

## DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES

## NOTICE 627 OF 2018

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

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 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, unless the context indicates otherwise:

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

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

**“grower”** is synonymous with **“producer”** and means any person engaging, in a proprietary capacity, in the commercial production of macadamia inclusive of persons or concerns who process and produce macadamia nuts, trades with macadamia nuts, husks, kernels or in-shell or who grows and sells macadamia trees.

**“importer”** means an entity which imports macadamias into South Africa for processing,

retail distribution or export and includes persons organising imports on behalf of or in the name of another person.

“**kernel**” means the edible seed of the macadamia.

“**macadamias**” means the fruits of the macadamia nut tree species, whether nut in shell 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 nut nursery trees, either for own use or sale for commercial gain.

“**Nut in shell consolidator**” means a person that receives macadamia nuts from growers for the purpose of preparing and packing for sale as nut in shell. This definition includes persons that buy nut in shell from growers and /or act as agents for the sale of nut in shell. Growers that sell their own production of nut in shell directly to traders are also included in this definition.

“**person**” means an individual, partnership, company, association or any other business unit.

“**processor**” means a person that sorts, cleans, cracks and processes macadamias, excluding growers that dehusk and dry their own macadamia nut production on farm.

“**SAMAC**” means Macadamias South Africa Non-Profit Company with registration number 2017/656242/08.

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

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

2. The purpose and aims of this statutory measure is to compel the parties set out herein to register with the Macadamias South Africa NPC (SAMAC). Registration is necessary to assist the South African macadamia nut industry in ensuring that continuous, timeous and accurate information relating to the 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 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 macadamias. The viability of the macadamia industry will thus be enhanced. The measure will not be detrimental to the number of employment opportunities and fair labour practice.

The 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 macadamia nuts in-shell, kernels and macadamia trees both in the field and in the nursery.

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 growers, nurseries, processors, nut in shell 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, nut in shell consolidator, importer or exporter of macadamias shall register with SAMAC within 30 days of becoming a grower, nursery, processor, nut in shell 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 separately under each category. For example, a grower that dries and packages his own nut in shell for sale to a trader, shall register both as a grower and a nut in shell consolidator.
- (4) Growers, nurseries, processors, nut in shell consolidators, exporters and importers shall declare an address for each farm, nursery, processing facility, warehouse etc. where macadamias are kept.
- (5) Growers, nurseries, processors, nut in shell consolidators, exporters and importers that are not members of SAMAC in the specific appropriate categories of membership, such as handler member (processors, nut in shell consolidators), associate members, and grower members shall re-register annually before 31 January. In the case of a company, the Memorandum of Incorporation must be sent to SAMAC to accompany the registration. In the case of a Trust, the Letter of Authority issued by the Master of the High Court where the Trust is registered must be supplied to SAMAC to accompany the registration.

Registration

6. 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 SAMAC:
- (3) be submitted, when forwarded by post, to –  
SAMAC  
Private Bag X180  
Centurion  
0046
- (4) when delivered by hand, be delivered to –  
SAMAC c/o AgriSA Inkwazi Building,  
Block A,  
1249 Embankment Road,  
Zwartkop X7  
Pretoria
- (5) when sent by telefax, be sent to –  
+27 (0)86 612 9077
- (6) when sent by email, be sent to –  
[info@samac.org.za](mailto:info@samac.org.za)
- (7) alternatively, be made online, on the SAMAC website [www.samac.org.za](http://www.samac.org.za)

#### Failure to comply with the statutory measure in this schedule

7. Upon failure to comply with the statutory measure as set out in this schedule resulting in legal steps to enforce the provisions of the regulations, the specific entity or person not complying to the said measures would be liable for the legal costs, on the scale as between attorney and own client.

#### Commencement and period of validity

8. This statutory measure shall come into operation on 15 November 2018 and shall lapse 4 years later.