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## Contents

| *No.* | | *Gazette No.* | *Page No.* |
|---|---|---|---|
| | GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS | | |
| **Board / Raad/ Board / Raad** | | | |
| R. 1204 | Marketing of Agricultural Products Act (47/1996): Establishment of statutory measure and determination of guideline prices: Levies relating to wheat and barley | 40318 | 4 |
| R. 1204 | Wet op Bemarking van Landbouprodukte (47/1996): Instelling van statutêre maatreëls en bepaling van riglynprys: Heffings betreffende koring en gars | 40318 | 9 |
| R. 1205 | Marketing of Agricultural Products Act (47/1996): Establishment of statutory measure and determination of guideline prices: Levies relating to wheat and barley | 40318 | 14 |
| R. 1205 | Wet op Bemarking van Landbouprodukte (47/1996): Instelling van statutêre maatreël en bepaling van riglynprys: Heffings betreffende koring en gars | 40318 | 18 |

# GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

**BOARD / RAAD**

**NO. R. 1204** **30 SEPTEMBER 2016**

## MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996 (ACT No. 47 OF 1996)

## ESTABLISHMENT OF STATUTORY MEASURE AND DETERMINATION OF GUIDELINE PRICES: LEVIES RELATING TO WHEAT AND BARLEY

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 –
 (i) wheat as R3 699.00; and
 (ii) barley as R3 000.00.

**SENZENI ZOKWANA,**
Minister of Agriculture, Forestry and Fisheries.

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## 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 –
   - **"approved silo owner"** means a silo owner approved by the Clearing House;
   - **"clearing house"** means the JSE Commodities Exchange or any other body corporate or unincorporated association or department of the JSE Securities Exchange of South Africa, recognised as such by the Registrar of Financial Markets;
   - **"barley"** means the kernels of the genus *Hordeum;*
   - **"importer"** means any person who imports winter cereal from another country into the Republic of South Africa;
   - **"JSE"** means the Johannesburg Stock Exchange or its successor in title;
   - **"producer"** means a person who produces winter cereal or a person on whose behalf winter cereal is produced;
   - **"silo receipt"** means a transfer document, utilised as symbolic delivery of the underlying product, issued by an approved silo owner in the form prescribed and on the terms set out in the JSE Futures Contract;
   - **"SAGIS"** means the South African Grain Information Service NPC, an association not for gain incorporated under the Companies Act, 1973 (Act No. 61 of 1973);
   - **"the Act"** means the Marketing of Agricultural Products Act, 1996 (Act No. 47 of 1996);
   - **"the Trust"** means the Winter Cereal Trust, Registration No. IT11410/97
   - **"wheat"** means the kernels of the species *Triticum aestivum;* and
   - **"winter cereal"** means wheat and barley.

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

2. The purpose and aims of this statutory measure are to provide financial support to winter cereal information, research and transformation functions, which the winter cereal industry identified as essential and in the interest of the industry.

The maintenance of macro industry information is deemed essential for strategic planning purposes by the winter cereal industry and directly affected groups. The supply of generic market information to all role players, on a continuous basis, is critical in order for the market to operate effectively.

The winter cereal industry supports the principle that generic market information be obtained by means of statutory measures in terms of the Act and that SAGIS should be the official vehicle to achieve this. SAGIS also operates as official information service for the maize, sorghum and oilseeds industries. A statutory levy is required to ensure that the winter cereal industry shares in the gathering and dissemination of proper market information.

Proper and accurate winter cereal market information, which is provided continuously and timeously, will not only increase market access for all participants, but will also promote efficiency in the marketing of winter cereals and winter cereal products. Proper market information will furthermore enhance the viability of the winter cereal industry and the agricultural sector at large. Market information also enhances food security, as information on national stock levels of winter cereal is available for the market to function properly.

