

DEPARTMENT OF AGRICULTURE

No. 605

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

ESTABLISHMENT OF STATUTORY MEASURE: RECORDS AND RETURNS
IN RESPECT OF MAIZE AND WHEAT IMPORTS AND EXPORTS

I, Lulama Xingwana, Minister of Agriculture, acting in terms of 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.

L XINGWANA
Minister of Agriculture

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 and/or wheat (directly imported or locally produced maize and/or wheat) for commercial purposes, but who does not sell any resulting product;

"exporter" means a person who exports maize and/or wheat 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, store or dispatch maize and/or wheat for imports and/or exports;

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

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

"premises" means premises where locally produced or imported maize and/or wheat is handled for exports and/or imports 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 and/or wheat, in any manner whatsoever, for the manufacture of maize and/or wheaten 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)

Commented [SN1]: GG39627 No.R.68 published
2016/01/29

"storer" means a person with storage facilities where maize and/or wheat is handled commercially for import and/or export purposes;

"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.

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 imports and/or exports (e.g. end-consumers, importers, 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 and/or wheat to keep records and submit returns to SAGIS. The statutory measure is deemed necessary in order to ensure that accurate import and export information in respect of maize and/or wheat 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 and/or wheat 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.

SAGIS publishes macro maize and wheat import and export 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 whole maize and whole wheat locally produced or imported but shall exclude maize seed and wheat seed destined for planting purposes and exclude maize products and wheaten products imported and/or exported.

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, importers, storers, exporters and processors of maize and/or wheat

5. (1) Each end-consumer, importer, storer, exporter and processor of maize and/or wheat shall keep complete records for each week (Saturday to Friday) in respect of maize and/or wheat imported or exported 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) Imports- in respect of imported maize and/or wheat, records shall be kept of:
 - (i) Name and address of importer and/or person on whose behalf imports are made.
 - (ii) Quantity of maize and/or wheat imported per country of origin.
 - (iii) Quantity of imported maize and/or wheat destined for:
 - (aa) consumption in South Africa.

- (bb) exports per country of destination in Africa.
 - (cc) exports per country of destination overseas.
 - (iv) Name of border post through which maize and/or wheat was imported.
 - (v) Name and address of the first premises where maize and/or wheat, imported through a border post, was handled.
 - (vi) Name of harbour and owner of harbour premises where the imported maize and/or wheat was handled.
 - (vii) Name and particulars of the vessel in which maize and/or wheat was imported.
- (b) Exports- in respect of maize and/or wheat that is exported, records shall be kept in respect of:
- (i) Name and address of the exporter and/or the person on behalf of whom the export took place.
 - (ii) Quantity of maize and/or wheat exported per country of origin namely:
 - (aa) Produced in South Africa.
 - (bb) Imports per country of origin in Africa. (cc) Imports per country of origin overseas.
 - (iii) Quantity of maize and/or wheat exported per land of intended destination.
 - (iv) Name and address of the last premises from where maize and/or wheat was dispatched to a border post.
 - (v) Name of border post through which maize and/or wheat was exported.

- (vi) Name of harbour and owner of harbour premises where the exported maize and/or wheat was handled.
- (vii) Name and particulars of the vessel in which maize and/or wheat was exported.

(2)(i) Each person mentioned in sub-clause (1), irrespective of whether or not he has premises, shall keep the following records in addition to the records required in terms of sub-clause 5(2):

(a) Imports - in respect of maize that is intended to be imported, records shall be kept of:

(i) Name and address of importer or person on whose behalf imports are intended to be made.

(ii) Quantity of maize intended to be imported per country of origin.

(iii) Quantity of maize intended to be imported that is destined for –

(aa) consumption in South Africa;

(bb) export to Africa, per country of destination;

(cc) export overseas, per country of destination.

(iv) Name and particulars of the vessel in which a quantity of maize is intended to be imported.

(v) Name of border post through which a quantity of maize is intended to be imported.

(vi) Name and address of the first premises where maize intended to be imported through a border post is to be stored or handled.

(vii) Name of harbour and owner of harbour premises through which maize is intended to be imported.

(b) Exports - in respect of maize that is intended to be exported, records shall be kept in respect of:

(i) Name and address of the exporter and the person on behalf of whom the export is intended to take place.

(ii) Quantity of maize intended to be exported per country of destination or intended destination.

(iii) Quantity of maize intended to be exported per country of origin –

(aa) Produced in South Africa;

(bb) Imported from a specific country in Africa;

(cc) Imported from a specific country overseas.

(iv) Name of border post through which a quantity of maize is intended to be exported.

(v) Name and address of the last premises from where maize is intended to be dispatched to a border post for export.

(vi) Name of harbour and owner of harbour premises where the maize is intended to be handled for export.

(vii) Name and particulars of the vessel in which a quantity of maize is intended to be exported.

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

(a) kept separately in respect of white and yellow maize and/or wheat;

(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.

Commented [SN2]: GG41633 No.R503 published 2018/05/18

Returns to be submitted by end-consumers, importers, storers, exporters and processors of maize and wheat

6. (1) Every end-consumer, importer, storer, exporter and processor of maize and/or wheat shall, before noon, 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 and/or wheat imports and/or exports. 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 exports and imports that realised during the period stated in clause 5(1).
- (a) Every importer and exporter of maize shall, in addition to the return as required in terms of clause 6(1) above, each Monday before 12:00 submit to SAGIS an accurate prescribed return containing all the required information pertaining to maize that is intended to be imported or exported: Provided that –
- (i) In the case of imports, the quantity of maize to be imported is to be declared eight weeks prior to the date on which the vessel transporting the maize to be imported is expected to arrive in South Africa; and
- (ii) In the case of exports, the quantity of maize to be exported is to be declared eight weeks prior to the date on which the vessel transporting the maize to be exported is expected to depart from South Africa.
- (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, imported or exported during the period of the return, or is intended to be imported or exported within a period of eight weeks from the date of submission 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 2020.

Commented [SN3]: 1. GG34652 No.R826 published 2011/10/07
2. GG39627 No.R.68 published 2016/01/29