

No. R. 1626

4 November 2003

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

ESTABLISHMENT OF STATUTORY MEASURE AND DETERMINATION OF LEVIES ON
APRICOTS

I, Angela Thokoziile Didiza, Minister for Agriculture, acting under sections 13 and 15 of the Marketing of Agricultural Products Act, 1996 (Act No. 47 of 1996), hereby establish the statutory measure set out in the Schedule.


A.T. DIDIZA,

Minister for Agriculture .

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 –

“apricot producer” means a producer of apricots intended for exports and/or fresh domestic consumption;

“exporter” means a person who trade fresh apricots for export for his own account, or acts as an agent on a commission basis on behalf of apricot producers;

“municipal Market” means the national fresh produce markets as defined from time to time; and

“retailer” means a person who trades fresh apricots on a retail level on the domestic market.

A person shall have a choice to register as either a producer or an exporter or municipal market or retailer. A person who is a producer as well as an exporter must register as a producer and as an exporter or retailer.

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

2. The levy is needed by the Deciduous Fruit Producers' Trust (DFPT) to fund research projects, information and technology transfer; plant improvement functions and certification; market information and statistics; communication; trade and market access; and transformation and training for fresh apricots.

These measures are necessary to ensure that continuous, timeous and accurate information relating to the apricot industry is available to all role players in order for them to make informed decisions.

The measure will not be detrimental to the number of employment opportunities or fair labour practice and will support the statutory measures relating to registration and the rendering of returns applicable to apricots.

The measure will be administered by DFPT, a trust established in terms of section 6(1) of the Trust Property Control Act, 1988 (Act No.57 of 1988). DFPT will implement and administer the measure as set out in the Schedule on behalf of DFPT Finance, a company incorporated under section 21 of the Companies Act, 1973 (Act No.61 of 1973).

Products to which statutory measure applies.

3. This statutory measure shall apply to apricots destined for export and/or domestic fresh consumption.

Area in which statutory measure applies

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

Imposition of levy

5. A levy is hereby imposed on apricots.

Amount of levy

6. The amount of the levy shall be 8,5c/kg on all apricots on export (all classes) and domestic volumes (all classes).

Persons by whom and to whom levy shall be payable

7. (1) The levy imposed under clause 5 shall –
- (a) be payable by an apricot exporter on behalf of the producer from which such apricots have been procured in respect of all apricots exported;
 - (b) be payable by a municipal market on behalf of the producer from which such apricots have been procured in respect of all apricots sold on that market; and
 - (c) be payable by a retailer on behalf of the producer from which such apricots have been procured in respect of all apricots procured by that retailer.
- (2) A levy imposed under clause 5 shall be payable to DFPT Finance (Section 21) in accordance with clause 8.

Payment of levy

8. (1) Payment of the levy shall be made not later than sixty days following the month end of delivery of a quantity of apricots for export or delivery to be sold on a municipal market or via a retailer.
- (2) Payment shall be made by means of a cheque or electronic transfer in favour of DFPT Finance, and shall –

- (a) when paid by cheque, be addressed to –

DFPT Finance
PO Box 163
PAARL
7622

- (b) when electronically transferred, be paid to the bank account obtainable from DFPT on request.

Use of levy

9. The Minister approve that -

- (a) at least 80% of the levy funds should be used for the core business functions e.g. research functions;
- (b) not more than 10% for administration use; and
- (c) at least 10% be allocated towards transformation.

Commencement and period of validity

10. This statutory measure shall come into operation on the date of publication hereof and will lapse 4 years later.