

No. R. 883

14 November 2014

MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996

(ACT No. 47 OF 1996)

ESTABLISHMENT OF A STATUTORY MEASURE AND

DETERMINATION OF GUIDELINE PRICES:

LEVIES RELATING TO LUCERNE SEED AND LUCERNE HAY

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;
- (b) determine the guideline prices for –
 - (i) lucerne hay as R1 200 per ton and
 - (ii) lucerne seed as R60 per kg.

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-

“**cleaned lucerne seed**” means lucerne seed cleaned in terms of the Plant Improvement Act, 1976 (Act No. 53 of 1976);

“**commercial purpose**” means the buying and selling of lucerne seed or lucerne hay for commercial gain;

“**dealing**” means the buying and selling of lucerne seed or lucerne hay, whether for the account of the person thus dealing therein, or for the account of somebody else;

“**lucerne**” means lucerne seed or lucerne hay;

“**lucern seed cleaner**” means a person that cleans lucerne seed in terms of the Plant Improvement Act, 1976 (Act No. 53 of 1976);

“**lucerne hay**” means hay produced from lucerne;

“**lucerne hay dealer**” means a person dealing with lucerne hay;

“**lucerne seed**” means any locally produced lucerne seed;

“**NIR Instrument**” means a near infrared spectroscopy instrument used for the grading of lucerne hay and accredited with the NLT;

“**NLT**” means the National Lucerne Trust; and

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

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

2. The purpose and aims of this statutory measure are to provide financial support to lucerne information, transformation and research functions, which have been identified by the lucerne industry as essential and in the interest of the industry as a whole.

These functions are:

- Cleaning, grading and classification standards and services;
- The collection and dissemination of statistics and other information;
- Liaison with Government and other role-players on industry issues;
- Small farmers development and training; and
- Research relating to lucerne seed and lucerne hay.

The establishment of the measure should assist in promoting the efficiency of the marketing of lucerne hay and seed. The viability of the lucerne industry should thus be enhanced.

The measure is not detrimental to any of the objectives of the Act, and in particular will not be detrimental to the number of employment opportunities or fair labour practice in the lucerne industry.

The measure will be administered by the National Lucerne Trust, who will act in terms of the mandate on behalf of the lucerne industry.

Product to which statutory measure applies

3. This statutory measure shall apply to lucerne.

Area in which statutory measure applies

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

Imposition of levies

5. Levies are hereby imposed on -
- (a) Cleaned lucerne seed produced for commercial purposes;
 - (b) Lucerne hay produced for commercial purposes not analysed by the NIR Instrument;
 - (c) Lucerne hay produced for commercial purposes analysed by the NIR Instrument.

Amount of levies

6. The amounts (VAT excluded) of the levies imposed in terms of clause 5 shall be-
- (a) 80c per kg on clean seed;
 - (b) R4 per ton on lucerne hay not analysed by a NIR Instrument; and
 - (c) R6 per ton for lucerne hay analysed by a NIR Instrument.

Persons by whom levies are payable

7. (1) The levies payable in terms of clause 5 shall be payable-

- (a) in the case of a levy contemplated in clause 5(a), be payable by the lucerne seed cleaner;
 - (b) in the case of a levy contemplated in clause 5(b), be payable by the first lucerne hay dealer dealing with such lucerne hay; and
 - (d) in the case of a levy contemplated in clause 5(c), be payable by the owner of the NIR Instrument.
- (2) A levies paid by a person referred to in -
- (a) subclause (1)(a) may be recovered from the person submitting the lucerne seed concerned for cleaning;
 - (b) subclause (1)(b) may be recovered from the person from whom such lucerne hay is obtained;
 - (c) subclause (1)(c) may be recovered from the person submitting such lucerne hay for analysis.

Payment of levies

- 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 lucerne seed was submitted for cleaning, or the lucerne hay was obtained or analysed.
- (2) Payment to the NLT, together with the returns required by the NLT shall –
- (a) be submitted, when forwarded by post, to -
 - The Manager
 - National Lucerne Trust
 - P.O. Box 185
 - OUDTSHOORN
 - 6620
 - (b) when delivered by hand, be delivered to –
 - The Manager
 - National Lucerne Trust
 - 152 St John Street
 - OUDTSHOORN
 - 6625
 - (c) when transferred electronically, be paid into the bank account of the NLT, ABSA account number 1120156566, branch code 63225.

Administration of levies

9. The statutory measure shall be administered by the NLT. 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 NLT. Annual audited financial statements will be submitted to the National Agricultural Marketing Council 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 NLT. The Minister of Agriculture, Forestry and Fisheries 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 the date of publication thereof and shall lapse four years later.

No. R. 883**14 November 2014****WET OP DIE BEMARKING VAN LANDBOUPRODUKTE, 1996**

(WET No. 47 VAN 1996)

**INSTELLING VAN STATUTÊRE MAATREËL EN BEPALINGS VAN RIGLYNPRYS: HEFFING
BETREFFENDE LUSERN SAAD EN LUSERN HOOI**

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 hiermee die statutêre maatreël in die Bylae uiteengesit, in;
- (b) bepaal hierby die riglynpryse vir –
 - (i) Lusernhooi as R1 200 per ton en
 - (ii) Lusernsaad as R60 per kg.

