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GOEWERMENTSKENNISGEWINGS

DEPARTEMENT VAN LANDBOU

No. R. 216 **1 Februarie 1994**

BEMARKINGSWET, 1968
(WET No. 59 VAN 1968)

MELKSKEMA: HEFFING EN
SPESIALE HEFFING OP MELK

Ek, André Isak van Niekerk, Minister van Landbou, maak hierby ingevolge artikel 79 van die Bemarkingswet, 1968 (Wet No. 59 van 1968), bekend dat—

- (a) Die Melkraad bedoel in artikel 6 van die Melkskema gepubliseer by Goewermentskennisgewing No. R. 2492 van 24 Desember 1993, kragtens artikels 26 (1) en 27 (1) van genoemde Skema die heffing en spesiale heffing in die Bylae hierby uiteengesit, opgelê het; en
- (b) genoemde heffing en spesiale heffing deur my goedgekeur is en op **1 Februarie 1994** in werking tree.

A. I. VAN NIEKERK,
Minister van Landbou.

BYLAE

Oplegging van heffing en spesiale heffings

1. 'n Heffing en 'n spesiale heffing word hierby opgelê op melk soos in kolom 1 van die Tabel vermeld, wat—

- (a) deur 'n produsent betaalbaar is op melk wat deur hom vir verkoop—
 - (i) geproduseer is; en
 - (ii) verwerk is;
- (b) deur 'n persoon betaalbaar is op wat melk deur hom in die Republiek ingevoer word.

GOVERNMENT NOTICES

DEPARTMENT OF AGRICULTURE

No. R. 216 **1 February 1994**

MARKETING ACT, 1968
(ACT No. 59 OF 1968)

MILK SCHEME: LEVY AND
SPECIAL LEVY ON MILK

I, André Isak van Niekerk, Minister of Agriculture, hereby make known in terms of section 79 of the Marketing Act, 1968 (Act No. 59 of 1968), that—

- (a) The Milk Board, referred to in section 6 of the Milk Scheme published by Government Notice No. R. 2492 of 24 December 1993, has under sections 26 (1) and 27 (1) of the said Scheme imposed the levy and special levy as set out in the Schedule hereto; and
- (b) the said levy and special levy have been approved by me and shall come into operation on **1 February 1994**.

A. I. VAN NIEKERK,
Minister of Agriculture.

SCHEDULE

Imposition of levy and special levy

1. A levy and a special levy are hereby imposed on milk as specified in column 1 of the Table, which—

- (a) is payable by a producer on milk—
 - (i) produced by him for the purpose of sale; and
 - (ii) processed by him for the purpose of sale.
- (b) is payable by a person on milk which is imported by him into the Republic.

Bedrag van heffing en spesiale heffing

2. (1) Die bedrag van die heffing en spesiale heffing in klousule 1 bedoel, is onderskeidelik 0,232 c/liter en 0,228 c/liter en **sluit BTW in**.

(2) Indien 'n heffing en spesiale heffing nie in c/liter betaal word nie, word die bedrag van sodanige heffing en spesiale heffing bereken as die somtotaal van die volgende:

- (a) Ten opsigte van bottervetinhoud, onderskeidelik 2,573 c/kg en 2,528 c/kg (BTW ingesluit); en
- (b) ten opsigte van proteïeninhoud, onderskeidelik 3,859 c/kg en 3,793 c/kg (BTW ingesluit).

No. R. 217**1 Februarie 1994**

BEMARKINGSWET, 1968
(WET No. 59 VAN 1968)

WYSE EN TYE VAN BETALING VAN HEFFING EN
SPESIALE HEFFING OP MELK

Die Minister van Landbou het kragtens artikel 89 van die Bemarkingswet, 1968 (Wet No. 59 van 1968) —

- (a) die regulasies in die Bylae uitgevaardig; en
- (b) bepaal dat genoemde regulasies op **1 Februarie 1994** in werking tree.

A. I. VAN NIEKERK,

Minister van Landbou.

BYLAE**Woordomskrywing**

1. In hierdie regulasies het enige woord of uitdrukking waaraan 'n betekenis in die Skema geheg is, daardie betekenis, en beteken —

“**die Skema**” die Melkskema gepubliseer by Goewermmentskennisgewing No. R. 2492 van 24 Desember 1993;

“**heffing**” —

- (a) 'n heffing en spesiale heffing opgelê deur die Raad kragtens artikel 26 en 27 van die Skema; en
- (b) 'n algemene heffing wat kragtens artikel 46A van die Wet deur die Minister opgelê is;

“**maand**” die tydperk wat strek vanaf enige dag van enigeen van die 12 kalendermaande van 'n jaar tot die dag voor die ooreenstemmende dag, albei dae ingesluit, van die daaropvolgende kalendermaand;

“**melkkoper**” 'n persoon wat met melk as 'n besigheid handel deur melk van 'n produsent aan te koop met die doel om dit van die hand te sit hetsy as sodanig of in 'n verwerkte vorm.

Wyse en tye waarop heffings betaalbaar is

2. (1) 'n Melkkoper wat ingevolge artikel 26 (3) van die Skema 'n heffing wat deur 'n produsent betaalbaar is van so 'n produsent moet verhaal, en aan die Raad moet oorbetaal, moet so 'n heffing voor of op die 15de dag van die maand eersvolgende op die maand waarin daardie melk aldus aan hom verkoop is, oorbetaal.

Amount of levy and special levy

2. (1) The amount of the levy and special levy referred to in clause 1 shall respectively be 0,232 c/litre and 0,228 c/litre and **includes VAT**.

