

REGULASIE
GAZETTE

REGULASIE
GAZETTE



Regulation Gazette

No. 10593

Regulasiekoerant

Vol. 610

29

**April
April**

2016

No. 39963

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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES

NO. R. 493

29 APRIL 2016

**MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996
(ACT NO 47 OF 1996)****ESTABLISHMENT OF STATUTORY MEASURE AND DETERMINATION OF LEVIES ON FYNBOS
PRODUCTS**

I, SENZENI ZOKWANA, Minister for Agriculture, Forestry & 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 for Agriculture, Forestry & Fisheries.

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 –

“Exporter” means a person or organisation who exports fynbos products for his own account, or acts as an agent on behalf of producers and/or packers of fynbos products;

“Fynbos” refers to plant material from the families *Proteaceae*, *Ericaceae*, *Restionaceae* and *Bruniaceae* including any derived plant material such as hybrids, selections or mutations produced and harvested from natural veld, dedicated prepared dry land and/or irrigated planted areas and exported within a cold chain environment;

“Packer” means a person or organisation who manufactures bouquets and other derived products utilising, inter alia, fynbos material;

“Producer” means a producer of fynbos products harvested from natural veld, from dedicated prepared dry land and/or irrigated production conditions.

A person shall have a choice to register as either a producer or as a packer or as an exporter. A person has to register for each of the categories (producer, packer or exporter) for which he qualifies.

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

2. The levy is needed by Cape Flora SA (CFSA) to fund research projects, technical information and technology transfer; quality control, standards and certification; information and statistics; communication, market access; and transformation and training for the fynbos industry.

These measures are necessary to ensure that continuous, timeous and accurate information relating to the fynbos industry, is available to all role players in order for them to make informed decisions.

The measure will not be detrimental to the number of employment opportunities or fair labour practice and will support the statutory measures relating to registration and the rendering of returns applicable to fynbos products.

The measure will be implemented and administered by CFSA, a not for profit company established in terms of the Companies Act (as amended), 2008 (Act 71 of 2008).

Products to which statutory measure applies.

3. This statutory measure shall apply to all fynbos destined for export as defined.

Area in which measure shall apply

4. This measure shall apply in the geographical area of the Republic of South Africa.

Imposition of levy

5. A levy is hereby imposed on all fynbos products destined for exports as defined.

Amount of levy

6. The amount of the levy shall be R1,85 per standard (S14) export carton and adjusted in the following 3 subsequent years to R1,96; R2,08 and R2,20 respectively per standard (S14) export carton during the 4 year levy period.

Persons by whom and to whom levy shall be payable

7. (1) The levy imposed under clause 5 shall be –
 - (a) Payable by a fynbos producer;
 - (b) Payable by a packer on behalf of a fynbos producer; or
 - (c) Payable by an exporter on behalf of a fynbos producer.
- (2) A levy imposed under clause 5 shall be payable to Cape Flora SA (NPC) in accordance with clause 8.

Payment of levy

8. (1) Payment of the levy shall be made not later than sixty (60) days following the month end wherein a quantity of cultivated fynbos was delivered for exports.
- (2) Payment shall be made by means of a cheque or electronic transfer in favour of Cape Flora SA (NPC), and shall –
 - (a) when paid by cheque, be addressed to –
Cape Flora SA
PO Box 163
PAARL
7622
 - (b) when electronically transferred, be paid to the bank account obtainable from CFSA on request.

Commencement and period of validity

9. This statutory measure shall come into operation on the date of publication hereof and will lapse 4 years later.

DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES**NO. R. 494****29 APRIL 2016****MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996
(ACT No 47 OF 1996)****ESTABLISHMENT OF STATUTORY MEASURE: RECORDS AND RETURNS RELATING TO FYNBOS
PRODUCTS AS WELL AS PRODUCTION AND EXPORT INFORMATION OF FYNBOS PRODUCTS**

I, SENZENI ZOKWANA, Minister for Agriculture, Forestry & Fisheries, acting under sections 15 and 18 of the Marketing of Agricultural Products Act, 1996 (Act No 47 of 1996), hereby establish the statutory measure set out in the Schedule.

SENZENI ZOKWANA,
Minister for Agriculture, Forestry & Fisheries.

