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DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. R. 3744

4 August 2023

MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996 (ACT NO. 47 OF 1996)**ESTABLISHMENT OF STATUTORY MEASURE AND DETERMINATION OF GUIDELINE
PRICES: LEVIES RELATING TO LUPINS**

I, Thoko Didiza, Minister of Agriculture, Land Reform and Rural Development, acting under sections 13 and 15 of the Marketing of Agricultural Products Act, 1996 (Act No. 47 of 1996), hereby –

- (a) establish the statutory measure set out in the Schedule hereto; and
- (b) determine the guideline price, per metric ton, for lupins as R3 997.


MRS ANGELA THOKOZILE DIDIZA
MINISTER FOR AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

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
 - “**Lupins**” or “**Lupin**” means the seed of the species *Legimus* or the European lupins (*Lupinus albus*; *Lupinus angustifolius* & *Lupinus luteus*), which is used as food or is utilised for the processing or manufacture of flour or protein.
 - “**producer**” means a person who produces lupins or a person on whose behalf lupins is produced;
 - “**the Act**” means the Marketing of Agricultural Products Act, 1996 (Act No. 47 of 1996);
 - “**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 is to compensate breeders of lupin varieties for their contribution towards obtaining and utilising improved international agriculture related intellectual property to the benefit of the lupin industry 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 lupin industry in the Republic of South Africa, it is essential to cultivate high yielding crops from seed varieties that are most suited for particular regions in the country. For the optimisation of possible export earnings, it is also imperative for South African commodities to conform to international quality standards so that South African producers of lupins can remain competitive in the international markets.

The statutory measure shall be administered by the SA Cultivar and Technology Agency NPC (SACTA). The levies collected will be administered in a separate account for lupins. SACTA shall be audited annually 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 lupin industry in the Republic of South Africa. SACTA, who shall administer the levy, shall allocate 20% of the levy proceeds to transformation initiatives in the lupin industry, by means of service providers of its choice, and report back to the National Agricultural Marketing Council (NAMC) annually.

Product to which statutory measure applies

3. This statutory measure shall apply to lupins.

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 lupins –
- (a) sold by or on behalf of the producer thereof;
 - (b) processed or converted or caused to be processed or converted into a lupins product, by or on behalf of the producer thereof, if the lupins 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 lupins 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)
Lupins	1/10/2023 to 30/09/2024	R35 per metric ton
	1/10/2024 to 30/09/2025	R35 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 lupins;
 - (b) in the case of a levy contemplated in clause 5(b), be payable by the processor or converter of the lupins; and
 - (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) and sub-clause (1)(b) 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(c) may be recovered from the person to whom such silo receipt is issued.
- (4) The persons contemplated in sub-clauses (1)(a), (1)(b) and (1)(c), may claim 2,5% commission on the amount of the levies recovered, in accordance with the conditions set by SACTA from time to time.

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 lupins have been sold, delivered for sale, processed, converted, exported or a silo receipt issued in respect thereof.
- (2) Payment shall be made in favour of the SA Cultivar and Technology Agency NPC, and has to be accompanied by a duly completed levy return form, containing such information pertaining to lupins prescribed by the SA Cultivar and Technology Agency NPC. If no levy is payable in a particular month, a nil return shall be submitted to SACTA.
- (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
477/478 Witherite Street
Die Wilgers
Pretoria, 0186
- (c) when transferred electronically, be paid into the designated bank account of the SA Cultivar and Technology Agency NPC.

Conditions of approval

9. This statutory measure is subject to the following conditions:
- (a) 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;
- (b) 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
- (c) That after the lapsing of the levy, any surplus funds only be utilised after the approval of the Minister was obtained.

Commencement and period of validity

10. (1) This statutory measure shall come into operation on 1 October 2023 and shall lapse on 30 September 2025.

- (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, GRONDHERVORMING EN LANDELIKE ONTWIKKELING

NO. R. 3744

4 Augustus 2023

WET OP BEMARKING VAN LANDBOUPRODUKTE, 1996 (WET NO. 47 VAN 1996)**INSTELLING VAN STATUTÊRE MAATREËL EN BEPALING VAN RIGLYNPRYS:
HEFFINGS BETREFFENDE LUPIENE**

Ek, Thoko Didiza, Minister van Landbou, Grondhervorming en Landelike Ontwikkeling, 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 vir lupiene as R3 997 per metrieke ton.


