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IMPORTANT ANNOUNCEMENT

Closing times **PRIOR TO PUBLIC HOLIDAYS** for
**GOVERNMENT NOTICES, GENERAL NOTICES,
 REGULATION NOTICES AND PROCLAMATIONS**

2009

The closing time is 15:00 sharp on the following days:

- ▶ **10 December**, Thursday, for the issue of Friday **18 December 2009**
- ▶ **15 December**, Tuesday, for the issue of Thursday **24 December 2009**
- ▶ **21 December**, Monday, for the issue of Thursday **31 December 2009**
- ▶ **30 December**, Wednesday, for the issue of Friday **8 January 2010**

Late notices will be published in the subsequent issue, if under special circumstances, a late notice is accepted, a double tariff will be charged

The copy for a **SEPARATE Government Gazette** must be handed in not later than three calendar weeks before date of publication

BELANGRIKE AANKONDIGING

Sluitingstye **VOOR VAKANSIEDAE** vir
**GOEWERMENTS-, ALGEMENE- & REGULASIE-
 KENNISGEWINGS ASOOK PROKLAMASIES**

2009

Die sluitingstyd is stiptelik 15:00 op die volgende dae:

- ▶ **10 Desember**, Donderdag, vir die uitgawe van Vrydag **18 Desember 2009**
- ▶ **15 Desember**, Dinsdag, vir die uitgawe van Donderdag **24 Desember 2009**
- ▶ **21 Desember**, Maandag, vir die uitgawe van Donderdag **31 Desember 2009**
- ▶ **30 Desember**, Woensdag, vir die uitgawe van Vrydag **8 Januarie 2010**

Laat kennisgewings sal in die daaropvolgende uitgawe geplaas word. Indien 'n laat kennisgewing wel, onder spesiale omstandighede, aanvaar word, sal 'n dubbeltarief gehef word

Wanneer 'n **APARTE Staatskoerant** verlang word moet die kopie drie kalenderweke voor publikasie ingedien word

**GOVERNMENT NOTICE
GOEWERMENSKENNISGEWING**

**DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES
DEPARTEMENT VAN LANDBOU, BOSBOU EN VISSERYE**

No. R. 977

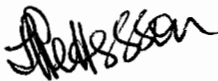
16 October 2009

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

**ESTABLISHMENT OF STATUTORY MEASURE AND DETERMINATION OF
GUIDELINE PRICES: LEVY RELATING TO SORGHUM**

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; and
- (b) determine that the guideline price for sorghum is R1 239 per metric ton.



25/9/2009

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-

“buyer” means any person or entity that buys sorghum from a producer.

“dealing in the course of trade” means every purchase of sorghum from the producer thereof by any person, if the sorghum so purchased or any quantity thereof, is or is intended to be disposed of by that person for any consideration whatsoever, whether in its original form or as a manufactured or processed product of sorghum.

“exporter” means any person or entity that exports sorghum from the Republic of South Africa.

“importer” means any person or entity that imports or brings sorghum from another country into the Republic of South Africa;

“producer” means any person or entity that produces sorghum or a person or entity on whose behalf sorghum is produced;

“processor” means any person or entity that deals with sorghum products in the course of trade, or a producer who uses his own sorghum produce to manufacture any product or to use it as an input or raw material for any other commercial purpose or an importer who uses the sorghum imported by him to manufacture any product or to use it as an input or raw material for any other commercial purpose.

“SAGIS” means the South African Grain Information Service, an association not for gain incorporated under section 21 of the Companies Act, 1973 (Act No. 61 of 1973);

"**sorghum**" means the threshed, ripe seed of plants of *Sorghum bicolor (L.) Moench*, but not seed sorghum or sorghum utilised as silage.

"**Sorghum Trust**" is a discretionary trust registered by the Master of the High Court under registration number IT 9221/97.

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

Purpose and aim of statutory measure and its relation to objectives of the Act

2. The purpose and aim of this statutory measure is to provide financial support for sorghum information, transformation and research functions, which have been identified by the sorghum industry as essential, in the interests of the industry as a whole.

This measure advances all the objectives as set out in section 2(2) of the Act:

Section 2(2)(a): Increasing market access for all market participants

Research and Information are generic functions that are the basic prerequisites for an orderly industry. Transformation projects are principally aimed at the empowerment of black people in terms of:

- (i) the cultivation of sorghum cultivars that are acceptable to the commercial sorghum industry; and
- (ii) the transfer of farming technology and relevant information.

