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**GOVERNMENT NOTICE
GOEWERMENSKENNISGEWING**

**DEPARTMENT OF AGRICULTURE
DEPARTEMENT VAN LANDBOU**

No. 59

28 January 2009

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

**ESTABLISHMENT OF STATUTORY MEASURE AND DETERMINATION OF A MARKET
DEVELOPMENT/CONSUMER EDUCATION LEVIES ON PLUMS**

I, Lulama Xingwana, 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.

L. XINGWANA

Minister for 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 –

“Deciduous Fruit Producers Trust (DFPT), established by the three primary producer associations on the fresh side of the deciduous fruit industry, is the cohesive umbrella producer organisation striving to promote, co-ordinate, facilitate, fund and manage industry services and functions, and exercises independent and effective strategic control over the policy and activities of the industry by inter alia engaging in; research and laboratory services, plant improvement, cultivar development and plant certification, marketing and information services / statistics, training and development, minimum quality standards / regulations, industry communication and due diligence.

“Exporter” means a person who trade plums for export for his own account, or acts as an agent on a commission basis on behalf of plum producers;

“Plum Producer” means a producer of plums intended for exports and/or domestic fresh consumption; and

A person shall have a choice to register as either a producer or an exporter. A person who is a producer as well as an exporter must register as a producer and as an exporter.

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

2. The levy is needed by the Deciduous Fruit Producers' Trust (DFPT) to fund a market development and consumer education campaign for export plums.

This measure is necessary to generate the producer funding for a market development and consumer education campaign.

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 plums.

The measure will be administered by DFPT, a trust established in terms of section 6(1) of the Trust Property Control Act, 1988 (Act 57 of 1988). DFPT will implement and administer the measure as set out in the Schedule on behalf of DFPT Finance, a company incorporated under section 21 of the Companies Act, 1973 (Act 61 of 1973).

Products to which statutory measure applies

3. This statutory measure shall apply to all plums 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 export plums (all classes).

Amount of levy

6. The amount of the levy shall be R0,50 per standard 5,25Kg carton or the equivalent rate per kilogram on all other sizes of export (all classes) plums.

Persons by whom and to whom levy shall be payable

7. (1) The levy imposed under clause 5 shall be payable by a plum producer or exporter on behalf of the producer from which such plums have been procured in respect of all plums exported;
- (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 days following the month end of delivery of a quantity of plums for export.
- (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
7622
- (b) when electronically transferred, be paid to the bank account obtainable from DFPT 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.

No. 59

28 Januarie 2009

**WET OP BEMARKING VAN LANDBOUPRODUKTE, 1996
(WET Nr 47 van 1996)**

**INSTELLING VAN STATUTÊRE MAATREËL EN BEPALING VAN 'N
HEFFING OP PRUIME VIR MARKONTWIKKELING/VERBRUIKERS OPVOEDING**

Ek, Lulama Xingwana, Minister van Landbou, stel hiermee in terme van artikels 13 en 15 van die Bemarking van Landbou Produkte Wet, 1996 (Wet Nr 47 van 1996), die statutêre maatreël in soos uiteengesit in hierdie Skedule.

L. XINGWANA

Minister vir Landbou

SKEDULE**Definisies**

1. In hierdie Skedule sal enige woord of uitdrukking waaraan 'n betekenis in die Wet geheg word, daardie betekenis hê, en tensy uit die samehang anders blyk, beteken –

“Pruim Produsent” 'n produsent van pruime wat vir uitvoer bestem is;

“Sagtevrugte Produsente Trust (SPT)”, is 'n Trust gestig deur die drie primêre produsente organisasies aan die varskant van die sagtevrugte bedryf. Die SPT is 'n oorkoepelende sambriëel produsente organisasie wat daarna strewende om bedryfsaangeleenthede te bevorder, koördineer, fasiliteer, befonds en te bestuur, en beoefen onafhanklike en effektiewe strategiese beheer uit oor die beleid en aktiwiteite van die bedryf deur onder anderre betrokke te wees in; navorsing en laboratorium dienste, plant bevordereing, kultivar ontwikkeling en plant sertifikasie, bemarking en inligtings diens / statistiek, ontwikkeling en vooruitgang, minimum kwaliteits standaard / regulasies, bedryfs kommunikasie en verantwoording; en

“Uitvoerder” 'n persoon wat handel dryf met pruime vir uitvoer vir sy eie rekening, of as 'n kommissie-agent optree namens pruim produsente.

'n Persoon sal 'n keuse hê om of as produsent of as uitvoerder te registreer. 'n Persoon wat 'n produsent sowel as 'n uitvoerder is, moet registreer as 'n produsent en as 'n uitvoerder.

Doelwit en oogmerk van die statutêre maatreël en die verwantskap daarvan met die doelwitte van die Wet

2. Die heffing word deur die Sagtevrugte Produsente Trust (SPT) benodig om 'n markontwikkelings en verbruikers opvoeding strategie vir pruime te implementeer.

Hierdie maatreël is nodig op produsente befondsing vir 'n markontwikkelings- en verbruikers opvoedingprogram te genereer.

Hierdie maatreël sal nie die aantal werksgeleenthede of billike arbeidspraktyke nadelig raak nie en sal die statutêre maatreëls met betrekking tot registrasie en die indien van opgawes van toepassing op pruime ondersteun.

Die maatreël sal deur die SPT, 'n trust wat in terme van seksie 6(1) van die Trust Eiendomsbeheerwet, 1988 (Wet 57 van 1988) opgerig is, geadministreer word. Die SPT sal die maatreël soos in die Skedule uiteengesit, implementeer en administreer namens die DFPT Finance, 'n maatskappy geïnkorporeer onder artikel 21 van die Wet op Maatskappye, 1973 (Wet 61 van 1973).

Produkte waarop die statutêre maatreëls van toepassing is

3. Hierdie statutêre maatreël sal van toepassing wees op alle pruime wat bedoel is vir uitvoer.

Area waarin die maatreëls toegepas sal word

4. Hierdie maatreël sal toegepas word in die geografiese gebied van die Republiek van Suid-Afrika.

Instel van 'n heffing

5. 'n Heffing word hierby ingestel op uitvoer pruime (alle klasse).

Bedrag van heffing

6. Die bedrag van die heffing sal R0,50 per standaard 5,25 kg uitvoer karton of die pro-rata gedeelte daarvan per kilogram vir alle ander uitvoer karton (alle klasse) groottes beloop.

Persone deur wie en aan wie die heffing betaalbaar sal wees

7. (1) Die heffing ingestel onder klousule 5 sal betaalbaar wees deur 'n pruim produsent of pruim uitvoerders namens die produsent.
- (2) 'n Heffing ingestel onder klousule 5 sal betaalbaar wees aan die DFPT Finance ingevolge klousule 8.

Betaling van Heffing

8. (1) Betaling van die heffing sal geskied nie later nie as sestig dae na die maandeinde waarin die hoeveelheid pruime vir uitvoer gelewer is.
- (2) Betaling sal geskied deur middel van 'n tjek of elektroniese oordrag ten gunste van DFPT Finance, en sal –
- (a) wanneer per tjek betaal, geadresseer word aan –
DFPT Finance
Posbus 163
PAARL
7622
- (b) wanneer elektronies oorgedra, betaal word in die bank rekening wat op aanvraag van die SPT verkrygbaar is.

Inwerkingtreding en periode van toepassing

9. Hierdie statutêre maatreël sal in werking tree op die datum van publikasie hiervan en sal vier (4) jaar later verval.
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