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IMPORTANT ANNOUNCEMENT

Closing times **PRIOR TO PUBLIC HOLIDAYS** for

**GOVERNMENT NOTICES, GENERAL NOTICES,
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2014

The closing time is 15:00 sharp on the following days:

- ▶ **18 September**, Thursday, for the issue of Friday **26 September 2014**
- ▶ **11 December**, Thursday, for the issue of Friday **19 December 2014**
- ▶ **15 December**, Monday, for the issue of Wednesday **24 December 2014**
- ▶ **19 December**, Friday, for the issue of Friday **2 January 2015**

Late notices will be published in the subsequent issue, if under special circumstances, a late notice is accepted, a double tariff will be charged

The copy for a SEPARATE *Government Gazette* must be handed in not later than three calendar weeks before date of publication

BELANGRIKE AANKONDIGING

Sluitingstye **VOOR VAKANSIEDAE** vir

**GOEWERMENTS-, ALGEMENE- & REGULASIE-
KENNISGEWINGS ASOOK PROKLAMASIES**

2014

Die sluitingstyd is stiptelik 15:00 op die volgende dae:

- ▶ **18 September**, Donderdag, vir die uitgawe van Vrydag **26 September 2014**
- ▶ **11 Desember**, Donderdag, vir die uitgawe van Vrydag **19 Desember 2014**
- ▶ **15 Desember**, Maandag, vir die uitgawe van Woensdag **24 Desember 2014**
- ▶ **19 Desember**, Vrydag, vir die uitgawe van Vrydag **2 Januarie 2015**

Laat kennisgewings sal in die daaropvolgende uitgawe geplaas word. Indien 'n laat kennisgewing wel, onder spesiale omstandighede, aanvaar word, sal 'n dubbeltarief gehef word

Wanneer 'n APARTE *Staatskoerant* verlang word moet die kopie drie kalenderweke voor publikasie ingedien word

GOVERNMENT NOTICES

GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES

DEPARTEMENT VAN LANDBOU, BOSBOU EN VISSERYE

No. R. 748

3 October 2014

AGRICULTURAL PRODUCT STANDARDS ACT, 1990
(ACT No. 119 OF 1990)

REGULATIONS REGARDING CONTROL OF THE EXPORT OF FRESH FRUITS

The Minister of Agriculture, Forestry and Fisheries has, under section 15 of the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990) -

- (a) made the regulations in the Schedule;
- (b) determined that the said regulations shall come into operation on the date of publication; and
- (c) Read together with section 4 of the said Act, repeal the regulations published by Government Notice Nos. R. 1998 of 23 August 1991, No. R 1999 of 23 August 1991, No. R 2000 of 23 August 1991, No. R 2001 of 23 August 1991, No. R 2002 of 23 August 1991, No. R 2003 of 23 August 1991, No. R 2004 of 23 August 1991, No. R 2005 of 23 August 1991, No. R 2006 of 23 August 1991, No. R 2007 of 23 August 1991, No. R 2008 of 23 August 1991, No. R 2009 of 23 August 1991, No. R 2010 of 23 August 1991, No. R 2011 of 23 August 1991, No. R 2012 of 23 August 1991, No. R 2013 of 23 August 1991 with effect from the said date of commencement.

SCHEDULE

Definitions

1. In these Regulations any word or expression to which a meaning has been assigned in the Act, shall have that meaning, and –

“accredited laboratories” means any laboratory that is not a National Reference Laboratory and that is nominated by the Executive Officer in writing as being suitable or required for the testing of compliance as envisaged in terms of regulation 6(1) and 7(1);

“apple” means the fruit of the cultivars which are grown from the species *Malus sylvestris*;

“apricot” means the fruit of the cultivars which are grown from the species *Prunus armeniaca*;

“assignee” means a person, undertaking, body, institution, association or board designated as such under section 2 (3) (a) of the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990);

“avocado” means the fruit of the cultivars which are grown from the species *Persea americana Miller*;

“certificates” means a certificate that may be issued either in paper format (including electronically prepared) or in a verified electronic format which describe and attest to conformity of a consignment of regulated agricultural products to stipulated requirements as set out in regulation 6.

“cherry” means the fruit of the cultivars which are grown from the species *Prunus avium* or *Prunus cerasus*;

"citrus fruits" means fruit of the kinds oranges, grapefruit, lemons, limes, kumquats, pummelos, soft citrus, and seville oranges;

"consignment" means a quantity of fresh fruits of the same cultivar, belonging to the same owner and delivered at the same time under cover of the same delivery note, consignment note or receipt note, or is delivered by the same vehicle, or in the case of a quantity of fresh fruits that is divided into different cultivars, classes, count, diameter groups, pallet loads, trademarks or types of packaging, every quantity of each of the different cultivars, classes, count, diameter groups, pallet loads, trademarks or types of packaging;

"consignment note" means a description of a consignment as approved by the Executive Officer or the Assignee;

"deciduous fruits" means fruits of the kinds apricots, apples, cherries, table grapes, nectarines, pears, peaches, plums and prunes;

"Executive Officer" means the officer designated under section 2 (1) of the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990)

"food business operator" means the person or persons responsible for ensuring that the prescribed requirements of these standards are met within the food business under his or her control and include both the management of the food business as well as the person with overall authority on site or in the specific establishment;

