DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. R. 2615 14 October 2022

MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996 (ACT NO. 47 OF 1996)

ESTABLISHMENT OF LEVY AND DETERMINATION OF GUIDELINE PRICES: LEVY ON CATTLE, SHEEP, GOATS AND RED MEAT

I, Angela Thoko Didiza, Minister of Agriculture, Land Reform and Rural Development, acting under sections 10, 13, 14 and 15 of the Marketing of Agricultural Products Act, 1996 (Act No. 47 of 1996), as amended-

- (a) introduce the levies as set out in the attached Schedule; and
- (b) determine that the guideline prices for cattle, sheep, goats and red meat for purposes of determining the said levies shall be as set out in the attached Schedule.

ANGELA THOKO DIDIZA

MINISTER OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

SCHEDULE

1. Definitions

In this Schedule any word or expression to which a meaning has been assigned in the Act shall have that meaning, unless the context otherwise indicates—

"abattoir" means a slaughter facility as defined in section 1 of the Meat Safety Act, 2000 (Act No. 40 of 2000), and where used in context of an obligation placed on an abattoir in this notice, refers to the owner of the slaughter facility;

"agent" means any person who acts as the agent of the buyer or seller of the designated animals, whether the risk of ownership of such designated animals has passed to such person or not;

"DALRRD" means the National Department of Agriculture, Land Reform and Rural Development;

"designated animals" for purposes of this notice, means cattle, sheep and goats;

"handled" in relation to red meat, means deboning, portioning, dicing, mincing, cooling or freezing;

"head" means one designated animal irrespective of its age, size or weight or whether it is sold together with another animal, animals or offspring;

"Levy Administrator" means the juristic person entrusted with the implementation, administration and enforcement of the statutory levy established in this notice;

"owner" for the purposes of this notice means, in relation to any designated animal-

- (a) the person liable to pay the price charged by the abattoir for the slaughter of that animal; or
- (b) the person on whose behalf the designated animal is delivered for slaughter, in the event that no price is charged by the abattoir for the slaughter of the designated animal; or
- (c) the abattoir, if the abattoir was the last person to own or acquire the designated animal prior to the slaughter of such animal.

"person" includes natural and juristic persons, partnerships, trusts, voluntary associations, co-operatives and any other bodies, institutions or establishments, whether incorporated or not;

"processing" in relation to red meat, means altering the meat, other than cutting portioning, dicing and mincing such meat, to enhance the meat, and "processe" and "processes" shall have a corresponding meaning;

"red meat" means any carcass or part of a slaughtered and skinned designated animal, fresh or frozen which has not undergone any processing other than deboning, portioning, dicing, mincing, cooling or freezing;

"the Act" means the Marketing of Agricultural Products Act, 1996 (Act No. 47 of 1996), as amended; and

"year" for the purposes of section 5 of this notice, means the 365 days period after the inception of this levy, and every subsequent such period.

2. Purpose and aim of the levy and the relation thereof to the objectives of the Act

The red meat industry has been identified by the DALRRD as a productive sector and job driver with potential for accelerated economic growth and job creation through the Agricultural Policy Action Plan and the Agricultural and Agro-Processing Master Plan processes. The red meat industry refined, aligned and redefined a new statutory measure to support the crucial future development and sustainability of the sector. As such, the red meat industry wishes to implement a new levy for a period of four years to deliver on the functions identified, whilst investigating how these functions could be better. These functions are-

- (a) Animal Health, Public Health and Biosecurity
 - (i) FMD high risk prioritisation
 - (ii) Traceability and Identification
 - (iii) Consumer assurance and product safety
- (b) Market Access
 - (I) Increase market size and value-chain participation
- (c) Inclusive Growth
 - (i) Transformation in the developing sector
- (d) Competitiveness & Sustainability
 - (i) Production development

- (ii) Industry Information
- (iii) Red meat research and development
- (iv) Consumer communication and education
- (e) Administration and Governance

The levy 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 for labour practice in the red meat industry.

The levy will be administered by the Levy Administrator who will act in terms of the mandate granted to it by the Red Meat, and Livestock Primary Cluster, the representative structure of the primary red meat industry. The Levy Administrator who will appoint a Levy Collector if and when necessary to assist them with the collection of the statutory levy.

This levy is necessary to finance the above-mentioned functions and the levy will be utilized in accordance with the levy application submitted to the Minister. The Auditor-General will solely be responsible to audit the statutory levies collected and expended.