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 winter cereal industry, continued research is essential. According to experts in the field of research, the good performance of the South African agricultural sector, despite the lack of high-potential arable land, could to a large extent be attributed to the development and application of

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agricultural research results. The complex interaction between behavioural patterns of crops and external factors affecting them, such as diseases and pests, often impacts negatively on production and quality, thus creating an urgent demand for new technology in order to keep the agricultural sector profitable. Account should also be taken of consumer preferences within the market.

Specific infrastructure has been created over time in respect of research and it is essential that this infrastructure be retained and maintained to the benefit of the winter cereal industry.

For the optimisation of export earnings it is essential that South African products conform to international quality standards. Researchers have to ensure that locally produced winter cereal is fully competitive on the international markets.

A significant portion of the funds collected by means of the levy will be focussed on small-scale farmers and transformation in the winter cereal industry.

The statutory measure shall be administered by the Winter Cereal Trust. The levies collected for the different commodities shall be administered in separate accounts. The Trust shall be audited in accordance with generally accepted accounting practices.

An increase in research applications have been experienced by the Winter Cereal Trust over the past years, which could not all be accommodated within the available funds of the Trust. Levy funds are required to partly compensate for the diminished funds available from other sources in respect of research and also to make provision for new research projects to be funded. However, the calculation of a continued levy and the budget of the Winter Cereal Trust are dependent on Government continuing to fund its portion of winter cereal research.

In determining the amounts of the levies applied for, cognisance was taken of the fact that a separate levy to support seed breeding programmes for wheat and barley, would be applicable.

**Product to which statutory measure applies**

3. This statutory measure shall apply to winter cereal.

**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 winter cereal –

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

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**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 | 1/10/2016 to 30/09/2017 | R 10.00 per metric ton |
| | 1/10/2017 to 30/09/2018 | R 10.70 per metric ton |
| | 1/10/2018 to 30/09/2019 | R 11.40 per metric ton |
| | 1/10/2019 to 30/09/2020 | R 12.25 per metric ton |
| Barley | 1/10/2016 to 30/09/2020 | R 5.00 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 winter cereal;
(b) in the case of a levy contemplated in clause 5(b), be payable by:
(i) the buyer of the winter cereal where the winter cereal is sold by the importer; and
(ii) the importer of the winter cereal where the importer is also the processor thereof.
(c) in the case of a levy contemplated in clause 5(c), be payable by the processor or converter of the winter cereal;
(d) in the case of a levy contemplated in clause 5(d), be payable by the exporter of the winter cereal; and
(e) in the case of a levy contemplated in clause 5(e), 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 (b)(i) may be deducted from the purchase price payable to the producer or the importer, respectively.

(3) The amount of the levy payable by the person issuing the silo receipt in terms of sub-clause 1(e) may be recovered from the person to whom such silo receipt is issued.

**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 winter cereal was purchased, processed, converted or exported or in respect of which a silo receipt was issued.

(2) Payment shall be made in favour of the Winter Cereal Trust.

(3) Payment shall –

(a) when forwarded by post, be addressed to –
The Administrator
Winter Cereal Trust
P O Box 7088
CENTURION
0046

(b) when delivered by hand, be delivered to –
The Administrator
Winter Cereal Trust
Block C
Agri-Hub Office Park
477 Witherite Street
The Willows
0184

**Conditions of approval**

9. This statutory measure is subject to the following conditions:

(a) That 70% of levy income be spent on information and other functions, at least 20% on transformation (development of emerging farmers), and not more 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 the Winter Cereal Trust, and audited by the Auditor-General; and

(c) That after the lapsing of the levy, any surplus funds be utilised subject to the approval of the Minister.

**Commencement and period of validity**

10. (1) This statutory measure shall come into operation on 1 October 2016 and shall lapse on 30 September 2020.

(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).

