
GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES

NO. R. 994

28 SEPTEMBER 2018

MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996 (ACT NO. 47 OF 1996)**CONTINUATION OF STATUTORY MEASURE AND DETERMINATION OF GUIDELINE
PRICES: LEVIES RELATING TO WHEAT, BARLEY AND OATS**

I, Senzeni Zokwana, 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 –

- (a) establish the continuation of the statutory measure set out in the Schedule hereto; and
- (b) determine the guideline price, per metric ton, for wheat as R4 202,32.

SENZENI ZOKWANA,

Minister of Agriculture, Forestry and Fisheries.

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 –
 - “**barley**” means the kernels of the genus *Hordeum*;
 - “**oats**” means the kernels of the genus *Avena sativa*;
 - “**producer**” means a person who produces wheat and/or barley and/or oats or a person on whose behalf wheat and/or barley and/or oats is produced;
 - “**the Act**” means the Marketing of Agricultural Products Act, 1996 (Act No. 47 of 1996);
 - “**wheat**” means the kernels of the species *Triticum aestivum*; and
 - “**SACTA**” means the SA Cultivar and Technology Agency NPC.

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

2. The purpose and aim of this statutory measure are to compensate breeders of wheat, barley and oats varieties for their contribution towards obtaining and utilising improved international agriculture related intellectual property to the benefit of the wheat, barley and oats industries in the Republic of South Africa.

The agricultural sector is expected to ensure food security, strengthen the economy and create job opportunities. This can be reconciled with the provisions of Section 2(3) of the Act. In order to achieve these aims and to further the competitive position of the wheat, barley and oats industries in the Republic of South Africa, the cultivation of high yielding crops from seed varieties that are most suited for particular regions is essential.

For the optimisation of possible export earnings it is imperative for South African products to conform to international quality standards and that the South African producers of wheat, barley and oats are competitive on the international markets.

The statutory measure shall be administered by the SA Cultivar and Technology Agency NPC (SACTA). The levies collected shall be administered in separate accounts for

wheat, barley and oats respectively. SACTA shall be audited in accordance with generally accepted accounting practices.

A portion of the funds collected by means of the levy will be focussed on small-scale farmers and transformation in the wheat, barley and oats industries in the Republic of South Africa. SACTA will allocate 20% of the total levy income to transformation initiatives, and report back to the NAMC annually.

Products to which statutory measure applies

3. This statutory measure shall apply to wheat, barley and oats.

Area in which statutory measure applies

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 all wheat, barley and oats –
 - (a) sold by or on behalf of the producer thereof;
 - (b) processed or converted or caused to be processed or converted into a wheaten or barley or oats product, by or on behalf of the producer thereof, if the wheaten or barley or oats product is intended to be disposed of; and
 - (c) in respect of which a silo receipt has been issued, if the levy in respect of such wheat, barley or oats has not already been paid in terms of paragraph (a) or (b).

Amount of levy

6. The amounts of the levies (excluding Value Added Tax) will be as follows:

Commodity	Period	Amount (Excluding Value Added Tax)
Wheat	1/10/2018 to 30/9/2020	R 30,00 per metric ton
Barley	1/10/2018 to 30/9/2020	R 30,00 per metric ton
Oats	1/10/2018 to 30/9/2020	R 30,00 per metric ton

Persons by whom levies are payable

7. (1) The levy payable in terms of clause 5 shall –

(a) in the case of a levy contemplated in clause 5(a), be payable by the buyer of the wheat and/or barley and/or oats;

(b) in the case of a levy contemplated in clause 5(b), be payable by the processor or converter of the wheat or barley or oats.

(c) in the case of a levy contemplated in clause 5(c), be payable by the person issuing such silo receipt.

(2) The amount of the levy payable by the buyer in terms of sub-clause (1)(a) may be recovered from the producer.

(3) The amount of the levy payable by the person issuing the silo receipt in terms of sub-clause 1(d) may be recovered from the person to whom such silo receipt is issued.

Payment of levy

8. (1) Payment of a levy imposed in terms of clause 5 shall be made by the persons contemplated in clause 7 not later than the last day of the month following the month in which the wheat or barley or oats has been delivered, sold, processed or converted.

(2) Payment shall be made in favour of the SA Cultivar and Technology Agency NPC.