"fresh fruits" means deciduous fruits, citrus fruits, subtropical fruits and other unspecified fruits;

"grapefruit" means the fruit of the cultivars which are grown from the species *Citrus paradisi* (Macf.) and its hybrids;

"inspector" means the Executive Officer or an officer under his control, or an Assignee or a qualified employee of an Assignee;

"kiwifruit" means the fruit of the cultivars which are grown from the species *Actinidia deliciosa*;

"kumquats" means the fruit of the cultivars which are grown from the species *Fortunella margarita* and *Fortunella japonica* (Thunb.) Swingle;

"lemons" means the fruit of the cultivars which are grown from the species *Citrus limon* (L.) Burm. f.;

"limes" means the fruit of the cultivars which are grown from the species *Citrus latifolia* (Yu. Tan.) Tan. (*Acid limes*) and *Citrus aurantifolia* (Christm.) Swingle (*Mexican limes*).

"litchi" means the fruit of the cultivars which are grown from the species *Litchi chinensis*;

"mango" means the fruit of the cultivars which are grown from the species *Mangifera indica*;

"melon" means the fruit of the cultivars which are grown from the species *Cucumis melo*;

"National Reference Laboratory" means an official laboratory of the Department of Agriculture, Forestry and Fisheries that has been nominated in writing by the Executive Officer for the testing of compliance as envisaged in terms of regulation 6(1) and 7(1);

"nectarine" means the fruit of the cultivars which are grown from the species *Prunus persica* var. *nucipersica*;

"oranges" means the fruit of the cultivars which are grown from the species *Citrus sinensis* (L.) Osbeck;

"other unspecified fruit" means fresh fruit excluding citrus fruits, deciduous fruits and subtropical fruits;

"peach" means the fruit of the cultivars which are grown from the species *Prunus persica*

"pear" means the fruit of the cultivars which are grown from the species *Pyrus communis*;

"pineapple" means the fruit of the cultivars which are grown from the species *Ananas comosus*;

"plum" means the fruit of the cultivars which are grown from the species *Prunus salicina*;

"prune" means the fruit of the cultivars which are grown from the species *Prunus domestica*;

"pummelos (Shaddocks)" means the fruit of the cultivars which are grown from the species *Citrus grandis* (L.) Osbeck;

"seville oranges" means the fruit of the cultivars which are grown from the species *Citrus aurantium* (L.);

"soft citrus" means mandarins of cultivars grown from the species *Citrus reticulata* Blanco, *Citrus unshiu* Marcow, *Citrus nobilis* Lour, *Citrus deliciosa* Tenore and their hybrids;

"strawberry" means the fruit of the cultivars which are grown from the species *Fragaria ananassa*;

"subtropical fruits" means fruits of the kinds avocado, mango, kiwifruit, litchi, strawberry, pineapple, melon and watermelons;

"table grape" means the fruit of the cultivars which are grown from the species *Vitis vinifera* L;

"the Act" means the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990); and

"Water melons" means the fruit of the cultivars which are grown from the species *Citrullus lanatus*;

Prohibition on the export of fresh fruits

2. (1) Subject to the provisions of subregulation (2), no person shall export fresh fruits from the Republic unless each quantity thereof has been approved by the Executive Officer for that purpose.

(2) Fresh fruits which are -

- (a) exported in a consignment of less than 20 kg net mass; and
- (b) taken in as provisions for consumption aboard a conveyance to a foreign country,

shall be exempted from the prohibition set out in subregulation (1).

(3) An approval in terms of subregulation (1) may also be given by an Assignee designated with regard to fresh fruits.

Application for approval for export

3. (1) An application for an approval in terms of section 4 of the Act for the export of a consignment of fresh fruits, shall be directed in writing to the Executive Officer or the Assignee who has been designated with regard to fresh fruits.

(2) Such an application shall be made at least four working days before the intended date of export or as otherwise arranged with the Executive Officer or designated Assignee.

(3) The following particulars shall be supplied when such an application is made:

- (a) The name and address to the applicant and, where applicable, of his agent or exporter.
- (b) The type of fruit, cultivar and class thereof.
- (c) The applicable Food Business Operator code.
- (d) The number and type of containers in the consignment.
- (e) The intended date and time of export and the port or airport from which the consignment concerned shall be exported.
- (f) The particulars concerning the marking and destination of the consignment concerned.
- (g) The address of the premises where the consignment concerned can be inspected and the date and time when the consignment will be ready for inspection.
- (h) Any other additional information regarding the consignment concerned.

Presentation for inspection

4. (1) Each consignment of fresh fruits intended for export which has to be presented for inspection in terms of these regulations shall, prior to the export thereof, be approved for export by an inspector: Provided that the consignment of fresh fruits concerned shall be presented for inspection at least 12 hours prior to the intended time of export or as otherwise arranged with the Executive Officer or designated Assignee.

(2) A consignment of fresh fruits referred to in subregulation (1), shall be submitted for inspection in such a manner that -

- (a) access to each container therein can be obtained readily; and
- (b) the marks, printing or writing on such containers can readily be read.

Consignment note

5. (1) Every consignment of fresh fruits destined for export shall, when submitted for inspection, be accompanied by a consignment note completed clearly, legibly, fully and correctly.

