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IMPORTANT ANNOUNCEMENT

Closing times **PRIOR TO PUBLIC HOLIDAYS** for
**GOVERNMENT NOTICES, GENERAL NOTICES,
 REGULATION NOTICES AND PROCLAMATIONS** **2015**

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

- ▶ **26 March**, Thursday, for the issue of Thursday **2 April 2015**
- ▶ **31 March**, Tuesday, for the issue of Friday **10 April 2015**
- ▶ **22 April**, Wednesday, for the issue of Thursday **30 April 2015**
- ▶ **30 April**, Thursday, for the issue of Friday **8 May 2015**
- ▶ **11 June**, Thursday, for the issue of Friday **19 June 2015**
- ▶ **6 August**, Thursday, for the issue of Friday **14 August 2015**
- ▶ **17 September**, Thursday, for the issue of Friday **25 September 2015**
- ▶ **10 December**, Thursday, for the issue of Friday **18 December 2015**
- ▶ **15 December**, Tuesday, for the issue of Thursday **24 December 2015**
- ▶ **22 December**, Tuesday, for the issue of Thursday **31 December 2015**
- ▶ **30 December**, Wednesday, for the issue of Friday **8 January 2016**

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** **2015**

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

- ▶ **26 Maart**, Donderdag, vir die uitgawe van Donderdag **2 April 2015**
- ▶ **31 Maart**, Dinsdag, vir die uitgawe van Vrydag **10 April 2015**
- ▶ **22 April**, Woensdag, vir die uitgawe van Donderdag **30 April 2015**
- ▶ **30 April**, Donderdag, vir die uitgawe van Vrydag **8 Mei 2015**
- ▶ **11 Junie**, Donderdag, vir die uitgawe van Vrydag **19 Junie 2015**
- ▶ **6 Augustus**, Donderdag, vir die uitgawe van Vrydag **14 Augustus 2015**
- ▶ **17 September**, Donderdag, vir die uitgawe van Vrydag **25 September 2015**
- ▶ **10 Desember**, Donderdag, vir die uitgawe van Vrydag **18 Desember 2015**
- ▶ **15 Desember**, Dinsdag, vir die uitgawe van Donderdag **24 Desember 2015**
- ▶ **22 Desember**, Dinsdag, vir die uitgawe van Donderdag **31 Desember 2015**
- ▶ **30 Desember**, Woensdag, vir die uitgawe van Vrydag **8 Januarie 2016**

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. 473

12 June 2015

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

**ESTABLISHMENT OF STATUTORY MEASURE: REGISTRATION OF CERTIFICATION BODIES,
EXPORTERS, FRESH PRODUCE MARKETS, IMPORTERS, MARKET AGENTS, PACKAGING
MATERIAL IMPORTERS, PACKAGING MATERIAL MANUFACTURERS, POTATO PRODUCERS,
PRE-PACKERS, PROCESSORS AND TRADERS**

I, Senzeni Zokwana, Minister of Agriculture, Forestry and Fisheries, acting under sections 13 and 19 of the Marketing of Agricultural Products Act, 1996 (Act No. 47 of 1996), hereby continue the statutory measure set out in the Schedule.

SENZENI ZOKWANA,
Minister of Agriculture, Forestry and Fisheries.

SCHEDULE

Definitions

1. In this Schedule any word or expression to which a meaning has been assigned in the Act must have that meaning, and unless the context otherwise indicates -

“**Administrator**” Potatoes South Africa;

“**certification body**” means a body that executes the certification of seed potatoes on behalf of the Independent Certification Council for Seed Potatoes;

“**exporter**” a person who trades potatoes for export for his or her own account, or acts as an agent on a commission basis on behalf of potato producers;

“**fresh produce market**” a market, either privately owned or owned by local government, established for the orderly and centralised distribution of fresh produce;

“**importer**” a person who imports potatoes for his own account or acts as an agent on a commission basis or on behalf of potato producers, traders or processors;

“**market agent**” an agent acting on a commission basis on a fresh produce market;

“**packaging material**” packaging material intended to be used for the packing of potatoes, including paper bags, plastic bags and cartons;

“**packaging material importer**” a person that imports and sells packaging material, and includes an agent acting on behalf of such a person;

“**packaging material manufacturer**” a person that manufactures and sells packaging material, and includes an agent acting on behalf of such person;

“**potatoes**” table potatoes, seed potatoes, potatoes for processing or potato products;

“**Potatoes South Africa**” a non-profit company under the Companies Act, No. 71 of 2008;

“**potato producer**” a person who produces potatoes for export, for sale as seed potatoes, or for domestic consumption as table potatoes or potato products;

"pre-packer" a person that pre-packs potatoes; and

"processor" a person who processes potatoes;

"trader" a person who purchases potatoes from a potato producer or any other supplier for trading on the domestic market.

