

**DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES****NO. R. 608****06 NOVEMBER 2015****MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996 (ACT NO. 47 OF 1996)****ESTABLISHMENT OF STATUTORY MEASURE AND DETERMINATION OF GUIDELINE  
PRICES: LEVIES RELATING TO PECAN NUTS AND PECAN NUT PRODUCTS**

I, Senzeni Zokwana, 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; and
- (b) determine the guideline price, per kilogram, for –
  - (i) In shell pecan nuts as R38.25; and
  - (ii) Pecan nut kernels as R87.50.

**SENZENI ZOKWANA,**

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, and unless the context otherwise indicates –

**“Exporter”** means a person or entity who exports pecan nuts or pecan nut products from South Africa and includes persons or entities who arranges or handles exports on behalf or in the name of someone else;

**“Grower”** means a person or entity involved in growing pecan nut trees to be sold for commercial gain, i.e. nurseries;

**“Importer”** means a person or entity that imports pecan nuts or pecan nut products into South Africa and includes persons or entities who arranges or handles imports on behalf or in the name of someone else;

**“Packer”** means a person or entity that buys or acquires pecan nuts and/or pecan nut products and packages it for resale; or packs its own products for retail sale;

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

**“Pecan nut kernels”** means shelled pecan nuts;

**“Pecan nut products”** means the processed products obtained from pecan nuts;

**“Pecan nut”** means the stone or pit of the fruit of the Pecan Nut tree Carya illinoensis;

**“Processor”** means a person or entity who sorts and/or cleans and/or shells and/or processes pecan nuts for resale;

**“Producer”** means a person or entity who grows pecan nut trees to produce pecan nuts 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 purpose and aims of this statutory measure are to provide financial support to the South African Pecan Nut Producers Association NPS (SAPPA) to fund research projects, information and technology transfer; plant improvement functions and certification; market information and statistics; communication; trade and market access; and transformation and training for the pecan nut industry.

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

The measure will be administered by SAPPA, a non-profit company established in terms of the Companies Act (as amended), 2008 (Act 71 of 2008). SAPPA 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 pecan nuts and pecan nut products, both from domestic source and on imported product.

#### **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 pecan nuts and pecan nut products.

#### **Amount of levy**

6. The amounts of the levies (excluding Value Added Tax) will be as follows:

In shell pecan nuts	1 March 2016 to 28 February 2017	25c/kg
	1 March 2017 to 28 February 2018	25c/kg
	1 March 2018 to 28 February 2019	30c/kg
	1 March 2019 to 29 February 2020	30c/kg
Pecan nut kernels	1 March 2016 to 28 February 2017	50c/kg
	1 March 2017 to 28 February 2018	50c/kg
	1 March 2018 to 28 February 2019	60c/kg
	1 March 2019 to 29 February 2020	60c/kg

#### **Persons by whom and to whom levy shall be payable**

7. (1) The levy imposed under clause 5 shall –
- (a) be payable by a processor, packer or exporter on behalf of the producer from which such pecan nuts have been procured in respect of all pecan nuts processed, packed or exported;
  - (b) be payable by a processor or packer on behalf of a producer in respect of all pecan nuts sorted and/or cleaned and/or shelled and/or packed and/or processed for and returned to such a producer;
  - (c) be payable by an importer on all pecan nuts and pecan nut products imported; and
  - (d) be payable by a producer who packs his own pecan nuts or pecan nut products for retail sale.
- (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 the pecan nuts was delivered or imported or sold via any other method.
- (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.

**Conditions of approval**

9. This statutory measure is subject to the following conditions:
- (a) That 70% of levy income be spent on research, information and other functions, at least 20% on transformation (development of emerging farmers), and not more than 10% on administration;
- (b) That levies 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, and audited by the Auditor-General; and
- (c) That after the lapsing of the levy, any surplus funds be utilised subject to the approval of the Minister.

**Commencement and period of validity**

10. This statutory measure shall come into operation on 1 March 2016 and will lapse 4 years later.