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**GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS**

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**DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT**

NO. R. 3097

3 March 2023

**MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996 (ACT NO. 47 OF 1996)****ESTABLISHMENT OF A STATUTORY MEASURE: RECORDS AND RETURNS BY  
PROCESSORS AND PERSONS DEALING IN LUCERNE SEED AND  
LUCERNE HAY**

I, Thoko Didiza, Minister of Agriculture, Land Reform and Rural Development, acting under sections 13 and 18 of the Marketing of Agricultural Products Act, 1996 (Act No. 47 of 1996) as amended, hereby establish the statutory measure set out in the attached Schedule.



**MRS ANGELA THOKOZILE DIDIZA**  
**MINISTER FOR 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, and unless the context otherwise indicates -

**“deal”** means the receiving, buying, importing, exporting and selling of lucerne seed or lucerne hay, whether for the account of the person thus dealing therein, or for the account of somebody else;

**“lucerne”** means lucerne seed or lucerne hay;

**“lucerne hay”** means hay produced from lucerne;

**“lucerne hay dealer”** means a person dealing in the course of business with lucerne hay;

**“lucerne hay processor”** means a person that processes lucerne hay;

**“lucerne seed”** means any locally produced lucerne seed;

**“lucerne seed dealer”** means a person dealing in the course of business with lucerne seed;

**“private and public cultivars”** means cultivars of lucerne seed in which the plant variety rights vests privately or may be used by the public;

**“process”** means any process or action whereby value is added to lucerne hay, whether such lucerne hay remains in its original form or not, and “processes” has a similar meaning; and

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

### Purpose and aim of statutory measure and the relation thereof to the objectives of the Act

2. The purpose and aims of this statutory measure is to compel the parties set out herein to render records and returns to the National Lucerne Trust. This is necessary to ensure that continuous timeous and accurate information relating to lucerne hay and lucerne seed is available to all role players. Market information is deemed essential for all role players for them to make informed decisions. By prescribing the keeping of records with the rendering of returns on an individual basis, market information for the whole of the industry can be processed and disseminated.

The establishment of the measure should assist in promoting the efficiency of the marketing of lucerne hay and seed. The viability of the lucerne industry should thus be enhanced.

The measure is not detrimental to any of the objectives of the Act, and in particular will not be detrimental to the number of employment opportunities or fair labour practice in the lucerne industry.

Any information obtained through this mechanism 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 are affected.

The measure will be administered by the National Lucerne Trust, who will act in terms of the mandate and on behalf of the lucerne industry.

**Products to which statutory measure applies**

3. This statutory measure shall apply to lucerne seed and lucerne hay.

**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 lucerne seed dealers, lucerne hay dealers and lucerne hay processors shall keep the following records and render returns on a monthly basis to the National Lucerne Trust relating to -

- (a) Lucerne seed:  
Lucerne seed locally received, imported, exported, sold and balance on hand at end of month, rendered separately per category for private and public cultivars, per kg.
- (b) Lucerne hay:  
Lucerne hay locally received, imported, exported, sold and balance on hand at end of month, rendered separately per category and class, per ton.
- (c) Lucerne hay processed:  
Lucerne hay received and processed and balance of lucerne hay at end of month, rendered separately per category and class, per ton.

- (2) The records referred to in subsection (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.

- (3) The returns referred to in subsection (1) shall be rendered on a form obtainable free of charge for this purpose from the National Lucerne Trust within 15 days after the end of each calendar month and shall -

- (a) be submitted, when forwarded by post, to -

The Manager  
National Lucerne Trust  
P.O. Box 185  
OUDTSHOORN  
6620

- (b) when delivered by hand, be delivered to -

The Manager

National Lucerne Trust  
152 St John Street  
OUDTSHOORN  
6625

(c) when sent by email, be addressed to -  
  
info@lusern.org

**Commencement and period of validity**

6. This statutory measure shall come into operation on the date of publication and shall lapse on 30 November 2026.

**DEPARTEMENT VAN LANDBOU, GRONDHERVORMING EN LANDELIKE ONTWIKKELING**

NO. R. 3097

3 Maart 2023

**WET OP BEMARKING VAN LANDBOUPRODUKTE, 1996 (WET NO. 47 VAN 1996)****INSTELLING VAN STATUTÊRE MAATREËL: AANTEKENNGE EN OPGAWES  
VAN VERWERKERS, PRODUSENTE EN PERSONE WAT IN LUSERNSAAD EN  
LUSERNHOOI HANDEL DRYF**

Ek, Thoko Didiza, Minister van Landbou, Grondhervorming en Landelike Ontwikkeling, handelende kragtens artikels 13 en 18 van die Wet op die Bemarking van Landbouprodukte, 1996 (Wet No. 47 van 1996) soos gewysig, stel hiermee die statutêre maatreël in die aangehegte Bylae uiteengesit, in.

