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GOVERNEMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

R. 134

12 February 2021

MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996 (ACT NO. 47 OF 1996)**CONTINUATION OF STATUTORY MEASURE AND DETERMINATION OF GUIDELINE
PRICE: LEVY RELATING TO SOYBEANS**

I, Thoko Didiza, Minister of Agriculture, Land Reform and Rural Development, acting under sections 13 and 15 of the Marketing of Agricultural Products Act, 1996 (Act No. 47 of 1996), hereby –

- (a) establish the continuation of the statutory measure as set out in the Schedule hereto; and
- (b) determine the guideline price for soybeans as R5 259,33 per metric ton.

THOKO DIDIZA
Minister of Agriculture, Land Reform and Rural Development

SCHEDULE

Definitions

1. In this Schedule any word or expression to which a meaning has been assigned in the Act shall have that meaning, and unless the context otherwise indicates –
 - “**producer**” means a person who produces soybeans or a person on whose behalf soybeans is produced;
 - “**soybeans**” means grain of the species *Glycine max*;
 - “**the Act**” means the Marketing of Agricultural Products Act, 1996 (Act No. 47 of 1996); and
 - “**SACTA**” means the SA Cultivar and Technology Agency NPC.

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

2. The purpose and aim of this statutory measure are to compensate breeders of soybean varieties for their contribution towards obtaining and utilising improved international agriculture related intellectual property to the benefit of the soybean industry in the Republic of South Africa.

The agricultural sector is expected to ensure food security, strengthen the economy and create job opportunities. This can be reconciled with the provisions of Section 2(3) of the Act. In order to achieve these aims and to further the competitive position of the soybean industry in the Republic of South Africa, it is essential to cultivate high yielding crops from seed varieties that are most suited to particular regions in the country.

For the optimisation of possible export earnings, it is imperative for South African commodities to conform to international quality standards, so that South African producers of soybeans can remain competitive in the international markets.

The statutory measure shall be administered by the South African Cultivar and Technology Agency NPC (SACTA). The levies collected will be administered in a separate account with respect to soybeans and SACTA will be audited annually in accordance with generally accepted accounting practices.

A portion of the funds collected by means of the levy will be focussed on small-scale farmers and transformation in the soybean industry in the Republic of South Africa. SACTA shall allocate 20% of the levy proceeds to transformation initiatives in the grain industries, by means of service providers of its choice, and report back to the National Agricultural Marketing Council (NAMC) annually with regard thereto.

Product to which statutory measure applies

3. This statutory measure shall apply to soybeans.

Area in which statutory measure applies

4. This statutory measure shall apply within the geographical area of the Republic of South Africa.

Imposition of levy

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

Amount of levy

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

Commodity	Period	Amount (Excluding Value Added Tax)
Soybeans	1/3/2021 to 28/2/2022	R57,00 per metric ton
	1/3/2022 to 28/2/2023	R55,00 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 soybeans;
 - (b) in the case of a levy contemplated in clause 5(b), be payable by the processor or converter of the soybeans;
 - (c) in the case of a levy contemplated in clause 5(c), be payable by the person issuing such silo receipt; and
 - (d) in the case of a levy implied in clause 5(d), be payable by the exporter of the soybeans.
- (2) The amount of the levy payable by the buyer in terms of sub-clause (1)(a) and sub-clause (1)(b) may be recovered from the producer.
- (3) The amount of the levy payable by the person issuing the silo receipt in terms of sub-clause 1(c) may be recovered from the person to whom such silo receipt is issued.
- (4) The persons contemplated in sub-clauses (1)(a), (1)(b) and (1)(c), who have paid the levy to SACTA and have conformed to the provisions of this statutory

measure, may claim from SACTA an amount equal to 2,5% of the levies paid by them, in accordance with the conditions set by SACTA from time to time.

Payment of levy

8. (1) Payment of a levy imposed in terms of clause 5 shall be made by the persons contemplated in clause 7 not later than the last day of the month following the month in which the soybeans have been sold, delivered for sale, processed, converted, exported or a silo receipt issued in respect thereof.

(2) Payment shall be made in favour of the SA Cultivar and Technology Agency NPC, and has to be accompanied by a duly completed levy return form, containing such information pertaining to soybeans as required by SACTA from time to time. If no levy is payable in a particular month, a nil return shall be submitted to SACTA.

(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

(c) when transferred electronically, be paid into the designated bank account of the SA Cultivar and Technology Agency NPC.

Conditions of approval

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

- (a) 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;
- (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 SACTA, and be audited by the Auditor General; and
- (c) That after the lapsing of the levy, any surplus funds only be utilised after the approval of the Minister was obtained.

Commencement and period of validity

10. (1) This statutory measure shall come into operation on 1 March 2021 and shall lapse on 28 February 2023.
- (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).

LANDBOU, GRONDHERVORMING EN LANDELIKE ONTWIKKELING, DEPARTEMENT VAN

R. 134

12 Februarie 2021

WET OP BEMARKING VAN LANDBOUPRODUKTE, 1996 (WET NO. 47 VAN 1996)**VOORTSETTING VAN STATUTÊRE MAATREËL EN BEPALING VAN RIGLYNPRYS:
HEFFING OP SOJABONE**

Ek, Thoko Didiza, Minister van Landbou, Grondhervorming en Landelike Ontwikkeling, handelende kragtens artikels 13 en 15 van die Wet op die Bemarking van Landbouprodukte, 1996 (Wet No. 47 van 1996) –

- (a) stel hierby die voortsetting van die statutêre maatreël in die Bylae uiteengesit in; en
- (b) bepaal hierby die riglynprys vir sojabone as R5 259,33 per metrieke ton.

