



Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

Regulation Gazette

No. 10314

Regulasiekoerant

Vol. 593

Pretoria, 11 November 2014

No. 38201

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GOVERNMENT NOTICE
GOEWERMENTSKENNISGEWING

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

No. R. 901

11 November 2014

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

**ESTABLISHMENT OF STATUTORY MEASURE AND DETERMINATION OF GUIDELINE
PRICES: LEVIES RELATING TO WHEAT, BARLEY AND OATS**

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 R3,139.30;
 - (ii) barley as R2,445.00; and
 - (iii) oats as R2,132.00.

SENZENI ZOKWANA

Minister of Agriculture, Forestry and Fisheries

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;
 - “**oats**” means the kernels of the genus *Avena*;
 - “**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, an association not for gain incorporated under section 21 of 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, barley and oats.

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 are 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 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 and breeders 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 the transformation side of the winter cereal industry.

The statutory measure shall be administered by the Winter Cereal Trust. The levies collected 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 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 proportion of winter cereal research.

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).

Amount of levy

6. The amounts of the levies (excluding Value Added Tax) will be as follows:
- | | | |
|--------|------------------------|-----------------------|
| Wheat | 1/10/2014 to 30/9/2016 | R17-00 per metric ton |
| Barley | 1/10/2014 to 30/9/2016 | R16-00 per metric ton |
| Oats | 1/10/2014 to 30/9/2016 | R13-00 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 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
INKWAZI Office Park
1249 Embankment Road
CENTURION

Conditions of approval

9. This statutory measure is subject to the following conditions:
- (a) That 70% of levy income be spent on research and information, 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 Sorghum 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 2014 and shall lapse on 30 September 2016.
- (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).

No. R. 901

11 November 2014

WET OP BEMARKING VAN LANDBOUPRODUKTE, 1996 (WET NO. 47 VAN 1996)**INSTELLING VAN STATUTÊRE MAATREËL EN BEPALINGS VAN RIGLYNPRYS:
HEFFINGS BETREFFENDE KORING, GARS EN HAWER**

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 R3,139.30;
 - (ii) gars as R2,445.00; en
 - (iii) hawer as R2,132.00.

SENZENI ZOKWANA

Minister van Landbou, Bosbou en Visserye

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 Bemaking 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;
 - “**hawer**” korrels van die genus *Avena*;
 - “**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, 'n besigheid sonder winsoogmerk ingelyf kragtens artikel 21 van die Maatskappywet, 1973 (Wet No. 61 van 1973); en
 - “**wintergraan**” koring, gars en hawer.

Oogmerke en doelwitte van die statutêre maatreël en verband daarvan met die Wet

2. Die oogmerke en doelwitte 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 opereer.

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 bemaking 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.

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 plaë 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 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 en telers 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 die ontwikkelende wintergraanbedryf.

Hierdie statutêre maatreël sal deur die Trust geadministreer word. Die heffings wat gevorder word, sal in afsonderlike rekeninge geadministreer word. Die Trust sal 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 ten minste gedeeltelik die tekort aan fondse vir navorsing 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 wintergraanavorsing.

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 wintergraanprodukt, indien die wintergraanprodukt 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:
- | | | |
|--------|-------------------------|-------------------------|
| Koring | 1/10/2014 tot 30/9/2016 | R17-00 per metrieke ton |
| Gars | 1/10/2014 tot 30/9/2016 | R16-00 per metrieke ton |
| Hawer | 1/10/2014 tot 30/9/2016 | R13-00 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 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, geadresseer wees aan
Die Administrateur
Wintergraantrust
Posbus 7088
CENTURION
0046
- (b) wanneer per hand afgelewer, afgelewer word by -
Die Administrateur
Wintergraantrust
Blok C
INKWAZI Kantoorpark
Embankmentweg 1249
CENTURION

Voorwaardes van goedkeuring

9. Hierdie statutêre heffings is onderworpe aan die volgende voorwaardes:
- (a) Dat 70% van heffingsinkomste spandeer word aan navorsing en inligting, 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.

Inwerkingtreëding en tydperk van geldigheid

10. (1) Hierdie statutêre maatreël tree op 1 Oktober 2014 in werking en verval op 30 September 2016.
- (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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 - Debtors : 012 748 6060/6056/6064 PublicationsDebtors@gpw.gov.za
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- SCM : 012 748 6380/6373/6218
- Debtors : 012 748 6236/6242
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Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001

Publications: Tel: (012) 748 6052, 748 6053, 748 6058

Advertisements: Tel: (012) 748 6205, 748 6208, 748 6209, 748 6210, 748 6211

Subscriptions: Tel: (012) 748 6054, 748 6055, 748 6057

Gedruk deur en verkrygbaar by die Staatsdrukker, Bosmanstraat, Privaatsak X85, Pretoria, 0001

Publikasies: Tel: (012) 748 6052, 748 6053, 748 6058

Advertensies: Tel: (012) 748 6205, 748 6208, 748 6209, 748 6210, 748 6211

Subskripsies: Tel: (012) 748 6054, 748 6055, 748 6057