

No. R. 1629**4 November 2003**

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

ESTABLISHMENT OF STATUTORY MEASURE AND DETERMINATION OF LEVIES ON
APPLES

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 --

"apple producer" means a producer of apples intended for exports and/or fresh domestic consumption, as well as for the production of apple juice concentrate;

"exporter" means a person who trade apples for export for his own account, or acts as an agent on a commission basis on behalf of apple producers;

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

"retailer" means a person who trades apples on a retail level on the domestic market; and

"processor" means an apple juice concentrate manufacturer.

A person shall have a choice to register as either a producer or an exporter or municipal market or retailer or processor. 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 apples.

These measures are necessary to ensure that continuous, timeous and accurate information relating to the apple 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 apples.

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 apples destined for export and/or domestic fresh consumption, and the manufacturing of apple juice concentrate.

Area in which statutory measure applies

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

Imposition of levy

5. A levy is hereby imposed on apples.

Amount of levy

6. The amount of the levy shall be -
 - (a) 3 c/kg on all apples on export (all classes) and/or domestic volumes on municipal markets and retail level (all classes); and
 - (b) 0,6 c/kg on all apples destined for the manufacturing of apple juice concentrate by concentrate processing plants.

Persons by whom and to whom levy is payable

7. (1) The levy imposed under clause 5 shall –
 - (a) be payable by an apple exporter on behalf of the producer from which such apples have been procured in respect of all apples exported;
 - (b) be payable by a municipal market on behalf of the producer from which such apples have been procured in respect of all apples sold on that market;
 - (c) be payable by a retailer on behalf of the producer from whom such apples have been procured in respect of apples procured by the retailer; and

(d) be payable by a processor on behalf of a producer of such apples in respect of all apples procured for manufacturing of apple juice concentrate.

(2) A levy imposed in terms of clause 5 shall be payable to DFPT Finance 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 wherein a quantity of apples was delivered for export or for sale on a municipal market or via a retailer or processor or sold via any other method.

(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.