(2) All the copies of such a consignment note shall have the same serial number and one copy thereof shall be retained by the Department or Assignee.

Procedure at inspection

6. (1) An inspector may in any consignment of fresh fruits open as many containers and inspect the contents thereof and remove samples of such contents for the purpose of further inspection or analyses as he/she may deem necessary.

(2) An inspector's finding in relation to the containers opened by him/her and the contents thereof by virtue of the provisions of subregulation (1), shall apply as a finding in respect of the whole consignment from which such containers were abstracted.

(3) If an inspector is satisfied after his/her inspection that the consignment of fresh fruits -

- (a) comply with the requirements of these regulations he/she shall approve such consignment for export, either by marking or causing to be marked on each container or label affixed thereto with a mark of approval or by issuing a certificate which indicates such approval: Provided that, the Executive Officer taking into consideration the country of destination's legal requirements may in his or her discretion authorize in writing the issuance of a certificate(s) within a prescribed time after the fruit has left South Africa; or
- (b) do not comply with the requirements of these regulations he/she shall prohibit such consignment for export, either by marking or causing to be marked on each container or label affixed thereto with a mark or prohibition or by issuing a certificate which indicates such prohibition.

(4) An inspector may at his/her own discretion re-inspect a consignment of fresh fruits which has already been approved for export, and may confirm or withdraw according to sub regulation (3)(b) any previous approval with regard to the consignment concerned: Provided that no inspection fee shall be payable in respect of a re-inspection carried out on demand of an inspector.

Assessment of the Competence of testing Laboratories involved in the export of fresh fruits

7. (1) For the purpose of analysis as required by regulation 6 (1), such analyses shall be conducted by a National Reference Laboratory or Accredited Laboratories.

(2) The Executive Officer shall in nominating a National Reference Laboratory or Accredited Laboratories to conduct such analyses in regulation 7(1) consider inter alia their suitability with regards to the following criteria:

- (a) A reasonable knowledge or expertise in fresh fruit;
- (b) Compliance with the general criteria for testing laboratories laid down in International Standard ISO/IEC Guide 17025:2005;

- (c) Participation in appropriate proficiency testing schemes for analysis which conform to the requirements laid down in "The international harmonized protocol for the proficiency testing of analytical laboratories";
- (d) Whenever available, use methods of analysis which have been validated according to the principles laid down by the Codex *Alimentarius* Commission; and
- (e) Use internal quality control procedures, such as those described in the "Harmonized Guidelines for internal Quality Control in Analytical Chemistry Laboratories".

Fees for inspection and analysis

8. The following fees shall be payable for inspection and analysis :

- (1) The prescribed inspection fee when fresh fruits are presented for inspection.
- (2) The laboratory analysis fee when samples of fresh fruits are analysed chemically, physically or microbiologically for export purposes.
- (3) The courier (transport) fee when samples are dispatched to the laboratory.

Appeal

9. (1) Any person who appeals in terms of section 10(1) of the Act against a decision or direction of an inspector, shall submit a written notice of appeal to an inspector within one day after he/she has been notified of the said decision or direction unless that day falls on a Saturday, Sunday or public holiday in which case the appeal shall be submitted on the first following working day.

(2) Such person shall pay the prescribed fee with the inspector or at any office of the Executive Officer, as the case may be: Provided that such fee shall be paid in respect of each separate consignment, and provided further that if the notice of appeal and the fee are not submitted and paid within the period specified in subregulation (1), the appellant shall lose his/her right of appeal.

(3) An inspector may apply any mark or marks which he/she may deem necessary for identification purposes to the fresh fruits in respect of which an appeal has been submitted, or to the containers thereof, and such fresh fruits shall not without his consent, be removed from the place where they were inspected or where they are stored.

(4) The Director-General shall designate at least three persons to serve as an appeal board.

(5) Such an appeal board shall give the appellant or his representative a reasonable notice of the time and place determined for the hearing of the appeal and may, after the fresh fruits concerned have been presented and identified and all interested parties have been heard, instruct all persons to leave the place where the appeal is being considered: Provided that the appeal board may make use of persons to assist in an advisory capacity.

(6) An appeal board shall decide on an appeal within 48 hours (excluding Sundays and public holidays) after it was submitted, and its decision shall be final.

(7) If the fresh fruits concerned are not produced at the time and place determined by the appeal board, the amount paid in respect thereof shall be forfeited.

Offences and penalties

10. Any person who contravenes or fails to comply with the provisions of these regulations shall be guilty of an offence and shall be liable to a fine or imprisonment as set out in section 11 of the Act.