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 –

“Exporter” means a person or organisation who exports fynbos products for his own account, or acts as an agent on behalf of producers and/or packers of fynbos products;

“Fynbos” refers to plant material from the families *Proteaceae*, *Ericaceae*, *Restionaceae* and *Bruniaceae* including any derived plant material such as hybrids, selections or mutations produced and harvested from natural veld, dedicated prepared dry land and/or irrigated planted areas and exported within a cold chain environment;

“Packer” means a person or organisation who manufactures bouquets and other derived products utilising, inter alia, fynbos material;

“Producer” means a producer of fynbos products harvested from natural veld, from dedicated prepared dry land and/or irrigated production conditions.

A person shall have a choice to register as either a producer or as a packer or as an exporter. A person has to register for each of the categories (producer, packer or exporter) for which he qualifies.

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

2. The purpose and aims of the statutory measure is to compel the parties set out herein to keep records and render returns to Cape Flora SA (CFSA). This is necessary to ensure that continuous, timeous and accurate information relating to the products as defined, is available to all role players. Such information is deemed essential for all role players in order for them to make informed decisions. By prescribing the keeping of records with the rendering of returns on an individual basis, export and production information of fynbos products can be processed and disseminated.

The establishment of the measure should assist in promoting the efficiency of the marketing of fynbos products. The viability of the fynbos industry should thus be enhanced. The measure will not be detrimental to the number of employment opportunities or fair labour practice. Any information obtained will be dealt with in a confidential manner and no sensitive or potentially sensitive client-specific information will be made available to any party without the prior approval of the party whose rights may be affected.

The measure will be implemented and administered by CFSA, a not for profit company established in terms of the Companies Act (as amended), 2008 (Act 71 of 2008).

Products to which statutory measure applies.

3. This statutory measure shall apply to all fynbos products produced and exported within the cold chain.

Area in which measure shall apply

4. This measure shall apply in the geographical area of the Republic of South Africa.

Records to be kept and returns to be rendered

5.
 - (1) All producers, packers and exporters of fynbos products shall keep such records and render the returns as may be required by CFSA.
 - (2) The National Department of Agriculture, Forestry and Fisheries or its assignee shall render a copy of all import certificates or furnish the information required by CFSA contained in such certificates within the period specified in sub-clause (4)
 - (3) The records referred to in sub-clause (1) shall –
 - (a) be recorded on a computer or with ink in a book;
 - (b) be kept at the registered premises of the person required to keep it for a period of at least three years.
 - (4) The returns referred to in sub-clause (1) shall be rendered on forms obtainable free of charge for this purpose from CFSA within 15 days after the end of the month in which the returns have been requested.
 - (a) be submitted, when forwarded by post, to –
CFSA
PO Box 163
PAARL
7622
 - (b) when delivered by hand, be delivered to –
CFSA
Main Road 258
PAARL
 - (c) when sent by telefax, be addressed to –
021-870 2915
 - (d) when sent by E-mail, addressed to –
info@capeflorasa.co.za

Commencement and period of validity

6. This statutory measure shall come into operation on the date of publication hereof and shall lapse four (4) years later.

DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES**NO. R. 495****29 APRIL 2016****MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996
(ACT NO 47 OF 1996)****ESTABLISHMENT OF STATUTORY MEASURE: REGISTRATION OF PRODUCERS, PACKERS AND
EXPORTERS OF FYNBOS PRODUCTS**

I, SENZENI ZOKWANA, Minister for Agriculture, Forestry & Fisheries, acting under sections 15 and 19 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 for Agriculture, Forestry & Fisheries.

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 –

“Exporter” means a person or organisation who exports fynbos products for his own account, or acts as an agent on behalf of producers and/or packers of fynbos products;

“Fynbos” refers to plant material from the families *Proteaceae*, *Ericaceae*, *Restionaceae* and *Bruniaceae* including any derived plant material such as hybrids, selections or mutations produced and harvested from natural veld, dedicated prepared dry land and/or irrigated planted areas and exported within a cold chain environment;

“Packer” means a person or organisation who manufactures bouquets and other derived products utilising, inter alia, fynbos material;

“Producer” means a producer of fynbos products harvested from natural veld, from dedicated prepared dry land and/or irrigated production conditions.