The actual beneficiaries of the levy will be determined by the Levy Administrator in accordance with their approved business plans and budgets for the benefit of the entire industry.

3. Products to which the levy applies

This levy shall apply to all -

- (a) designated animals slaughtered at an abattoir;
- (b) red meat from designated animals handled within the boundaries of the Republic of South Africa; and
- (c) designated animals exported live from the Republic of South Africa.

4. Area in which the levy shall apply

This levy shall apply within the geographical boundaries of the Republic of South Africa.

5. Imposition of the levy

The following levies (VAT excluded) are hereby imposed in respect of designated animals and red meat as contemplated in section 3 -

(1) Cattle-

How payable Levy

Payable by the owner at slaughter, to the (a) R13.00 per head

abattoir who slaughters such animal, the abattoir shall be liable to collect such levy from the owner and pay it over to the Levy Administrator. Where the abattoir is the owner, the abattoir shall make payment

directly to the Levy Administrator.

(b) R13.00 per head exported live Payable by the exporter to the Levy from the Republic of South Administrator.

Africa

(2) Sheep and Goats-

How payable Levy

Payable by the owner at slaughter, to the (a) R2.53 per head

> abattoir who slaughters such animal, the abattoir shall be liable to collect such levy from the owner and pay it over to the Levy Administrator. Where the abattoir is the owner, the abattoir shall make payment

directly to the Levy Administrator.

(b) R2.53 per head exported live Payable by the exporter to the Levy from the Republic of South Administrator.

Africa.

NOTES:

a) The Levy Administrator will determine the percentage allowed to be deducted as a collection fee by the abattoir, before the levies are remitted to the Levy Administrator, on an annual basis, The maximum percentage allowed will not exceed 3%.

6. Persons by whom and to whom the levy shall be payable

The levy imposed under section 5 shall be payable by the persons set out in the notice to the Levy Administrator, or his designated agent, within the period set out in section 8.

7. Guideline prices

The guideline prices for the different designated animals and red meat shall be as follows -

(1) Cattle -

Category Guideline price

(a) Cattle

Weaners R7 000 per head
Slaughter stock R12 000 per head
(b) Carcass price Average price R46/kg
(c) Cattle exported live R14 000 per head

(2) Sheep and Goats-

Category Guideline price

(a) Sheep and goats

Slaughter stock
Lambs and kids
R725 per head
(b) Carcass price
Average price R55/kg
(c) Sheep & goats exported live
R1 700 per head

8. Payment and enforcement of the Levy

A levy imposed in terms of this notice shall be paid to the Levy Administrator -

- (a) in the case of an event referred to in sections 5(1)(a) and 5(2)(a), within 14
 days after the end of the calendar month within which the purchase, sale or
 other event, as the case may be, took place;
- (b) in the case of an event referred to in sections 5(1)(b) and 5(2)(b) payment is made prior to the issuance of an export permit.

- 8.1 Payment shall be made by means of electronic bank transfer in favour of the Levy Administrator, and shall-
 - (a)be paid into the account number obtainable from the Levy Administrator.
- 8.2 The implementation, administration and enforcement of the levy established in this notice is entrusted to the Levy Administrator, a non-profit company as contemplated in the Companies Act, 2008 (Act No. 71 of 2008).

9. Levy and escalation

The levy will be as follows-

	2022/2023		2023/2024		2024/2025		2025/2026	
5(1)(a)	R	13,00	R	13,65	R	14,33	R	15,05
5(1)(b)	R	13,00	R	13,65	R	14,33	R	15,05
5(2)(a)	R	2,53	R	2,66	R	2,79	R	2,93
5(2)(b)	R	2,53	R	2,66	R	2,79	R	2,93

10. Use of the levy

The Minister approves that-

- (a) approximately 70% of the levy funds should be used for activities relating to; Animal Health, Public Health and Biosecurity, Market Access, Inclusive Growth and Competitiveness & Sustainability and compliance to legislation
- (b) not more than 10% for administrative use; and
- (c) at least 20% is allocated towards transformation and that the National Agricultural Marketing Council's new transformation guidelines be followed.

11. Commencement and period of validity

This levy shall come into operation on 5 November 2022 and will lapse after an extension period of four years. The lapsing of the levy shall not -

(a) Affect the previous operation of the levy so lapsed or anything duly done or suffered under the levy so lapsed; or

- (b) Affect any right, privilege, obligation or liability acquired, accrued or incurred under the levy so lapsed; or.
- (c) Affect any penalty, forfeiture or punishment incurred in respect of any offence committed against the levy so lapsed; or
- (d) Affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, forfeiture or punishment as acquired, accrued or incurred in terms of the levy so lapsed.