No. R. 749

3 October 2014

DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES

AGRICULTURAL PRODUCT STANDARDS ACT, 1990 (ACT No. 119 OF 1990)

STANDARDS AND REQUIREMENTS REGARDING CONTROL OF THE EXPORT OF MAIZE PRODUCTS: AMENDMENT

I, Billy Malose Makhafola, appointed as Executive Officer in terms of section 2(1) of the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990), hereby give notice under section 4(3) (c) of the said Act, that –

- (a) the standards and requirements regarding control of the export of Maize Products as stipulated in Government Notice No. R. 1983 of 23 August 1991 and promulgated by Government Notice No. R. 1513 of 25 October 1996 and amended by Government Notice No. 1819 of October 2005 are hereby further amended; and
- (b) the standards and requirements mentioned in paragraph (a) –
 - (i) shall be available for inspection at the Office of the Executive Officer: Agricultural Product Standards, Harvest House, 30 Hamilton Street, Arcadia, Pretoria;
 - (ii) may be obtained from the Executive Officer: Agricultural Product Standards, Department of Agriculture, Forestry and Fisheries, Private Bag X 343, Pretoria, 0001, Tel. (012) 319 6171 or Fax (012) 319 – 6055 or email: VictorMa@daff.gov.za on payment of the prescribed fees or from <http://www.nda.agric.za/docs.plantquality/default.htm> ; and
 - (iii) shall come into operation seven days after publication of this notice.

B.M MAKHAFOLA
Executive Officer: Agricultural Product Standards

No. R. 750

3 October 2014

AGRICULTURAL PRODUCT STANDARDS ACT, 1990
(ACT No. 119 OF 1990)

REGULATIONS RELATING TO THE QUALITY, GRADING, PACKING AND MARKING OF
TOMATOES INTENDED FOR SALE IN THE REPUBLIC OF SOUTH AFRICA

The Minister of Agriculture has, under section 15 of the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990) –

- (a) made the regulations in the Schedule;
- (b) determined that the said regulations shall come into operation on date of publication;
and
- (c) read together with section 3(2) of the said Act, repealed the regulations published by Proclamation Nos. R. 1977 of 7 September 1984, R. 2854 of 29 December 1989, Government Notices Nos. R. 1978 of 7 September 1984, R. 602 of 30 March 1984 and R. 1072 of 1st August 2003 with effect from the date of commencement.

SCHEDULE

Definitions

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

"**Arthropoda**" means any stage in the life of an invertebrate member of the Animal Kingdom that is bilaterally symmetrical with a segmented body, with jointed limbs that are paired and a chitinous external skeleton;

"**blemishes**" means any mark or skin defects on the surface or outer layer of the tomato which adversely affects the appearance thereof;

"**bruises**" means any pressure which shows an indentation or results in discoloration directly under the skin, adversely affect the quality of the tomatoes and is visually noticeable.

"**carrier container**" means a container in which more than one consumer package of tomatoes are packed;

"**cat faces**" means a condition involving malformation and scarring of tomato, particularly at the blossom end;

"**chemical residues**" means residues of agricultural remedies which in terms of the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act No. 36 of 1947), are permissible for the treatment of pests and diseases and which do not exceed the prescribed maximum residue limit;

"**class**" means a class referred to in regulation 4(2);

"**classified tomatoes**" means tomatoes which have been classified according to the classes specified in these regulations and of which the container is marked with a class designation or other designation indicating that the tomato is of a particular class or possesses particular quality properties;

"consignment" means --

- (a) a quantity of tomatoes of the same class belonging to the same owner which is delivered at any one time under cover of the same consignment note, delivery note or receipt note, or is delivered by the same vehicle, or
- (b) if such quantity is subdivided into different classes, size groups, cultivars, trademark or, types of packaging, each quantity of each of the different classes, size groups, cultivars, trademarks or, types of packaging;

"container" means the immediate container in which tomatoes are packed directly, the outer container in which prepacked units are packed and bulk containers excluding prepacked units and shipping containers in which pallet loads are shipped;

"cracks" means the splitting of the epidermis around the calyx or stem scar; there are two types of tomato cracks:

- Concentric cracking is the splitting of tomato skin in a circular pattern;
- Radial cracking is the splitting of the tomato skin from the stem scar towards the blossom end.

"decay" means a state of decomposition, fungal development, or internal insect infestation or excrement or insect damage with signs of tissue collapse which partly or completely affect the quality of the tomato detrimentally, is visually noticeable;

"diameter" means the greatest transverse measurement of a tomato, measured at right angles to a line running from the stem-end to the apex of the tomato;

"firm" means a stage of development at which the flesh of the tomato is hard enough to withstand normal commercial handling;

"Food Business Operator" (FBO) means the person or persons responsible for ensuring that the prescribed requirements of these regulations are met within the food business as well as the person with overall authority on site or in the specific establishment;

"foreign matter" means any material or substance that is visually noticeable, which does not naturally form part of the tomatoes

"injury" means any wound which exposes the flesh of the tomato, excluding a wound which has healed completely or has calloused;

"inspector" means the Executive Officer or an inspector under his control or an Assignee or a qualified employee of an Assignee;

"malformed" means that the shape of a tomato is not typical of the cultivar concerned;

"size group" means a size group referred to in Table 2 of the Annexures;

"the Act" means the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990);

"tomato" means the unprocessed fruit of the plant *Lycopersicon lycopersicum* (L.) Karsten ex. Farwell intended for human consumption and includes all cultivars, varieties and commercial types;

"unclassified tomatoes" means tomatoes which have not been classified according to the classes specified in these regulations and the quality specifications in Table 1, and of which the container is marked with a designation to indicate that no definite class or grade has been applied to the container; and

"unprocessed" means that the tomatoes have not been cooked, peeled, dried or processed in any other way, excluding normal sorting, grading, packing or cleaning practices;

"unspecified defects" means any defects caused by physiological or non-physiological factors affecting the quality of the tomato detrimentally.