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

2. (1) The purpose and aims of this statutory measure are to compel certification bodies, exporters, fresh produce markets, importers, market agents, packaging material importers, packaging material manufacturers, potato producers, pre-packers, processors and traders to register with the administrator.
- (2) Registration is necessary to assist the administrator to ensure that continuous, timeous and accurate market information relating to the potato industry is available to all role players.
- (3) Relevant market information is deemed essential in a deregulated market for all role players to make informed decisions. By combining the compulsory registration with the furnishing of returns on an individual basis, market information for the whole of the country can be processed and disseminated to the market place.
- (4) The establishment of this statutory measure will not only assist in enhancing market access for all market participants, but will also develop new markets for South African potatoes internationally. The viability of the potato industry will thus be enhanced. The measure will not be detrimental to the number of employment opportunities within the economy or fair labour practice.
- (5) The Potato Industry Trust appoints Potatoes South Africa as Administrator to perform the administrative functions regarding the administration of this statutory measure.

Product to which statutory measure applies

3. This statutory measure applies to potatoes.

Area in which statutory measure applies

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

Registration of parties concerned

5. (1) The following parties must register as such with the administrator in the manner set out in clause 6 -
 - (a) certification body
 - (b) exporters;
 - (b) fresh produce markets;
 - (c) importers;
 - (d) market agents;
 - (e) packaging material
 - (f) packaging material importer
 - (g) potato producers;
 - (h) pre-packers;
 - (i) processors; and
 - (j) traders.
- (2) A person who is required to register for more than one category listed in subclause (1) must complete a separate application for registration for each category.

Application for registration

6. (1) An application for registration in the case of a person becoming a party in terms of clause 5(1), must be submitted within 30 days after becoming such a party.
- (2) An application for registration must be made on an application form obtainable free of charge from the Administrator.
- (3) The application form must be completed and signed by a person duly authorised thereto.
- (4) Applications must -
- (a) when forwarded by post, be addressed to -
- The Administrator
Potatoes South Africa
Private Bag X135
PRETORIA
0001
- (b) when delivered by hand, be delivered to -
- The Administrator
Potatoes South Africa
Potato House
6 De Havilland Crescent
Persequor Technopark
Persequor Park
PRETORIA
- (c) when submitted electronically, be sent to potatolevies@potatoes.co.za.

Commencement and period of validity

7. This statutory measure comes into operation on 1 July 2015 and lapses four years later.

No. R. 474

12 June 2015

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

ESTABLISHMENT OF STATUTORY MEASURE: RECORDS AND RETURNS BY CERTIFICATION BODIES, FRESH PRODUCE MARKETS, IMPORTERS, PACKAGING MATERIAL IMPORTERS, PACKAGING MATERIAL MANUFACTURERS, POTATO PRODUCERS, PRE-PACKERS AND PROCESSORS

I, Senzeni Zokwana, Minister of Agriculture, Forestry and Fisheries, acting under sections 13 and 18 of the Marketing of Agricultural Products Act, 1996 (Act No. 47 of 1996), hereby continue the statutory measure set out in the Schedule.

SENZENI ZOKWANA
Minister of Agriculture, Forestry and Fisheries

SCHEDULE

Definitions

1. In this Schedule any word or expression to which a meaning has been assigned in the Act must have that meaning, and unless the context otherwise indicates -

“administrator” Potatoes South Africa

“certification body” means a body that executes the certification of seed potatoes on behalf of the Independent Certification Council for Seed Potatoes;

“fresh produce market” a market, either privately owned or owned by local government, established for the orderly and centralised distribution of fresh produce;

“importer” a person who imports potatoes for his own account or acts as an agent on a commission basis or on behalf of potato producers, traders or processors;

“packaging material” packaging material intended to be used for the packing of potatoes, including paper bags, plastic bags and cartons;

“packaging material importer” a person that imports and sells packaging material, and includes an agent acting on behalf of such a person;

“packaging material manufacturer” a person that manufactures and sells packaging material, and includes an agent acting on behalf of such person;

“potatoes” table potatoes, seed potatoes, processed potatoes or any other product manufactured from potatoes;

“Potatoes South Africa” a non-profit company incorporated under the Companies Act, Act No. 71 of 2008;

“potato producer” a person who produces potatoes for export, sale as seed potatoes, or domestic consumption either as table potatoes or processed products;

“pre-packer” a person who pre-packs potatoes;

“**processor**” a person who processes potatoes into various products intended for human consumption or for industrial purposes; and

“**trader**” means a person who purchases seed potatoes or table potatoes from a potato producer or any other supplier for trade on the domestic market.

