to be used (per volume / number)
(1)		
(2)		
(3)		
(4)		
(5)		
(6)		
(7)		

4. Further Particulars:

Please state the Duty limit and VAT limit if applicable:

(a) Duty limit	R
(b) VAT limit	R

5. Supporting documents in support of application:

In addition to the relevant documents listed in container 14 of form DA 185:

- Department of Trade and Industry permit if applicable
- Detailed floor plan of manufacturing premises if applicable

FOR OFFICIAL USE														
File Number:														
District office:														

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