(2) If a levy and special levy is not paid in c/litre, the amount of such levy and special levy shall be calculated as the total of the following:

- (a) In respect of butterfat content, respectively 2,573 c/kg and 2,528 c/kg (VAT included); and
- (b) in respect of protein content, respectively 3,859 c/kg and 3,793 c/kg (VAT included).

No. R. 217**1 February 1994**

MARKETING ACT, 1968
(ACT No. 59 OF 1968)

MANNER AND TIME OF PAYMENT OF LEVY AND
SPECIAL LEVY ON MILK

The Minister of Agriculture has under section 89 of the Marketing Act, 1968 (Act No. 59 of 1968) —

- (a) made the regulations in the Schedule; and
- (b) determined that the said regulations shall come into operation on **1 February 1994**.

A. I. VAN NIEKERK,

Minister of Agriculture.

SCHEDULE**Definitions**

1. Any word or expression in these regulations to which a meaning has been assigned in the Scheme shall have that meaning, and —

“**levy**” means —

- (a) a levy and special levy imposed by the Board under sections 26 and 27 of the Scheme; and
- (b) a general levy imposed by the Minister under section 46A of the Act;

“**milk purchaser**” means a person dealing with milk in the course of trade by buying milk from a producer for the purpose of the sale thereof whether as such, or in a processed form.

“**month**” means the period from any day of any of the 12 calendar months of a year to the day before the corresponding day, both days inclusive, of the following calendar month;

“**the Scheme**” means the Milk Scheme published by Proclamation No. R. 2492 of 24 December 1993.

Manner and times at which levies are payable

2. (1) A milk buyer who in terms of section 26 (3) of the Scheme has to recover a levy payable by a producer, from such producer and pay it to the Board, shall pay such levy on or before the 15th day of the month first following the month in which such milk was thus sold to him.

(2) 'n Produsent wat ingevolge artikel 26 (2) (a) (ii) van die Skema 'n heffing moet betaal op melk wat deur hom verwerk is, (hetsy as varsmelkprodukte of plaaskaas of andersins), moet so 'n heffing voor of op die 15de dag van die maand eersvolgende op die maand waarin daardie melk aldus vir verkoop verwerk is, aan die Raad betaal.

(3) 'n Produsent wat ingevolge artikel 26 (2) (a) (i) van die Skema 'n heffing moet betaal op melk wat deur hom geproduseer is vir verkoop aan 'n persoon buite die Republiek, moet so 'n heffing voor of op die 15de dag van die maand eersvolgende op die maand waarin daardie melk aldus verkoop is, aan die Raad betaal.

(4) 'n Persoon wat ingevolge artikel 26 (2) (b) van die Skema 'n heffing moet betaal op melk wat hy invoer, moet so 'n heffing voor of op die 15de dag van die maand eersvolgende op die maand waarin daardie melk aldus ingevoer is, aan die Raad betaal.

(5) 'n Heffing wat ingevolge regulasie 2 aan die Raad betaal of oorbetal moet word—

- (a) moet vergesel gaan van die toepaslike opgawe wat ingevolge artikel 35 van die Skema voorgeskryf is of, waar geen sodanige opgawe voorgeskryf is nie, van 'n skriftelike uiteensetting van die aard en doel van die betrokke betaling; en
- (b) moet ten volle aan die Raad betaal of oorbetal word en geen deel daarvan mag verreken en teruggehou word ten aansien van enige eis of skuldoorsaak van die heffingspligtige of betalingspligtige teenoor die Raad of enigiemand anders, of in skuldvergelyking aangewend word ten aansien van enige ander verpligting van welke aard ookal nie.

Beskikking oor algemene heffing kragtens artikel 46A van die Wet opgelê

3. Die Hoofbestuurder van die Raad (of sy gevolmagtigde) moet—

- (a) so spoedig doenlik na die ontvangs van 'n betaling ingevolge regulasie 2, die bedrag wat ten opsigte van die algemene heffing by so 'n betaling ingesluit is, in die spesiale rekening in artikel 46C van die Wet bedoel, stort; en
- (b) die Direkteur-generaal onverwyld skriftelik in kennis stel van elke bedrag wat aldus gestort is, en van die datum waarop dit gedoen is.

(2) A producer who in terms of section 26 (2) (a) (ii) of the Scheme has to pay a levy on milk processed by him (whether as fresh milk products or farm cheese or otherwise) shall pay such levy to the Board on or before the 15th day of the month first following the month in which that milk was thus processed for sale.

(3) A producer who in terms of section 26 (2) (a) (i) of the Scheme has to pay a levy on milk produced by him for the sale thereof to a person outside the Republic, shall pay such levy to the Board on or before the 15th day of the month first following the month in which such milk was thus sold.

(4) A person who in terms of section 26 (2) (b) of the Scheme has to pay a levy to the Board on milk that he imports, shall pay such levy to the Board on or before the 15th day of the month first following the month in which such milk was thus imported.

(5) A levy payable or paid over to the Board in terms of regulation 2—

- (a) shall be accompanied by the applicable return that is prescribed in terms of section 35 of the Scheme or, where no such return is prescribed, by a written explanation of the nature and purpose of the payment concerned; and
- (b) shall be paid or paid over to the Board in full, and no part thereof shall be set off or be held back with regard to any claim or debt cause that the person liable for levies or for payment has against the Board or any other person, nor shall it be appropriated towards any other obligation whatsoever.

Disposal of general levy imposed under section 46A of the Act

3. The General Manager of the Board (or his assignee) shall—

- (a) as soon as practicable after the receipt of payment in terms of regulation 2, pay into the special account referred to in section 46C of the Act the amount in respect of the general levy included in such payment; and
- (b) notify the Director-General forthwith in writing of each amount so paid in and of the date on which it was done.

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