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GOVERNMENT NOTICE GOEWERMENTSKENNISGEWING

DEPARTMENT OF AGRICULTURE DEPARTEMENT VAN LANDBOU

No. R. 643

8 May 1998

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, Derek André Hanekom, Minister of Agriculture, 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 that the guideline price for sorghum shall be **R550 per metric ton.**

D. A. HANEKOM

Minister of Agriculture

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—

"exporter" means any person who exports sorghum from the Republic of South Africa;

"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, or is used or is intended to be disposed of by that person for any consideration whatsoever, or is used or is intended to be used in the manufacture or processing of any product or commodity disposed of by that person for any consideration whatsoever;

"feed manufacturer" means a person dealing in the course of trade with sorghum by using it in the manufacture of animal feed, pet foods, poultry feed or bird seed;

"importer" means any person who imports sorghum into the Republic of South Africa;

"malt manufacturer" means a person dealing in the course of trade with sorghum malt;

"producer" means a person who produces sorghum grain or a person on who's behalf sorghum grain is being produced;

"processor" means a person other than a malt manufacturer or a feed manufacturer who deals with sorghum products in the course of trade;

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

"sorghum agent or broker" means a person dealing in the course of trade with sorghum by acting on behalf of the producer, seller or buyer thereof at the sale or purchase of that sorghum;

"sorghum dealer" means a person dealing in the course of trade, other than in the retail trade, with sorghum that has been bought from producers of sorghum, but not also a malt manufacturer, feed manufacturer or processor.

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 for the sorghum research and information functions that the sorghum industry has identified as essential and in the interest of the industry as a whole.

Research is essential for the furtherance of the sorghum industry's competitive position. It is essential that this infrastructure created by way of research levies collected under the previous agricultural marketing dispensation, be retained and maintained to the benefit of the sorghum industry.

Market information is essential for all role-players in a deregulated market, in order for them to be able to make informed decisions and for the market to operate effectively. A portion of the funds collected by means of this levy will also be focussed on small-scale farmers and the developing sorghum industry.

The establishment of this statutory measure will not only assist in increasing market access for all participants but will also enhance the viability of the sorghum industry. The establishment of this statutory measure will in fact further all the objectives of the Act as stipulated in section 2 thereof.

The statutory measure shall be administered by Coopers & Lybrand and the Sorghum Forum. Coopers & Lybrand is an international auditing company and the Sorghum Forum an association of the sorghum industry. Since Coopers & Lybrand is not in a position to render services regarding the enforcement of the measure, the Sorghum Forum will exercise that part of the function. Both Coopers & Lybrand and the Sorghum Forum will be funded for the purpose of this statutory measure out of the Sorghum Trust. The levies collected in terms of this statutory measure shall be administered as a separate account, and any surplus or deficit shall at the date of termination of this statutory measure, be for the account of the Trust.

Product to which statutory measure applies

3. This statutory measure shall apply to sorghum—

- (a) that is sold by or on behalf of a producer;
- (b) that is processed or converted or caused to be processed or converted into a sorghum product by or on behalf of the producer thereof, where such sorghum product is thereafter sold by or on behalf of the producer thereof;
- (c) that is imported or brought into the Republic of South Africa; and
- (d) that is exported from the Republic of South Africa, and in respect of which a levy have not previously been paid in terms of paragraphs (a), (b) or (c).

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 first buyers and producers of sorghum and the accountability for the payment thereof shall be shared between them on a fifty-fifty per cent basis. All first time buyers shall be liable to pay the full levy to the Sorghum Trust. An administration fee of 2,5% of the levy fee may be deducted by the buyer.

Amount of levy

6. The levy shall amount to **R3,10 per metric ton** sorghum, excluding VAT (R3,53 per metric ton sorghum, including VAT).

