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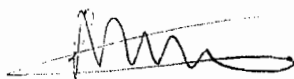
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DEPARTMENT OF AGRICULTURE

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

**ESTABLISHMENT OF STATUTORY MEASURE AND DETERMINATION OF A DIFFERENTIATED
LEVY ON DECIDUOUS FRUIT FOR AN INTEGRATED AREA WIDE
FRUIT FLY CONTROL PROGRAMME IN SPECIFIC PRODUCTION AREAS**

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 –

"Deciduous Fruit hectares" means all planted hectares of apples, pears, plums, Peaches/nectarines, apricots and table and dried grapes in specific production regions;

"Deciduous Fruit Producer" means a producer of deciduous fruit in specific production regions;

"Differentiated levy" means a per hectare levy applicable to deciduous fruit hectares in specific production regions;

"Specific Production Regions" means deciduous fruit production areas where deciduous fruit producers have approved the implementation of this measure on all deciduous fruit hectares.

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

1. The levy and measure is needed by the Deciduous Fruit Industry to collect the producers' contribution to integrated area wide fruit fly control programmes in the specific deciduous fruit production regions.

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 in the deciduous fruit industry.

The measure will be administered by the Deciduous Fruit Producers' Trust (DFPT), a trust established in terms of section 6(1) of the Trust Property Control Act, 1988 (Act 57 of 1988). DFPT will administer and spend the collected funds on the deciduous fruit hectares, on behalf of the deciduous fruit producers in the specific production regions and will account and report separately within DFPT Finance, a company incorporated under section 21 of the Companies Act, 1973 (Act 61 of 1973), thereon.

Products to which statutory measure applies.

2. This statutory measure shall apply to all deciduous fruit hectares in the specific deciduous fruit productions regions.

Area in which measure shall apply

3. This measure shall apply to the specific deciduous fruit production regions as listed in this schedule.

Imposition of levy

4. A differentiated levy is hereby imposed on all deciduous fruit hectares in the specific production regions as listed in this schedule.

Amount of the levy

5. The amount of the levy (excluding VAT) on the deciduous fruit hectares in the specific deciduous fruit production regions shall be:
- (1) In the deciduous fruit production region generally known as the Elgin, Grabouw, Vyeboom and Villiersdorp area:
 - Apples and Pears = R125/Hectare per annum;
 - Plums, Peaches/Nectarines and Apricots = R200/Hectare per annum.
 - (2) In the deciduous fruit production region generally known as the Hex River Valley:
 - Table and Dried Grapes = R280/hectare per annum.
 - (3) In the deciduous fruit production region generally known as Warm Bokkveld, Wolseley and Tulbagh:
 - Apples and Pears = R175/hectare per annum;
 - Plums, Peaches/Nectarines and Apricots = R250/Hectare per annum; and
 - Table and Dried Grapes = R250/hectare per annum

Persons by whom and to whom levy shall be payable

7. (1) The levy imposed under clause 5 shall be payable by a deciduous fruit producer or his nominee on behalf of the deciduous fruit producer.
- (2) A levy imposed under clause 5 shall be payable to DFPT Finance in accordance with clause 8.

Payment of a differentiated levy

8. (1) Payment of the levy shall be made by the deciduous fruit producer or his nominee in the manner and according to the schedule as agreed on an annual basis with

DFPT Finance on condition that the differentiated levy will be paid fully in any 12 month cycle.

- (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.

Commencement and period of validity

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