Restrictions on the sale of tomatoes

2. (1) No person shall sell in the Republic of South Africa tomatoes, other than imported tomatoes referred to in subregulation (2), --

- (i) unless the tomatoes are unclassified or sold according to the classes in regulation 4;
- (ii) unless the tomatoes comply with the different standards for classified or unclassified tomatoes in regulation 5;
- (iii) unless the tomatoes are packed in a container and in the manner prescribed in regulations 7,8 and 9;
- (iv) unless the tomatoes are marked with the particulars and in the manner prescribed in regulation 10;
- (v) if the tomatoes contain a substance prescribed as a substance which it may not contain;
- (vi) if the tomatoes are packed in a container or in a manner so prescribed as a container in which or a manner in which it may not be packed;
- (vii) if the tomatoes are marked with particulars or in a manner prescribed as particulars with which or a manner in which it may not be marked.

(2) Imported tomatoes shall be exempted from the provisions of subregulation (1), provided that the tomatoes --

- (a) comply with either the Codex Alimentarius, **UNECE** (United Nations Economic Commission for Europe) or **OECD** (Organisation for Economic Co-operation and Development) standards; and
- (b) are according to bilateral agreement accompanied by certificate issued by a relevant government authority responsible for quality control of fresh fruit and vegetables and in which it is certified that the quality of the tomatoes as verified through inspection conforms to the relevant standard.

(3) In applying Section 3(1) (c) of the Act, the Minister authorises the Executive Officer to prohibit the sale of fresh vegetables if the compliance with the regulations is not met.

(4) The Executive Officer may grant written exemption, entirely or partially, to any person on such conditions as he or she deems necessary, from the provisions of subregulation (1): Provided that such exemption is done in terms of section 3 (1) (c) of the Act.

(5) The Executive Officer may grant written permission to a quantity of imported consignment from complying with the provisions of Section 4A (1) of the Act if such quantity of tomato is imported for purposes other than for the purpose of sale in the Republic of South Africa.

QUALITY STANDARDS

Types of tomatoes

- 3 (1) Round tomatoes
- (2) Ribbed tomatoes
- (3) Oblong tomatoes
- (4) Speciality types of tomatoes

Classes for tomatoes

4. (1) Tomatoes shall be sold as either classified tomatoes or unclassified tomatoes.
- (2) There are four classes of classified tomatoes namely Class 1, Class 2, Class 3 and Lowest Class.

Standards for classes

5. (1) Classified and unclassified tomatoes shall, contain no chemical residues that exceed the prescribed maximum residue limit permissible in terms of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972,

(2) Tomatoes which are classified as Class 1, Class 2, Class 3 and Lowest Class shall comply with the specifications set out in Table 1 of the Annexure.

(3) The extent to which Class 1, Class 2, Class 3 and Lowest Class tomatoes may deviate from the specifications prescribed in subregulation (2), is determined in accordance to regulations 13, 14, 15 and 16 and as set out in Table 3 of the Annexure.

(4) No consignment of tomato classified as "Class 1", "Class 2", "Class 3" and "Lowest Class" shall contain;

- (a) plant injurious organisms of phytosanitary importance as specified by the Department of Agriculture, Forestry and Fisheries;
- (b) Arthropoda infestation including the organisms which according to paragraph (a) do not form part of plant injurious organisms, excluding organisms which may be a source of danger to the human being, on more than 3% of the tomatoes or three free running Arthropoda per pallet load or part thereof in the consignment: Provided that it does not exceed a maximum of one Arthropoda per container.

Sizing

6. Size is determined by the maximum diameter of the equatorial section, by weight or count. The following provision shall not apply to the Speciality types of tomatoes. The minimum size for oblong tomatoes type is 30 mm. Tomatoes which are classified as Class 1, Class 2, Class 3 and Lowest Class shall comply with the size groupings set out in Table 2 of the Annexure.

CONTAINERS, PACKING AND MARKING REQUIREMENTS***Requirements for containers***

7. (1) Containers in which tomatoes are packed shall--
- (a) be intact, clean, suitable and strong enough for the packing and normal handling of tomatoes;
 - (b) not impart a taste or odour to the tomatoes;
 - (c) be free from any foreign matter other than the tomatoes packed therein and the packing material in which tomatoes are customarily packed;
 - (d) in the case of containers that are re-used, the container should --
 - (i) be of such material that the container can be cleaned and disinfected prior to re-use;
 - (ii) be thoroughly clean before tomatoes are packed therein; and
 - (iii) be free from all marks and labels removed or be covered by new labels.
- (2) A carrier container shall be strong enough not to bulge out or dent in during normal handling and transporting practices.

Packing requirements

8. Each container of tomatoes shall --
- (a) be packed with tomatoes to the full capacity thereof; and
 - (b) in the case of classified tomatoes, contain tomatoes of the same class and size group and as far as practical possible of the same colour.