Persons by whom levy is payable

7. The levy payable in terms of clause 5 shall be payable—

- (a) by a producer of sorghum who—
 - (i) sells sorghum to a person other than a sorghum dealer, malt manufacturer, feed manufacturer or processor; and
 - (ii) processes or converts sorghum into a sorghum product, or causes it to be processed or converted and thereafter sells it as, or as part of a sorghum product;
- (b) by a sorghum dealer, feed manufacturer, malt manufacturer or processor who purchases sorghum from the producer thereof;
- (c) by a sorghum agent or broker who purchases sorghum on behalf of another person, from the producer thereof;
- (d) by the person by whom sorghum is imported or brought into the Republic of South Africa;
- (e) by the person by whom sorghum is exported from the Republic of South Africa; and
- (f) by the person who receives sorghum as remuneration for any services rendered or for any goods delivered by him or on his behalf.

Persons to whom levy is payable

8. The levy is payable to the Sorghum Trust.

Payment of levy

9. (1) Payment shall be made within 15 days after the end of each calendar month.

(2) Payment shall be made by means of a cheque, postal order or money order made out in favour of the Sorghum Trust, which shall accompany the levy return as prescribed by Coopers & Lybrand and the Sorghum Trust.

(3) An audit certificate or accountant's affidavit shall be submitted before 31 July of each year to Coopers & Lybrand by the first buyer of the sorghum.

(4) Payments, levy returns and audit certificates shall—

(a) when forwarded by post, be addressed to—

Coopers & Lybrand (Sorghum Trust)
P.O. Box 1093
PRETORIA
0001

(b) when delivered by hand delivered to—

Coopers & Lybrand (Sorghum Trust)
Leopont Building
451 Church Street
PRETORIA
0002

Commencement and period of validity

10. This statutory measure shall come into operation on the date of publication hereof and shall lapse on 31 July 2000.

No. R. 643

8 Mei 1998

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, Derek André Hanekom, Minister van Landbou, 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 dat die riglynprys vir sorghum **R550 per metrieke ton** sal wees.

D. A. HANEKOM

Minister van Landbou

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—

"as 'n besigheid handel" elke aankoop van sorghum van die produsent daarvan deur enige persoon, indien die sorghum of enige hoeveelheid daarvan aldus deur daardie persoon aangekoop vir enige rede van die hand gesit word of beoog word om van die hand gesit te word, of gebruik of beoog om gebruik te word in die verwerking of vervaardiging van enige kommoditeit of produk wat deur sodanige persoon vir enige rede hoegenaamd van die hand gesit word.

"Invoerder" enige persoon wat sorghum in die Republiek van Suid-Afrika inbring;

"moutvervaardiger" enige persoon wat met sorghummout as 'n besigheid handel;

"produsent" 'n persoon wat sorghumgraan produseer of 'n persoon in wie se belang sorghumgraan geproduseer word;

“sorghum” die gedorste, ryp saad van die plante van *Sorghum bicolor* (L.) Moench, uitgesluit saadsorghum of sorghum wat as kuilvoer aangewend word;

“sorghumagent of makelaar” enige persoon wat met sorghum as ’n besigheid handel deur in die belang van die produsent, verkoper of koper daarvan op te tree by die verkoop en koop van sorghum;

“sorghumhandelaar” enige persoon, met die uitsondering van die kleinhandel, wat met sorghum, wat van produsente gekoop is, as ’n besigheid handel, maar nie ook ’n moutvervaardiger, voervervaardiger of verwerker nie;

“uitvoerder” enige persoon wat sorghum vanaf die Republiek van Suid-Afrika uitvoer;

“veevoervervaardiger” enige persoon wat met sorghum as ’n besigheid handel deur dit in die vervaardiging van veevoer, troeteldierkos, pluimveevoer of voëlsaad te gebruik;

“verwerker” enige persoon anders as ’n moutvervaardiger of ’n voervervaardiger wat met sorghum as ’n besigheid handel.

Doel en oogmerke van statutêre maatreëls en die verband daarvan met die doelstellings van die Wet

2. Die doel en oogmerke van hierdie statutêre maatreël is om finansiële steun te verleen aan die navorsings- en inligtingsfunksies wat die sorghumbedryf as noodsaaklik en in die belang van die sorghumbedryf as ’n geheel geïdentifiseer het.

