Regulation Gazette **No. 8773** *Regulasiekoerant*

Vol. 509 **Pretoria, 1 November 2007** **No. 30430**

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GOVERNMENT NOTICES
GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF AGRICULTURE
DEPARTEMENT VAN LANDBOU

No. R. 1038 **1 November 2007**

MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996

(ACT NO. 47 OF 1996)

ESTABLISHMENT OF STATUTORY MEASURE – RECORDS AND RETURNS BY MILK PRODUCERS

I, Lulama Xingwana, Minister of Agriculture, acting under sections 10, 11, 13, 14 and 18 of the Marketing of Agricultural Products Act, 1996 (Act No. 47 of 1996), hereby establish the statutory measure set out in the attached 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 –

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

"milk" means the normal secretion of the mammary glands of bovines, goats or sheep.

"milk producer" means any person who keeps bovines, goats or sheep for the production of milk.

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

2. The purpose of this statutory measure is to provide a statutory mechanism for milk producers to keep records and furnish returns to the Milk Producers' Organisation. This is deemed necessary to ensure that continuous, timeous and accurate statistics and information relating to the dairy farming industry sector is made available to all role-players.

Record keeping of the dairy cattle population will create statistics per province and districts of the numbers of cows, bulls, heifers and breeds. It will then be possible to follow changing population trends per province in order for the industry to predict milk production trends. The monitoring of trends of herd sizes and dairy breeds as well as the location thereof will assist the industry in the steering of its educational, research, extension and health programmes.

Statutory support in terms of veterinary inspection, extension, health and quality control services has been scaled down substantially over the past some ten years. Herds that are not treated for critical diseases, pose major health risks to animals and man. Zoonosis, a disease or infection naturally transmittable between vertebrate animals and/or man, undermines the health, productivity and reproductivity of those animals on which man relies for his food and labour. Zoonosis may thus, in the long run, add to the problem of malnutrition in man and particularly in children. Annual losses in the RSA due to tuberculosis, brucellosis and rabies in cattle amount to several million rand. Once milk producers provide the relevant information, action can be taken towards the improvement of animal health on a national basis.

Since the closure of the Dairy Board in 1993, the local research capacity has declined gradually. By means of the proposed measure relating to records and returns, producer inputs in respect of animal health, production quality, genetics and feeding can be obtained in order to pro-actively conduct research where problem areas are identified. Research projects that support efficient and effective herd management, directly correlates with an improvement in product quality.

Administration of the measure

3. This statutory measure will be administered by the Milk Producers' Organisation, an association incorporated under Section 21 of the Companies Act, 1973 (Act No. 61 of 1973).

Information will be made available from the returns rendered to the Milk Producers' Organisation in a manner suitable to meet the needs of the role-players in the dairy industry of South Africa. The information collated will be dealt with in such a manner to ensure compliance with the provisions of section 23(2) of the Marketing of Agricultural Products Act, which provides as follows:

"(2) No person shall, except in the performance of his or her functions under this Act, or unless required to do so by a court of law or in terms of any law, or with the written consent of the Minister, disclose to any other person information, pertaining to any person, institution or body of persons, collected under section 18 or otherwise acquired in the performance of functions in terms of this Act."

Product to which statutory measure applies

4. This statutory measure shall apply to milk.

Area in which statutory measure applies

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

Records and returns to be kept and submitted by milk producers

6. (1) The following persons shall keep records and furnish returns with regard to milk in his or her possession or under his or her control:

(a) milk producers.

(2) The Milk Producers' Organisation shall make return forms available to facilitate the process of submittance of returns.

(3) (a) The return shall be submitted annually, when forwarded by post to –

The Administrator
Milk Producers' Organisation
PO Box 1284
PRETORIA
0001

(b) when delivered by hand, delivered to –

The Administrator
Milk Producers' Organisation
Cotton South Africa Building
90 Cycad Place
off Watermeyer Street
Val de Grace Extension 10
PRETORIA
0184

(4) Each milk producer shall within 15 days after 31 October of each year, furnish an accurate return to the Milk Producers' Organisation.