And any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the levy had not lapsed.

LANDBOU, GRONDHERVORMING EN LANDELIKE ONTWIKKELING, DEPARTEMENT VAN

NO. R. 2615 14 Oktober 2022

WET OP DIE BEMARKING VAN LANDBOUPRODUKTE, 1996 (WET Nr. 47 VAN 1996)

DAARSTELLING VAN HEFFING EN RIGLYNPRYSE: HEFFING OP BEESTE, SKAPE, BOKKE EN ROOIVLEIS

Ek, Angela Thoko Didiza, Minister van Landbou, Grondhervorming en Landelike Ontwikkeling, handelende kragtens artikels 10, 13, 14 en 15 van die Wet op die Bemarking van Landbouprodukte, 1996 (Wet Nr. 47 van 1996), soos gewysig -

- a) stel hiermee die heffing in, soos uiteengesit in die Bylaag hierby aangeheg; en
- b)bepaal dat die riglynpryse vir beeste, skape, bokke en rooivleis vir die doel van die bepaling van die betrokke heffing sal wees, soos uiteengesit in die Bylaag hierby aangeheg.

ANGELA THOKO DIDIZA

MINISTER VAN LANDBOU, GRONDHERVORMING EN LANDELIKE

ONTWIKKELING

BYLAAG

1. Woordomskrywing

In hierdie Bylaag het enige woord of uitdrukking waaraan 'n betekenis volgens die Wet toegeken is, daardie betekenis tensy die konteks anders bepaal, en beteken-

"aangewese dier" vir die doel van hierdie kennisgewing verwys na beeste, skape en bokke;

"abattoir" beteken 'n slagfasiliteit soos omskryf in artikel 1 van die Wet op Vleisveiligheid, 2000 (Wet Nr. 40 van 2000), en waar gebruik 'n verpligting op die abattoir plaas in hierdie kennisgewing, verwys na die eienaar van die slagfasiliteit;

"die Wet" verwys na die Wet op die Bemarking van Landbouprodukte, 1996 (Wet Nr. 47 van 1996) soos gewysig;

"DLGLO" beteken die Nasionale Departement van Landbou, Grondhervorming en Landelike Ontwikkeling;

"eienaar" vir die doel van artikel 5 van hierdie kennisgewing beteken in verband met enige aangewese dier-

- (a) die persoon wat aanspreeklik is om die prys te betaal wat deur die abattoir gevra word om die dier te slag of;
- (b) die persoon namens wie die aangewese dier vir slag aangebied word in die geval dat geen prys deur die abattoir gevra word vir die slag van 'n aangewese dier nie; of
- (c) die abattoir, as die abattoir die laaste persoon was aan wie die aangewese dier behoort het of aangeskaf was voor die slagting van sodanige dier;

"hanteer" in verband met rooivleis beteken die verandering van sulke vleis deur dit te ontbeen, versnipper, verdeel, maal, verkoel of bevries;

"Heffingsadministrateur" verwys na die regspersoon wat toevertrou is met die implementering, administrasie en toepassing van die statutêre heffing

gevestig in hierdie kennisgewing, en soos uiteengesit in artikel 8 van die Bylae;

"jaar" vir die doel van artikel 5 van hierdie kennisgewing, beteken die tydperk van 365 dae wat sal volg op die daarstelling van hierdie heffing, en elke daaropvolgende periode;

"kop" beteken een aangewese dier ongeag van sy/haar ouderdom, grootte of gewig of ongeag of hy/sy saam met 'n ander dier, diere of nasate verkoop word;

"persoon" sluit natuurlike en regspersone, vennootskappe, trusts, vrywillige genootskappe, koöperasies en enige ander liggame, inrigtings of instellings in, hetsy ingelyf al dan nie;

"prosessering" in verband met rooivleis beteken die verandering van sulke vleis andersins as sny, verdeel, versnipper en maal om die vleis te verbeter, en "prosesseer" en "prosessee" het 'n dienooreenkomstige betekenis; en

"rooivleis" beteken enige karkas of gedeelte van 'n geslagte, afgeslagde aangewese dier, vars of bevrore, wat nie prosessering andersins as ontbening, versnippering, verdeling, maal, verkoeling of bevriesing ondergaan het nie.