**BOARD / RAAD**

**NO. R. 1204** **30 SEPTEMBER 2016**

## WET OP BEMARKING VAN LANDBOUPRODUKTE, 1996 (WET NO. 47 VAN 1996)

## INSTELLING VAN STATUTÊRE MAATREËL EN BEPALING VAN RIGLYNPRYS: HEFFINGS BETREFFENDE KORING EN GARS

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 –
 (i) koring as R3 699.00; en
 (ii) gars as R3 000.00.

**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 Trust"** die Wintergraantrust, Registrasie No. IT 11410/97;
   - **"die Wet"** die Wet op die Bemarking van Landbouprodukte, 1996 (Wet No. 47 van 1996);
   - **"gars"** korrels van die genus *Hordeum*;
   - **"goedgekeurde silo-eienaar"** 'n silo-eienaar wat deur die klaringshuis goedgekeur is;
   - **"invoerder"** enige persoon wat wintergraan uit 'n ander land in die Republiek van Suid-Afrika invoer;
   - **"JSE"** die Johannesburgse Effektebeurs of sy opvolger in titel;
   - **"klaringshuis"** die JSE Kommoditeitsklaringshuis of enige ander regspersoon of nie-ingelyfde organisasie of departement van die JSE Securities Exchange South Africa wat erken word deur die Registrateur van Finansiële Markte;
   - **"koring"** korrels van die spesie *Triticum aestivum*;
   - **"produsent"** 'n persoon wat wintergraan produseer of 'n persoon in wie se belang wintergraan geproduseer word;
   - **"silo-ontvangsbewys"** 'n oordraagbare dokument wat gebruik word as simboliese lewering van die betrokke produk en wat uitgereik is deur 'n goedgekeurde silo-eienaar in die voorgeskrewe vorm en op die voorwaardes uiteengesit in die JSE Futures Contract;
   - **"SAGIS"** die Suid-Afrikaanse Graaninligtingsdiens NPC, 'n besigheid sonder winsoogmerk ingelyf kragtens die Maatskappywet, 1973 (Wet No. 61 van 1973); en
   - **"wintergraan"** koring en gars.

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

2. Die oogmerk en doelwit van hierdie statutêre maatreël is om finansiële ondersteuning aan wintergraan navorsings-, inligtings- en ontwikkelingsfunksies te verleen wat deur die wintergraanbedryf as noodsaaklik en in belang van die bedryf geïdentifiseer is.

Die instandhouding van makro bedryfsinligting word deur die wintergraanbedryf en deur direk geaffekteerde partye as noodsaaklik geag vir strategiese beplanningsdoeleindes. Die verskaffing van generiese markinligting op 'n deurlopende basis aan alle rolspelers is krities om die mark doeltreffend te laat funksioneer.

Die wintergraanbedryf ondersteun die beginsel dat generiese markinligting deur middel van statutêre maatreëls in terme van die Wet verkry moet word, en dat SAGIS die amptelike voertuig is om dit te bereik. SAGIS is ook die amptelike inligtingsdiens vir die mielie-, sorghum- en oliesadebedrywe. 'n Statutêre heffing word vereis om te verseker dat die wintergraanbedryf ook deel in die versameling en verspreiding van markinligting.

Behoorlike en akkurate wintergraanmarkinligting, wat deurlopend en tydig beskikbaar is, verbeter nie slegs marktoegang vir alle markdeelnemers nie, maar bevorder ook die doeltreffendheid van die bemarking van wintergraan en wintergraanprodukte. Behoorlike markinligting bevorder ook die lewensvatbaarheid van die wintergraanbedryf en die landbousektor in die breë. Markinligting bevorder voorts ook voedselsekerheid deurdat die mark beter kan funksioneer, aangesien inligting oor nasionale voorraadvlakke van wintergraan beskikbaar is.

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 wintergraanbedryf se mededingende posisie te bevorder, is volgehoue navorsing noodsaaklik.