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

2. (1) The purpose and aims of this statutory measure are to compel certification bodies, fresh produce markets, importers, packaging material importers, packaging material manufacturers, potato producers, pre-packers and processors to register with the administrator.
- (2) Registration is necessary to assist the administrator to ensure that continuous, timeous and accurate market information relating to the potato industry is available to all role players.
- (3) Relevant market information is deemed essential in a deregulated market for all role players to make informed decisions. By combining the compulsory registration with the furnishing of returns on an individual basis, market information for the whole of the country can be processed and disseminated to the market place.
- (4) The establishment of this statutory measure will not only assist in enhancing market access for all market participants, but will also develop new markets for South African potatoes internationally. The viability of the potato industry will thus be enhanced. The measure will not be detrimental to the number of employment opportunities within the economy or fair labour practice.
- (5) The Potato Industry Development Trust appoints Potatoes South Africa as Administrator to perform the administrative functions regarding the administration of this statutory measure.

Products to which statutory measure applies

3. This statutory measure applies to potatoes.

Area in which statutory measure applies

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

Records and returns to be kept and submitted

5. (1) The following parties must keep records and furnish returns to the administrator:
 - (a) certification bodies;
 - (b) fresh produce markets;
 - (c) importers;
 - (d) packaging material importers
 - (e) packaging material manufacturers
 - (f) Potato Certification Service
 - (g) potato producers;
 - (h) processors; and
 - (i) pre-packers.
- (2) Returns must be completed on the applicable forms obtainable free of charge from the administrator.

- (3) Returns must -
- (a) when forwarded by post, be addressed to -
- The Administrators
Potato Industry Development Trust
Private Bag X135
PRETORIA
0001
- (b) when delivered by hand, be delivered to -
- The Administrators
Potato Industry Development Trust
Potato House
6 De Havilland Crescent
Persequor Techno Park
Persequorpark
PRETORIA
- (c) when submitted electronically, be sent to potatolevies@potatoes.co.za
- (4) Returns must reach the administrator as follows:
- (a) monthly returns on or before the twentieth day of the month following the month to which the records and returns relate;
- (b) seasonal returns by not later than the last day of the month in which such season ends; and
- (c) quarterly returns by not later than the last day of the month following the last month of such quarter.
- (5) Certification bodies must submit a monthly return, which reflects the -
- (a) month concerned;
- (b) name and address of Certification body;
- (c) names and addresses of potato producers or other persons concerned, whose seed potatoes were certified, the report number and the levies payable;
- (d) date on which the report is submitted;
- (e) quantities in kilograms of the certified seed potatoes; and
- (f) date of certification of the seed potatoes.
- (6) A fresh produce market must submit a monthly return, which reflects the -
- (a) month concerned;
- (b) name and address of the fresh produce market concerned;
- (c) names and addresses of the producers or other persons concerned;
- (d) date on which report is submitted;
- (e) quantities in kilograms of the product sold; and
- (f) type of container in which the product was delivered.
- (7) An importer must submit a monthly return, which reflects the -
- (a) month concerned;
- (b) name and address of the importer concerned;
- (c) name and address of the producer or trader in the country of origin;
- (d) date on which the report is submitted;
- (e) type of product imported;
- (f) quantities in kilograms of the products imported;
- (g) the type of container in which the product was delivered; and
- (h) destination of the imported products.