(5) The records and returns shall contain information with regard to the following:

(a) Date of completion of the return form;
(b) Producer's name and surname;
(c) Producer's postal address;
(d) Name of the producer's farm;
(e) Magisterial district in which the farm resides;
(f) Contact details of the producer, namely telephone, fax, e-mail and cell phone numbers;
(g) Parlour registration number of the farmer;
(h) Milk buyer's name;
(i) Whether the producer participates in the Cattle Brucellosis Scheme;
(j) Whether the producer participates in the Cattle Tuberculosis Scheme;
(k) Number of cows in milk;
(l) Number of dry cows (not in milk);
(m) Number of pregnant heifers;
(n) Number of heifers older than 12 months but not pregnant;
(o) Number of heifers from six months to 12 months old;
(p) Number of heifers younger than six months;
(q) Number of bulls for breeding purposes;
(r) Breed of the herd;
(s) Average litres of milk sold per month (during the past six months) in the formal and informal markets;
(t) Average litres of milk for own usage/consumption.

(6) A record system that reflects good accounting practice shall be introduced and kept by the Milk Producers' Organisation.

Commencement and period of validity

7. This statutory measure shall come into operation on the date of publication hereof and shall lapse on 1 November 2011.

No. R. 1038 **1 November 2007**

WET OP DIE BEMARKING VAN LANDBOUPRODUKTE, 1996

(WET NO. 47 VAN 1996)

INSTELLING VAN STATUTêRE MAATREëL: AANTEKENINGE EN OPGAWES DEUR MELKPRODUSENTE

Ek , Lulama Xingwana, Minister van Landbou, handelende kragtens artikels 10, 11, 13, 14 en 18 van die Wet op Bemarking van Landbouprodukte, 1996 (Wet No. 47 van 1996), stel hiermee die statutêre maatreëls in, soos in die meegaande bylae uiteengesit.

L Xingwana

Minister van Landbou

BYLAE

Woordomskrywings

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" die Wet op die Bemarking van Landbouprodukte, 1996 (Wet No. 47 van 1996), soos gewysig.

"melk" die normale afskeiding van die melkkliere van beeste, bokke of skape.

"melkprodusent" enige persoon wat beeste, bokke of skape vir die produksie van melk aanhou.

Rede vir en doel met statutêre maatreël en die verband daarvan met die oogmerke van die Wet

2. Die doel van die statutêre maatreël is om 'n statutêre meganisme vir die melkprodusente te vestig, ten einde aantekeninge te hou en opgawes aan die Melkprodusente-organisasie te voorsien. Hierdie word geag nodig te wees ten einde te verseker dat kontinue, tydige en akkurate statistiek en inligting rakende die suiwelbedryf in die landbousektor aan alle rolspelers beskikbaar gemaak kan word.

Deur rekordhouding van die suiwelbeespopulasie, sal statistiek per provinsie en distrik daargestel word van die aantal koeie, bulle, verse en rasse. Dit sal dan moontlik wees om die veranderende populasietendense per provinsie te bepaal, asook om melkproduksieneigings te voorspel. Die monitering van tendense in kuddegroottes en suiwelrasse asook die relevante gebiede, sal die bedryf behulpsaam wees in die bestuur van sy opvoedkundige, navorsings-, voorligtings- en gesondheidsprogramme.

Statutêre ondersteuning in terme van veterinêre inspeksie-, voorligtings-, gesondheids- en gehaltebeheerdienste is gedurende die afgelope sowat tien jaar substansieël afgeskaal. Kuddes wat nie vir kritiese siektes behandel word nie, hou wesenlike gesondheidsrisiko's vir mens en dier in. Soönose, 'n siekte of infeksie wat natuurlik oordraagbaar tussen gewerwelde diere en/of die mens is, ondermyn die gesondheid, produktiwiteit en reproduktiwiteit van daardie diere waarop die mens vir sy voedsel en arbeid staatmaak. Soönose mag dus op die lang termyn tot die probleem van ondervoeding by die mens en veral kinders bydra. Jaarlikse verliese in die RSA as gevolg van tuberkulose, brusellose en rabies by beeste, beloop etlike

miljoene rand. Deurdat melkprodusente die relevante inligting voorsien, kan aksie geneem word om dieregesondheid op 'n nasionale basis te bevorder.