The supply of continuous generic market information to market participants is essential in identifying possible opportunities and threats in the market place. It can also be used as an instrument for pricing decisions, business expansion, capital investment, product development and market access within the sorghum industry.

Section 2(2)(b): Promoting efficiency of marketing of agricultural products

In the free market environment, reliable industry information supplied by an independent and objective organisation (SAGIS) is critical for a silo owner, producer, trader, processor, researcher, seed grower and to Government. It also provides the necessary tool for strategic planning by the sorghum industry.

The sorghum 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 the official information service provider for the maize, wheat and oilseeds industries. A statutory levy is required to ensure that the sorghum industry also shares in the gathering and dissemination of market information.

Proper and accurate market information that is continuously and timeously available, will not only increase market access for all participants, but will also promote efficiency in the marketing of sorghum and sorghum products. Furthermore, proper market information will enhance the viability of the sorghum industry and the agricultural sector at large. Market information will also enhance food security, as the market can only function properly if the national stock levels are known.

Research projects are mainly of an agronomical nature, which include the improvement of sorghum quality. Local malting and milling qualities of sorghum are unique and cultivars are developed to comply with the required specifications.

Notwithstanding limited high-potential arable land and unfavourable agricultural conditions, the sorghum industry has achieved high agronomical and grain quality standards, due to the continued funding of research projects. The complex interaction between changing crop patterns and external factors that affect them, such as diseases and pests, often impact negatively on production and quality. This creates an urgent demand for new technology in order to keep the sorghum industry profitable and viable.

Research is therefore important for the maintenance of an internationally competitive industry, and to supply products that are of an acceptable standard according to the preferences of processors and consumers.

Specific research infrastructures have been created over time and it is essential that these infrastructures be retained and maintained to the benefit of the sorghum industry.

Section 2(2)(c): Optimisation of export earnings from agricultural products

Limited volumes of sorghum are exported to the neighbouring countries of South Africa, particularly to Botswana, which is dependent on South Africa for approximately 30% of its annual sorghum requirements, more or less 40 000 tons per annum.

For the optimisation of export earnings it is essential that South African products conform to international quality standards. Researchers and breeders must ensure that locally produced sorghum is acceptable and competitive in the international market.

Section 2(2)(d): Enhancement of the viability of the agricultural sector

The sorghum industry's viability is primarily based on research and information and has an impact on labour. The continuation of levies will ensure that the various role-players of the sorghum industry can continue to more effectively pursue their economic objectives.

A portion of the funds collected by means of the levy on sorghum will be focused on small-scale farmers and the transformation of previously disadvantaged groups within the sorghum industry.

Product to which statutory measure applies

3. This statutory measure shall apply to sorghum.

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 sorghum –
- (a) sold or disposed of, 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 sorghum product, by or on behalf of the producer thereof, if the sorghum product is intended to be sold or disposed of; and
 - (d) exported from the Republic of South Africa if the levy in respect of such sorghum has not been paid in terms of paragraph (a), (b) or (c).

Amount of levy

6. The amount of the levy (excluding VAT) will be R16-00 per metric ton of sorghum.

Persons by whom levy is payable

7. (1) The levy payable in terms of clause 5 shall –

- (a) in the case of a levy imposed in terms of clause 5(a), be payable by the buyer of the sorghum;
 - (b) in the case of a levy imposed in terms of clause 5(b), be payable by:
 - (i) the buyer of the sorghum where the sorghum is sold by the importer; and
 - (ii) the importer of the sorghum where the importer is also the processor thereof.
 - (c) in the case of a levy imposed in terms of clause 5(c), be payable by the processor or converter of the sorghum; and
 - (d) in the case of a levy imposed in terms of clause 5(d), be payable by the exporter of the sorghum.
- (2) Half of 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 which is payable to the producer or the importer, whatever the case may be.
- (3) An administration fee of R0,40 (2.5%) may be deducted from the amount of the levy by the person responsible for the payment thereof in terms of sub-clause (1)(a), (b), (c) and (d).

Payment of levy

8. (1) Payment of the levy imposed in terms of clause 5 shall be made by the persons contemplated in clause 7 by no later than the last day of the month following the month in which the sorghum was purchased, imported, processed, converted or exported.

