GOVERNMENT NOTICES

DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES

No. R. 954 **9 October 2009**

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

ESTABLISHMENT OF STATUTORY MEASURE AND DETERMINATION OF GUIDELINE PRICE: LEVIES RELATING TO BROILER CHICKENS AND PACKED EGGS

I, Tina Joemat-Pettersson, Minister of Agriculture, Forestry and Fisheries, 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 attached Schedule.

25/9/2009
TINA JOEMAT-PETTERSSON
MINISTER OF AGRICULTURE, FORESTRY AND FISHERIES

SCHEDULE

1. DEFINITIONS

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 –

"breeder" means a breeder of day old female parent broiler chickens of the species *Gallus domesticus* for commercial purposes, excluding those facilities that have been exempted by the levy administrator after application to the levy administrator as provided for in the registration notice;

"broiler" means a chicken of the species *Gallus domesticus* hatched for the purpose of producing meat;

"eggs" means eggs laid by the species *Gallus domesticus;*

"hatchery" means a facility where eggs of the species *Gallus domesticus* are hatched for commercial purposes as broiler chickens, excluding those facilities that have been exempted by the levy administrator after application to the levy administrator as provided for in the registration notice;

"levy administrator" means the Southern African Poultry Association which is entrusted with the implementation, administration and enforcement of the statutory measure established under this regulation;

"supplier of packaging material" means a supplier of packaging material for the packing of commercial eggs of the species *Gallus domesticus;* excluding those entities that have been exempted by the levy administrator after application to the levy administrator as provided for in the registration notice;

"the Act" means the Marketing of Agricultural Products Act, 1996 (Act No. 47 of 1996), as amended.

2. PURPOSE AND AIMS OF THE STATUTORY MEASURE AND THE RELATION THEREOF TO OBJECTIVES OF THE ACT

The statutory levy is required by the poultry industry to fund –

(a) Empowerment and development of black emerging poultry producers;
(b) Consumer education;
(c) Consumer assurance;
(d) Research and development; and

(e) Industry liaison, information and training.

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 poultry industry.

The levy 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.

3. EMPLOYMENT OF STATUTORY LEVIES

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

a) approximately 70% of the funds shall be used to finance functions relating to consumer education, consumer assurance, research and development; and industry liaison, information and training;
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.

4. PRODUCT TO WHICH STATUTORY MEASURE APPLIES

This statutory measure shall apply to –

- Day old female parent broiler chickens sold by breeders for commercial use other than for own consumption, and
- Packed eggs for commercial use other than for own consumption,

5. AREA IN WHICH STATUTORY MEASURE APPLIES

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

6. DETERMINATION OF GUIDELINE PRICE

The guideline price (excluding VAT) for 2008 is determined as follows:

(a) Female parent broiler chicken: R36.50 per day old female parent sold or placed; and
(b) Packed eggs: R9.50 per dozen

7. AMOUNT OF LEVY

The amount of the levy (excluding VAT) payable:

(a) Per day old female parent broiler chicken sold or placed

From date of implementation until December 2010	R1.32
From January until December 2011	R1.45
From January until December 2012	R1.60
From January until December 2013	R1.76

(b) Per one dozen packaged eggs sold

From date of implementation until December 2010	2.23 cents
From January until December 2011	2.45 cents
From January until December 2012	2.70 cents
From January until December 2013	2.97 cents

8. PERSONS BY WHOM LEVY IS PAYABLE

The levy imposed in terms of this notice shall be paid by–

a) the breeder of day old female parent broiler chickens at the sale of such chickens and the breeder will then pay it over to the levy administrator; and

b) the supplier of packaging material for the packing of eggs at the sale of such packaging material and the supplier will then pay it over to the levy administrator on behalf of the egg producers.

9. PAYMENT AND ENFORCEMENT OF LEVY

(1) The levy shall be paid to the levy administrator before the 30th day of the month following the month in which the day old chickens or packed eggs were sold;

(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 1202
HONEYDEW
2040

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 this regulation are entrusted to the levy administrator in terms of section 14 of the Act.

10. COMMENCEMENT AND PERIOD OF VALIDITY

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

-ooOoo-