Sedert die sluiting van die Suiwelraad in 1993, het die plaaslike navorsingskapasiteit geleidelik beperk geraak. Die voorgestelde statutêre maatreël met verwysing na opgawes en aantekeninge, sal produsente-insette ten opsigte van dieregesondheid, produksiegehalte, genetika en voeding fasiliteer, sodat navorsing pro-aktief gedoen kan word in gebiede waar probleme geïdentifiseer word. Navorsingsprojekte wat doeltreffende en doelmatige kuddebestuur ondersteun, korreleer direk met 'n verbetering in produkgehalte.

Administrasie van die maatreël

3. Hierdie statutêre maatreël sal deur die Melkprodusente-organisasie, 'n vereniging ingelyf kragtens Artikel 21 van die Maatskappyewet, 1973 (Wet No. 61 van 1973), geadministreer word.

Inligting sal beskikbaar gestel word deur opgawes aan die Melkprodusente-organisasie te voorsien, op 'n wyse wat aan die behoeftes van die rolspelers in die suiwelbedryf van Suid-Afrika sal voldoen. Die ingesamelde inligting sal op só 'n manier hanteer word, om voldoening aan die voorwaardes van artikel 23(2) van die Wet op die Bemarking van Landbouprodukte te verleen, wat as volg bepaal:

"(2) Niemand mag, behalwe by die verrigting van sy of haar werksaamhede kragtens hierdie Wet, of tensy dit deur 'n hof of met die skriftelike toestemming van die Minister, inligting, rakende enige persoon, instelling of liggaam van persone, wat kragtens artikel 18 of andersins by verrigting van werksaamhede ingevolge hierdie Wet verkry is, aan iemand anders openbaar nie."

Produk waarop statutêre maatreël van toepassing is

4. Hierdie statutêre maatreël is op melk van toepassing.

Gebied waarin statutêre maatreël van toepassing is

5. Hierdie statutêre maatreël is in die geografiese gebied van die Republiek van Suid-Afrika van toepassing.

Aantekeninge wat gehou moet word en opgawes wat deur melkprodusente verstrek moet word

6. (1) Die volgende persone moet aantekeninge hou en opgawes verstrek in verband met melk wat hy of sy in sy of haar besit of onder sy of haar beheer het:

(a) melkprodusente.

(2) Die Melkprodusente-organisasie sal opgawevorms beskikbaar stel om die proses rakende die indiening van opgawes te vergemaklik.

(3) (a) Die opgawe moet jaarliks ingedien word, indien per pos, by –
Die Administrateur
Melkprodusente-organisasie
Posbus 1284
PRETORIA
0001

(b) indien afgelewer per hand, by –
Die Administrateur
Melkprodusente-organisasie
Katoen SA-gebou
Cycadplek 90
uit Watermeyerstraat
Val de Grace Uitbreiding 10
PRETORIA
0184

(4) Elke melkprodusent moet binne 15 dae ná 31 Oktober van elke jaar, 'n akkuraat-voltooide opgawe aan die Melkprodusente-organisasie voorsien.

(5) Die aantekeninge en opgawes moet inligting weergee met betrekking tot die volgende:

(a) Datum van voltooiing van die opgawevorm;
(b) Produsent se naam en van;
(c) Produsent se posadres;
(d) Naam van die produsent se plaas;
(e) Landdrosdistrik waarbinne die plaas geleë is;
(f) Kontakbesonderhede van die produsent, naamlik telefoon-, faks-, en selfoonnommers en e-posadres;
(g) Stalregistrasienommer van die produsent;
(h) Naam van melkkoper;
(i) 'n Aanduiding of die produsent aan die Beesbrusellose-skema deelneem;
(j) 'n Aanduiding of die produsent aan die Beesturberkulose-skema deelneem;
(k) Aantal koeie in melk;
(l) Aantal droë koeie (nie in melk nie);
(m) Aantal dragtige verse;
(n) Aantal verse ouer as 12 maande, maar nie dragtig nie;
(o) Aantal verse vanaf 6 maande tot 12 maande oud;
(p) Aantal verse jonger as 6 maande;
(q) Aantal bulle vir teeldoeleindes;
(r) Ras van die kudde;
(s) Gemiddelde liter melk per maand verkoop (gedurende die laaste 6 maande) in die formele en informele marke;
(t) Gemiddelde liter melk vir eie gebruik/verbruik.

