
DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT**NO. R. 4132****1 December 2023****MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996 (ACT NO. 47 OF 1996)****ESTABLISHMENT OF STATUTORY MEASURE: RECORDS AND RETURNS RELATING TO
PECAN NUT TREES AS WELL AS DOMESTIC PRODUCTION, PROCESSING, IMPORTS
AND EXPORTS OF PECAN NUTS AND PECAN NUT PRODUCTS**

I, 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 establish the statutory measure set out in the Schedule.

(MS) A.T. DIDIZA, (MP)

MINISTER OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

SCHEDULE

Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

2. The purpose and aims of the statutory measure is to compel the parties set out herein to keep records and render returns to the South African Pecan Nut Producers Association NPC (SAPPA). This is necessary to ensure that continuous, timeous and accurate information relating to the products as defined, is available to all role players. Market information is deemed essential for all role players in order for them to make informed decisions. By prescribing the keeping of records with the rendering of returns on an individual basis, market and production information for the pecan nut industry can be processed and disseminated.

The establishment of the measure will assist in promoting the efficiency of the marketing of products. The viability of the pecan nut industry should thus be enhanced. The measure will not be detrimental to the number of employment opportunities or fair labour practice. Any information obtained will be dealt with in a confidential manner and no sensitive or

potentially sensitive client-specific information will be made available to any party without the prior approval of the party whose rights may be affected.

The measure will be administered by SAPPA, a non-profit company established in terms of the Companies Act (as amended), 2008 (Act 71 of 2008). SAPPA will implement and administer the measure as set out in the Schedule.

Products to which statutory measure applies

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

Area in which measure shall apply

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

Records to be kept and returns to be rendered

5. (1) All producers, processors, importers and exporters of pecan nuts and pecan nut products as well as growers of pecan nut trees shall keep such records and render the returns as may be required by SAPPA relating to:
 - (a) The number of pecan nut trees supplied to producers;
 - (b) The volume of pecan nuts and/or pecan nut products produced;
 - (c) The volume of pecan nuts and/or pecan nut products imported and/or exported;
and
 - (d) The volume of pecan nuts and/or pecan nut products processed by processors.
- (2) No records or returns shall be required in terms of this measure which disclose confidential information of a marketing nature, and in particular, no returns disclosing, inter alia, contracting parties; purchasers of pecan nuts products; prices of services or the prices obtained for product, or any similar information, shall be required to be furnished.
- (3) The National Department of Agriculture, Land Reform and Rural Development or its assignee shall render a copy of all export certificates or furnish the information required by SAPPA contained in such certificates within the period specified in sub-clause (4)
- (4) The records referred to in sub-clause (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.
- (5) The returns referred to in sub-clause (1) shall be rendered on forms obtainable free of charge for this purpose from SAPPA within fifteen (15) days after the end of the month in which the returns have been requested.
 - (a) be submitted, when forwarded by post, to –

SAPPA
PO Box 163
PAARL
7620

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

SAPPA
258 Main Street
PAARL
7646

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

021 870 2915

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

admin@sappa.za.org

Commencement and period of validity

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

DEPARTEMENT VAN LANDBOU, GRONDHERVORMING EN LANDELIKE ONTWIKKELING

NO. R. 4132

1 Desember 2023

WET OP DIE BEMARKING VAN LANDBOUPRODUKTE, 1996 (WET NO. 47 VAN 1996)**INSTELLING VAN 'N STATUTÊRE MAATREËL: AANTEKENINGE EN OPGAWES MET
BETREKKING TOT PEKANNEUT BOME, PLAASLIKE PRODUKSIE, VERWERKING, INVOER
EN UITVOER VAN PEKANNEUTE EN PEKANNEUTPRODUKTE**

Ek, Thoko Didiza, Minister van Landbou, Grondhervorming en Landelike Ontwikkeling, stel hiermee in terme van artikels 13 en 18 van die Wet op die Bemarking van Landbouprodukte, 1996 (Wet No. 47 van 1996), die statutêre maatreël in soos uiteengesit in hierdie Bylae.

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

BYLAE**Definisies**

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

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

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

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

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

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

“**Pekanneutkerns**” beteken uitgedopte pekanneute;

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

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

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

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

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

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

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

Die instel van die maatreël sal die doeltreffendheid van die bemarking van pekanneute en pekanneutprodukte bevorder en verbeter. Die lewensvatbaarheid van die pekanneutbedryf sal derhalwe verbeter word. Die maatreël sal nie nadelig op werksgeleenthede en regverdige arbeidspraktyke inwerk nie. Enige inligting wat op hierdie wyse verkry word sal vertroulik hanteer word en geen sensitiewe of potensieel sensitiewe kliënt spesifieke inligting sal aan enige party beskikbaar gemaak word sonder die vooraf goedkeuring van daardie partye wie se regte in enige mate geraak kan word nie.

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

Produkte waarop die statutêre maatreëls van toepassing is

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

Area waarin die maatreëls toegepas sal word

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

Aantekeninge en opgawes wat gelewer moet word

5. (1) Alle produsente, verwerkers, invoerders, uitvoerders en kwekers moet vir elke kalendermaand volledige aantekeninge hou en opgawes indien soos deur SAPPA verlang in verband met -
 - a) Die aantal pekanneutbome verkoop;
 - b) Die volume van pekanneute en pekanneutprodukte geproduseer; en
 - c) Die volumes van pekanneute en pekanneutprodukte ingevoer en/of uitgeoer; en
 - d) Die volumes van pekanneute en pekanneutprodukte verwerk.
- (2) Geen aantekeninge of opgawes sal in terme van hierdie maatreël verlang word wat enigsins vertroulike inligting van 'n bemarkingsaard, en spesifiek sal geen inligting wat onder andere kontrakterende partye, kopers van pekanneutprodukte, koste van dienste, die pryse van produkte, of enige soortgelyke inligting, verlang word nie.
- (3) Die Departement van Landbou, Bosbou en Visserye of sy agent sal 'n afskrif van alle uitvoer sertifikate en ander inligting wat in sodanige sertifikate vervat is en deur SAPPA verlang word, voorsien binne die periode soos gespesifiseer in sub-klousule (4).
- (4) Die aantekeninge soos verwys na in sub-klousule (1) sal –
 - (a) vasgelê word per rekenaar of met ink in 'n boek;
 - (b) gehou word by die geregistreerde perseel van die persoon van wie dit verlang word om sodanige aantekeninge te hou vir 'n periode van drie jaar.
- (c) Die opgawes waarna verwys word in sub-klousule (1), sal ingedien word op vorms wat gratis by SAPPA verkry kan word binne vyftien (15) dae na die einde van die maand waarin die opgawes aangevra is.

a) ingedien word, wanneer aangestuur word per pos, na –

Posbus 163
PAARL
7620

(1) wanneer per hand besorg word, afgelewer word by –

SAPPA
Hoofstraat 258
PAARL
7646

(2) wanneer per telefaks gestuur word, geadresseer aan –

012 870 2915

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

admin@sappa.za.org

Inwerkingtreding en periode van toepassing

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