

No. 961**29 October 2010**

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

**ESTABLISHMENT OF STATUTORY MEASURE AND DETERMINATION OF
GUIDELINE PRICES: LEVY ON FRESH MANGO FRUIT INTENDED FOR
PROCESSING**

I, TINA JOEMAT-PETTERSSON, Minister for Agriculture, Forestry and Fisheries acting under sections 13 and 15 of the Marketing of Agricultural Products Act, 1996 (Act No 47 of 1996), hereby –

- (a) establish the statutory measure set out in the Schedule; and
- (b) determine that the guideline price for fresh mangoes intended for processing shall be R1 375.25/ton.

TINA JOEMAT-PETTERSSON,
Minister for Agriculture, Forestry and 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 –

“Subtrop” refers to the Subtropical Growers’ Association of South Africa, an association of associations that manages the affairs of the South African Mango Growers’ Association (SAMGA).

“processor” means a person or entity that collects and process mangoes, and includes a producer that process mangoes on his own behalf or on behalf of other producers;

“process” refers to the action of converting fresh green or ripe mangoes into a processed product (that include but is not limited to juice, achar, dried or canned mangoes, and mangoes that is used in commercial fruit salad production)

“mango fruit” refers to fresh fruit, including green (immature) and ripe fruit.

“the Act” means the Marketing of Agricultural Products Act, 1996 (Act No. 47 of 1996).

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

2. The purpose and aim of this statutory measure is to compel the parties defined herein to register with and pay a levy to SAMGA. Registration is necessary to ensure the levy instated on fresh mango fruit destined for

processing can be collected. By combining registration with the statutory provision of individual processor fruit intake information, market information for the whole industry can be coordinated to ensure accurate collection of levies. The levy is needed by SAMGA for the funding of production research and development, plant improvement, information and statistics, as well as the transformation of the mango sector.

The measure will not be detrimental to the number of employment opportunities or fair labour practice and will only affect the role players in the mango industry.

The measure will be administered by Subtrop, an association of associations managing the affairs of SAMGA.

Product to which statutory measure applies

3. This statutory measure shall apply to all fresh mango fruit destined for processing.

Area in which statutory measure shall apply

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

Imposition of levy

5. A levy is hereby imposed on the processing of fresh mango fruit.

Amount of levy

6. The amount of the levy shall be 3 cents per kg fresh fruit (R30 per ton fresh fruit).

Persons by whom and to whom levy is payable

7. The levy imposed in terms of clauses 5 and 6 shall be payable by processors in the manner set out in clause 8 below.

Payment of levy

8. (1) Payment of the levy must be made on behalf of a producer by the processors of mango fruit concerned: Provided that –
- (a) if the amount of the levy has been paid by the processor of the mango fruit concerned, he or she may deduct the amount thereof from any monies owed to the producer concerned or collect such amount from the producer concerned; and
 - (b) a processor shall be entitled to retain an administration fee of 1.5% of the levy thus deducted or collected in terms of subclause (1)(a) for his or her own account.

(2) Payments shall be made no later than thirty days after the mango fruit had been approved for processing by means of a cheque or electronic transfer in favour of SAMGA, and shall –

(a) when forwarded by post, be addressed to –

SAMGA

P.O. Box 866

Tzaneen

0850

(b) when delivered by hand, be delivered to –

Subtrop

Prosperitas building 1A

27 Peace Street

Tzaneen, Limpopo

(c) when electronically transferred, be transferred to –

Mango Growers' Association

Bank: ABSA Bank

Branch: Tzaneen

Branch number: 334349

Account number: 1260720518

Use of levy

9. The Minister approves that –

(a) at least 70% of the levy funds should be used for the core business activities as identified by the industry e.g. research & development; market development en generic promotion.

(b) no more than 10% for administrative use; and

(c) approximately 20% be allocated towards transformation.

Commencement and period of validity

10. This statutory measure shall come into operation on the date of publication hereof and shall lapse on 31 December 2014.