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**GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS**

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**DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT**

NO. R. 5229

27 September 2024

**MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996  
(ACT No 47 OF 1996)****ESTABLISHMENT OF STATUTORY MEASURE AND DETERMINATION OF  
A DIFFERENTIATED LEVY ON PLANTED HECTARES FOR FUNDING OF  
AN INTEGRATED AREA WIDE FRUIT FLY CONTROL PROGRAMME IN  
SPECIFIED PRODUCTION AREAS**

I, John Henry Steenhuisen, Minister for Agriculture, 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.

**MR J.H. STEENHUISEN, MP  
THE MINISTER OF AGRICULTURE**

## 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 –

**“Differentiated levy”** means a per hectare levy applicable to planted hectares in specified production regions.

**“Planted hectares”** means the total plantings of a specific producer of agreed products benefitting from the area wide fruit fly control programme in specified production regions.

**“Producer”** means a person producing products on planted hectares in specified production regions as enacted from time to time or as otherwise agreed.

**“Specified production regions”** means defined areas where producers have approved the implementation of this measure on all planted hectares included in such region.

### Purpose and aims of statutory measure and the relation thereof to the objectives of the Marketing of Agricultural Products Act (1996)

2. The statutory levy is needed and applied for by the fruit industry to collect the producer s’ contribution to integrated area wide fruit fly control programmes in specified production regions.

The measure will not be detrimental to the number of employment opportunities or fair labour practice and will support other statutory measures applicable to the fruit industry at large.

The measure will be utilized by FruitFly Africa (Pty) Ltd, an industry service entity established in terms of the Companies Act, 2008 (Act 71 of 2008 as amended). FruitFly Africa will administer and spend the collected funds on behalf of the producers in the specified production regions and will account and report separately thereon.

**Products to which statutory measure applies and application of statutory measure**

3. This statutory measure shall apply to all planted hectares in the specific production regions. The measure is a statutory enactment and as such of general application to all in accordance with the terms thereof. Accordingly, for the avoidance of doubt, the selective application and/or enforcement at the preference of any person or entity subject to the statutory measure is not permissible.

**Area in which measure shall apply**

4. This measure shall apply to the specified production regions as listed in this Schedule.

**Imposition of levy**

5. A differentiated levy is hereby imposed on all planted hectares in the specific production regions as listed in this Schedule.

**Amount of the levy**

6. The amount of the levy on the planted hectares in the specified production regions shall be:

- (6.1) In the production region generally known as Langkloof (Joubertina, Krakeel, Louterwater, Misgund, Noll, Waboomskraal\*):

\*Important note: Tree nuts (i.e. almonds and pecan nuts) are excluded.

- Not more than R1,939/hectare for the 12-month period from 1 October 2024 to 30 September 2025;
- Not more than R2,075/hectare for the 12-month period from 1 October 2025 to 30 September 2026;
- Not more than R2,220/hectare for the 12-month period from 1 October 2026 to 30 September 2027; and
- Not more than R2,376/hectare for the 12-month period from 1 October 2027 to 30 September 2028.

- (6.2) In the production region generally known as Langkloof (Avontuur, Haarlem, Ongelegen):

- Not more than R745/hectare for the 12-month period from 1 October 2024 to 30 September 2025;
- Not more than R797/hectare for the 12-month period from 1 October 2025 to 30 September 2026;

- Not more than R853/hectare for the 12-month period from 1 1 October 2026 to 30 September 2027; and
- Not more than R913/hectare for the 12-month period from 1 October 2027 to 30 September 2028.

(6.3) In the production region generally known as Lower Orange River (table grapes):

- Not more than R1,740/hectare for the 12-month period from 1 October 2024 to 30 September 2025;
- Not more than R1,862/hectare for the 12-month period from 1 October 2025 to 30 September 2026;
- Not more than R1,992/hectare for the 12-month period from 1 October 2026 to 30 September 2027; and
- Not more than R2,131/hectare for the 12-month period from 1 October 2027 to 30 September 2028.

(6.4) In the production region generally known as the Hemel & Aarde Valley:

- Not more than R1,751/hectare for the 12-month period from 1 October 2024 to 30 September 2025;
- Not more than R1,873/hectare for the 12-month period from 1 October 2025 to 30 September 2026;
- Not more than R2,004/hectare for the 12-month period from 1 October 2026 to 30 September 2027; and
- Not more than R2,145/hectare for the 12-month period from 1 October 2027 to 30 September 2028.s

(6.5) In the production region generally known as the Warm Bokkeveld region:

- Not more than R2,156/hectare for the 12-month period from 1 October 2024 to 30 September 2025;
- Not more than R2,307/hectare for the 12-month period from 1 October 2025 to 30 September 2026;
- Not more than R2,468/hectare for the 12-month period from 1 October 2026 to 30 September 2027; and
- Not more than R2,641/hectare for the 12-month period from 1 October 2027 to 30 September 2028.

- (6.6) In the production region generally known as the Wolseley region:
- Not more than R1,886/hectare for the 12-month period from 1 October 2024 to 30 September 2025;
  - Not more than R2,018/hectare for the 12-month period from 1 October 2025 to 30 September 2026;
  - Not more than R2,160/hectare for the 12-month period from 1 October 2026 to 30 September 2027; and
  - Not more than R2,311/hectare for the 12-month period from 1 October 2027 to 30 September 2028.
- (6.7) In the production region generally known as the Tulbagh region:
- Not more than R2,204/hectare for the 12-month period from 1 October 2024 to 30 September 2025;
  - Not more than R2,358/hectare for the 12-month period from 1 October 2025 to 30 September 2026;
  - Not more than R2,524/hectare for the 12-month period from 1 October 2026 to 30 September 2027; and
  - Not more than R2,700/hectare for the 12-month period from 1 October 2027 to 30 September 2028.
- (6.8) In the production region generally known as the Hex River Valley (including De Wet & Brandwacht):
- Not more than R2,539/hectare for the 12-month period from 1 October 2024 to 30 September 2025;
  - Not more than R2,717/hectare for the 12-month period from 1 October 2025 to 30 September 2026;
  - Not more than R2,907/hectare for the 12-month period from 1 October 2026 to 30 September 2027; and
  - Not more than R3,111/hectare for the 12-month period from 1 October 2027 to 30 September 2028.

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

7. (1) The levy imposed under clause 5 shall be payable by a producer or his nominee on behalf of the producer.
- (2) A levy imposed under clause 5 shall be payable to FruitFly Africa in accordance with clause 8.

**Payment of a differentiated levy**

8. (1) Payment of the levy shall be made by the producer or his nominee in the manner and according to the schedule as agreed on an annual basis with FruitFly Africa on condition that the differentiated levy must be paid fully in any 12-month cycle.
- (2) Payment shall be made by means of electronic transfer in favour of FruitFly Africa, and shall –
- (a) when electronically transferred, be paid to the bank account obtainable from and designated in writing by FruitFly Africa on request. It is important to note that FruitFly Africa will never send only an e-mail advising of a change of banking details without further confirmation thereof by FruitFly Africa to the producer and supported by written proof of such changed banking details by means of a bank letter issued to FruitFly Africa. Any such electronic communication to a producer would be an attempt to defraud. If a producer or his nominee receives such electronic communication, the producer or his nominee must contact the offices of FruitFly Africa immediately to confirm the authenticity of such electronic communication and request written proof of such changed banking details by means of a bank letter issued to FruitFly Africa.

**Commencement and period of validity**

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