

No. R. 995

26 October 2007

**MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996
(ACT NO. 47 OF 1996)**

**ESTABLISHMENT OF STATUTORY MEASURE AND DETERMINATION OF GUIDELINE
PRICE: LEVIES RELATING TO PIGS**

I, Lulama Xingwana, Minister of Agriculture, acting under sections 10, 13 and 14 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 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 indicates otherwise –

“abattoir” means a slaughter facility as defined in section 1 of the Meat Safety Act, 2000 (Act No. 40 of 2000), save for those facilities that have been excluded by the levy administrator after application to the levy administrator as provided for in the registration notice;

“head” means one pig irrespective of its age, size or weight;

“levy administrator” means the juristic person entrusted with the implementation, administration and enforcement of the statutory measure established under these Regulations, and identified in regulation 9 of the Schedule;

“owner” means the owner of a pig at the time of slaughter of that pig; and

“the Act” means the Marketing of Agricultural Products Act, 1996 (Act No. 47 of 1996).

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

2. The measure is required by the pork industry to fund –
 - (a) Empowerment and development of black emerging pork producers;
 - (b) Consumer education;
 - (c) Consumer Assurance;
 - (d) Research and development; and
 - (e) Industry liaison and information.

The levy is not detrimental to any of the objectives of the Act and, in particular, shall not be detrimental to the number of employment opportunities or fair labour practice in the pork industry.

The statutory measure shall be administered by the levy administrator, who shall act in terms of the mandate and on behalf of the South African Pork Producers' Organisation.

The statutory measure is necessary to finance the above-mentioned functions and the levy shall be utilised in accordance with the levy application. The Auditor-General shall also be responsible for auditing the statutory levies collected.

Employment of statutory levies

3. It is hereby determined that, in respect of levies collected –

- a) approximately 70% of the funds shall be used for the core business function;
- b) approximately 20% of the funds shall be used for transformation; and
- c) not more than 10% of the funds shall be used for administration.

Product to which statutory measure applies

4. This statutory measure shall apply to –

- (a) pigs slaughtered by abattoirs for commercial use other than for own consumption, and
- (b) pigs exported live

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 price

6. The guideline price is determined as follows:
- a) R738 per pig slaughtered.
 - b) R738 per pig exported live.

Amount of levy

7. The amount of the levy payable:
- a) R6,00 per head (VAT excluded) for pigs slaughtered at abattoirs.
 - b) R6,00 for pigs (VAT excluded) exported live.

Persons by whom levy is payable

8. The levy imposed in terms of this notice shall be –
- a) paid to the abattoir by the owner at slaughter of such pig and the abattoir will then pay it over to the levy administrator.
 - b) payable by the exporter of live pigs at the point of exit and paid over to the levy administrator.

Payment and enforcement of levy

9. (1) The levy shall be paid to the levy administrator –
- a) by the fourteenth day of the month following the month in which the pigs were slaughtered;
 - b) by the fourteenth day of the month following the month in which the pigs were exported.
- (2) Payments shall be made by means of a cheque or electronic bank transfer in favour of the levy administrator, and shall –
- a) When paid by cheque, be addressed to –
The Levy Administrator

P O Box 36802
MENLO PARK
0102

b) When electronically transferred, be paid to the account number obtainable from the levy administrator.

(3) The implementation, administration and enforcement of the statutory measure established in these Regulations are entrusted to the levy administrator in terms of section 14 of the Act.

Commencement and period of validity

10. This statutory measure shall come into operation on 1 November 2007 and lapses on 31 October 2010.