THOKO DIDIZA**Minister van Landbou, Grondhervorming en Landelike Ontwikkeling**

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

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

2. Die oogmerk en doelwit van hierdie statutêre maatreël is om telers van sojaboonvarieteite te vergoed vir hul bydrae tot die verkryging en benutting van verbeterde internasionale agri-verwante intellektuele eiendom tot voordeel van die sojaboonbedryf in die Republiek van Suid-Afrika.

Dit word van die landbousektor verwag om voedselsekerheid te verseker, die ekonomie te versterk en 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 sojaboonbedryf in die Republiek van Suid-Afrika se mededingende posisie te bevorder, is produksie van hoë-opbrengs oeste van saadvarieteite wat optimaal geskik is vir bepaalde streke noodsaaklik.

Om die opbrengs uit moontlike uitvoere te optimaliseer, is dit noodsaaklik dat Suid-Afrikaanse produkte voldoen aan internasionale kwaliteitstandaarde en dat Suid-Afrikaanse produsente van sojabone kompetend is op die internasionale markte.

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

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

Produk waarop statutêre maatreël van toepassing is

3. Hierdie statutêre maatreël is op sojabone van toepassing.

Gebied waarin statutêre maatreël van toepassing is

4. Hierdie statutêre maatreël is in die geografiese gebied van die Republiek van Suid-Afrika van toepassing.

Instelling van heffing

5. 'n Heffing word hierby opgelê op alle sojabone –
- (a) wat deur of namens die produsent daarvan verkoop word;
 - (b) wat verwerk of omskep word of laat verwerk of omskep word in 'n sojaboonprodukt, indien die sojaboonprodukt bestem is om van die hand gesit te word;
 - (c) ten opsigte waarvan 'n silo-ontvangsbewys uitgereik word, indien die heffing ten opsigte van sodanige sojabone nog nie ingevolge paragraaf (a) of (b) betaal is nie; en
 - (d) wat uitgevoer word uit the Republiek van Suid Afrika, indien die heffing ten opsigte van sodanige sojabone nog nie ingevolge paragraaf (a), (b) of (c) betaal is nie.

Bedrag van heffing

6. Die bedrag van die heffing (Belasting op Toegevoegde Waarde uitgesluit) is soos volg:

Kommoditeit	Periode	Bedrag (BTW uitgesluit)
Sojabone	1/3/2021 tot 28/2/2022	R57,00 per metrieke ton
	1/3/2021 tot 28/2/2022	R57,00 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 sojabone;
 - (b) in die geval van 'n heffing in klousule 5(b) bedoel, die verwerker of omskepper van die sojabone;
 - (d) in die geval van 'n heffing in klousule 5(c) bedoel, die persoon wat sodanige silo-ontvangsbewys uitreik; en
 - (e) in die geval van 'n heffing in klousule 5(d) bedoel, die persoon wat sodanige sojabone uitvoer.
- (2) Die bedrag van die heffing wat deur die koper in terme van subklousule (1)(a) en subklousule (1)(b) betaalbaar is, kan van die produsent verhaal word.
 - (3) Die bedrag van die heffing wat in terme van subklousule (1)(c) deur die uitreiker van die silo-ontvangsbewys betaalbaar is, kan van die persoon aan wie sodanige silo-ontvangsbewys uitgereik word, verhaal word.
 - (4) Persone vermeld in subklousules (1)(a), (1)(b) en (1)(c) wat aan die vereistes van hierdie statutêre maatreël voldoen, mag 2,5% van die waarde van die heffing wat

sodanig oorbetaal is van SACTA eis, in ooreenstemming met die voorwaardes wat van tyd tot tyd deur SACTA bepaal word.

Betaling van die heffing

8. (1) Die heffing ingevolge klousule 5 opgelê moet nie later as die laaste dag van die maand volgende op die maand waarin die sojabone verkoop, vir verkoop gelewer, uitgevoer, verwerk of omgesit, of waarin 'n silo-ontvangsbewys uitgereik is, deur die persone in klousule 7 bedoel, betaal word nie.
- (2) Betaling moet ten gunste van die SA Cultivar and Technology Agency NPC gemaak word, en moet vergesel gaan van 'n behoorlik voltooide heffingopgawevorm, wat sodanige inligting bevat as wat van tyd tot tyd deur SACTA vereis word. Indien geen heffing betaalbaar is in n gegewe maand nie, moet 'n nul opgawe aan SACTA voorsien word.
- (3) Betaling moet –
- a) wanneer per pos gestuur, geadresseer wees aan –
- Die SA Cultivar and Technology Agency NPC
Posbus 74087
LYNNWOODRIF
0040
- b) wanneer per hand afgelewer, afgelewer word by –
- Die SA Cultivar and Technology Agency NPC
Alenti Kantoorpark (Blok C)
Witheritestraat 457
DIE WILGERS
Pretoria
0184
- c) wanneer elektronies oorgeplaas, inbetaal word in die bankrekening van die SA Cultivar and Technology Agency NPC.

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 ooreenkomstig die NLBR se nuwe riglyne, 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; 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 Maart 2021 in werking en verval op 28 Februarie 2023.
- (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.