

No. R. 1628

4 November 2003

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

ESTABLISHMENT OF STATUTORY MEASURE AND DETERMINATION OF  
LEVIES ON PEACHES & NECTARINES

I, Angela Thokozile 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 –

“exporter” means a person who trade peaches & nectarines for export for his own account, or acts as an agent on a commission basis on behalf of peach and nectarine producers;

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

“peach and nectarine producer” means a producer of peaches and nectarines intended for exports and/or fresh domestic consumption; and

“retailer” means a person who trades peaches and nectarines 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 peaches and nectarines.

These measures are necessary to ensure that continuous, timeous and accurate information relating to the peach and nectarine industry is available

to all role players in order for them to make informed decisions in the spheres as indicated.

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 peaches and nectarines.

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 peaches and nectarines destined for export and/or domestic fresh consumption.

**Area in which statutory measure shall apply**

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 peaches and nectarines.

**Amount of levy**

6. The amount of the levy shall be 6,5c/kg on all peaches and nectarines on export (all classes) and domestic volumes on municipal markets and retail level (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 a peach and nectarine exporter on behalf of the producer from which such peaches and nectarines have been procured in respect of all peaches and nectarines exported;
  - (b) be payable by a municipal market on behalf of the producer from which such peaches and nectarines have been procured in respect of all peaches and nectarines sold on that market; and
  - (c) be payable by a retailer on behalf of the producer from which such peaches and nectarines have been procured in respect of all peaches and nectarines procured by that retailer.
  - (d) be payable by a producer of such cling peaches in respect of all cling peaches not sold via exports, municipal markets and retailers.
- (2) A levy imposed in terms of 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 peaches and nectarines for export or delivery to be sold on a municipal market or via a retailer, or sold via any other manner.
- (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 administrative 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.