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 -

“**handel**” die koop en verkoop van lusernsaad of lusernhooi, vir die rekening van die persoon wat daarmee handel dryf of namens iemand anders daarmee handel;

“**kommersiële doeleindes**” die koop en verkoop van lusernsaad of lusernhooi vir kommersiële wins”

“**lusern**” lusernsaad of lusernhooi;

“**lusernhooi**” die hooi van lusern geproduseer;

“**lusernhooi handelaar**” die persoon wat met lusernhooi handel dryf;

“**lusernsaad skoonmaker**” die persoon wat lusernsaad skoonmaak in terme van die Plantverbeteringswet, 1976 (Wet No. 53 van 1976);

“**lusernsaad**” die plaaslik geproduseerde lusernsaad;

“**NIRS Instrument**” die Naby-infrarooi spektroskopie instrument wat vir die gradering van lusernhooi gebruik word en geakriditeer is by die NLT;

“**NLT**” die Nasionale Lusern Trust;

“**skoongemaakte lusernsaad**” lusernsaad skoongemaak in terme van die Plantverbeteringswet, 1976 (Wet No. 53 van 1976);

“**die Wet**” die Wet op Bemaking van Landbouprodukte, 1996 (Wet No. 47 van 1996) soos gewysig.

Oogmerk en doelwitte van statutêre maatreël en die verband daarvan met die oogmerke van die Wet

2. Die oogmerke en doelwitte van hierdie statutêre maatreël is om finansiële ondersteuning aan die lusern navorsing-, inligtings- en ontwikkelings-funksies te verleen wat deur die lusernbedryf as noodsaaklik en in belang van die bedryf as geheel geïdentifiseer is.

Hierdie funksies sluit die volgende in:

- Skoonmaak, gradering en klassifisering standarde en dienste;
- Die insameling en verspreiding van statistiek en ander inligting;
- Onderhandelings met regering en ander instansies insake bedryfsaange-leenthede;
- Kleinboer ontwikkeling en opleiding; en
- Navorsing betreffende lusernsaad en lusernhooi.

Die instelling van die maatreël sal die effektiwiteit van die bemaking van lusernsaad en lusernhooi bevorder. Die lewensvatbaarheid van die lusernbedryf sal versterk word.

Die maatreël is nie teenstrydig met enige van die oogmerke van die Wet nie, en sal nie werksgeleenthede of regverdige arbeidpraktyke benadeel nie.

Die maatreël sal deur die NLT geadminestreer word, wat sal handel volgens sy mandaat in belang van die lusernbedryf.

Produk waarop statutêre maatreël van toepassing is

3. Hierdie statutêre maatreël is op lusern van toepassing.

Gebied waarin statutêre maatreël van toepassing is

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

Instel van heffings

5. 'n Heffing word hiermee ingestel op -

- (a) Skoongemaakte lusernsaad geproduseer vir kommersiële doeleindes;
- (b) Lusernhooi geproduseer vir kommersiële doeleindes wat deur die NIRS Instrument geanaliseer is nie;
- (c) Lusernhooi geproduseer vir kommersiële doeleindes wat deur die NIRS Instrument geanaliseer is.

Bedrag van heffings

6. Die bedrae van die heffings (BTW uitgesluit) is soos volg:

- (a) 80c per kg op skoon saad;
- (b) R4 per ton op lusernhooi nie deur die NIRS Instrument geanaliseer nie; en
- (c) R6 per ton op lusernhooi deur die NIRS Instrument geanaliseer.

Persone deur wie heffings betaalbaar is

7. (1) Die heffings wat in terme van klousule 5 opgelê is, sal betaalbaar wees deur-

- (a) in geval van die heffing genoem in klousule 5(a), deur die lusernsaad skoonmaker;
- (b) in geval van die heffing genoem in klousule 5(b), deur die eerste lusernhooi handelaar; en
- (c) in geval van die heffing genoem in klousule 5(c), deur die eienaar van die NIRS Instrument.

(2) Die heffings betaal deur die persoon genoem in –

- (a) subklousule (1)(a) mag verhaal word van die persoon wat die betrokke lusernsaad lewer vir skoonmaak;
- (b) subklousule (1)(b) mag verhaal word van die persoon van wie die betrokke lusernhooi verkry is;
- (c) subklousule (1)(c) mag verhaal word van die persoon wat die betrokke lusernhooi gestuur het vir analise.

Betaling van heffings

8. (1) Die betaling van die heffings opgelê in terme van klousule 5 sal gemaak word deur die persone bedoel in klousule 7, nie later nie as die laaste dag van die maand volgende op die maand waarin die lusernsaad versend is vir skoonmaak, of die lusernhooi verkry of geanaliseer is.
- (2) Betaling moet ten gunste van NLT uitgemaak word, en moet -
- (a) wanneer per pos gestuur, geadresseer wees aan –
Die Bestuurder
Nasionale Lusern Trust
Posbus 185
OUDTSHOORN
6620
 - (b) wanneer per hand afgelewer, afgelewer word by –
Die Bestuurder
Nasionale Lusern Trust
St John Straat 152
OUDTSHOORN
6625
 - (c) Indien elektronies oorbetal, na die bankrekening van die NLT, ABSA rekening nommer 1120156566, takkode 63225.

Administrasie van heffings

9. Hierdie statutêre maatreël sal deur die NLT 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 die NLT. Jaarlikse geouditeerde finansiële state sal aan die Nasionale Landboubeoordelingsraad 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 NLT wees. Die Minister van Landbou, Bosbou en Visserye 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 in werking op die dag van publikasie en sal vier jaar later verstryk.