**ME ANGELA THOKOZILE DIDIZA  
MINISTER VAN LANDBOU, GRONDHERVORMING EN LANDELIKE  
ONTWIKKELING**

## BYLAE

### Woordomskrywing

1. In hierdie Bylae het enige woord of uitdrukking waaraan 'n betekenis in die Wet geheg is, daardie betekenis en, tensy uit die samehang anders blyk, beteken –

**“handel dryf”** ontvang, koop, invoer, uitvoer en verkoop van lusernsaad of lusernhooi, vir die rekening van die persoon wat daarmee handel dryf of namens iemand anders daarmee handel;

**“lusern”** beteken lusernsaad of lusernhooi;

**“lusernhooi”** die hooi van lusern geproduseer;

**“lusernhooi handelaar”** die persoon wat met lusernhooi handel dryf;

**“lusern verwerker”** die persoon wat lusernhooi verwerk;

**“lusernsaad”** die plaaslik geproduseerde lusernsaad;

**“lusernsaad handelaar”** die persoon wat met lusernsaad handel dryf;

**“privaat en publieke variëteite”** beteken lusernsaad variëteite waaraan planttelersregte toegeken is of as publieke variëteit verhandel mag word;

**“verwerk”** beteken enige proses of aksie waar waardetoevoeging by lusernhooi plaasvind, ongeag of sodanige lusernhooi in sy oorspronklike vorm bly of nie en “verwerking” het hier dieselfde betekenis; en

**“die Wet”** die Wet op Bemaking van Landbouprodukte, 1996 (Wet No.47 van 1996) soos gewysig.

### Doel en doelwitte van statutêre maatreël en die verband daarvan met die oogmerke van die wet.

2. Die doel en oogmerke van die statutêre maatreël is om die partye soos hierin uiteengesit te verplig om aantekeninge en opgawes aan die Nasionale Lusern Trust te verstrek. Dit word noodsaaklik geag te einde te verseker dat deurlopende, tydige en akkurate markinligting beskikbaar gestel word aan alle rolspelers, ten einde hulle in staat te stel om ingeligte besluite te kan neem. Deur die verpligte verskaffing van maandelikse opgawes op 'n individuele basis, kan markinligting vir die hele land verwerk en in die markplek versprei word.

Die instelling van hierdie statutêre maatreël sal help om die doeltreffendheid van die bemaking van lusernsaad en lusernhooi te bevorder. Die lewensvatbaarheid van die lusernbedryf in die breë bevorder.

Die maatreël sal nie nadelig wees vir enige doelwitte van die Wet, en in die besonder sal nie nadelig wees vir die aantal werkgeleenthede of billike arbeidspraktyk in die lusernbedryf nie.

Enige inligting verkry deur middel van hierdie maatreël sal op 'n konfidensiële manier hanteer word en geen sensitiewe of potensieel sensitiewe kliënt-spesifieke inligting sal beskikbaar gestel word aan enige ander party, sonder die vooraf goedkeuring deur die persoon wie se regte aangetas kan word.

Hierdie statutêre maatreël sal geadministreer word deur die Nasionale Lusern Trust, wat sal handel in terme van sy mandaat en namens die lusern bedryf.

**Produkte waarop statutêre maatreël van toepassing is**

3. Hierdie maatreël is op lusernsaad en lusernhooi van toepassing.

**Gebied waarin statutêre maatreël van toepassing is**

4. Hierdie statutêre maatreël is in die geografiese gebied van die Republiek van Suid-Afrika van toepassing.

**Aantekeninge wat gehou moet word en opgawes wat verstrek moet word**

5.(1) Alle lusernsaad handelaars, lusernhooi handelaars en lusernhooi verwerkers moet aantekeninge hou en opgawes verstrek op 'n maandelikse basis aan die Nasionale Lusern Trust in verband met –

- (a) Lusernsaad:  
Lusernsaad plaaslik ontvang, ingevoer, uitgevoer, verkoop en voorraad aan die einde van 'n maand, afsonderlik per kategorie vir privaat en publieke variëteite, per kg.
- (b) Lusernhooi:  
Lusernhooi plaaslik ontvang, ingevoer, uitgevoer, verkoop en balans aan die einde van elke maand afsonderlik per kategorie en klas, per ton.
- (c) Lusernhooi verwerk:  
Lusernhooi ontvang en verwerk en die balans lusernhooi teen die einde van elke maand afsonderlik per kategorie en klas, per ton.

- (2) Die opgawes in subklousule (1) sal -

- (a) Aangeteken word op 'n rekenaar of met ink in 'n boek
- (b) Aangehou word in die registreerde kantore van die persoon wie dit moet hou vir ten minste drie jaar.

Die opgawes genoem in subklousule (1) sal ingedien word op 'n vorm wat gratis verkry kan word vir die doel by die Nasionale Lusern Trust, binne 15 dae na die einde van elke kalendermaand en sal ingedien word –

- (a) Indien per pos versend, na –

Die Bestuurder  
Nasionale Lusern Trust  
Posbus 185  
OUDTSHOORN  
6620

- (b) indien afgelewer per hand, by -

Die Bestuurder

Nasionale Lusern Trust  
St John Straat 152  
OUDTSHOORN  
6625

(c) Indien per epos, na -

info@lusern.org

### **Inwerkingtreding en tydperk van geldigheid**

6. Hierdie statutêre maatreël tree in werking op datum van hierdie publikasie en sal op 30 November 2026 verval.