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DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. R. 2724

11 November 2022

**MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996
(ACT No. 47 OF 1996)****ESTABLISHMENT OF STATUTORY MEASURE: REGISTRATION OF MACADAMIA
GROWERS, PROCESSORS, CONSOLIDATORS, IMPORTERS, EXPORTERS OF
MACADAMIA NUTS AND NURSERIES**

I, Angela Thoko Didiza, Minister of Agriculture, Land Reform and Rural Development, acting under sections 13 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 hereto.

MRS AT DIDIZA, MLP**MINISTER OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT**

SCHEDULE

Definitions

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

“address” means the physical address where the applicable business is conducted, whether at a home, farm or other premises;

“bonded warehouse activity” means activities in relation to imported macadamias which have been wholly exempted from the payment of taxes in the manner envisaged in section 19 of the Customs and Excise Act;

“commercial production” means any production undertaken for purposes other than household use or consumption;

“consolidator” means a person that receives macadamias from growers for the purpose of preparing and packing for sale such macadamias; and includes any person that buys macadamias from growers and/or acts as an agent for the sale of macadamias and/or acts as an agent or contractor in respect of the dehusking of NIS; and further includes growers that sell macadamias to traders, exporters, wholesalers, retailers, consumers and/or other purchasers (but specifically excludes any bonded warehouse activity);

“exporter” means any person that exports macadamias for his own account or, acts as an agent on behalf of producers and/or processors or packers of macadamias;

“grower” is synonymous with the term “producer” and means any person engaging, in a proprietary capacity, in the commercial production of macadamias inclusive of persons or entities who process, produce or, trade with their own macadamias and/or who grow and/or sell macadamia trees;

“importer” means an entity who imports macadamias into South Africa for any

purpose (other than storage and processing in a bonded warehouse activity) and includes persons organizing imports on behalf of or in the name of another person or entity;

”**kernel**” means the edible seed of the macadamia;

”**levy**” has the meaning ascribed thereto in the Act;

”**macadamias**” means the fruits of the macadamia tree, including but not limited to NIH, NIS or kernel;

”**macadamia industry**” means all participants and role players in the South African macadamia industry;

”**macadamia nursery**” means any person involved in the production of macadamia nursery trees, either for own use or sale for commercial gain;

”**NIH**” means nut in husk;

”**NIS**” means nut in shell;

”**NIS industry standard**” means notwithstanding the actual form and volume of the applicable macadamias, NIS with a kernel moisture content of 1.5% (determined by way of utilization of prevailing macadamia industry standards, provided such standards are reasonably acceptable to SAMAC);

”**person**” means any natural or juristic person and includes a partnership, association or statutory body;

”**processor**” means a person that sorts, cleans, cracks and processes macadamias, excluding growers that dehusk and dry their own macadamias;

”**SAMAC**” means Macadamias South Africa Non-Profit Company with registration

number 2017/656242/08;

“**statutory measure**” has the meaning ascribed thereto in the Act; and

“**the Act**” means the Marketing of Agricultural Products Act, 1996 (Act no. 47 of 1996), as amended.

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

2. The purpose and aim of the statutory measure are to compel the parties set out herein to register with the SAMAC. Registration is necessary to assist the South African macadamia industry in ensuring that continuous, timeous and accurate information relating to the macadamia industry is available to all macadamia industry stakeholders. Such information is essential for purposes of assisting macadamia industry stakeholders in making informed decisions in relation to the macadamia industry. By combining compulsory registration with the obligation to retain certain information and render of returns in relation thereto on an individual basis, generic aggregated information in relation to the macadamia industry is capable of being processed and analyzed for the benefit of the macadamia industry by way of utilizing the revenue generated from the collection of levies.

The establishment of this statutory measure is intended to assist in promoting the efficiency of the production and marketing of macadamias. The viability of the macadamia industry will thus be enhanced. The measure will not be detrimental to the number of employment opportunities in the macadamia industry or fair labour practice.

The statutory measure, as set out in this Schedule will be implemented and administered by SAMAC.

Products to which the statutory measure applies

3. This statutory measure shall apply to macadamias.

Area in which measure shall apply

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

Registration of parties concerned

5. (1) All growers, nurseries, processors, consolidators, importers and exporters of macadamias shall register with SAMAC in the manner prescribed in clause 6.
- (2) Each person becoming a grower, nursery, processor, consolidator, importer or exporter of macadamias shall register with SAMAC within 30 days of becoming a grower, nursery, processor, consolidator, importer or exporter of macadamias.
- (3) Persons whose activities are classified under more than one of the categories mentioned in clauses 5(1) and 5(2) shall register as such in each category within which its activities fall. By way of example, a grower that dries and packages his macadamias for sale to a trader, shall register both as a grower and a consolidator.
- (4) Growers, nurseries, processors, consolidators, exporters and importers shall provide an address (inclusive of GPS coordinates) for each location, nursery, processing facility, warehouse etc. where macadamias are kept.
- (5) Persons that are not members of SAMAC shall re-register annually on or before 31 January in each year.

Registration

6. Registration shall –
- (1) be made within 30 days of the commencement of this statutory measure, and in the event of a person only becoming obligated to register after the commencement of the statutory measure, within 30 days of such obligation arising;
- (2) Be accompanied by such supporting documentation as may be reasonably required by SAMAC;

- (3) be made on such application form and in the manner reasonably prescribed by SAMAC:
- (4) when sent by email, be sent to –
office@samac.org.za
- (5) be submitted, when forwarded by post, to –
SAMAC
PostNet Suite #431
Private Bag X1
East Rand
1462
- (6) when delivered by hand, be delivered to –
SAMAC
Unit 15, Benvista Office Park
Edgar Road
Jansen Park
- (7) alternatively, be made online, on the SAMAC website - www.samac.org.za.

Failure to comply with the statutory measures in this schedule

7. Upon a failure by any person to comply with the statutory measures as set out herein resulting in legal action being implemented by SAMAC and/or any other duly authorised person for purpose of enforcing compliance with the provisions of this statutory measures, such persons shall be liable for the legal costs so incurred by SAMAC and/or any other duly authorised person, on the scale as between attorney and own client.

Commencement and period of validity

8. This statutory measure shall come into operation on the date of publication and will lapse on 28 February 2027.