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Volgens navorsers hou die prestasies van die Suid-Afrikaanse landbousektor verband met die ontwikkeling en toepassing van landbounavorsingsresultate. Die komplekse interaksie tussen die veranderde gedragspatrone van oeste en die eksterne faktore wat dit beïnvloed, soos plae en siektes, raak produksie en kwaliteit nadelig en skep 'n dringende behoefte aan nuwe tegnologie om die landbousektor winsgewind te hou. Verbruikersvoorkeure moet ook deurlopend in gedagte gehou word. Verder is 'n spesifieke infrastruktuur met betrekking tot navorsing oor tyd gevestig en dit is noodsaaklik dat hierdie infrastruktuur behoue bly en behoorlik in stand gehou word.

Om die opbrengs uit uitvoere te optimaliseer, is dit noodsaaklik dat Suid-Afrikaanse produkte voldoen aan internasionale kwaliteitstandaarde. Navorsers moet toesien dat plaaslik geproduseerde wintergraan mededingend is en dat dit so bly op internasionale markte.

'n Deel van die fondse wat by wyse van die heffing ingevorder word, sal toegespits word op kleinskaalse boere en transformasie in die wintergraanbedryf.

Hierdie statutêre maatreël sal deur die Trust geadministreer word. Die heffings wat gevorder word ten opsigte van die onderskeie kommoditeite, sal in afsonderlike rekeninge geadministreer word. Die Trust sal deur die Ouditeur Generaal geouditeer word volgens algemeen aanvaarde rekenkundige praktyk.

Oor die afgelope aantal jare het die Wintergraantrust 'n toename in aansoeke vir die befondsing van navorsing ondervind, wat nie binne die Trust se beskikbare fondse geakkommodeer kon word nie. Derhalwe is fondse nodig om die afname van fondse vir navorsing uit ander bronne goed te maak en ook om vir die befondsing van nuwe navorsingsprojekte te voorsien. Die berekening van 'n voortgesette heffing en die begroting van die Wintergraantrust is egter afhanklik van die Staat se voortgesette proporsionele bydrae tot wintergraannavorsing.

In die berekening van die bedrag van die heffings waarvoor aansoek gedoen word, is in ag geneem dat 'n afsonderlike heffing vir ondersteuning van saadteelprogramme vir koring en gars sal geld.

**Produk waarop statutêre maatreël van toepassing is**

3. Hierdie statutêre maatreël is op wintergraan 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 wintergraan –

(a) wat deur of namens die produsent daarvan verkoop word;
(b) wat in die Republiek van Suid-Afrika ingevoer word;
(c) wat verwerk of omskep word of laat verwerk of omskep word in 'n wintergraanproduk, indien die wintergraanproduk bestem is om van die hand gesit te word;
(d) wat uit die Republiek van Suid-Afrika uitgevoer word, indien die heffing ten opsigte van sodanige wintergraan nog nie ingevolge paragraaf (a), (b) of (e) betaal is nie; en
(e) ten opsigte waarvan 'n silo-ontvangsbewys uitgereik word, indien die heffing ten opsigte van sodanige wintergraan 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) |
|---|---|---|
| Koring | 1/10/2016 tot 30/09/2017 | R 10.00 per metrieke ton |
| | 1/10/2017 tot 30/09/2018 | R 10.70 per metrieke ton |
| | 1/10/2018 tot 30/09/2019 | R 11.40 per metrieke ton |
| | 1/10/2019 tot 30/09/2020 | R 12.25 per metrieke ton |
| Gars | 1/10/2016 tot 30/09/2020 | R 5.00 per metrieke ton |

**Persone deur wie die 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 wintergraan;
(b) in die geval van 'n heffing in klousule 5(b) bedoel:
(i) die koper van die wintergraan waar die wintergraan deur die invoerder verkoop word; en
(ii) die invoerder van die wintergraan waar die invoerder ook die verwerker daarvan is.
(c) in die geval van 'n heffing in klousule 5(c) bedoel, die verwerker of omskepper van die wintergraan;
(d) in die geval van 'n heffing in klousule 5(d) bedoel, die uitvoerder van die wintergraan; en
(e) in die geval van 'n heffing in klousule 5(e) bedoel, die persoon wat sodanige silo-ontvangsbewys uitreik.