A person shall have a choice to register as either a producer or as a packer or as an exporter. A person has to register for each of the categories (producer, packer or exporter) for which he qualifies.

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

2. The purpose and aims of the statutory measure is to compel the parties set out herein to register with Cape Flora SA (CFSA). Registration is necessary to assist the CFSA in ensuring that continuous, timeous and accurate information relating to the fynbos industry, is available to all role players. Such information is deemed essential for all role players in order for them to make informed decisions. By combining compulsory registration with the keeping of information and the rendering of returns on an individual basis, generic information for the whole of the industry can be processed and disseminated and will form the basis for the collection of levies where applicable and appropriate.

The establishment of the measure would assist in promoting the efficiency of the production and marketing of fynbos products. The viability of the fynbos industry will thus be enhanced. The measure will not be detrimental to the number of employment opportunities or fair labour practice.

The measure will be implemented and administered by CFSA a not for profit company established in terms of the Companies Act (as amended), 2008 (Act 71 of 2008).

Products to which statutory measure applies.

3. This statutory measure shall apply to all fynbos products destined for exports within a cold chain environment.

Area in which measure shall apply

4. This measure shall apply in the geographical area of the Republic of South Africa.

Registration of parties concerned

5.
 - (1) All producers, packers and exporters of fynbos products shall register with CFSA.
 - (2) A person shall have a choice to register as either a producer, packer or exporter.
 - (3) A person has to register for each of the categories (producer, packer or exporter) for which he qualifies.

Application for registration

6. Application for registration shall –
 - (1) be made within 30 days of the commencement of this statutory measure, and in the case of a person becoming a party as contemplated in clause 5 after such date of commencement, within 30 days of becoming such a party;
 - (2) be made on the application form obtainable free of charge from CFSA;
 - (3) be submitted, when forwarded by post, to –
CFSA
PO Box 163
PAARL
7622
 - (4) when delivered by hand, be delivered to –
CFSA
Main Road 258
PAARL
 - (5) when sent by telefax, be addressed to –
021-870 2915
 - (6) when sent by E-mail, addressed to –
info@capeflorasa.co.za

Commencement and period of validity

7. This statutory measure shall come into operation on the date of publication hereof and shall lapse four (4) years later.

DEPARTMENT OF WATER AND SANITATION

NO. R. 496

29 APRIL 2016

RESTRICTIONS ON THE USE OF WATER FOR DOMESTIC, INDUSTRIAL AND AGRICULTURAL PURPOSES IN THE MZIMVUBU-TSITSIKAMMA WATER MANAGEMENT AREA (WMA 7) IN THE EASTERN CAPE PROVINCE.

By virtue of the powers vested in me in Section 63, read together with Section 72, of the National Water Act (Act No. 36 of 1998), I, Margaret Anne Diederichs, in my capacity as Director General of the Department of Water and Sanitation:-

- (a) Am of the opinion that water shortages exists in areas of the Eastern Cape Province; and,
- (b) Direct, in terms of Section 6(1)(i) of Schedule 3 of the National Water Act, 1998, that for the period from 1 February 2016 until 28 February 2017, or until any further Notice that is published in this regard, that: -
- (i) The taking of water from the water schemes listed in Table 1 below by all domestic, industrial and hydropower generation users from these schemes in the Eastern Cape Province, be restricted by the percentage shown in Table 1; and,

Scheme / Dam	River catchment	DM / LM	Restriction Required
Algoa System*	Kromme River, Kouga River.	NMBM, Kouga LM	15% of un-curtailed domestic and industrial use
Mlanga Dam*	Mlanga River	ORT DM	20% of un-curtailed use
Corana Dam*	Corana River	ORT DM	15% of un-curtailed use
Nqadu*	Nqadu River	ORT DM	10% of un-curtailed use
Belfort Dam*	Mafube River	ANDM	30% of un-curtailed use
Ntenetyana Dam*	Ntenetyana River	ANDM	10% of un-curtailed use
Xilinxha Dam*	Xilinxha River	ADM	10% of un-curtailed use
Toleni Dam	Toleni River	ADM	10% of un-curtailed use
Ncora Dam*	Tsomo River	ADM / CHDM	No hydro power generation below 50%
Nqweba Dam	Sundays River	Camdeboo LM	10% of un-curtailed use

Table 1: Water Schemes with restricted use, (* based on Dam Operating Rules and risk assessments).