ME ANGELA THOKOZILE DIDIZA
MINISTER VAN LANDBOU, GRONDHERVORMING EN LANDELIKE ONTWIKKELING

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 Bemarking van Landbouprodukte, 1996 (Wet No. 47 van 1996);
 - “**Lupiene**” beteken die graan van die spesie *Legimus* of die Europese Lupins (*Lupinus albus*; *Lupinus angustifolius* & *Lupinus luteus*), wat gebruik word as voedsel of gebruik word in verwerking of die vervaardiging van meel of proteïen;
 - “**produsent**” 'n persoon wat lupiene produseer of 'n persoon in wie se belang lupiene geproduseer word; en
 - “**SACTA**” die SA Cultivar and Technology Agency NPC; en

Oogmerk en doelwit van die statutêre maatreël en verband daarvan met die Wet

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

Dit word van die landbousektor verwag om voedselsekerheid te verseker, die ekonomie te versterk en werkseleenthede te skep. Hierdie doelwitte is in ooreenstemming met die bepalings van artikel 2(3) van die Wet. Om hierdie doelwitte te bereik en die lupienebedrywe in die Republiek van Suid-Afrika se mededingende posisie te bevorder, is die produksie van goeie opbrengsoeste van saadvariëteite, wat die mees geskikste is vir bepaalde streke in die land, noodsaaklik. Om die opbrengs uit moontlike uitvoere te optimaliseer, is dit ook noodsaaklik dat Suid-Afrikaanse produkte voldoen aan internasionale kwaliteitstandaarde en dat Suid-Afrikaanse produsente van lupiene kompetender bly in die internasionale markte.

Hierdie statutêre maatreël sal deur die SA Cultivar and Technology Agency NPC (SACTA) geadminestreer word. Die heffings wat ingevorder word, sal afsonderlik vir lupiene geboekstaaf word. SACTA sal jaarliks volgens algemeen aanvaarde rekenkundige praktyk geouditeer word. 'n Deel van die fondse wat by wyse van die heffing ingevorder word, sal toegespits word op kleinskaalse boere en transformasie in die lupienebedryf in die Republiek van Suid-Afrika. SACTA sal 20% van die fondse vir transformasie aanwend, en jaarliks aan die Nasionale Landboubeoordelingsraad daarvoor verslag doen.

Produk waarop statutêre maatreël van toepassing is

3. Hierdie statutêre maatreël is op lupiene 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 lupiene –
- (a) wat deur of namens die produsent daarvan verkoop word;
 - (b) wat verwerk of omskep word of laat verwerk of omskep word in 'n sojaboonprodukt, indien die sojaboonprodukt 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 lupiene 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	Periode	Bedrag (BTW uitgesluit)
Lupiene	1/10/2023 to 30/09/2024	R35 per ton
	1/10/2024 to 30/09/2025	R35 per ton

Persone deur wie heffing betaalbaar is

7. (1) 'n Heffing wat in terme van klousule 5 opgelê is, sal betaalbaar wees deur:
- (a) in die geval van 'n heffing in klousule 5(a) bedoel, die koper van die lupiene;
 - (b) in die geval van 'n heffing in klousule 5(b) bedoel, die verwerker of omskepper van die lupiene; en
 - (d) 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) en subklousule (1)(b) 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.
- (4) Persone vermeld in subklousules (1)(a), (1)(b) en (1)(c) wat aan die vereistes van hierdie statutêre maatreël voldoen, mag 2,5% op die bedrag van die heffing wat oorbetal is van SACTA eis, in ooreenstemming met die voorwaardes wat van tyd tot tyd deur SACTA bepaal word.

Betaling van die heffing

8. (1) Die heffing ingevolge klousule 5 opgelê moet nie later as die laaste dag van die maand volgende op die maand waarin die lupiene verkoop, vir verkoop gelewer,

uitgevoer, verwerk of omgesit, of waarin 'n silo-ontvangsbewys uitgereik is, deur die persone in klousule 7 bedoel, betaal word nie.

- (2) Betaling moet ten gunste van die SA Cultivar and Technology Agency NPC gemaak word, en moet vergesel gaan van 'n behoorlik voltooide heffingopgawevorm, wat sodanige inligting bevat as wat van tyd tot tyd deur SACTA vereis word. Indien geen heffing betaalbaar is in n gegewe maand nie, moet 'n nul opgawe aan SACTA voorsien 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
- c) wanneer elektronies oorgeplaas, inbetaal word in die bankrekening van die SA Cultivar and Technology Agency NPC.

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 ooreenkomstig die NLBR se nuwe riglyne, en nie meer as 10% op administrasie;
- (b) Dat die heffings bestuur word op 'n manier aanvaarbaar vir die Ouditeur-Generaal, apart van enige ander bates of fondse van SACTA; en
- (c) Dat die aanwending van enige surplusfondse wat na die heffingstermyn mag bestaan, onderhewig sal wees aan die goedkeuring van die Minister.

Inwerkingtreëding en tydperk van geldigheid

10. (1) Hierdie statutêre maatreël tree op 1 Oktober 2023 in werking en verval op 30 September 2025.
- (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.