2. Doel en oogmerk van die heffing en die verwantskap met die doelwitte van die Wet

Die rooivleisbedryf is deur die DLGLO as 'n produktiewe sektor en werkskepper geïdentifiseer met die potensiaal vir versnelde ekonomiese groei en werkskepping deur die Aksieplan vir Landboubeleid en Landbou- en Landbou-verwerking Meesterplan. As sodanig wil die rooivleisbedryf die bestaande heffing met twee jaar verleng om die funksies wat vantevore geïdentifiseer is te lewer, terwyl hierdie funksies verfyn, belyn en uitgebrei word om die voortgesette ontwikkeling en volhoubaarheid van die sektor te ondersteun. Hierdie funksies is -

- (a) Dieregesondheid, Publieke Gesondheid en Biosekuriteit
 - (i) Bek-en-Klou seer hoë risiko prioritisering
 - (ii) Naspeurbaarheid en Identifikasie
 - (iii) verbruikersversekering en produk veiligheid
- (b) Marktoegang
 - (i) Vergroot mark grootte en waardeketting deelname

- (c) Inklusiewe Groei
 - (i) Transformasie en ontwikkeling
- (d) Mededingendheid & Volhoubaarheid
 - (i) produksie-ontwikkeling
 - (ii) Industrie inligting
 - (iii) navorsing en ontwikkeling
 - (iv) verbruikerskommunikasie en opvoeding
- (e) administrasie en voldoening

Die heffing is nie nadelig vir enige van die doelwitte van die Wet nie en sal in besonder nie nadelig wees vir die aantal werksgeleenthede of op regverdige arbeidspraktyk in die rooivleisbedryf nie.

Die heffing sal deur die Heffingsadministrateur bestuur word, wat sal handel volgens die mandaat verleen deur die Rooivleis en lewendehawe primêre Kluster die verteenwoordigende liggaam van die primêre rooivleisbedryf.

Die heffing is nodig om bogenoemde funksies te befonds en sal aangewend word in ooreenstemming met die aansoek aan die Minister voorgelê. Die fondse wat deur die heffing gevorder is sal deur die Ouditeur-Generaal geoudit word.

Die werklike begunstigdes van die heffing sal bepaal word deur die Rooivleis en lewendehawe primêre Kluster in ooreenstemming met hul goedgekeurde besigheidsplanne en begrotings vir aanwending soos hierbo vermeld.

3. Produkte waarop die heffing van toepassing is

Hierdie heffing sal van toepassing wees op alle -

- (a) aangewese diere geslag is deur 'n abattoir;
- (b) rooivleis van die aangewese diere wat binne die grense van die Republiek van Suid-Afrika hanteer word; en
- (c) aangewese diere wat uitgevoer word van die Republiek van Suid-Afrika.

4. Gebied waarin die heffing van toepassing is

Hierdie heffing sal binne die geografiese grense van die Republiek van Suid-Afrika van toepassing wees.

5. Oplegging van die heffing

Die volgende heffings (BTW uitgesluit) word hiermee op aangewese diere, rooivleis, rooivleisprodukte, huide en velle, en geprosesseerde varkvleis, opgelê, soos uiteengesit in artikel 3 -

(1) Beeste

Heffing

Waar betaalbaar

(a) R13.00 per kop

Betaalbaar deur die eienaar by slagting aan die abattoir wat so 'n dier slag, die abattoir sal aanspreeklik wees om so 'n heffing van die eienaar te vorder en oor te betaal aan die Heffingsadministrateur. Waar die abattoir die eienaar is, sal die abattoir die oorbetaling direk doen aan die Heffingsadministrateur.

(b) R13.00 per kop lewendig uitgevoer vanuit die Republiek van Suid Afrika Betaalbaar deur die uitvoerder aan die Heffingsadministrateur.

(2) Skape en Bokke

Heffing

Waar betaalbaar

(a) R2.53 per kop

Betaalbaar deur die eienaar by slagting aan die abattoir wat so 'n dier slag, die abattoir sal aanspreeklik wees om so 'n heffing van die eienaar te vorder en oor te betaal aan die Heffingsadministrateur. Waar die abattoir die eienaar is, sal die abattoir die oorbetaling direk doen aan die Heffingsadministrateur.

(b) R2.53 per kop lewendig uitgevoer vanuit die Republiek van Suid Afrika Betaalbaar deur die uitvoerder aan die Heffingsadministrateur.

NOTAS:

b) Die Heffingsadministrateur sal die persentasie wat toegelaat word om as 'n invorderingsfooi deur die abattoir van die heffings te verhaal, voordat die heffings aan die Heffingsadministrateur oorbetaal word, op 'n jaarlikse basis bepaal. Die maksimum toegelate persentasie sal nie 3% oorskry nie.

