

No. 191**11 March 2010**

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

**ESTABLISHMENT OF STATUTORY MEASURE AND DETERMINATION OF A MARKET
DEVELOPMENT/CONSUMER EDUCATION LEVIES ON APPLES AND PEARS**

I, TINA JOEMAT-PETTERSSON, Minister for Agriculture, Forestry & Fisheries, 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.

TINA JOEMAT-PETTERSSON

Minister for Agriculture, Forestry & Fisheries

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 apples and pears for export for his own account, or acts as an agent on a commission basis on behalf of apple and pear producers;

“Apple Producer” means a producer of apples intended for exports;

“Pear Producer” means a producer of pears intended for exports; and

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 a market development and consumer education campaign for export apples and pears.

This measure is necessary to generate the producer funding for a market development and consumer education campaign.

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 and pears.

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 all apples and pears destined for export.

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 export apples and pears (all classes).

Amount of levy

6. The amount of the levy shall be R0,35 per standard 12,5 Kg carton or the equivalent rate per kilogram on all other sizes of export (all classes) cartons of apples and pears.

Persons by whom and to whom levy shall be payable

7. (1) The levy imposed under clause 5 shall be payable by an apple and pear producer or exporter on behalf of the producer from which such apples or pears have been procured in respect of all apples and pears 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 apples and pears 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.

Commencement and period of validity

9. This statutory measure shall come into operation on the date of publication hereof and will lapse two (2) years later.