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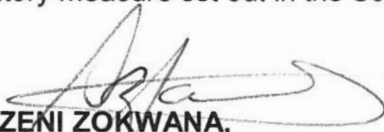
BOARD / RAAD

NO. R. 1262

14 OCTOBER 2016

**MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996
(ACT No. 47 OF 1996)****ESTABLISHMENT OF STATUTORY MEASURE - RECORDS AND RETURNS IN RESPECT OF
OILSEEDS PRODUCTS**

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 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 shall have that meaning, and unless the context otherwise indicates –

"commercial purposes" means where an income, remuneration or other benefit is obtained;

"exporter" means a person who exports oilseeds products from South Africa, and this includes a person who arranges or handles the exports in the name of or on behalf of another person;

"importer" means a person who imports oilseeds products into South Africa, and this includes a person who arranges or handles the imports in the name of or on behalf of another person;

"manufacturer" means a person who manufactures or processes, for his own account or on behalf of a third party, oilseeds products for commercial purposes;

"oilseeds products" means the following products:

- Coconut oil
- Palm oil and its derivatives
- Soybean oil
- Groundnut oil
- Sunflower oil
- Rapeseed/Canola oil
- Maize (corn) oil
- Cottonseed oil
- Blends or mixes of oils, which include one of the above oils
- Cottonseed oilcake
- Sunflowerseed oilcake
- Coconut oilcake
- Palm-nut oilcake
- Soybean oilcake
- Biodiesel
- Flours and meals of soybean
- Full-fat soybean
- Peanut butter and peanut paste
- Textured vegetable protein (TVP)

"premises" means premises where local or imported oilseeds products are manufactured, imported to or exported from and of which the person referred to is the owner or renter or otherwise has control, and where such person has more than one such premises, it shall include all such premises;

"registered VAT vendor" means any person or entity that is registered as a vendor by the South African Revenue Services (SARS) in terms of the legislation pertaining to Value Added Tax and who has to submit returns for that purpose to SARS;

"SAGIS" means the South African Grain Information Services NPC, a non-profit company as defined by the Companies Act, No 71 of 2008, originally incorporated under section 21 of the Companies Act, 1973 (Act No. 61 of 1973); and

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

Purpose and aim of statutory measure and its relation to the objectives of the Act

2. The aim and objectives of this statutory measure are to compel manufacturers, importers and exporters of oilseeds products to keep records and submit returns to SAGIS. These shall include any person who acts in the capacity of the above-mentioned persons. The statutory measure is deemed necessary in order to ensure that market information in respect of oilseeds products is made available accurately to the public and to all role players in the oilseeds industries. Information gathered by SAGIS by means of records and returns is disseminated freely in the marketplace. Through the mandatory submission of monthly returns, market information for the whole country can be disseminated in the marketplace.

This statutory measure will not only facilitate market access for all participants, but it will assist in promoting the effective marketing of oilseeds products. Furthermore, the market information obtained in this manner will promote the viability and international competitiveness of the oilseeds industries and the agricultural sector at large, while at the same time enhancing food security and the formulation of such policy.

The statutory measure is to be administered by SAGIS. SAGIS was specifically established for the purpose of gathering, processing and disseminating information on behalf of the various cereal and oilseed industries in South Africa.

SAGIS will treat all individual information as strictly confidential.

SAGIS already publishes macro generic market information on a monthly basis for the various cereal and oilseed industries and for other interested parties. This information is obtained and furnished from the returns that are submitted to SAGIS. The information is published in a manner that is suitable to address the requirements of the majority of role players in the respective industries.

Product to which statutory measure applies

3. This statutory measure shall apply to oilseeds products.

Area in which statutory measure applies

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

Records to be kept by manufacturers, importers and exporters

5. (1) Each manufacturer, importer and exporter of oilseeds products shall keep complete records for each calendar month in respect of oilseeds products that are manufactured, imported or exported by him for own use or for commercial purposes. This shall include any person who acts in the capacity of the aforementioned persons.

(2) Each person mentioned in sub-clause (1), irrespective of whether or not he has premises, shall keep the following records on a monthly basis:

- (a) Quantity manufactured – the quantity of all oilseeds products manufactured during a calendar month: Provided that the records should be kept separately for each product per province.
- (b) Imports - in respect of oilseeds products that are imported during a calendar month, records shall be kept of:
 - (i) Name and address of importer or person on whose behalf imports are made.

- (ii) Quantity of oilseeds products imported per country of origin.
 - (iii) Name and address of importer or person on whose behalf imports are made.
 - (iv) Name of border post through which a quantity of oilseeds products was imported.
 - (v) Name of harbour and owner of harbour premises through which the oilseeds products were imported.
- (c) Exports - in respect of oilseeds products that are exported, records shall be kept in respect of:
- (i) Name and address of the exporter and the person on behalf of whom the export takes place.
 - (ii) Quantity of oilseeds products exported per country of intended destination.
 - (iii) Name of border post through which a quantity of oilseeds products is exported.
 - (iv) Name and address of the last premises from where oilseeds products were dispatched to a border post for export.
 - (v) Name of harbour and owner of harbour premises where the exported oilseeds products were handled.
 - (vi) Name and particulars of the vessel in which a quantity of oilseeds products is exported.
- (3) Records mentioned in sub-clauses (1) and (2) shall be –
- (a) kept separately in respect of each oilseeds product;
 - (b) recorded on a computer or in ink in a book; and
 - (c) kept at the head office or usual place of business of the person who is required to keep them for a period of at least four years after the end of the period in respect of which such records were kept.

Returns to be submitted by manufacturers, importers and exporters

6. (1) Every manufacturer, importer and exporter of oilseeds products shall within 10 working days from the end of each calendar month submit to SAGIS an accurate prescribed return in respect of oilseeds products manufactured, imported or exported by him. This shall include any person who acts in the capacity of the aforementioned person.
- (2) The return mentioned in sub-clause (1) shall be completed on a computer or in ink and submitted on the forms available from SAGIS.
- (3) The returns shall be posted, delivered, sent or transmitted electronically to any of the postal, delivery or e-mail addresses, fax numbers or any other electronic

addresses as stipulated on the official return forms, to reach SAGIS before or on the deadline date mentioned in sub-clause (1).

- (4) Zero returns shall be submitted if no oilseeds products were manufactured, imported or exported during the period of the return.

Effective date

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