Stacking of containers on pallets

9. If containers containing tomatoes are palletised --
- (a) the pallet shall be clean, undamaged and suitable and not transmit to tomatoes any harmful substance or any substance that may be injurious to human health;
 - (b) the pallet for imported consignments of tomatoes shall comply with the requirements of the **International Standards for Phytosanitary Measures (ISPM 15)**;
 - (c) the pallet shall be free from Arthropoda infestation and any visible signs of fungal growth;
 - (d) the containers shall be stacked firmly and square with each other and the pallet;
 - (e) only containers of the same dimensions shall be stacked in the same layer on the pallet; and
 - (f) the containers shall not be stacked upside-down on the pallet.

Marking requirements

10. (1) Containers containing tomatoes destined for sale shall be marked in clear and legible block letters and numerals in a manner described in subregulation (5) with the following particulars:

- (a) The name of the FBO or trademark and physical or postal address of either the producer or owner or importer or packer of the tomatoes packed in that container.
- (b) The expression "Product of" followed by the name of the country of origin of the tomatoes.
- (c) The class, in the case of Class 1, Class 2, Class 3 and Lowest Class: Provided that additional to the class names the following names may be used:
Class 1 - First,
Class 2 - Select,
Class 3 - Standard,
Lowest Class - Budget.
- (d) The size group of the tomatoes in the container, indicated as either minimum diameter and maximum diameter or as --
"Extra Large" or "XL",
"Large" or "L",
"Medium Plus" or "M+",
"Medium" or "M",
"Medium small" or MS
"Small" or "S" and Baby or Mini tomatoes: Provided that the size group indication may be omitted in the case of speciality types of tomatoes and tomatoes packed in the transparent plastic bags and punnets.
- (e) The net mass of the contents as prescribed by the Trade Metrology Act, 1973 (Act No. 77 of 1973).
- (f) The word "tomatoes", in the case of containers the contents of which are not visible from outside.

(2) If containers containing tomatoes are packed in a carrier container, each carrier container shall be marked with the particulars in subregulation (1), as well as with the number of containers it contains, on at least one end of every carrier container by means of stamping or stenciling or by pasting a printed label thereon.

(3) The particulars prescribed in subregulation (1) shall be indicated on the container by stamping, printing or by affixing a label thereon.

(4) Particulars shall be printed in English or both in English and any other official language: Provided that internationally acknowledged symbols may be used.

(5) If at any stage the class or size designation should change the labels shall be replaced unless the new class or size designation is stamped across the old class or size designation, in clear legible block letters of at least 2 mm larger than the previous marks, with a suitable stamp.

(6) Each container containing tomatoes shall be provided with only one or more labels that shall be –

- (a) intact, clean and neat;
- (b) manufactured from paper or other suitable material; and

- (c) affixed firmly to the container and in such a manner that re-stamping is possible without opening or damaging the container.
- (7) If classified tomatoes are displayed for sale in loose quantities –
- (a) any quantity of a particular class, size group or cultivar shall not be displayed mixed with tomatoes of any other class, size group or cultivar;
 - (b) the class, size group and country of origin of the tomatoes shall be indicated in clear, legible block letters of at least 10mm on a notice board prominently placed at the quantity of tomatoes.
- (8) Containers containing unclassified tomatoes shall be marked in clear and legible block letters and also comply with subregulations 10(1)(a), (b), (e), and (f) and subregulations 10(2), (3), (4) and (6).

Prohibited particulars

11. No wording, illustration or other device of expression which constitutes a misrepresentation or which directly or by implication can create a misleading impression of the contents shall appear on a container containing tomatoes or on a label affixed thereto or which is displayed therewith.

SAMPLING PROCEDURES

Obtaining a sample

12. (1) At least two percent of the containers in a consignment shall be drawn at random for inspection purposes and an inspector shall be satisfied that the containers so drawn are representative of the consignment concerned. An inspector shall obtain a sample from a consignment by –
- (a) in the case of tomatoes packed in containers –
 - (i) draw at least two percent of containers and satisfy him or herself that the containers abstracted are representative of the consignment concerned; and
 - (ii) taking as inspection sample 25 tomatoes from each container obtained in subparagraph (i), or the the entire contents of the containers if the containers contains less than 25 tomatoes; and
 - (b) in the case of tomatoes kept or displayed for sale in loose quantities –
 - (i) taking separate samples from the various classes and size groups which have been identified; and
 - (ii) taking as inspection sample at least 25 tomatoes at random from each quantity mentioned in subparagraph (i), or all the tomatoes if the number is less than 25 tomatoes.

(2) Each sample that is taken in accordance to the provisions of subregulation (1) shall be deemed to be representative of the quantity of tomatoes from which the samples have been taken.

Deviating sample

13. If an inspector should notice during the process of drawing the random sample or during the inspection, that some of the containers derived from any part of the pallet load, truck load or consignment, contain tomatoes which are noticeably inferior to or differ from the contents of containers which represent the remainder of the pallet load, truck load or consignment, the inspection result shall be based only on

the containers derived from the deviating portion of the pallet load, truck load or consignment, and further samples required for inspection shall be drawn from this deviating portion.

METHODS OF INSPECTION

Determination of percentage in too green tomatoes

14. The percentage of too green tomatoes shall be determined as follows:
- (a) Take from the inspection sample those tomatoes which are most likely to be too green.
 - (b) Cut not more than four tomatoes open through the diameter thereof.
 - (c) Determine visually how many of the tomatoes thus cut open, have pips which are undeveloped and not covered with jelly.
 - (d) Express the number thus determined as a percentage of the total number of tomatoes in that sample, which percentage represents the extent to which too green tomatoes occur in such sample.

