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GOVERNMENT NOTICES
GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF AGRICULTURE
DEPARTEMENT VAN LANDBOU

No. R. 1046

10 September 2004

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

ESTABLISHMENT OF STATUTORY MEASURE AND DETERMINATION OF
GUIDELINE PRICES: LEVIES RELATING TO POTATOES

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 establish the statutory measure set out in the Schedule.

A.T. DIDIZA,
Minister of Agriculture.

SCHEDULE

Definitions

1. In this Schedule any word or expression to which a meaning has been assigned in the Act must have that meaning, and unless the context otherwise indicates -

"certification body" means an organisation which executes the certification of seed potatoes on behalf of the Independent Certification Council for Seed Potatoes;

"exporter" means a person who trades potatoes for export for his or her own account, or acts as an agent on a commission basis on behalf of potato producers;

"export inspection body" means an organisation which executes the export inspection of potatoes in terms of the Agricultural Product Standards Act, (Act No. 119 of 1990);

"fresh produce market" means a market, either privately owned or owned by local government, established for the orderly and centralised distribution of fresh produce;

"importer" means a person who imports table potatoes, seed potatoes, processed potatoes or any other form of potatoes for his or her own account or acts as an agent on a commission basis or on behalf of potato producers, traders or processors;

"kraft paper importer" means any person who imports extensible wet strength sack kraft paper for the manufacturing of potato sacks;

"kraft paper manufacturer" means any person who manufactures extensible wet strength sack kraft paper locally for use in the manufacture of potato sacks;

"Potatoes South Africa" means the Potato Producers' Organisation, trading as Potatoes South Africa, an organisation incorporated under section 21 of the Companies Act, 1973 (Act No. 61 of 1973);

"potato producer" means a person who produces potatoes for export, sale as seed potatoes, or domestic consumption either as table potatoes or processed products;

"potato sack importer" means a person who imports potato sacks manufactured from extensible wet strength sack kraft paper;

"potato sack manufacturer" means a person who manufactures potato sacks from extensible wet strength kraft paper;

"processor" means a person who processes potatoes in various products intended for human consumption or industrial purposes; and

"trader" means a person who purchases seed potatoes or table potatoes from a potato producer or any other supplier for trade on the domestic market.

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

2. (1) The measure is required by the potato industry to fund -
- (a) basic as well as applied research, including cultivar development and evaluation, and the dissemination of all relevant technical information; and
 - (b) the gathering, processing, analysing and compiling of industry related information, including market statistics, and the dissemination thereof as well as creating market access for emerging farmers (small and medium scale), including development projects related to the potato production marketing chain and the development of foreign markets for South African potatoes.
- (2) The measure is necessary to ensure that continuous, timeous and accurate information relating to the potato industry is available to all role players to make informed decisions in the spheres indicated.

(3) The measure will not be detrimental to the number of employment opportunities or fair labour practice and will support the statutory measure relating to registration and the rendering of returns applicable to potatoes.

(4) The levies collected under this measure will be paid into the Potato Industry Development Trust, (enacted specifically for the purpose of these levies) to be utilized in accordance with the purposes set out in this notice. It is envisaged that the Trust will make use of Potatoes South Africa to perform the administrative functions around the collection and administration of the levies.

Administration of statutory levies

3. The guideline funds are hereby determined that –
- (a) at least 80% of the funds should be used for the core business function;
 - (b) not more than 10% for administrative use; and
 - (c) 10% be allocated towards transformation.

Products to which statutory measure applies

4. This statutory measure shall apply to potatoes.

Area in which statutory measure applies

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

Determination of guideline prices

6. The guideline prices are hereby determined as -
- (a) 120,2 c/kg for table potatoes;
 - (b) 97,1 c/kg for potatoes for processing;
 - (c) 187,0 c/kg for certified seed potatoes; and
 - (d) 120,2 c/kg for potatoes destined for exports.

Imposition of levy

7. A levy is hereby imposed on potatoes.

Amount of levy

8. The amount of the levy payable -
- (a) for all classes of potatoes marketed in potato sacks manufactured from kraft paper, is 1,00 c/kg;
 - (b) for all classes of potatoes not marketed in the potato sacks contemplated in paragraph (a) and intended for sale on the domestic market -
 - (i) as table potatoes, is 1,00 c/kg;
 - (ii) for processing, is 0,5 c/kg; and
 - (iii) as certified seed potatoes, is 0,34 c/kg.
 - (c) for all classes of potatoes not marketed in the potato sacks contemplated in paragraph (a) and intended for export, is 1,00 c/kg.

Persons by whom levy is payable

9. (1) The levy imposed in terms of clause 6 is payable by -
- (a) a potato sack manufacturer or potato sack importer on behalf of a potato producer in respect of all potatoes marketed in potato sacks purchased by such potato producer;
 - (b) a potato producer or, on such potato producer's behalf, by a trader, exporter, owner of a fresh produce market, processor or any other person who purchases potatoes from a potato producer in respect of all potatoes not marketed in potato sacks contemplated in paragraph (a); or
 - (c) a potato importer on all potatoes imported.
- (2) A levy imposed in terms of clause 6 must be paid to the Potato Industry Development Trust in accordance with clause 9.
- (3) Subclause (1) shall be construed in such a manner that a levy contemplated in that subclause shall only be payable once.

Payment of levy

10. (1) The levy must be paid by the seventh day of the month following the month in which -
- (a) the potato sacks were delivered to the potato producer by the potato sack manufacturer or potato sack importer;
 - (b) the quantity of potatoes were delivered by a potato producer for export, sale or processing; or
 - (c) the potatoes were imported by the potato importer concerned.
- (2) Payment must be made to the Potato Industry Development Trust -
- (a) by means of a cheque which must be forwarded to -

The Potato Industry Development Trust
Private Bag X135
PRETORIA
0001; or
 - (b) directly into the bank account of the Potato Industry Development Trust, details of which are obtainable on request from the administrators. Notification of the payment must be sent by e-mail to potatolevies@agric.co.za.

Commencement and period of validity

11. This statutory measure comes into operation on the date of publication hereof and lapses on 30 June 2007.