- (2) Payment shall be made by means of a cheque or electronic transfer in favour of the Sorghum Trust, and shall accompany the levy return as required by the Sorghum Trust.
- (3) Payment, together with the levy return as required by the Sorghum Trust, shall—
- (a) when forwarded by post, be addressed to -

The Administrators
Sorghum Trust
P O Box 12203
QUEENSWOOD
0121

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

The Administrators
Sorghum Trust
1187 Cobham Road
QUEENSWOOD
Pretoria
0186

- (c) when submitted electronically, be paid into the bank account of the Sorghum Trust as indicated on the levy return and submitted to the Administrators via e-mail to the following address –

l-lagric@mweb.co.za.

Administration of statutory measure

9. The statutory measure shall be administered by the Sorghum Trust. The levies collected in terms of the measure shall be administered by the Sorghum Trust as a separate account. 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 Sorghum Trust. Annual audited financial statements will be submitted to the NAMC 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 Sorghum Trust. The Minister of Agriculture 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 1 March 2010 and shall lapse on 28 February 2014.

No. R. 977

16 Oktober 2009

WET OP DIE BEMARKING VAN LANDBOUPRODUKTE, 1996**(WET No. 47 VAN 1996)****INSTELLING VAN STATUTÊRE MAATREËL EN BEPALING VAN RIGLYNPRYSE:****HEFFING MET BETREKKING TOT SORGHUM**

Ek, Tina Joemat-Pettersson, 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 hiermee die statutêre maatreël in die Bylae uiteengesit, in; en
- (b) bepaal die riglynprys vir sorghum as R1 239 per metrieke ton.

TINA JOEMAT-PETTERSSON,**MINISTER VAN LANDBOU, BOSBOU EN VISSERYE.**

SKEDULE**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 —

"as 'n besigheid handel" elke aankoop van sorghum van die produsent daarvan deur enige persoon, indien die sorghum so aangekoop of enige hoeveelheid daarvan, van die hand gesit word of beoog word om van die hand gesit te word deur daardie persoon vir enige vergoeding hoegenaamd, hetsy in oorspronklike vorm of as 'n vervaardigde of verwerkte produk van sorghum.

"die Wet" die Wet op Bemaking van Landbouprodukte, 1996 (Wet No. 47 van 1996).

"invoerder" enige persoon of entiteit wat sorghum uit 'n ander land in die Republiek van Suid-Afrika invoer of inbring.

"koper" enige persoon of entiteit wat sorghum van 'n produsent aankoop.

"produsent" enige persoon of entiteit wat sorghum produseer, of 'n persoon of entiteit in wie se belang sorghum geproduseer word.

"SAGIS" die Suid-Afrikaanse Graaninligtingsdiens, 'n besigheid sonder winsoogmerk ingelyf kragtens artikel 21 van die Maatskappywet, 1973 (Wet No. 61 van 1973).

"sorghum" die gedorste, ryp sade van plante van sorghum *bicolor* (L.) Moench, maar nie saadsorghum of sorghum vir gebruik as kuilvoer nie.

"Sorghumtrust" 'n diskresionêre trust geregistreer deur die Meester van die Hooggeregshof onder registrasienommer IT 9221/97.

"uitvoerder" enige persoon of entiteit wat sorghum uit die Republiek van Suid-Afrika uitvoer.

"verwerker" enige persoon of entiteit wat met sorghumprodukte as 'n besigheid handel, of 'n produsent wat sy eie sorghumproduksie gebruik om enige produk te vervaardig of om dit te gebruik as 'n inset- of rouprodukt vir enige kommersiële doeleindes, of 'n invoerder wat die sorghum deur hom ingevoer gebruik om enige produk te vervaardig of om dit te gebruik as 'n inset of rouprodukt vir enige kommersiële doeleindes.

Oogmerk en doelwit van statutêre maatreël en die verband met Wet se oogmerke

2. Die oogmerk en doelwit van hierdie statutêre maatreël is om finansiële ondersteuning aan sorghum inligtings-, transformasie- en navorsingsfunksies te verleen, wat deur die sorghumbedryf as noodsaaklik en in belang van die bedryf as geheel geïdentifiseer is.