- (ii) The taking of water for irrigation use, from the water schemes listed in Table 2 below, be restricted by the percentage shown in Table 2;

Scheme / Dam	River catchment	DM / LM	Restriction Required
Oxkraal Dam*	Oxkraal River	CHDM	30% of un-curtailed irrigation use
Cata Dam		ADM	50% of un-curtailed irrigation use

Table 2: Water Schemes with restricted irrigation use, (* based on Dam Operating Rules).

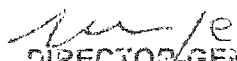
- (iii) Apart from water stored in off-channel storage facilities or the schemes listed in Table 1 and Table 2, the taking of surface or ground water by all domestic and industrial water users within the listed secondary catchments (Table 3) within the Mzimvubu to Tsitsikamma Water Management Area in the Eastern Cape Province, be restricted by 20% (i.e. to 80% of the un-curtailed use). The secondary catchments are listed in Table 3; and
- (iv) Apart from water stored in off-channel storage facilities, or the schemes listed in Table 1 and Table 2, the taking of surface or ground water for all irrigation use is restricted by 50% (i.e. to 50% of the un-curtailed use), within the listed secondary catchments (Table 3) in the Eastern Cape Province. The secondary catchments are listed in Table 3;

Catchment	DM / LM	Restriction Required
Mzamba River and its tributaries	Alfred Nzo DM	20% domestic / 50% irrigation
Mnyameni River and its tributaries	Alfred Nzo DM	20% domestic / 50% irrigation
Mtentu River and its tributaries	ANDM, ORTDM	20% domestic / 50% irrigation
Msikaba River and its tributaries	OR Tambo DM	20% domestic / 50% irrigation
Mkozi, Mzintlava, Mntafufu Rivers and their tributaries	OR Tambo DM	20% domestic / 50% irrigation
Mzimvubu River and its tributaries	ANDM, ORTDM, JGDM	20% domestic / 50% irrigation
Mngazi River and its tributaries	OR Tambo DM	20% domestic / 50% irrigation
Mnenu River and its tributaries	OR Tambo DM	20% domestic / 50% irrigation
Mtakatye River and its tributaries	OR Tambo DM	20% domestic / 50% irrigation
Mdumbi River and its tributaries	OR Tambo DM	20% domestic / 50% irrigation
Mtata River and its tributaries	OR Tambo DM	20% domestic / 50% irrigation
Mncwasa River and its tributaries	ORTDM & ADM	20% domestic / 50% irrigation
Ntlonyane River and its tributaries	Amathole DM	20% domestic / 50% irrigation
Mbashe River and its tributaries	ORTDM, ADM, CHDM	20% domestic / 50% irrigation
Nqabara River and its tributaries	Amathole DM	20% domestic / 50% irrigation
Shixini River and its tributaries	Amathole DM	20% domestic / 50% irrigation
Qora River and its tributaries	Amathole DM	20% domestic / 50% irrigation
Kobonqaba River and its tributaries	Amathole DM	20% domestic / 50% irrigation
Xolora River and its tributaries	Amathole DM	20% domestic / 50% irrigation
Gcuwa River and its tributaries (Gt. Kei)	Amathole DM	20% domestic / 50% irrigation
Tsomo River and its tributaries (Gt. Kei)	ADM & CHDM	20% domestic / 50% irrigation

Swart Kei and its tributaries	CHDM (Inkwanca & Lukanji)	20% domestic / 50% irrigation
Great Fish River and its tributaries above the influence of the Orange-Fish-Sundays GWS	CHDM (Inxuba Yethemba LM)	20% domestic / 50% irrigation
Elandsriver and its tributaries upstream of Kommandodrift Dam	CHDM (Tsolwana LM)	20% domestic / 50% irrigation
Sundays River and its tributaries upstream of the Darlington Dam	Camdemboo, Ikwezi & Blue Crane Route	20% domestic / 50% irrigation

Table 3: River Catchments where drought is declared by the District Municipality and water restrictions are to be enforced in terms of this Notice.

This Notice overrides any other previous authorization on water use issued by the Department relating to the water users from the schemes and catchments specified in this Notice.


 DIRECTOR GENERAL (Acting)
 DATE: 25/02/2016