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DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. R. 2161

17 June 2022

MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996 (ACT NO. 47 OF 1996)**ESTABLISHMENT OF STATUTORY MEASURE: RECORDS AND RETURNS
IN RESPECT OF WEEKLY MAIZE, WHEAT, SOYBEANS AND SUNFLOWER SEED
PRODUCER DELIVERIES**

I, Thoko Didiza, Minister of Agriculture, Land Reform and Rural Development, acting in terms of sections 13, 18 and 19 of the Marketing of Agricultural Products Act, 1996 (Act No 47 of 1996), hereby establish the statutory measure set out in the Schedule.


MRS ANGELA THOKOZILE DIDIZA
MINISTER FOR 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 –

"commercial purposes" means where an income, remuneration or benefit is obtained;

"end-consumer" means a person who consumes or processes maize, wheat, soybeans and sunflower seed for commercial purposes, but who does not sell any resulting product;

"exporter" means a person who exports maize, wheat, soybeans and sunflower seed from South Africa, and this includes a person who administrates or handles the exports in the name of or on behalf of another person;

"handle" means to receive maize, wheat, soybeans and sunflower seed;

"maize" means the threshed and unthreshed product of plants of *zea mays indentata*, *zea mays indurata* and *zea mays ceratina* or one of more of the hybrids of these;

"premises" means premises where locally produced maize, wheat, soybeans and sunflower seed and of which the person referred to is the owner or lessee or otherwise has control, and where such person has more than one such premises, it shall include all such premises;

"processor" means a person who mills, crushes, grinds to grits or otherwise processes maize, wheat, soybeans and sunflower seed, in any manner whatsoever, for the manufacture of maize, wheat, soybeans and sunflower seed products with the aim of selling the resultant product;

"SAGIS" means the South African Grain Information Service NPC, a non-profit company as defined in the Companies Act, 2008, originally incorporated under section 21 of the Companies Act, 1973 (Act no. 61 of 1973)

"storer" means a person with storage facilities where maize, wheat, soybeans and sunflower seed is handled commercially;

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

"wheat" means the kernels of the species *Triticum aestivum*, *Triticum durum*, *Triticum turgidum* and *Triticum polonicum*;

"white maize" means maize of which the endosperm has a white colour by nature; and

"yellow maize" means maize of which the endosperm has a yellow colour by nature.

"soybeans" means the seed of the soya bean plant, *Glycine soya*;

"sunflower seed" means the seed of the sunflower plant *Helianthus annuus*;

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

2. The aim and objectives of this statutory measure are to compel any person directly and indirectly involved in receiving maize, wheat, soybeans and sunflower seed directly from a farm of a producer on his premises (e.g. end-consumers, storers, exporters, processors, including any person, e.g. a producer, trader, transporter, agent, etc. who acts in the capacity of the aforementioned persons) of maize, wheat, soybeans and sunflower seed to keep records and submit returns to SAGIS. The statutory measure is deemed necessary in order to ensure that accurate producer deliveries information in respect of maize, wheat, soybeans and sunflower seed is made available more frequently to all role-players and decision makers in the grain industry.

This statutory measure is deemed necessary to:

- Obtain complete and reliable information; and
- Assist the more efficient and effective planning, risk management and marketing of maize, wheat, soybeans and sunflower seed for food security.

SAGIS was specifically established for the purpose of handling information gathering, processing and dissemination on behalf of the various cereal and oil seed industries in South Africa. This statutory measure will be administered by SAGIS but as a task separate to its main task of monthly national marketing information and will be made available to the marked unverified.

SAGIS publishes macro grain and oilseeds producer delivery information on a regular basis for the grain industry and other interested parties. This information is obtained and furnished from the

returns submitted to SAGIS. The information gathered by SAGIS by means of records and returns is available free of cost on SAGIS's website. This allows interested parties access whenever they need the information.

Product to which statutory measure applies

3. This statutory measure shall apply to maize, wheat, soybeans and sunflower seed locally produced.

Area in which statutory measure applies

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

Records to be kept by end-consumers, storers, exporters (with or without premises) and processors of maize, wheat, soybeans and sunflower seed

5. (1) Each end-consumer, storer, exporter, trader (with or without premises) and processor of maize, wheat, soybeans and sunflower seed shall keep complete records for each week (Saturday to Friday) in respect of maize, wheat, soybeans and sunflower seed received directly from a farm of a producer by him. These shall also include any person, e.g. a producer, trader, transporter, agent, etc. who acts in the capacity or on behalf of the aforementioned persons.

(2) Each person mentioned in sub clause (1), irrespective of whether or not he has premises, shall keep the following records:

(a) Producer deliveries of maize, wheat, soybeans and sunflower seed, records shall be kept of:

(i) Name and address of producer.

(ii) Quantity of maize, wheat, soybeans and sunflower seed delivered to him directly from a farm of a producer.

(3) Records mentioned in sub clauses (1) to (2) shall be –

- (a) kept separately in respect of white maize, yellow maize, wheat, soybeans and sunflower seed;
- (b) recorded on a computer or in ink in a book; and
- (c) kept at the head office or usual place of business of the person who is required to keep it for a period of at least four years after the end of the period in respect of which such records were kept.

Returns to be submitted by end-consumers, exporters with premises and processors of maize, wheat, soybeans and sunflower seed

6. (1) Every end consumer, storer, exporter, trader (with or without premises) and processor of maize, wheat, soybeans and sunflower seed shall, before 12:00, on a Monday of every week, or in the case of public holidays on a Monday, the first working day of the week, submit to SAGIS an accurate return in respect of his maize, wheat, soybeans and sunflower seed producer deliveries. These shall also include any person, e.g. a producer, agent, trader, transporter etc. who acts in the capacity of the aforementioned persons.
- (2) The returns, as available at SAGIS' offices, shall be submitted for the physical producer deliveries that realised during the period stated in clause 5(1).
- (3) The return shall be transmitted electronically to:
The fax number or e-mail address as furnished on the official return forms or as specifically requested by SAGIS.
- (4) The return shall be transmitted electronically to reach the General Manager of SAGIS before or on the deadline date as mentioned in sub-clauses (1) and (2)(a).
- (5) A zero return shall be submitted if no maize was handled / produced during the period of the return.

Commencement and period of validity

7. This statutory measure shall come into operation on the date of publication hereof and shall lapse on 30 April 2024.