Hierdie maatreël bevorder al die oogmerke soos in artikel 2(2) van die Wet uiteengesit:

Artikel 2(2)(a): Bevordering van marktoegang vir alle markdeelnemers

Navorsing en inligting is generiese funksies wat die basiese voorvereistes is vir 'n ordelike bedryf. Transformasie projekte is in beginsel gerig op die bemaatiging van swartmense met betrekking tot:

- (i) die verbouing van sorghumkultivars wat aanvaarbaar is vir die kommersiële sorghumbedryf; en
- (ii) die oordrag van boerderytegnologie en verwante inligting.

Die verskaffing van deurlopende generiese markinligting aan markdeelnemers is noodsaaklik om moontlike geleenthede en bedreigings in die mark te identifiseer. Dit kan ook gebruik word as 'n meganisme vir prysbesluite, uitbreiding van besigheid, kapitaalinvesterings, produkontwikkeling en toetreding tot die marksektore in die sorghumbedryf.

Artikel 2(2)(b): Bevordering van doeltreffendheid in die bemerking van landbou-
produkte

In 'n vryemarkomgewing is betroubare makrobedryfsinligting, wat deur 'n onafhanklike en objektiewe organisasie (SAGIS) verskaf word, noodsaaklik vir 'n silo-eienaar, produsent, handelaar, verwerker, navorser, saadkweker en vir die Staat. Dit is ook instrumenteel tot strategiese beplanning deur die sorghumbedryf.

Die sorghumbedryf 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-, wintergraan- en oliesadebedrywe. 'n Statutêre heffing word vereis om te verseker dat die sorghumbedryf ook deel in die versameling en verspreiding van inligting.

Behoorlike en akkurate markinligting, wat deurlopend en tydig beskikbaar is, sal nie slegs marktoegang vir alle markdeelnemers verbeter nie, maar behoort ook die doeltreffendheid van die bemerking van sorghum en sorghumprodukte te bevorder. Voorts sal behoorlike markinligting die lewensvatbaarheid van die sorghumbedryf en die landbousektor in die breë bevorder. Markinligting sal ook voedselsekerheid bevorder, deurdat die mark beter kan funksioneer as inligting oor nasionale voorraadvlakke beskikbaar is.

Navorsingsprojekte is hoofsaaklik van agronomiese aard, wat die verbetering van sorghumgehalte insluit. Plaaslike mout- en maaleienskappe van sorghum is uniek en kultivars word ontwikkel om aan die vereiste spesifikasies te voldoen.

Ondanks die gebrek aan hoëpotensiaal bewerkbare grond en ongunstige landboustoestande in die algemeen, het die sorghumbedryf hoë akkerboukundige en graangehaltestandaarde bereik, weens die deurlopende befondsing van navorsingsprojekte. Die ingewikkelde wisselwerking tussen veranderende oespatrone en eksterne faktore wat dit beïnvloed, soos siektes en peste, het dikwels 'n negatiewe uitwerking op produksie en gehalte. Dit skep 'n dringende vraag na nuwe tegnologie ten einde die sorghumbedryf winsgewend en lewensvatbaar te hou.

Navorsing is derhalwe belangrik vir die instandhouding van 'n internasionaal mededingende bedryf, en om produkte te verskaf wat van 'n aanvaarbare gehalte is en aan die voorkeure van vervaardigers en verbruikers voldoen.

Spesifieke navorsing-infrastrukture is oor tyd gevestig en dit is noodsaaklik dat hierdie infrastrukture behoue bly en in stand gehou word tot voordeel van die sorghumbedryf.

Artikel 2(2)(c): Optimalisering van uitvoerverdienste van landbouprodukte

Beperkte volumes sorghum word na die buurlande van Suid-Afrika uitgevoer, hoofsaaklik na Botswana, wat van Suid-Afrika afhanklik is vir bykans 30% van sy jaarlikse sorghumbehoefte, ongeveer 40 000 ton per jaar.

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

Artikel 2(2)(d): Versterking van lewensvatbaarheid van die landbousektor

Die sorghumbedryf se lewensvatbaarheid is hoofsaaklik gegrond op die navorsing- en inligtingsfunksies en beïnvloed dus ook arbeid. Die voortsetting van heffings sal

wesenlik bydra daartoe dat die onderskeie rolspelers in die sorghumbedryf doeltreffend kan voortgaan om hulle ekonomiese doelwitte na te streef.

'n Deel van die fondse wat by wyse van 'n heffing op sorghum ingevorder word, sal toegespits word op kleinskaalse boere en die ontwikkeling van voorheen benadeelde groepe binne die sorghumbedryf.