(6) Die Melkprodusente-organisasie sal 'n aantekeningstelsel wat goeie boekhoupraktyk weerspieël, implementeer en onderhou.

Inwerkingtreding en tydperk van geldigheid

7. Hierdie statutêre maatreël tree in werking op datum van publikasie hiervan en verval op 1 November 2011 .

No. R. 1038 **1 November 2007**

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

ESTABLISHMENT OF STATUTORY MEASURE – REGISTRATION OF MILK PRODUCERS

I, Lulama Xingwana, Minister of Agriculture, acting under sections 10, 11, 13, 14 and 19 of the Marketing of Agricultural Products Act, 1996 (Act No. 47 of 1996), hereby establish the statutory measure set out in the attached 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 –

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

"milk" means the normal secretion of the mammary glands of bovines, goats or sheep.

"milk producer" means any person who keeps bovines, goats or sheep for the production of milk.

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

2. The purpose of this statutory measure is to compel the milk producers of the Republic of South Africa to register with the Milk Producers' Organisation.

The registration of milk producers will assist the industry to liaise with them regarding matters of concern such as legislation, training courses and technology transfer. The registration of milk producers will facilitate the maintenance of a national data base which is a prerequisite for the publication of reliable industry statistics.

In terms of international requirements, exporting countries have to comply with certain specifications. The dairy industry therefore needs to identify steps in dairy farming which is critical to ensure food safety and that adequate safety procedures are identified, implemented, maintained and reviewed. The only way to ensure that every milk producer is informed of the required practices and to monitor those is by means of compulsory registration.

Administration of the measure

3. This statutory measure will be administered by the Milk Producers' Organisation, an association incorporated under Section 21 of the Companies Act, 1973 (Act No. 61 of 1973). This body will also implement, administer and enforce the intervention set out in this Schedule.

Product to which statutory measure applies

4. This statutory measure shall apply to milk.

Area in which statutory measure applies

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

Registration of parties concerned

6. (1) The following persons shall register with the Milk Producers' Organisation in the manner set out in clause 7:

(a) All milk producers.

(2) An application for registration shall be made within 30 days from the date of commencement of this statutory measure and, in case of a person becoming a party in terms of subclause (1) after such date of commencement, within 30 days of becoming a party in terms of subclause (1).

(3) The parties in terms of subclause (1) shall within 30 days of ceasing to be a party in terms of subclause (1) notify the Milk Producers' Organisation in writing thereof whereupon his or her registration shall be cancelled.

Application for registration

7. (1) Application for registration shall be made on an application form, copies of which are obtainable free of charge from the Milk Producers' Organisation.

(2) The application form shall be completed in ink and signed by a person duly authorized thereto.

(3) The application form shall be submitted,

(a) when forwarded by post, to –

The Administrator
Milk Producers' Organisation
PO Box 1284
PRETORIA
0001

(b) when delivered by hand, delivered to –

The Administrator
Milk Producers' Organisation
90 Cycad Place
off Watermeyer Street
Val de Grace Extension 10
PRETORIA
0184

Commencement and period of validity

8. This statutory measure shall come into operation on the date of publication hereof and shall lapse on 1 November 2011.

No. R. 1038 **1 November 2007**

WET OP DIE BEMARKING VAN LANDBOUPRODUKTE, 1996
(WET NO. 47 VAN 1996)

INSTELLING VAN STATUTêRE MAATREëL: REGISTRASIE VAN MELKPRODUSENTE

Ek, Lulama Xingwana, Minister van Landbou, handelende kragtens artikels 10, 11, 13, 14 en 19 van die Wet op die Bemarking van Landbouprodukte, 1996 (Wet No. 47 van 1996), stel hiermee die statutêre maatreëls in, soos in die meegaande bylae uiteengesit.