Determination of size variations

15. The size variation shall where applicable be determined as follows:
- (a) Measure the diameter of each tomato in the inspection sample concerned.
 - (b) Calculate the average diameter of the tomatoes in that inspection sample.
 - (c) Determine the number of tomatoes in that inspection sample of which the diameter differs with more than 10 mm from the average thus calculated.
 - (d) Express the number thus determined as a percentage of the total number of tomatoes in that inspection sample, which percentage represents the extent to which tomatoes with unacceptable size variations occur in the sample.

Determination of percentage of quality factors other than too green tomatoes and size variations

16. Percentage quality factors other than too green tomatoes and size variations shall be determined as follows:
- (a) Examine each tomato in the inspection sample concerned visually or if necessary, by handling it or cutting it.
 - (b) Determine in respect of each of the various quality factors the number of tomatoes in that inspection sample in which deviations occur.
 - (c) Express the number in respect of each quality factor thus determined as a percentage of the total number of tomatoes in that inspection sample, which percentage represents the extent to which tomatoes with the deviation concerned occur in the sample.

OFFENCES AND PENALTIES

17. Any person who contravenes or fails to comply with a provision of these regulations shall be guilty of an offence and upon conviction be liable to a fine or imprisonment in consultation with article 11 of the Act.

ANNEXURE

TABLE 1: QUALITY STANDARDS FOR TOMATOES

Quality Factors	Standards to be complied with			
	Class 1	Class 2	Class 3	Lowest Class
1	2	3	4	5
1. Decay	Not permissible	Not permissible	Not permissible	<u>20%</u>
2. Foreign matter	Not permissible	Not permissible	Not permissible	*
3. Firmness	Fairly firm and not overripe	Reasonably firm and not overripe	May not have a blistered appearance (including speciality types tomatoes) and must still be firm enough to be sliced in 5 mm slices (excluding Speciality types tomatoes)	*
4. Blemishes (excluding Speciality types of tomatoes)	Blemishes not deeper than 1,5 mm and not exceeding a total area of ± 225 mm ² (circle with a diameter of 15 mm) is permissible	Blemishes not deeper than 1,5 mm and not exceeding a total area of ± 340 mm ² (circle with diameter of 20 mm) is permissible	Blemishes not deeper than 3 mm and not exceeding a total area of ± 615 mm ² is permissible provided that not more than 20% of the tomato is cut away in one or more flat slices to remove damaged parts	*
5. Cat faces (Disfigurement and blemishes at the flowering end of the tomato) (excluding Speciality types of tomatoes)	A few scabby marks not deeper than 1,5 mm or exceeding a total area of ± 225 mm ² (circle with a diameter of 15 mm) is permissible	Wrinkled and suberic marks not deeper than 1,5 mm and not exceeding a total area of ± 340 mm ² is permissible	Severe wrinkled and suberic parts with a total area of ± 615 mm ² is permissible provided that no more than 20% of the tomato may be cut away in one flat slice to remove the malformed part	*
6. Craks (a) Circular cracks (excluding Speciality types of tomatoes)	Circular crack(s) not deeper than 1,5 mm and which individually or collectively form a quarter circle is permissible	Circular crack(s) not deeper than 1,5 mm and which individually or collectively form a half circle is permissible	Circular crack(s) not deeper than 1,5 mm and which individually or collectively form a full circle is permissible	*

Quality Factors	Standards to be complied with			
	Class 1	Class 2	Class 3	Lowest Class
1	2	3	4	5
(b) Stalk-end cracks or Radial cracks (excluding Speciality types of tomatoes)	One or more cracks which individually or collectively are not longer than 10 mm and deeper than 1,5 mm is permissible	One individual crack not longer than 20 mm and not deeper than 1,5 mm or two or more cracks which collectively are not longer than 20 mm or deeper than 1,5 mm is permissible	Tomatoes in a poorer condition than Class 2: Provided that no more than 20% of the tomato must be cut away in one of more flat slices to remove the damaged parts and that none of the cracks show any sign of decay	*
7. Bruises	Not permissible	Not permissible	Not permissible	*
8. Too green, (greenback / yellowback)	Not permissible	Not permissible	Not permissible	*
9. Appearance	Sound and attractive	Sound and attractive	Sound and attractive	*
10. Shape	Well shaped for the relevant cultivar	Reasonably well shaped for the relevant cultivar	Tomatoes with points are permissible	*
11. Injury	Not permissible	Not permissible	Not permissible	35%
12. Leaking tomatoes (not regarded as decay)	Not permissible	Not permissible	Not permissible	20%*
13. Mosaic	Not permissible	Mosaic stain with an area of not more than 12,5% (1/8) of the total surface of the tomatoes is permissible, provided that no blistered appearance is present	Mosaic stain with an area not more than 50% of the total surface of the tomato is permissible	*
14. Sunburn	Not permissible	A light yellow colour without any sign of leatheriness and sunkness is permissible	A yellow colour, sunkness and leatheriness is permissible provided that not more than 20% of the tomato must be cut away in one or two flat slices to remove damaged parts and no sign of decay is present	*
15. Dust	Not permissible	Not permissible	Not permissible	*

