

No. 199

28 March 2014

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

**ESTABLISHMENT OF STATUTORY MEASURE: REGISTRATION OF EXPORTERS,
IMPORTERS, PROCESSORS, PRODUCERS AND PURCHASERS OF COTTON**

I, Tina Joemat-Pettersson, Minister of Agriculture, 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.

**TINA JOEMAT-PETTERSSON
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 –
 - “**cotton**” means cotton lint and seed cotton derived from the ball of the cotton plant (*Gossypium hirsutum*);
 - “**cotton lint**” means the fibre derived from the seed cotton after the seed cotton has been ginned;
 - “**Cotton South Africa**” means Cotton SA NPC a non-profit company registered in terms of the Companies Act, which operates under the name Cotton South Africa;
 - “**ginner**” means any person who gins seed cotton;
 - “**gin**” in relation to seed cotton, means to separate the seed and fibre in seed cotton and ginning has a corresponding meaning;
 - “**seed cotton**” means the lint and seed derived from the ball of the cotton plant (*Gossypium hirsutum*), before it has been ginned;
 - “**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 are to compel the following parties to register with Cotton South Africa: All persons who produce seed cotton; all persons who are parties to the purchase of seed cotton from producers; those persons who process seed cotton; those persons who are parties to the purchase of cotton lint from producers or ginners; and those persons who import or export cotton. Registration is necessary to assist Cotton South Africa in ensuring that continuous, timeous and accurate market information relating to cotton is made available to all role-players. Market information is deemed essential for all role-players in a deregulated market, in order for them to be able to make informed decisions. By combining the compulsory registration with the furnishing of monthly returns on an individual basis, market information for the whole of the country can be processed and disseminated to the market place.

The established of this statutory measure will not only assist in enhancing market access for all market participants but should also assist in promoting the efficiency of the marketing of cotton. The viability of the cotton industry will thus be enhanced. The measure will not be detrimental to the number of employment opportunities within the economy or fair labour practice.

This statutory measure will be administered by Cotton South Africa, a company incorporated under section 21 of the Companies Act, 1973 (Act No.61 of 1973). Cotton South Africa is appointed to implement, administer and enforce the intervention set out in the Schedule.

Products to which statutory measure applies

3. This statutory measure shall apply to cotton.

Area in which statutory measure applies

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

Registration of parties concerned

5. (1) The following parties shall register as such with Cotton South Africa in the manner set out in clause 6:
- a) All persons who produce seed cotton;
 - b) all persons who are parties to the purchase of seed cotton from producers;
 - c) those persons who process seed cotton;
 - d) those persons who are parties to the purchase of cotton lint from producers or ginners; and
 - e) those persons who import or export cotton.
- (2) An application for registration in terms of subclause (1) shall be made within 30 days from the date of commencement of this statutory measure and, in case of a person becoming a party in terms of subclause (1) after such date of commencement, within 30 days of becoming a party in terms of subclause (1).
- (3) The parties in terms of subclause (1) shall within 30 days of ceasing to be a party in terms of subclause (1) notifies Cotton South Africa in writing thereof whereupon his or her registration shall be cancelled.

Application for registration

6. (1) Application for registration in terms of clause 5 shall be made on an application form, copies of which are obtainable free of charge from Cotton South Africa.
- (2) The application form shall be completed in ink and signed by a person duly authorised thereto.
- (3) a) The application form shall be submitted, when forwarded by post to -
Cotton South Africa
P.O. Box 912232
SILVERTON
0127; or
- b) when delivered by hand delivered to -
Cotton South Africa
Cotton South Africa Building
90 Cycad Place
off Watermeyer Street
Val de Grace Extension 10
PRETORIA
0184.

Commencement and period of validity

7. This statutory measure shall come into operation on 1 April 2014 and shall lapse on 31 March 2018.