(3) Payment shall –

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

The SA Cultivar and Technology Agency NPC
P O Box 74626
LYNNWOOD RIDGE
0040

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

The SA Cultivar and Technology Agency NPC
Grain Building Agri-hub Office Park (Block D)
477/478 Witherite Street
THE WILLOWS
Pretoria
0184

Conditions of approval

9. This statutory measure is subject to the following conditions:

- That 70% of levy income be spent on breeding and technology, at least 20% on transformation, in line with the NAMC's new guidelines, and less than 10% on administration;
- That SACTA takes full responsibility in retaining 20% of the total levies collected, and to utilise it for transformation in line with the criteria and procedures for the allocation of transformation funding, to be developed in consultation with the NAMC;
- That levies be accounted for, in a manner and to the extent acceptable to the Auditor General, separately from any other funds or assets under the control of SACTA, and be audited by the Auditor General;
- That after the lapsing of the levy, any surplus funds only be utilised after the approval of the Minister was obtained; and

- That the NAMC has observer status on the meetings of SACTA to ensure compliance with the original intent of the application.

Commencement and period of validity

10. (1) This statutory measure shall come into operation on 1 October 2018 and shall lapse on 30 September 2020.
- (2) Notwithstanding the provisions of sub-clause (1), the Minister may, after evaluation and review of the measure under section 9(1)(f) of the Act, by notice in the Government Gazette determine that the measure shall lapse on a date specified in that notice: Provided that such date shall not be later than the date determined under sub-clause (1).

DEPARTEMENT VAN LANDBOU, BOSBOU EN VISSERYE

NO. R. 994

28 SEPTEMBER 2018

WET OP BEMARKING VAN LANDBOUPRODUKTE, 1996 (WET NO. 47 VAN 1996)**VOORTSETTING VAN STATUTÊRE MAATREËL EN BEPALING VAN RIGLYNPRYS:
HEFFINGS BETREFFENDE KORING, GARS EN HAWER**

Ek, Senzeni Zokwana, Minister van Landbou, Bosbou en Visserye, handelende kragtens artikels 13 en 15 van die Wet op die Bemarking van Landbouprodukte, 1996 (Wet No. 47 van 1996) –

- (a) stel hierby die voortsetting van die statutêre maatreël in die Bylae uiteengesit in;
en
- (b) bepaal hierby die riglynprys, per metrieke ton, vir koring as R4 202,32.

SENZENI ZOKWANA

Minister van Landbou, Bosbou en Visserye

BYLAE

Woordomskrywing

1. In hierdie Bylae het enige woord of uitdrukking waaraan 'n betekenis in die Wet geheg is, daardie betekenis en tensy uit die samehang anders blyk, beteken —
 - “**die Wet**” die Wet op die Bemaking van Landbouprodukte, 1996 (Wet No. 47 van 1996);
 - “**gars**” korrels van die genus *Hordeum*;
 - „**hawer**“ korrels van die genus *Avena sativa*;
 - “**koring**” korrels van die spesie *Triticum aestivum*;
 - “**produsent**” 'n persoon wat koring en/of gars en/of hawer produseer of 'n persoon in wie se belang koring en/of gars geproduseer word;
 - “**SACTA**” die SA Cultivar and Technology Agency NPC.

Oogmerk en doelwit van die statutêre maatreël in terme van die Wet

2. Die oogmerk en doelwit van hierdie statutêre maatreël is om telers van koring-, gars- en hawervarieteite te vergoed vir hul bydrae tot die verkryging en benutting van verbeterde internasionale agri-verwante intellektuele eiendom tot voordeel van die koring-, gars- en hawerbedrywe in die Republiek van Suid-Afrika.

Dit word van die landbousektor verwag om voedselsekerheid te verseker, die ekonomie te versterk en werksgeleenthede te skep. Hierdie doelwitte is in ooreenstemming met die bepalings van artikel 2(3) van die Wet. Om hierdie doelwitte te bereik en die koring-, gars- en hawerbedrywe in die Republiek van Suid-Afrika se mededingende posisie te bevorder, is die produksie van goeie opbrengsoeste van saadvarieteite wat die mees geskikste is vir bepaalde streke noodsaaklik.

Om die opbrengs uit moontlike uitvoere te optimaliseer, is dit noodsaaklik dat Suid-Afrikaanse produkte voldoen aan internasionale kwaliteitstandaarde en dat Suid-Afrikaanse produsente van koring, gars en hawer kompetend bly in die internasionale markte.

Hierdie statutêre maatreël sal deur die SA Cultivar and Technology Agency NPC (SACTA) geadministreer word. Die heffings wat gevorder word, sal in afsonderlike

rekeninge aangetoon word vir koring, gars en hawer onderskeidelik. SACTA sal geouditeer word volgens algemeen aanvaarde rekenkundige praktyk.

'n Deel van die fondse wat by wyse van die heffing ingevorder word, sal toegespits word op kleinskaalse boere en transformasie in die koring-, gars- en hawerbedrywe in die Republiek van Suid-Afrika. SACTA sal 20% van die heffingsfondse aanwend vir transformasie, en jaarliks aan die NAMC verslag doen.

