

No. R. 976**19 October 2007**

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

ESTABLISHMENT OF STATUTORY MEASURE AND DETERMINATION OF LEVIES ON
APPLES

I, Lulama Xingwana, 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.

L. XINGWANA

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;

"Importer" means a person or trader who imports apples for sale on the domestic market.

"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 an importer or municipal market or retailer or processor. A person who is a producer as well as an exporter or importer must register as a producer and as an exporter or importer 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.

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

Area in which measure shall apply

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

Persons by whom and to whom levy shall be 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;
 - (d) be payable by an importer on apples for sale on the domestic market; and
 - (e) 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 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 wherein a quantity of apples was delivered for export, import 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.

It is hereby determined that in respect of levies collected –

9. The Minister approve that

- (a) approximately 70% of the funds shall be used for the core business function;
- (b) not more than 10% of the funds shall be used for administration; and
- (c) approximately 20% of the funds shall be used for 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.