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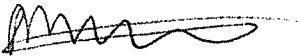
4 June 2008

MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996

(ACT No. 47 OF 1996)

**ESTABLISHMENT OF STATUTORY MEASURE - RECORDS AND RETURNS IN RESPECT OF
MAIZE, OILSEEDS, SORGHUM AND WINTER CEREAL**

I, Lulama Xingwana, Minister of Agriculture, 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.



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 –

“canola” means the seed of the rapeseed plant *Brassica Napus* and *B. campestris*;

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

“end-consumer” means a person who consumes or processes grain or oilseeds for commercial purposes, but who does not sell any resulting product;

“exporter” means a person who exports grain or oilseeds from South Africa, and includes a person who arranges or handles the exports in the name of or on behalf of another person;

“grain” means maize, sorghum and winter cereal;

“groundnuts” means the underground fruit of the groundnut plant *Arachis hypogaeae*;

“handle” means receive, store, dispatch or process;

“importer” means a person who imports grain or oilseeds into South Africa, and includes a person who arranges or handles the imports in the name of or on behalf of another person;

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

"oilseeds" means canola, groundnuts, soybeans or sunflower seed;

"premises" means premises where locally produced or imported grain or oilseeds is handled and of which the person referred to is the owner or renter or otherwise has control, and where such person has more than one such premises, it shall include all such premises;

"processor" means any person who processes grain or oilseeds, in any manner or process whatsoever, to manufacture maize products, oilseed products, sorghum products or winter cereal products, including bio-fuel and drinking alcohol, with the aim of selling the resultant product;

"producer" means a person involved in the production of grains or oilseeds;

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

"sorghum" means the threshed ripe seed of plants *Sorghum bicolor (L.) Moench*;

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

"storer" means a person with storage facilities where 500 tons and more grain or oilseeds can be handled for commercial purposes;

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

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

"winter cereal" means wheat, barley and oats;

"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 purpose and aims of this statutory measure are to compel end-consumers, importers, storers, exporters and processors of grain or oilseeds to keep records and furnish returns to SAGIS. These shall also include any person e.g. a producer who acts in the capacity of the aforementioned persons. The statutory measure is deemed necessary in order to ensure that market information in respect of grain and oilseeds is made available for all role-players in the relevant industry. Information gathered by SAGIS by means of records and returns is disseminated freely in the market place. Through the mandatory submission of monthly returns on an individual basis, market information for the whole of the country can be processed and disseminated in the marketplace.

This statutory measure will not only assist in improving market access for all market participants, but it should also assist in promoting the efficiency of the marketing of grain and oilseeds. Furthermore, the market information obtained in this manner, will promote the viability of the grain and oilseeds industries and the agricultural sector at large.

The statutory measure is administered by SAGIS. SAGIS was specifically established for the purpose of handling information gathering, processing and dissemination on behalf of the various grain and oilseeds industries in South Africa.

SAGIS publishes macro generic market information on a monthly basis for the grain and oilseeds industries and other interested parties. This information is obtained and furnished from the returns submitted to SAGIS. The information is published in a manner that is suitable to reach the majority of the role-players in the grain and oilseeds industries.

Product to which statutory measure applies

3. This statutory measure shall apply to:

- (a) maize, but shall exclude maize seed destined for planting purposes, maize on the cob for human consumption and maize used for silage;
- (b) sorghum but not seed sorghum or sorghum utilised as silage;
- (c) oilseeds; and
- (d) winter cereal.

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, oilseeds, sorghum and winter cereal

5. (1) Each end-consumer, importer, storer, exporter and processor of grain and oilseeds shall keep complete records for each calendar month in respect of grain and oilseeds handled, imported or exported by him. These shall also include any person e.g. a producer who acts in the capacity of the aforementioned persons.

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

- (a) Opening stock- the opening stock of all grain or oilseeds physically on his premises on the first day of a calendar month.
- (b) Producer deliveries- all grain or oilseeds received direct from the farm of a producer on his premises according to province of production.
- (c) Imports- in respect of imported grain or oilseeds, records shall be kept of:
 - (i) Name and address of importer and person on whose behalf imports are made;
 - (ii) Quantity of grain or oilseeds and barley equivalent of barley malt imported per country of origin;
 - (iii) Name and particulars of the vessel in which a quantity of grain or oilseeds was imported;
 - (iv) Name of border post through which a quantity of grain or oilseeds was imported;
 - (v) Name and address of the first premises where grain or oilseeds imported through a border post was handled;
 - (vi) Name of harbour and owner of harbour premises where the imported grain or oilseeds was handled;

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- (vii) Quantity of imported grain or oilseeds destined for:
 - (aa) consumption in South Africa;
 - (bb) exports per country of destination;

 - (d) Other receipts- all grain or oilseeds received at the premises other than grain or oilseeds already declared above as producer deliveries and imports, including records of the name of the consigner and address of the premises from where the grain or oilseeds was dispatched as well as the mass of the grain or oilseeds received;

 - (e) Grain or oilseeds processed- all grain or oilseeds processed on his premises, including separate records in respect of all quantities of grain or oilseeds processed:
 - (i) For exports.