(2) Die bedrag van die heffing wat in terme van subklousule (1)(a) en (b)(i) deur die koper betaalbaar is, kan van die koopprys wat aan die produsent of die invoerder betaalbaar is, afgetrek word.

(3) Die bedrag van die heffing wat in terme van subklousule (1)(e) deur die uitreiker van die silo-ontvangsbewys betaalbaar is, kan van die persoon aan wie sodanige silo-ontvangsbewys uitgereik word, verhaal word.

**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 die wintergraan aangekoop, omgesit, verwerk of uitgevoer is, of 'n silo-ontvangsbewys uitgereik is, geskied deur die persone in klousule 7 bedoel.

(2) Betaling moet ten gunste van die Wintergraantrust gemaak word.

(3) Betaling moet –

(a) wanneer per pos gestuur, geaddresseer wees aan
Die Administrateur
Wintergraantrust
Posbus 7088
CENTURION
0046

(b) wanneer per hand afgelewer, afgelewer word by -
Die Administrateur
Wintergraantrust (Blok C)
Agri-Hub Kantoorpark
Witheritestraat 477
Die Wilgers
0184

**Voorwaardes van goedkeuring**

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

(a) Dat 70% van heffingsinkomste spandeer word aan navorsing, inligting, en ander funksies, ten minste 20% op transformasie (ontwikkeling van swart boere) 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 die Wintergraantrust en geoudit word deur die Ouditeur-generaal; en

(c) Dat die aanwending van enige surplusfondse wat na die heffingstermyn mag bestaan, onderhewig sal wees aan die goedkeuring van die Minister.

**Inwerkingtreding en tydperk van geldigheid**

10. (1) Hierdie statutêre maatreël tree op 1 Oktober 2016 in werking en verval op 30 September 2020.

(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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**BOARD / RAAD**

**NO. R. 1205** **30 SEPTEMBER 2016**

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

## ESTABLISHMENT OF STATUTORY MEASURE AND DETERMINATION OF GUIDELINE PRICES: LEVIES RELATING TO WHEAT AND BARLEY

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 –

(i) wheat as R3 699.00; and

(ii) barley as R3 000.00.

**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 –
   - **"barley"** means the kernels of the genus *Hordeum;*
   - **"producer"** means a person who produces wheat and/or barley or a person on whose behalf wheat and/or barley 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 and barley varieties for their contribution towards obtaining and utilising improved international agriculture related intellectual property to the benefit of the wheat and barley 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 and barley industries 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 wheat and barley are competitive on the international markets.

   A portion of the funds collected by means of the levy will be focussed on small-scale farmers and transformation in the wheat and barley industries in the Republic of South Africa. The seed companies that receive the levy will be responsible for allocating 20% of its proceeds from the levy to transformation initiatives within the company, or to a service provider of its choice, and report back to the NAMC annually.

   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 wheat and barley respectively. SACTA shall be audited in accordance with generally accepted accounting practices.

### Product to which statutory measure applies

3. This statutory measure shall apply to wheat and barley.

### 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 wheat and barley –

(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 product, by or on behalf of the producer thereof, if the wheaten or barley 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 winter cereal 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 | 1/10/2016 to 30/09/2018 | R 25.00 per metric ton |
| Barley | 1/10/2016 to 30/09/2018 | R 25.00 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 wheat and/or barley;

(b) in the case of a levy contemplated in clause 5(b), be payable by the processor or converter of the wheat or barley; 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.

**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 has been delivered, sold, processed or converted.

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(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:

- 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;
- 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;
- That after the lapsing of the levy, any surplus funds only be utilised after the approval of the Minister was obtained; and
- 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 October 2016 and shall lapse on 30 September 2018.

