

No. R. 200**9 March 2012****MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996****(ACT No. 47 OF 1996)****ESTABLISHMENT OF STATUTORY MEASURE AND DETERMINATION OF LEVIES ON
PECANS AND PECAN PRODUCTS**

I, Tina Joemat-Pettersson, Minister of 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 hereto;
- (b) determine the guideline prices for pecans (recent average domestic producers' selling price), as R28 per kg.

**TINA JOEMAT-PETTERSSON,
MINISTER OF 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, unless the context indicates otherwise:

“grower” means any person or entity involved in growing pecan trees to be sold for commercial gain, i.e. nurseries;

“importer” means an entity which imports pecans and/or pecan products into South Africa for processing or retail distribution and includes persons organising imports on behalf of or in the name of someone else;

“pecan industry” means all participants and role players in the South African pecan industry;

“pecan packer” means the entity which buys or acquires pecans and/or pecan products and packages it for resale; or packs its own products for retail sale;

“pecan processor” means the entity which sorts, cleans, cracks and processes pecans for resale;

“pecan products” means the processed products obtained from fresh pecans;

“pecans” means the fruits of the Pecan Nut tree Carya illinoensis;

“processed pecan products” means the fruits which have been processed and are ready for consumption;

“producer” means the person or entity which grows pecan trees to produce fresh pecans for commercial gain; and

“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 levy is needed by the SA Pecan Producers Association (SAPPA) to fund research projects, technical information and technology transfer; quality control and certification; information and statistics; communication, consumer education and market development; and transformation and training for the pecan nut industry.

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 pecan products.

The measure will be administered by SAPPA, who will implement and administer the measure as set out in the Schedule.

Products to which statutory measure applies

3. This statutory measure shall apply to pecans and pecan products both from domestic production and imports.

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 all pecans and/or pecan products bought or received by a packer or imported by a packer or processor, or produced by a producer.

Amount of levy

6. The amount of the levy shall be:

- (a) 15c/kg on all pecans and pecan products excluding VAT.

Persons by whom and to whom levy shall be payable

7. (1) The levy imposed under clause 5 shall –
- (a) be payable by a producer, processor, or importer.
- (2) A levy imposed under clause 5 shall be payable to SAPPA in accordance with clause 8.

Payment of levy

8. (1) Payment of the levy shall be made not later than thirty (30) days following the month end wherein a quantity of pecans was delivered or imported into South Africa.
- (2) Payment shall be made by means of a cheque or electronic transfer in favour of SAPPA, and shall –
- (a) when paid by cheque, be addressed to –
SAPPA
PO Box 32140
TOTIUSDAL
0127
- (b) when electronically transferred, be paid to the bank account obtainable from SAPPA on request.

Administration of levies

9. The statutory measure shall be administered by SAPPA. Approximately 70% of levy income will be spent on core activities (such as research and information functions), not more than 10% on administration and 20% on transformation (development of emerging farmers). The levies shall be accounted for, in a manner and to the extent acceptable to the Auditor-General, separately from any other funds or assets under the control of SAPPA. Annual audited financial statements will be submitted to the National Agricultural Marketing

Council and the Auditor-General, with the percentage allocated towards transformation clearly indicated and accompanied by a report stating how the objectives of the levy have been met. Any deficit at the date of termination of this statutory measure shall be for the account of SAPPA. The Minister of Agriculture, Forestry and Fisheries shall decide on the application of any surplus levies at the date of termination of the statutory measure.

Commencement and period of validity

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