 - (ii) For consumption in South Africa separately in respect of maize for:
 - (aa) human consumption (including drinking alcohol);
 - (bb) animal consumption;
 - (cc) industrial consumption; and
 - (dd) bio-fuel.

 - (iii) For consumption in South Africa separately in respect of sorghum for:
 - (aa) indoor malting process;
 - (bb) floor malting process;
 - (cc) meal market (including drinking alcohol);
 - (dd) rice and grits market - brew;
 - (ee) rice and grits market – consumers;
 - (ff) pet food market;

- (gg) poultry feed market;
 - (hh) livestock feed market; and
 - (ii) bio-fuel.
- (iv) For consumption in South Africa separately in respect of oilseeds for:
- (aa) human consumption (canola excluded);
 - (bb) animal consumption;
 - (cc) oil and oil cake (including oil destined for bio-fuel);
 - (dd) direct edible market (groundnuts);
 - (ee) peanut butter market; and
 - (ff) groundnut pods.
- (v) For consumption in South Africa separately in respect of winter cereal for:
- (aa) human consumption (including drinking alcohol);
 - (bb) animal consumption; and
 - (cc) bio-fuel.
- (f) Gristing- all maize or winter cereal processed on his premises in the name of or on behalf of producers or other clients;
- (g) Seed for planting purposes – all oilseeds or winter cereal dispatched from his premises for planting purposes;
- (h) Grain and oilseeds dispatched to end-consumers- all grain or oilseeds dispatched from his premises to end-consumers, including separate records of the name and address of the premises of the end-consumer, as well as the mass of the grain or oilseeds dispatched;

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- (i) Withdrawn by producers- all grain or oilseeds withdrawn from his premises by producers for their own purposes;
- (j) Exports- in respect of grain or oilseeds that is exported, records shall be kept of:
- (i) Name and address of exporter and the person on behalf of whom the export takes place;
 - (ii) Quantity of grain and oilseeds or the equivalent of grain and oilseeds in a processed form exported per land of intended destination;
 - (iii) Name of border post through which a quantity of grain or oilseeds is exported;
 - (iv) Name and address of the last premises where grain or oilseeds was dispatched to a border post;
 - (v) Name of harbour and owner of harbour premises where the exported grain or oilseeds was handled;
 - (vi) Name and particulars of the vessel in which a quantity of grain or oilseeds is exported;
- (k) Other local dispatches- records shall be kept of all grain or oilseeds dispatched to other premises than those mentioned in (h), (i) and (j), including separate records of the name of the person and the address of the premises to which the grain or oilseeds was dispatched, as well as the mass of the grain or oilseeds dispatched;
- (l) Closing stock- the closing stock of all grain or oilseeds physically on his premises on the last day of a calendar month;

- (m) In transit- all grain or oilseeds dispatched from elsewhere, but not received on his premises on the last day of a relevant calendar month;
- (n) Storage on producer's farm- the quantity of grain or oilseeds that is in a storage facility on the producer's farm on the last day of a calendar month and of which the full ownership has already passed on to the keeper of the records.

(3) The records referred to in subclauses (1) and (2) shall be --

- (a) kept separately in respect of:
 - (i) white and yellow maize;
 - (ii) sweet and bitter sorghum;
 - (iii) choice, sundries and crushing grade groundnuts;
 - (iv) human and feed winter cereal.
- (b) recorded on a computer or in ink in a book; and
- (c) kept at the head office or usual place of business of the person who is required to keep them for a period of at least four years after the end of the period in respect of which such records were kept.

Returns to be rendered by end-consumers, importers, storers, exporters or processors of maize, oilseeds, sorghum and winter cereal

6. (1) Every end-consumer, importer, storer, exporter or processor of grain and oilseeds shall within 10 days of the end of each calendar month submit to SAGIS an accurate return in respect of grain or oilseeds handled, imported or exported by him. These shall also include any person, e.g a producer who acts in the capacity of the aforementioned persons.

(2) The returns shall be completed in ink and submitted on the forms available from SAGIS.

(3) The returns shall -

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

The General Manager: SAGIS

P.O. Box 2267

Montanapark

0159, or

(b) if delivered by hand, be delivered to -

The General Manager: SAGIS

Montana Forum Building

Cnr Taaifontein and Tecomaria Streets

Montanapark x 57

Pretoria

(c) if sent electronically, be sent to:

Any of the fax numbers, e-mail addresses or any other electronic addresses as furnished on the official return forms.

(4) The return shall be posted, delivered or transmitted electronically to reach the General Manager of SAGIS before or on the deadline date mentioned in subclause (1);

(5) A zero return shall be submitted even if no grain or oilseeds was handled, imported or exported 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 2012.