6. Persone deur wie en aan wie heffings betaalbaar is

Die heffing opgelê volgens die artikel 5 sal betaalbaar wees deur die persone soos uiteengesit in die kennisgewing aan die Heffingsadministrateur of sy benoemde agent binne die tydperk uiteengesit in artikel 8.

7. Riglynpryse

Die riglynpryse vir die verskillende aangewese diere, rooivleis en rooivleisprodukte, geprosesseerde varkvleis, huide en velle is as volg-

(1) Beeste-

Kate orie	Riglynpryse
(a) Slagdiere Speenkalwers Beeste	R7 000 per kop R12 000 per kop
(b) Karkasprys	Gemiddelde prys R46/kg
(c) Lewende beeste uitgevoer	R14 000 per kop

(2) Skape en Bokke-

<u>Kategorie</u> <u>Ri</u>	glynpryse
(a) Skape en bokke	
Slagdiere R1	1 700 per kop
Lammers R7	725 per kop
(b) Karkasprys Ge	emiddelde
pr	ys R55/kg
(d) Lewende skape en bokke uitgevoer R1	700 per kop

8. Betaling en afdwinging van die heffing

'n Heffing opgelê in terme van hierdie kennisgewing sal betaal word aan die Heffingsadministrateur -

- (a) in geval van 'n gebeurlikheid soos na verwys in artikels 5(1)(a) en 5(2)(a) binne 14 dae na die einde van die kalendermaand waarin die gebeurlikheid plaasgevind het;
- (b) in die geval van 'n gebeurlikheid na verwys in artikels 5(1)(b) en 5(2)(b) word betaling gemaak voor die uitreiking van die uitvoerpermit.
- 8.1 Betaling sal gedoen word by wyse van 'n elektroniese bankoordrag ten gunste van die Heffingsadministrateur, en sal -
- (a) elektroniese oordrag geskied in die rekeningnommer verskaf deur die Heffingsadministrateur.
- 8.2 Die implementering, administrasie en toepassing van die heffing gevestig in hierdie kennisgewing is toevertrou aan 'n nie-winsgewende maatskappy soos uiteengesit in die Wet op Maatskappye, 2008 (Wet Nr. 71 van 2008).

9. Heffing en eskalasie

Die heffing sal soos volg wees, naamlik -

	2022/2023		2023/2024		2024/2025		2025/2026	
5(1)(a)	R	13,00	R	13,65	R	14,33	R	15,05
5(1)(b)	R	13,00	R	13,65	R	14,33	R	15,05
5(2)(a)	R	2,53	R	2,66	R	2,79	R	2,93
5(2)(b)	R	2,53	R	2,66	R	2,79	R	2,93

10. Aanwending van die heffing

Die Minister keur goed dat -

- (a) ongeveer 70% van die heffingsfondse vir die aktiwiteite rakende Dieregesondheid, Publieke Gesondheid en Biosekuriteit, Mark toegang, Inklusiewe Groei en Mededingendheid en Volhoubaarheid en voldoening aan wetgewing aangewend sal word;
- (b) nie meer as 10% vir administratiewe werk gebruik word; en
- (c) ten minste 20% toegewys word aan transformasie en dat die Nasionale Bemarkingsraad se transformasie riglyne gevolg word.

11. Aanvang en geldigheidstydperk

Hierdie heffing sal op 5 November 2022 in werking tree en sal na 'n verlengingsperiode van vier jaar verval. Die verval van die heffing sal nie -

- (a) Invloed hê op die vorige werking van die heffing of op iets behoorlik gedoen of gely onder die heffing nie; of
- (b) Enige reg, voorreg, verpligting of aanspreeklikheid hê, verkry, toeval of aangaan onder die heffing soos verval nie; of
- (c) Enige boete, verbeurdverklaring of straf hê aangegaan ten opsigte van 'n misdryf gepleeg onder die heffing soos verval nie; of
- (d) Enige ondersoek, regsgeding of regsmiddel ten opsigte van enige sodanige reg, voorreg, verpligting, aanspreeklikheid, verbeuring of straf hê, verkry, toeval of aangaan in terme van die heffing soos verval, en so 'n ondersoek, regsgeding of middel mag ingestel, voortgesit of afgedwing word, en so 'n boete, verbeurdverklaring of straf kan opgelê kan word, asof die heffing nie verval het nie.