

No. R. 1007**25 August 2004**

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

ESTABLISHMENT OF STATUTORY MEASURE AND DETERMINATION OF
GUIDELINE PRICES: LEVY ON FRESH CITRUS FRUIT INTENDED FOR
EXPORT

I, Angela Thokozile Didiza, Minister of Agriculture, 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 that the guideline price for export citrus fruit shall be R2,53 per kg.¹

A.T. DIDIZA,

MINISTER OF AGRICULTURE.

¹ Based on this amount (the D.I.P return) the levy amounts to 0.84%

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 –

“CGA” means the Citrus Growers Association of Southern Africa, incorporated under section 21 of the Companies Act, 1973 (Act No. 61 of 1973) with registration number 2000/010147/08;

“exporter” means an exporter of citrus fruit that exports citrus fruit on behalf of a producer, and includes a producer that exports on his own behalf or on behalf of other producers;

“export citrus fruit” means fresh citrus fruit intended for export;

“producer” means a grower of export citrus fruit; 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 aim of this statutory measure is to compel the parties to pay a levy to the CGA. The levy builds on the statutory levy introduced in 2001, and is needed by the CGA for the funding of production research and development, plant improvement, information and statistics and market access functions to maintain current and develop new export markets, as well as the transformation of the citrus sector.

The measure will not be detrimental to the number of employment opportunities or fair labour practice and will only affect the role players in the citrus industry. On the contrary, the statutory measure aims to maintain the position of South Africa as one of the largest producers of fresh citrus in the world.

The measure will be administered by CGA, a company incorporated under section 21 of the Companies Act, 1973.

Product to which statutory measure applies

3. This statutory measure shall apply to all export citrus fruit.

Area in which statutory measure shall apply

4. This statutory measure shall apply within the geographical area of the Republic of South Africa.

Imposition of levy

5. A levy is hereby imposed on export citrus fruit.

Amount of levy

6. The levy shall amount to R0, 0213 per kilogram for export citrus fruit .

Persons by whom and to whom levy is payable.

7. The levy imposed in terms of clause 5 shall –
 - (a) be payable by producers;
 - (b) be payable in the manner set out in clause 8.

Payment of levy.

8. (1) Payment of the levy must be made on behalf of a producer by the exporter of the citrus fruit concerned: Provided that –

- (a) if the amount of the levy has been paid by the exporter of the citrus fruit concerned, he or she may deduct the amount thereof from any monies owed to the producer concerned or collect such amount from the producer concerned; and
- (b) an exporter shall be entitled to retain an administration fee of 1% of the levy thus deducted or collected in terms of subclause (1)(a) for his or her own account.

(2) Payment shall be made no later than thirty days after the citrus fruit has been approved for export in terms of the Agricultural Product Standards Act by means of a cheque or electronic transfer in favour of CGA, and shall –

- (a) when forwarded by post, be addressed to –

CGA
P O Box 460
Hillcrest
3650

- (b) when delivered by hand, be delivered to –

CGA
30 Old Main Road
Hillcrest

(c) when electronically transferred, be transferred to –

Citrus Growers Association
Bank : Standard Bank
Branch: Hillcrest
Branch number : 045726
Account number : 250783924

Use of levy

9. The Minister approves that -
- (a) at least 80% of the levy funds should be used for the core business e.g. research;
 - (b) no more than 10% for administrative use; and
 - (c) at least 10% be allocated towards transformation.

Commencement and period of validity

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