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**AIDS HELPLINE: 0800-0123-22 Prevention is the cure**

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**GOVERNMENT NOTICES**  
**GOEWERMENTSKENNISGEWINGS**

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**DEPARTMENT OF AGRICULTURE**  
**DEPARTEMENT VAN LANDBOU**

**No. R. 1328**

**12 November 2004**

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

**ESTABLISHMENT OF STATUTORY MEASURE AND DETERMINATION OF LEVIES ON TABLE**  
**GRAPES**

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 table grapes for export for his own account, or acts as an agent on a commission basis on behalf of table grape producers; and

“Grape Producer” means a producer of table grapes intended for fresh table grapes destined for exports.

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

### **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 market access; information and communication; research and development programmes, and technology transfer; transformation and training; plant improvement and certification functions; and administration for table grapes.

These measures are necessary to ensure that continuous, timeous and accurate information relating to the table grape 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 table grapes.

The measure will be administered by DFPT, a trust established in terms of section 6(1) of the Trust Property Control Act, 1988 (Act 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 61 of 1973).

### **Products to which statutory measure applies.**

3. This statutory measure shall apply to table grapes destined for export.

### **Area in which 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 table grapes.

**Amount of levy**

6. The amount of the levy shall be 5c/kg on all exported volumes (all classes).

**Persons by whom and to whom levy is payable**

7. (1) The levy imposed under clause 5 shall –
- (a) be payable by a table grape exporter on behalf of the producer from which such table grapes have been procured in respect of all table grapes exported.
- (2) A levy imposed under 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 of delivery of a quantity of table grapes for export.
- (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;

- (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 lapse on 30 September 2008.