(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).

**BOARD / RAAD**

**NO. R. 1205** **30 SEPTEMBER 2016**

## WET OP BEMARKING VAN LANDBOUPRODUKTE, 1996 (WET NO. 47 VAN 1996)

## INSTELLING VAN STATUTÊRE MAATREËL EN BEPALING VAN RIGLYNPRYS: HEFFINGS BETREFFENDE KORING EN GARS

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 –
  (i) koring as R3 699.00; en
  (ii) gars as R3 000.00.

**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 Bemarking van Landbouprodukte, 1996 (Wet No. 47 van 1996);
   - **"gars"** korrels van die genus *Hordeum*;
   - **"koring"** korrels van die spesie *Triticum aestivum*;
   - **"produsent"** 'n persoon wat koring en/of gars 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 en verband daarvan met die Wet

2. Die oogmerk en doelwit van hierdie statutêre maatreël is om telers van koring- en garsvarieteite te vergoed vir hul bydrae tot die verkryging en benutting van verbeterde internasionale agri-verwante intellektuele eiendom tot voordeel van die koring- en garsbedryf 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- en garsbedryf in die Republiek van Suid-Afrika se mededingende posisie te bevorder, is produksie van hoë-opbrengs oeste van saadvarieteite wat die mees geskikte 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 koring en gars kompeterend is op die internasionale markte.

'n Deel van die fondse wat by wyse van die heffing ingevorder word, sal toegespits word op kleinskaalse boere en transformasie in die koring- en garsbedryf in die Republiek van Suid-Afrika. Die saadmaatskappye aan wie die heffing uitbetaal word, sal 20% van die fondse vir transformasie binne hulle maatskappye aanwend, of deur middel van diensverskaffers van hulle keuse, en jaarliks aan die NAMC daaroor verslag doen.

Hierdie statutêre maatreël sal deur die SA Cultivar and Technology Agency NPC (SACTA) geadministreer word. Die heffings wat gevorder word, sal in afsonderlike rekeninge vir koring en gars onderskeidelik geadministreer word. SACTA sal geouditeer word volgens algemeen aanvaarde rekenkundige praktyk

### Produk waarop statutêre maatreël van toepassing is

3. Hierdie statutêre maatreël is op koring en gars 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.

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**Instelling van heffing**

5. 'n Heffing word hierby opgelê op alle koring en gars –

(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- of garsproduk, indien die koring- of garsproduk 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 wintergraan 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) |
|---|---|---|
| Koring | 1/10/2016 tot 30/09/2018 | R 25.00 per metrieke ton |
| Gars | 1/10/2016 tot 30/09/2018 | R 25.00 per metrieke 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 koring en/of gars;

(b) in die geval van 'n heffing in klousule 5(b) bedoel, die verwerker of omskepper van die koring of gars; 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) 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.

**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 die koring of gars gelewer, verkoop, verwerk of omgesit, geskied deur die persone in klousule 7 bedoel.

(2) Betaling moet ten gunste van die SA Cultivar and Technology Agency NPC gemaak word.

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(3) Betaling moet –

(a) wanneer per pos gestuur, geaddresseer 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 70% van heffingsinkomste spandeer word aan teling en tegnologie, ten minste 20% op transformasie 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 geoudit word deur die Ouditeur-generaal;

(c) Dat die aanwending van enige surplusfondse wat na die heffingstermyn mag bestaan, onderhewig sal wees aan die goedkeuring van die Minister; en

(d) Dat die Nasionale Landbou Bemarkingsraad vergaderings van SACTA bywoon as waarnemer, om toe te sien dat die oorsponklike intensie van die statutêre maatreëls uitgevoer word.

**Inwerkingtreding en tydperk van geldigheid**

10. (1) Hierdie statutêre maatreël tree op 1 Oktober 2016 in werking en verval op 30 September 2018.

(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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