Quality Factors	Standards to be complied with			
	Class 1	Class 2	Class 3	Lowest Class
	2	3	4	5
16. Soil covered	Not permissible	Mud-smeared during handling and light soil splatters is permissible	Soil covered tomato due to contact with soil during growth period is permissible, provided that the tomato has not decayed	*
17. Unspecified defects other than those mentioned in items 1 - 16	Not permissible	Not permissible	Not permissible	*
18. Colour variations	Tomatoes in the same container should be uniform in colour and ripeness	Tomatoes in the same container should be uniform in colour and ripeness	Different colour may be packaged together	*
19. Size variation (excluding Speciality types of tomatoes)	Fairly uniform in size: Provided that, in the case of Speciality types of tomatoes, only 4 mm difference is permissible between the largest and smallest tomato in the same container is allowed	Reasonably uniform in size: Provided that, in the case of Speciality types of tomatoes, only 4 mm difference is permissible between the largest and the smallest tomato	Different sizes may be packed together: Provided that in the case of Speciality types of tomatoes, only 4 mm difference is permissible between the largest and the smallest tomato	*

* Not applicable

TABLE 2: SIZE GROUPS FOR TOMATOES

SIZE GROUPS	SYMBOLS	MASS RANGES			
		Class 1 Min-max	Class 2 Min-max	Class 3 Min-max	Lowest Class
Baby or Mini Tomatoes	*	45 -50 mm	45 -50 mm	45 -50 mm	*
Small	S	50- 55 mm	50 – 55 mm	50-55 mm	*
Medium small	MS	55- 62 mm	55- 62 mm	55- 62 mm	*
Medium	M	62- 68 mm	62- 68 mm	62- 68 mm	*
Medium Plus	M+	68-76 mm	68-76 mm	68-76 mm	*
Large	L	76-85 mm	76-85 mm	76-85 mm	*
Extra Large	XL	85-95 mm	85-95 mm	85-95 mm	*

TABLE 3: PERMISSIBLE DEVIATIONS IN RESPECT OF QUALITY FACTORS BY NUMBER

Quality Factors	Maximum extent to which deviations may occur in tomatoes that are classified as-			
	Class 1	Class 2	Class 3	Lowest Class
1	2	3	4	5
1. Decay	1%	2%	5%	20%
2. Foreign matter	2%	8%	12%	*
3. Firmness, scars, blemishes, cracks, bruises, too green, appearance, form, injuries, leaking tomatoes, mosaic, sunburn, dust, soil and other quality factors referred to in item 17 Table 1 individually	5%	15%	25%	*
4. Deviations referred to in items 1, 2 and 3 collectively: provided that the deviations individually are within the specified requirements	5%	15%	25%	*
5. Size groups (excluding Speciality type of tomatoes)	10%	15%	25%	*
6. Size variations	10%	15%	25%	*
7. Colour variations	20%	25%	*	*

* Not applicable

**SOUTH AFRICAN REVENUE SERVICE
SUID-AFRIKAANSE INKOMSTEDIENS**

No. R. 751

3 October 2014

**CUSTOMS AND EXCISE ACT, 1964.
AMENDMENT OF SCHEDULE NO. 1 (NO. 1/1/1497)**

In terms of section 48 of the Customs and Excise Act, 1964, Part 1 of Schedule No. 1 to the said Act is hereby amended to the extent set out in the Schedule hereto.


M. JONAS
DEPUTY MINISTER OF FINANCE

SCHEDULE

By the substitution of the following:

Heading / Subheading	CD	Article description	Statistical unit	Rate of duty			
				General	EU	EFTA	SADC
4802.56.20	0	--- In rectangular (including square) sheets with one side exceeding 360 mm and the other side exceeding 150 mm in the unfolded state	kg	5%	free	free	free
4802.56.90	1	--- Other	kg	10%	free	free	free

**DOEANE- EN AKSYNSWET, 1964.
WYSIGING VAN BYLAE NO. 1 (NO. 1/1/1497)**

Kragtens artikel 48 van die Doeane- en Akswynwet, 1964, word Deel 1 van Bylae No. 1 by bogenoemde Wet hiermee gewysig in die mate in die Bylae hierby aangetoon.


M. JONAS
ADJUNKMINISTER VAN FINANSIES

BYLAE

Deur die vervanging van die volgende:

Pos / Subpos	TS	Artikel Beskrywing	Statistiese Eenheid	Skaal van Reg			
				Algemeen	EU	EFTA	SAOG
4802.56.20	0	---	kg	5%	vty	vty	vty
4802.56.90	1	---	kg	10%	vty	vty	vty

NOTICE – CHANGE OF TELEPHONE NUMBERS: GOVERNMENT PRINTING WORKS

As the mandated government security printer, providing world class security products and services, Government Printing Works has adopted some of the highly innovative technologies to best serve its customers and stakeholders. In line with this task, Government Printing Works has implemented a new telephony system to ensure most effective communication and accessibility. As a result of this development, our telephone numbers will change with effect from 3 February 2014, starting with the Pretoria offices.

The new numbers are as follows:

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 - Maps : 012 748 6061/6065 BookShop@gpw.gov.za
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The numbers for our provincial offices in Polokwane, East London and Mmabatho will not change at this stage.

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