Produk waarop statutêre maatreël van toepassing is

3. Hierdie statutêre maatreël is op sorghum 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 sorghum -
 - (a) wat deur of namens die produsent daarvan verkoop of van die hand gesit 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 sorghumprodukt, deur of ten behoeve van die produsent daarvan, indien die sorghumprodukt bestem is om verkoop of van die hand gesit te word; en
 - (d) wat uit die Republiek van Suid-Afrika uitgevoer word, indien die heffing ten opsigte van sodanige sorghum nog nie ingevolge paragraaf (a), (b) of (c) betaal is nie.

Bedrag van heffing

6. Die bedrag van die heffing (BTW uitgesluit) sal R16-00 per metrieke ton sorghum beloop.

Persone deur wie heffing betaalbaar is

7. (1) 'n Heffing wat in terme van klousule 5 opgelê is, sal betaalbaar wees –
- (a) in die geval van 'n heffing in klousule 5(a) opgelê, deur die koper van die sorghum;
 - (b) in die geval van 'n heffing in klousule 5(b) opgelê:
 - (i) deur die koper van die sorghum waar die sorghum deur die invoerder verkoop word; en
 - (ii) deur die invoerder van die sorghum waar die invoerder ook die verwerker daarvan is.
 - (c) in die geval van 'n heffing in klousule 5(c) opgelê, deur die verwerker of omskepper van die sorghum; en
 - (d) in die geval van 'n heffing in klousule 5(d) opgelê, deur die uitvoerder van die sorghum.
- (2) Helfte van die bedrag van die heffing wat deur die koper in terme van subklousule (1)(a) en (b)(i) betaalbaar is, kan van die koopprys wat aan die produsent of die invoerder onderskeidelik betaalbaar is, afgetrek word.
- (3) 'n Administrasiefooi van R0,40 (2,5%) mag van die bedrag van die heffing afgetrek word deur die persoon wat vir die betaling daarvan verantwoordelik is in terme van subklousule (1)(a), (b), (c) en (d).

Betaling van 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 sorghum aangekoop, ingevoer, omgesit, verwerk of uitgevoer is, deur die persone bedoel in klousule 7 geskied.
- (2) Betaling moet by wyse van 'n tjek of elektroniese oorplasing geskied ten gunste van die Sorghumtrust, en moet vergesel wees van die heffingopgawe soos deur die Sorghumtrust vereis.
- (3) Betaling en die heffingopgawe soos deur die Sorghumtrust vereis, moet –
- (a) wanneer per pos gestuur, geadresseer wees aan -

Die Administrateurs
Sorghumtrust
Posbus 12203
QUEENSWOOD
0121

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

Die Administrateurs
Sorghumtrust
Cobhamweg 1187
QUEENSWOOD
Pretoria
0186

- (c) wanneer elektronies ingedien, in die bankrekening inbetaal word soos op die heffingopgawe aangetoon en gestuur word aan die Administrateurs by wyse van e-pos aan die volgende adres -

l-lagric@mweb.co.za.

Administrasie van statutêre maatreël

9. Hierdie statutêre maatreël sal deur die Sorghumtrust geadministreer word. Die heffings wat ingevolge die maatreël gevorder word, sal in 'n afsonderlike rekening deur die Sorghumtrust geadministreer word. Ongeveer 70% van heffings inkomste sal op primêre funksies (navorsing en inligting), nie meer as 10% op administrasie en 20% op transformasie (ontwikkeling van opkomende boere) spandeer word. Heffings sal bestuur word op 'n manier aanvaarbaar vir die Ouditeur Generaal, apart van enige ander fondse of bates beheer deur Sorghumtrust. Jaarlikse geouditeerde finansiële state sal aan die Bemarkingsraad en Ouditeur Generaal gestuur word, met die bedrae toegewys aan transformasie duidelik uitgewys en gestaaf deur 'n verslag wat aandui hoe die doelwitte van die heffing behaal is. Enige tekort op die vervaldatum van hierdie statutêre maatreël sal vir die rekening van die Sorghumtrust wees. Die Minister van Landbou sal oor die aanwending van enige surplus heffingsfondse, op die vervaldatum van die statutêre maatreël, besluit.

Inwerkingtreding en tydperk van geldigheid

10. Hierdie statutêre maatreël tree op 1 Maart 2010 in werking en verval op 28 Februarie 2014.