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## GOVERNMENT NOTICES

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### DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES

**No. R. 708**

**9 September 2011**

#### MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996

(ACT No. 47 OF 1996)

#### ESTABLISHMENT OF A STATUTORY MEASURE AND

#### DETERMINATION OF GUIDELINE PRICES:

#### LEVIES RELATING TO LUCERNE SEED AND LUCERNE HAY

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-

- (a) establish the statutory measure set out in the Schedule hereto;
- (b) determine the guideline prices for –
  - (i) lucerne hay as R1 200 per ton and
  - (ii) lucerne seed as R60 per kg.

**TINA JOEMAT-PETTERSSON,  
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-

**"cleaned lucerne seed"** means lucerne seed cleaned in terms of the Plant Improvement Act, 1976 (Act No. 53 of 1976);

**"commercial purpose"** means the buying and selling of lucerne seed or lucerne hay for commercial gain;

**"dealing"** means the buying and selling of lucerne seed or lucerne hay, whether for the account of the person thus dealing therein, or for the account of somebody else;

**"lucerne"** means lucerne seed or lucerne hay;

**"lucern seed cleaner"** means a person that cleans lucerne seed in terms of the Plant Improvement Act, 1976 (Act No. 53 of 1976);

**"lucerne hay"** means hay produced from lucerne;

**"lucerne hay dealer"** means a person dealing with lucerne hay;

**"lucerne seed"** means any locally produced and imported lucerne seed;

**"NIR Instrument"** means a near infrared spectroscopy instrument used for the grading of lucerne hay and accredited with the NLT;

**"NLT"** means the National Lucerne Trust; and

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

**Purpose and aims of statutory measure and the relation thereof to objectives of the Act**

2. The purpose and aims of this statutory measure are to provide financial support to lucerne information, transformation and research functions, which have been identified by the lucerne industry as essential and in the interest of the industry as a whole.

These functions are:

- Cleaning, grading and classification standards and services;
- The collection and dissemination of statistics and other information;
- Liaison with Government and other role-players on industry issues;
- Small farmers development and training; and
- Research relating to lucerne seed and lucerne hay.

The establishment of the measure should assist in promoting the efficiency of the marketing of lucerne hay and seed. The viability of the lucerne industry should thus be enhanced.

The measure is not detrimental to any of the objectives of the Act, and in particular will not be detrimental to the number of employment opportunities or fair labour practice in the lucerne industry.

The measure will be administered by the National Lucerne Trust, who will act in terms of the mandate on behalf of the lucerne industry.

**Product to which statutory measure applies**

3. This statutory measure shall apply to lucerne.

**Area in which statutory measure applies**

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

**Imposition of levies**

5. Levies are hereby imposed on -

- (a) Cleaned lucerne seed produced for commercial purposes;

- (b) Lucerne hay produced for commercial purposes not analysed by the NIR Instrument;
- (c) Lucerne hay produced for commercial purposes analysed by the NIR Instrument.

#### Amount of levies

6. The amounts (VAT excluded) of the levies imposed in terms of clause 5 shall be-
- (a) 60c per kg on clean seed;
  - (b) R3 per ton on lucerne hay not analysed by a NIR Instrument; and
  - (c) R5 per ton for lucerne hay analysed by a NIR Instrument.

#### Persons by whom levies are payable

7. (1) The levies payable in terms of clause 5 shall be payable—

- (a) in the case of a levy contemplated in clause 5(a), be payable by the lucerne seed cleaner;
- (b) in the case of a levy contemplated in clause 5(b), be payable by the first lucerne hay dealer dealing with such lucerne hay; and
- (d) in the case of a levy contemplated in clause 5(c), be payable by the owner of the NIR Instrument.

- (2) A levies paid by a person referred to in —

- (a) subclause (1)(a) may be recovered from the person submitting the lucerne seed concerned for cleaning;
- (b) subclause (1)(b) may be recovered from the person from whom such lucerne hay is obtained;
- (c) subclause (1)(c) may be recovered from the person submitting such lucerne hay for analysis.

#### Payment of levies

- 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 lucerne seed was submitted for cleaning, or the lucerne hay was obtained or analysed.

(2) Payment to the NLT, together with the returns required by the NLT shall –

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

The Manager  
National Lucerne Trust  
P.O. Box 185  
OUDTSHOORN  
6620

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

The Manager  
National Lucerne Trust  
152 St John Street  
OUDTSHOORN  
6625

(c) when transferred electronically, be paid into the bank account of the NLT, ABSA account number 1120156566, branch code 63225.

#### Administration of levies

9. The statutory measure shall be administered by the NLO. Approximately 70% of levy income will be spent on core activities (research and information functions), not more than 10% on administration and 20% on transformation (development of emerging farmers). The levies shall 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 the NLT. Annual audited financial statements will be submitted to the National Agricultural Marketing Council and the Auditor-General, with the percentage allocated towards transformation clearly indicated and accompanied by a report stating how the objectives of the levy have been met. Any deficit at the date of termination of this statutory measure shall be for the account of the NLT. The Minister of Agriculture, Forestry and Fisheries shall decide on the application of any surplus levies at the date of termination of the statutory measure.

**Commencement and period of validity**

10. This statutory measure shall come into operation on the date of publication thereof and shall lapse three years later.
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