

GOVERNMENT NOTICES

DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES

No. R. 780

30 September 2011

MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996

(ACT No 47 OF 1996)

ESTABLISHMENT OF STATUTORY MEASURE AND DETERMINATION OF LEVIES ON CULTIVATED FYNBOS PRODUCTS

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 establish the statutory measure set out in the Schedule.

T 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 –

"Exporter" means a person or organisation who exports cultivated fynbos products for his own account, or acts as an agent on behalf of producers and/or packers of cultivated fynbos products;

"Cultivated Fynbos" refers to plant material from the families *Proteaceae*, *Ericaceae*, *Restionaceae* and *Bruniaceae* including any derived plant material such as hybrids, selections or mutations produced and harvested from dedicated prepared dry land and/or irrigated planted areas;

"Packer" means a person or organisation who manufactures bouquets and other derived products utilising, inter alia, cultivated fynbos material;

"Producer" means a producer of cultivated fynbos products from dedicated prepared dry land and/or irrigated production conditions.

A person shall have a choice to register as either a producer or as a packer or as an exporter. A person has to register for each of the categories (producer, packer or exporter) for which he qualifies.

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

2. The levy is needed by Protea Producers SA to fund research projects, technical information and technology transfer; quality control, standards and certification; information and statistics; communication, market access; and transformation and training for the fynbos industry.

These measures are necessary to ensure that continuous, timeous and accurate information relating to the fynbos 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 fynbos products.

The measure will be administered by HORTGRO^{SERVICES}, a company established in terms of the Companies Act (as amended), 1973 (Act 61 of 1973). HORTGRO^{SERVICES} will implement and administer the measure, will ring-fence all fynbos levy income, and report on the utilisation of levy income as set out in the Schedule on behalf of PPSA within DFPT Finance, a company incorporated under section 21 of the Companies Act (as amended), 1973 (Act 61 of 1973).

Products to which statutory measure applies.

3. This statutory measure shall apply to all cultivated fynbos 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 cultivated fynbos products as defined.

Amount of levy

6. The amount of the levy shall be R1,60 per standard export carton and adjusted in the following 3 subsequent years to R1,72, R1,85 and R2,00 per standard export carton respectively during the levy period.

Persons by whom and to whom levy shall be payable

7. (1) The levy imposed under clause 5 shall be –
- (a) Payable by a cultivated fynbos producer;
 - (b) Payable by a packer on behalf of a cultivated fynbos producer; or
 - (c) Payable by an exporter on behalf of a cultivated fynbos producer.
- (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 (60) days following the month end wherein a quantity of cultivated fynbos was delivered for exports.

- (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
7620

- (b) when electronically transferred, be paid to the bank account obtainable from HORTGRO^{SERVICES} on request.

Commencement and period of validity

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