L Xingwana
Minister van Landbou

BYLAE

Woordomskrywings

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

"die Wet" die Wet op die Bemarking van Landbouprodukte, 1996 (Wet No. 47 van 1996), soos gewysig.

"melk" die normale afskeiding van die melkkliere van beeste, bokke of skape.

"melkprodusent" enige persoon wat beeste, bokke of skape vir die produksie van melk aanhou.

Rede vir en doel met statutêre maatreël en die verband daarvan met die oogmerke van die Wet

2. Die doel van hierdie statutêre maatreël is om die melkprodusente van die Republiek van Suid-Afrika te verplig om by die Melkprodusente-organisasie te registreer.

Die registrasie van melkprodusente sal die bedryf in staat stel om met hulle oor sake van belang te skakel, soos wetgewing, opleidingskursusse en tegnologie-oordrag. Die registrasie van melkprodusente sal die opstel van 'n nasionale databasis fasiliteer, wat 'n voorvereiste is vir die publikasie van betroubare bedryfstatistiek.

In terme van internasionale vereistes, moet uitvoerlande aan sekere spesifikasies voldoen. Daarom moet die plaaslike suiwelbedryf kritiese stappe in melkboerdery identifiseer, wat nodig is om voedselveiligheid te verseker en om genoegsame veiligheidsprosedures te identifiseer, te implementeer, te handhaaf en te hersien. Die enigste wyse om te verseker dat elke melkprodusent van die verlangde praktyke ingelig word en dit te monitor, is by wyse van verpligte registrasie.

Administrasie van die maatreël

3. Hierdie statutêre maatreël sal deur die Melkprodusente-organisasie, 'n vereniging ingelyk kragtens Artikel 21 van die Maatskappywet, 1973 (Wet No. 61 van 1973), geadministreer word. Hierdie liggaam sal ook die intervensie soos in dié Bylae uiteengesit, implementeer, administreer en toepas.

Produk waarop statutêre maatreël van toepassing is

4. Hierdie statutêre maatreël is op melk van toepassing.

Gebied waarin statutêre maatreël van toepassing is

5. Hierdie statutêre maatreël is in die geografiese gebied van die Republiek van Suid-Afrika van toepassing.

Registrasie van die betrokke partye

6. (1) Die volgende partye moet by die Melkprodusente-organisasie registreer, op die wyse in klousule 7 uiteengesit:

(a) Alle melkprodusente.

(2) 'n Aansoek om registrasie sal 30 dae vanaf aanvangsdatum van hierdie statutêre maatreël gedoen word en ingeval 'n persoon wat 'n party ingevolge subklousule (1) word na sodanige datum van inwerkingtreding, binne 30 dae nadat hy of sy 'n party ingevolge subklousule (1) geword het.

(3) Elke party ingevolge subklousule (1) moet die Melkprodusente-organisasie binne 30 dae nadat hy of sy ophou om 'n party ingevolge subklousule (1) te wees, skriftelik daarvan in kennis stel, waarop sy of haar registrasie gekanselleer word.

Aansoek om registrasie

7. (1) 'n Aansoek om registrasie moet gedoen word op 'n aansoekvorm, waarvan afskrifte gratis van die Melkprodusente-organisasie verkrygbaar is.

(2) Die aansoekvorm moet in ink voltooi en deur 'n persoon onderteken word wat behoorlik daartoe gemagtig is.

(3) Die aansoekvorm moet ingedien word,

(a) indien per pos, by –

Die Administrateur
Melkprodusente-organisasie
Posbus 1284
PRETORIA
0001

(b) Indien afgelewer per hand, by –

Die Administrateur
Melkprodusente-organisasie
Katoen SA-gebou
Cycadplek 90
uit Watermeyer Street
Val de Grace Uitbreiding 10
PRETORIA
0184

Inwerkingtreding en tydperk van geldigheid

8. Hierdie statutêre maatreël tree in werking op datum van publikasie hiervan en verval op 1 November 2011.