- (8) A packaging material importer must submit a monthly return, which reflects the -
- (a) month concerned;
 - (b) name and address of the packaging material importer concerned;
 - (c) date on which the report is submitted;
 - (d) quantity of packaging material imported;
 - (e) size of imported packaging material;
 - (f) country of origin of the imported packaging material; and
 - (g) name and address of the person to whom the packaging material is supplied and relevant invoice number, date of invoice, quantities and levies payable.
- (9) A packaging material manufacturer must submit a monthly return, which reflects the -
- (a) month concerned;
 - (b) name and address of the packaging material manufacturer concerned;
 - (c) date on which the report is submitted;
 - (d) quantities per packaging size manufactured;
 - (e) quantities of each size of packaging sold; and
 - (f) name and address of the person to whom the packaging material is supplied and the relevant invoice number, date of invoice, quantities and levies payable.
- (10) A potato producer must submit a seasonal return, which reflects the -
- (a) production year concerned;
 - (b) name and address of the potato producer concerned;
 - (c) hectares planted;
 - (d) cultivars planted;
 - (e) yield per hectare; and
 - (f) total crop that was produced.
- (11) A pre-packer must submit a quarterly return, which reflects the -
- (a) quarter concerned;
 - (b) name and address of the re-packer concerned;
 - (c) date on which the report is submitted;
 - (d) name and address of the potato producer or any other supplier concerned;
 - (e) quantities in kilograms of the products purchased; and;
 - (f) type of container in which the product was delivered;
 - (g) quantity in kilograms of the of the product pre-packed;
 - (h) supplier from whom the packaging material was purchased;
 - (i) number of bags purchased; and
 - (j) type of container in which the product was pre-packed.
- (12) A processor must submit a monthly return, which reflects the -
- (a) month concerned;
 - (b) name and address of the processor concerned;
 - (c) date on which the report is submitted;
 - (d) quantities in kilograms of the raw products purchased;
 - (e) name and address of the potato producer, trader, importer or other person concerned from whom the raw products were purchased; and
 - (f) type of container in which the product was delivered.

- (13) A record system that reflects good accounting practice must be introduced and kept by the administrator.
- (14) The records of fresh produce markets, importers, packaging material importers, packaging material manufacturers, certification bodies, potato producers, pre-packers and processors and, if appointed, their agents must be audited at least annually by an internationally recognised firm of chartered accountants.

Commencement and period of validity

- 6. This statutory measure comes into operation on 1 July 2015 and lapses four years later.

No. R. 475

12 June 2015

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

**ESTABLISHMENT OF STATUTORY MEASURE: DETERMINATION OF GUIDELINE PRICES AND
LEVIES RELATING TO POTATOES**

I, Senzeni Zokwana, Minister of Agriculture, Forestry and Fisheries, acting under sections 13 and 15 of the Marketing of Agricultural Products Act, 1996 (Act No. 47 of 1996), hereby establish the statutory measure set out in the Schedule.

SENZENI ZOKWANA,
Minister of Agriculture, Forestry and Fisheries.

SCHEDULE

Definitions

1. In this Schedule any word or expression to which a meaning has been assigned in the Act must have that meaning, and unless the context otherwise indicates -

“**Administrator**” means Potatoes South Africa;

“**importer**” a person who imports potatoes for his own account or acts as an agent on a commission basis or on behalf of potato producers, traders or processors;

“**packaging material**” packaging material intended to be used for the packing of potatoes, including paper bags, plastic bags and cartons;

“**packaging material importer**” a person that imports and sells packaging material, and includes an agent acting on behalf of such a person;

“**packaging material manufacturer**” a person that manufactures and sells packaging material, and includes an agent acting on behalf of such person;

“**potatoes**” table potatoes, seed potatoes, potatoes for processing and potato products;

“**Potatoes South Africa**” a non-profit company under the Companies Act, No. 71 of 2008; and

“**potato producer**” a person who produces potatoes for export, for sale as seed potatoes, or for domestic consumption as table potatoes or potato products.

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

2. (1) The measure is required by the potato industry to fund -
- (m) the development and implementation of appropriate programs to assist emerging black commercial farmers by way of transformation to become commercial potato producers and to extend their access to marketing opportunities;
- (n) basic as well as applied research, including cultivar evaluation, and the dissemination of all relevant technical information;

- (o) the gathering, processing, analysing and compiling pertinent industry related information and market statistics, and the dissemination thereof;
 - (p) the development and implementation of strategic marketing development and promotional programmes to establish, maintain and expand local and foreign markets; and
 - (q) the expansion of the pool of knowledge and human capital development in the potato industry.
- (2) The measure will further the objectives of the Act, will not prejudice such objectives and will not be detrimental to food security, the number of employment opportunities or fair labour practices.
- (3) The levies collected under this measure will be utilised in accordance with the purposes set out in this notice. The Potato Industry Development Trust appoints Potatoes South Africa as administrator to implement and administer the statutory measure.

Employment of statutory levies

3. It is hereby determined that in respect of levies collected -
- (a) at least 20% of the funds shall be used for transformation;
 - (b) approximately 70% of the funds shall be used for the core business functions; and
 - (c) not more than 10% of the funds shall be used for administration of the statutory measures.

