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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. R. 1027 **30 SEPTEMBER 2020**

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, 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 continuation of the statutory measure set out in the Schedule hereto;
and
(b) determine the guideline price for wheat as R4 269,02 per metric ton.

MRS AT DIDIZA, MP
MINISTER OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

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, 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 wheat, barley and oats 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 separate accounts for wheat, barley and oats respectively. 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 wheat, barley and oats industries in the Republic of South Africa. SACTA shall allocate 20% of the levy proceeds to transformation initiatives in the grains industries, by means of service providers of its choice, and report back to the National Agricultural Marketing Council (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.

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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	**1/10/2020 to 30/9/2021** **1/10/2021 to 30/9/2022** **1/10/2022 to 30/9/2023**	**R 30,00 per metric ton** **R 30,00 per metric ton** **R 32,00 per metric ton**
Barley	**1/10/2020 to 30/9/2021** **1/10/2021 to 30/9/2022** **1/10/2022 to 30/9/2023**	**R 30,00 per metric ton** **R 30,00 per metric ton** **R 32,00 per metric ton**
Oats	**1/10/2020 to 30/9/2021** **1/10/2021 to 30/9/2022** **1/10/2022 to 30/9/2023**	**R 30,00 per metric ton** **R 30,00 per metric ton** **R 32,00 per metric ton**

Persons by whom the 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) 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) Persons contemplated in sub-clause (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 wheat or barley or oats has been delivered, sold, processed, converted or a silo receipt issued.

(2) Payment shall be made in favour of the SA Cultivar and Technology Agency NPC and has to be accompanied by a duly completed return form, containing the information as 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 the SA Cultivar and Technology Agency NPC.

(5) 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

(c) when transferred electronically, be paid into the designated bank account of the SA Cultivar and Technology Agency NPC.

Commencement and period of validity

9. (1) This statutory measure shall come into operation on 1 October 2020 and shall lapse on 30 September 2023.

(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).

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DEPARTEMENT VAN LANDBOU, GRONDHERVORMING EN LANDELIKE ONTWIKKELING

NO. R. 1027 **30 SEPTEMBER 2020**

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, 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 koring as R4 269,02 per metrieke ton.

MS AT DIDIZA, MP
MINISTER VAN LANDBOU, GRONDHERVORMING EN LANDELIKE ONTWIKKELING

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);
- **“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 hawervariëteite 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 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 koring, gars en hawer kompeterend bly in die internasionale markte.

Hierdie statutêre maatreël sal deur die SA Cultivar and Technology Agency NPC (SACTA) geadministreer word. Die heffings wat ingevorder word, sal afsonderlik geboekstaaf word vir koring, gars en hawer onderskeidelik. 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 koring-, gars- en hawerbedrywe in die Republiek van Suid-Afrika. SACTA sal 20% van die fondse vir transformasie aanwend deur middel van diensverskaffers van sy keuse, en jaarliks aan die Nasionale Landboubemarkingsraad daaroor 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 hawerproduk, indien die koring-, gars- of hawerproduk 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 (Belasting op Toegevoegde Waarde uitgesluit)
Koring	**1/10/2020 tot 30/9/2021** **1/10/2021 tot 30/9/2022** **1/10/2022 tot 30/9/2023**	**R 30,00 / metrieke ton** **R 30,00 / metrieke ton** **R 32,00 / metrieke ton**
Gars	**1/10/2020 tot 30/9/2021** **1/10/2021 tot 30/9/2022** **1/10/2022 tot 30/9/2023**	**R 30,00 / metrieke ton** **R 30,00 / metrieke ton** **R 32,00 / metrieke ton**
Hawer	**1/10/2020 tot 30/9/2021** **1/10/2021 tot 30/9/2022** **1/10/2022 tot 30/9/2023**	**R 30,00 / metrieke ton** **R 30,00 / metrieke ton** **R 32,00 / 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) of (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) mag 2,5% kommissie eis op die bedrag van die heffing wat oorbetaal is, in

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ooreenstemming met die voorwaardes wat van tyd tot tyd deur die SA Cultivar and Technology Agency NPC bepaal 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 en moet vergesel gaan van n behoorlik voltooide opgawevorm, wat sodanige inligting bevat as wat deur die SA Cultivar and Technology Agency NPC voorgeskryf word. Indien geen heffing betaalbaar is in n gegewe maand nie, moet ‘n nul opgawe aan die SA Cultivar and Technology Agency NPC voorsien word.

(3) Betaling moet –

(a) wanneer per pos gestuur, geaddresseer 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.

Inwerkingtreding en tydperk van geldigheid

9. (1) Hierdie statutêre maatreël tree op 1 Oktober 2020 in werking en verval op 30 September 2023.

(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.

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