
GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES**NO. R. 711****13 JULY 2018****MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996 (ACT NO. 47 OF 1996)****ESTABLISHMENT OF STATUTORY MEASURE AND DETERMINATION OF GUIDELINE
PRICES: LEVIES RELATING TO SOYBEANS**

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 statutory measure set out in the Schedule hereto; and
- (b) determine the guideline price, per metric ton, for soybeans as R5 496.

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 –
 - “**producer**” means a person who produces soybeans or a person on whose behalf soybeans is produced;
 - “**soybeans**” means grain of the species *Glycine max*;
 - “**the Act**” means the Marketing of Agricultural Products Act, 1996 (Act No. 47 of 1996); 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 soybean varieties for their contribution towards obtaining and utilising improved international agriculture related intellectual property to the benefit of the soybean 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 soybean industry in the Republic of South Africa 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 essential that South African products conform to international quality standards and that South African producers of soybeans are competitive on the international markets.

A portion of the funds (20%) collected by means of the levy will be focussed on small-scale farmers and transformation in the soybean industry in the Republic of South Africa.

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 soybeans. SACTA shall be audited in accordance with generally accepted accounting practices.

Product to which statutory measure applies

3. This statutory measure shall apply to soybeans.

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 soybeans –
 - (a) sold by or on behalf of the producer thereof;

- (b) processed or converted or caused to be processed or converted into a soybean product, by or on behalf of the producer thereof, if the soybean product is intended to be disposed of;
- (c) in respect of which a silo receipt has been issued, if the levy in respect of such soybeans has not already been paid in terms of paragraph (a) or (b); and
- (d) exported from the Republic of South Africa, and in respect of which a levy has not previously been paid in terms of paragraphs (a), (b) or (c).

Amount of levy

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

Commodity	Period	Amount (Excluding Value Added Tax)
Soybeans	1/03/2019 to 28/02/2020	R65 per metric ton
	1/03/2020 to 28/02/2021	R80 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 soybeans;
 - (b) in the case of a levy contemplated in clause 5(b), be payable by the processor or converter of the soybeans;
 - (c) in the case of a levy contemplated in clause 5(c), be payable by the person issuing such silo receipt; and
 - (d) in the case of a levy implied in clause 5(d), be payable by the exporter of the soybeans.
- (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 sub-clause (1)(c) may claim 2,5% commission on levies paid over to SACTA.

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 soybeans have been sold, processed or converted, exported or a silo receipt issued.

- (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 74087
LYNNWOOD RIDGE
0040
 - (b) when delivered by hand, be delivered to –

The SA Cultivar and Technology Agency NPC
Alenti Office Park (Block C)
457 Witherite Street
THE WILLOWS
Pretoria
0184

Conditions of approval

- 9. This statutory measure is subject to the following conditions:
 - (a) That the Board of Directors of SACTA be extended to include two Directors representing the Minister, to be nominated by the NAMC;
 - (b) 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;
 - (c) 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;
 - (d) That after the lapsing of the levy, any surplus funds only be utilised after the approval of the Minister was obtained; and
 - (e) 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 March 2019 and shall lapse on 28 February 2021.
 - (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. 711****13 JULIE 2018****WET OP BEMARKING VAN LANDBOUPRODUKTE, 1996 (WET NO. 47 VAN 1996)****INSTELLING VAN STATUTÊRE MAATREËL EN BEPALING VAN RIGLYNPRYS:
HEFFINGS BETREFFENDE SOJABONE**

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 statutêre maatreël in die Bylae uiteengesit in; en
- (b) bepaal hierby die riglynprys, per metrieke ton, vir sojabone as R5 496.

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);
 - “**produsent**” 'n persoon wat sojabone produseer of 'n persoon in wie se belang sojabone geproduseer word;
 - “**SACTA**” die SA Cultivar and Technology Agency NPC; en
 - “**sojabone**” graan van die spesie *Glycine max*.

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 sojaboonvarieteite te vergoed vir hul bydrae tot die verkryging en benutting van verbeterde internasionale agri-verwante intellektuele eiendom tot voordeel van die sojaboonbedryf 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 sojaboonbedryf in die Republiek van Suid-Afrika se mededingende posisie te bevorder, is produksie van hoë-opbrengs oeste van saadvarieteite wat optimaal geskik 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 sojabone kompetend is op die internasionale markte.

'n Deel van die fondse (20%) wat by wyse van die heffing ingevorder word, sal toegespits word op kleinskaalse boere en transformasie in die sojaboonbedryf in die Republiek van Suid-Afrika.

Hierdie statutêre maatreël sal deur die SA Cultivar and Technology Agency NPC (SACTA) geadministreer word. Die heffings wat gevorder word, sal in 'n afsonderlike rekening vir sojabone geadministreer word. SACTA sal geouditeer word volgens algemeen aanvaarde rekenkundige praktyk.

Produk waarop statutêre maatreël van toepassing is

3. Hierdie statutêre maatreël is op sojabone 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 sojabone –
 - (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;
- (c) ten opsigte waarvan 'n silo-ontvangsbewys uitgereik word, indien die heffing ten opsigte van sodanige sojabone nog nie ingevolge paragraaf (a) of (b) betaal is nie; en
- (d) wat uitgevoer word uit the Republiek van Suid Afrika, indien die heffing ten opsigte van sodanige sojabone nog nie ingevolge paragraaf (a), (b) of (c) 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)
Sojabone	1/03/2019 tot 28/02/2020	R65 per ton
	1/03/2020 tot 28/02/2021	R80 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 sojabone;
 - (b) in die geval van 'n heffing in klousule 5(b) bedoel, die verwerker of omskepper van die sojabone;
 - (c) in die geval van 'n heffing in klousule 5(c) bedoel, die persoon wat sodanige silo-ontvangsbewys uitreik; en
 - (d) in die geval van 'n heffing in klousule 5(d) bedoel, die persoon wat sodanige sojabone uitvoer.
- (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 subklousule (1)(a), (1)(b) en subklousule (1)(c) mag 2,5% kommissie op heffings wat aan SACTA oorbetal is, eis.

Betaling van die heffing

8. (1) Betaling van 'n heffing opgelê in terme van klousule 5 sal nie later nie as die laaste dag van die maand volgende op die maand waarin sojabone verkoop, verwerk of omgesit, uitgevoer of waarvoor 'n silo-ontvangsbewys uitgereik is, geskied deur die persone in klousule 7 bedoel.

(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 74087
LYNNWOODRIF
0040

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

Die SA Cultivar and Technology Agency NPC
Alenti Kantoorpark (Blok C)
Witheritestraat 457
DIE WILGERS
Pretoria
0184

Voorwaardes van goedkeuring

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

- (a) Dat die Raad van Direkteure van SACTA uitgebrei word met twee Direkteure wat die Minister verteenwoordig, welke direkteur deur die NLBR genomineer sal word;
- (b) 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;
- (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 NLBR vergaderings van SACTA bywoon as waarnemer, om toe te sien dat die oorspronklike intensie van die heffingsaansoek uitgevoer word.

Inwerkingtreding en tydperk van geldigheid

10. (1) Hierdie statutêre maatreël tree op 1 Maart 2019 in werking en verval op 28 Februarie 2021.

(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.