Products to which statutory measure applies

4. This statutory measure shall apply to potatoes.

Area in which statutory measure applies

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

Determination of guideline prices

6. The guideline prices are hereby determined as -
- (a) 339,0c/kg for table potatoes;
 - (b) 474,0c/kg for seed potatoes;
 - (c) 211,0c/kg for potatoes for processing;
 - (d) 363,0c/kg for potatoes destined for exports;
 - (e) 953,0c/kg for imported potatoes (FOB).

Amount of levies

7. The amount of the levies payable is as set out in the schedule and is applicable to the following -
- (a) all classes of locally produced potatoes for sale on the domestic market irrespective of the format in which it is marketed;
 - (b) all classes of locally produced potatoes intended for the export market irrespective of the format in which it is marketed; and

- (c) all classes of imported potatoes irrespective of usage.

Commodity	Annual levy per kilogram in cent			
	2015/2016	2016/2017	2017/2018	2018/2019
Table potatoes	1,900	1,975	2,050	2,125
Seed potatoes	0,755	0,785	0,814	0,844
Potatoes for processing	0,891	0,926	0,962	0,997
Potatoes for export	1,900	1,975	2,050	2,125
Imported potatoes	1,341	1,394	1,447	1,500

Persons by whom levies are payable

8. (1) The levies are payable by -
- (a) a potato producer; or
 - (b) a potato importer on all imported potatoes.
- (2) For the purposes of the application of clause 8(1) levies shall only be payable once: Provided that any person who on enquiry by the Administrator claims that the levies has been paid, shall provide sufficient proof of such a payment to the Administrator, in the absence whereof that person shall be deemed to be liable for payment of the levies.
- (3) The levies shall be paid to the Administrator in accordance with clauses 7 and 9.

Payment of levy

9. (1) For the purpose of levies payable by a potato producer in terms of clause 8(1)(a) -
- (a) the levies concerned shall be payable upon the purchase of packaging material from a packing material manufacturer or packaging material importer;
 - (b) the packaging material manufacturer or packaging material importer shall collect the levy by adding the amount thereof to the price of the packaging material, calculated by multiplying the levy amounts set out in clause 7 ("A") by the capacity of the packaging material purchased expressed in kilogram ("B"), multiplied by the quantity of the packaging material purchased ("C") ($A \times B \times C$);
 - (c) the packaging material manufacturer or packaging material importer shall provide a return to the Administrator, setting out the names and addresses of the persons who purchased packaging material during the previous calendar month, together with the capacity and quantities of packaging material thus purchased and levies thus raised, within twenty days after the end of that calendar month;
 - (d) The Administrator shall upon receipt of a return in terms of paragraph (c) invoice the packaging material manufacturer or packaging material importer for indicating the amount of the levies due, as well as the amount of the commission that the packaging material manufacturer or packaging material importer is entitled to retain upon remittance of that invoice, which retention amount shall not exceed 2% (two percent) of the levies due; and
 - (e) the packaging material manufacturer or packaging material importer shall fully remit an invoice referred to in paragraph (d) before or on the seventh day of the month following receipt hereof.
- (2) Any levies raised and collected by the packaging material manufacturer or packaging material importer in terms of sub-clause 9(1) -
- (a) must be kept separate from and does not inherently form part of the price paid for the packaging material;

- (b) must be kept separate from any other funds or assets under the control or possession of the packaging material manufacturer or packaging material importer;
 - (c) does not form part of the assets of the packaging material manufacturer or packaging material importer and may not in any other manner be pledged, ceded or otherwise utilised for security or in any manner laid claim to by the creditors of the packaging material manufacturer or packaging material importer; and
 - (d) may only be remitted to the Administrator.
- (3) In the event that packaging material purchased and paid for is destroyed or lost prior to being utilised, the Administrator shall upon the provision of satisfactory evidence refund the applicable amounts directly to the purchaser concerned.
- (4) Nothing in this clause shall detract from the obligation of the producer to pay levies in the event that potatoes are delivered in bulk or by any means other than by utilising packaging material for packing, processing or for sale, or sold or exported, and in such event the levies due shall be paid by the producer concerned not later than the seventh day of the month following such delivery for packing, processing, sale or export.
- (5) For the purpose of levies payable in terms of clause 8(1)(b) by a potato importer, the levies due shall be paid by the potato importer concerned to the administrator not later than the seventh day of the month following the month of import.
- (6) Payment in terms of this clause must be made –
- (a) by cheque with the beneficiary and other particulars as indicated by the Administrator; or
 - (b) directly into the bank account indicated by the Administrator.
- (7) Interest on levy payments in arrears shall be charged at the prime lending rate then in force, plus 2% (two percent).

10. **Commencement and validity**

This statutory measure comes into operation on 1 July 2015 and lapses four years later.