Produkte waarop statutêre maatreël van toepassing is

3. Hierdie statutêre maatreël is op koring, gars en hawer van toepassing.

Gebied waarin statutêre maatreël van toepassing is

4. Hierdie statutêre maatreël is in die geografiese gebied van die Republiek van Suid-Afrika van toepassing.

Instelling van heffing

5. 'n Heffing word hierby opgelê op alle koring, gars en hawer –
 - (a) wat deur of namens die produsent daarvan verkoop word;
 - (b) wat verwerk of omskep word of laat verwerk of omskep word in 'n koring-, gars- of hawerprodukt, indien die koring-, gars- of hawerprodukt bestem is om van die hand gesit te word; en
 - (c) ten opsigte waarvan 'n silo-ontvangsbewys uitgereik word, indien die heffing ten opsigte van sodanige koring, gars of hawer nog nie ingevolge paragraaf (a) of (b) betaal is nie.

Bedrag van heffing

6. Die bedrag van die heffing (Belasting op Toegevoegde Waarde uitgesluit) is soos volg:

Kommoditeit	Tydperk	Bedrag (Uitgesluit Belasting of Toegevoegde Waarde)
Koring	1/10/2018 tot 30/9/2020	R 30,00 / metrieke ton
Gars	1/10/2018 tot 30/9/2020	R 30,00 / metrieke ton
Hawer	1/10/2018 tot 30/9/2020	R 30,00 / metrieke ton

Persone deur wie heffing betaalbaar is

7. (1) 'n Heffing in terme van klousule 5 opgelê, sal betaalbaar wees deur:
- (a) in die geval van 'n heffing in klousule 5(a) bedoel, die koper van die koring, gars of hawer;
 - (b) in die geval van 'n heffing in klousule 5(b) bedoel, die verwerker of omskepper van die koring, gars of hawer; en
 - (c) in die geval van 'n heffing in klousule 5(c) bedoel, die persoon wat sodanige silo-ontvangsbewys uitreik.
- (2) Die bedrag van die heffing wat deur die koper in terme van subklousule (1)(a) betaalbaar is, kan van die produsent verhaal word.
- (3) Die bedrag van die heffing wat in terme van subklousule (1)(c) deur die uitreiker van die silo-ontvangsbewys betaalbaar is, kan van die persoon aan wie sodanige silo-ontvangsbewys uitgereik word, verhaal word.

Betaling van die heffing

8. (1) 'n Heffing opgelê in terme van klousule 5 moet nie later nie as die laaste dag van die maand volgende op die maand waarin die koring, gars of hawer gelewer, verkoop, verwerk of omgesit, deur die persone in klousule 7 bedoel betaal word.

(2) Betaling moet ten gunste van die SA Cultivar and Technology Agency NPC gemaak word.

(3) Betaling moet –

(a) wanneer per pos gestuur, geadresseer wees aan –

Die SA Cultivar and Technology Agency NPC
Posbus 74626
LYNNWOODRIF
0040

(b) wanneer per hand afgelewer, afgelewer word by –

Die SA Cultivar and Technology Agency NPC
Graangebou Agri-hub Kantoorpark (Blok D)
Witheritestraat 477/478
DIE WILGERS
Pretoria
0184

Voorwaardes van goedkeuring

9. Hierdie statutêre heffing is onderworpe aan die volgende voorwaardes:

(a) Dat 70% van heffingsinkomste spandeer word aan teling en tegnologie, ten minste 20% op transformasie en nie meer as 10% op administrasie;

(b) Dat SACTA verantwoordelikheid aanvaar om 20% van die totale heffings gevorder te behou en aan te wend vir transformasie ooreenkomstig die kriteria en prosedures vir die aanwending van transformasie fondse, wat opgestel sal word in samewerking met die NLBR;

- (c) Dat die heffings bestuur word op 'n manier aanvaarbaar vir die Ouditeur-Generaal, apart van enige ander bates of fondse van SACTA en geoudit word deur die Ouditeur-generaal;
- (d) Dat die aanwending van enige surplusfondse wat na die heffingstermyn mag bestaan, onderhewig sal wees aan die goedkeuring van die Minister; en
- (e) Dat die Nasionale Landbou Bemerkingsraad vergaderings van SACTA bywoon as waarnemer, om toe te sien dat die oorspronklike intensie van die statutêre maatreëls uitgevoer word.

Inwerkingtreding en tydperk van geldigheid

9. (1) Hierdie statutêre maatreël tree op 1 Oktober 2018 in werking en verval op 30 September 2020.
- (2) Nieteenstaande die bepalings van subklousule (1) kan die Minister, na 'n evaluasie en hersiening van die maatreël kragtens artikel 9(1)(f) van die Wet, by kennisgewing in die Staatskoerant bepaal dat die maatreël op 'n datum in daardie kennisgewing uiteengesit, verval: Met dien verstande dat sodanige datum nie later mag wees as die datum kragtens subklousule (1) bepaal nie.