Navorsing is noodsaaklik vir die bevordering van die sorghumbedryf se mededingende posisie. Dit is noodsaaklik dat die infrastruktuur wat deur middel van heffings, gevorder in die vorige landbou-bemerkings-bedeling, daargestel is, tot die voordeel van die sorghumbedryf onderhou word.

Markinligting is noodsaaklik vir alle rolspelers in ’n gedereguleerde mark, ten einde hulle in staat te stel om ingeligte besluite te neem asook vir die mark om doeltreffend te funksioneer. ’n Gedeelte van die fondse wat deur middel van die heffing ingevorder word, sal gerig wees op kleinboere en die ontwikkelende sorghumbedryf.

Die instelling van die statutêre maatreël sal ’n bydrae lewer om marktoegang vir alle deelnemers te bevorder en so ook die lewensvatbaarheid van die sorghumbedryf. Die instelling van die maatreël sal al die doelwitte van die Wet, soos in artikel 2 uiteengesit, bevorder.

Die statutêre maatreël sal deur Coopers & Lybrand en die Sorghumforum geadministreer word. Coopers & Lybrand is ’n internasionale ouditeursfirma en die Sorghumforum ’n assosiasie van die sorghumbedryf. Aangesien Coopers & Lybrand nie in ’n posisie is om dienste aangaande die afdwing van die maatreël uit te voer nie, sal die Sorghumforum hierdie deel van die funksie verrig. Beide Coopers & Lybrand en die Sorghumforum sal vir doeleindes van die statutêre maatreël vanuit die Sorghumtrust befonds word. Die heffings wat ingevolge die statutêre maatreël gevorder word, sal as ’n afsonderlike rekening geadministreer word en enige surplus of tekort sal met die beëindiging van die statutêre maatreël aan die Trustrekening behoort.

Produk waarop statutêre maatreël van toepassing is

3. Hierdie statutêre maatreël is van toepassing op sorghum—

- (a) wat deur of namens die produsent verkoop word;
- (b) wat verwerk of omskep word of dit laat verwerk of omskep in ’n sorghumproduk deur of ten behoeve van die produsent daarvan, waar die sorghumproduk daarna deur of namens die produsent daarvan verkoop word;
- (c) wat ingevoer of in die Republiek van Suid-Afrika ingebring word;
- (d) wat uitgevoer word vanaf die Republiek van Suid-Afrika en waarvolgens ’n heffing nog nie ingevolge paragrawe (a), (b) of (c) betaal is nie.

Gebied waarin statutêre maatreël van toepassing is

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

Oplegging van heffing

5. 'n Heffing word hiermee opgelê aan alle eerste kopers en produsente van sorghum en die aanspreeklikheid vir betaling daarvan sal deur hulle op 'n vyftig-vyftig persent basis gedeel word. Alle eerste kopers sal aanspreeklik wees om die volle heffing aan die Sorghumtrust te betaal. 'n Administrasiekoste van 2,5% mag deur die koper van die heffingsbedrag afgetrek word.

Bedrag van die heffing

6. Die heffing sal **R3,10 per metrieke ton** sorghum, BTW uitgesluit, bedra (R3,53 per metrieke ton sorghum, BTW ingesluit).

Persone deur wie heffing betaalbaar is

7. Die heffing wat ingevolge klousule 5 opgelê is, sal betaalbaar wees deur—

- (a) 'n produsent van sorghum wat—
 - (i) sorghum aan 'n persoon verkoop anders as 'n sorghumhandelaar, moutvervaardiger, veevoervervaardiger of verwerker; en
 - (ii) sorghum na 'n sorghumproduk verwerk of omskep, of wat veroorsaak dat dit sodanig verwerk of omskep word en dit daarna as deel van of as 'n sorghumproduk verkoop;
- (b) 'n sorghumhandelaar, veevoervervaardiger, moutvervaardiger of verwerker wat sorghum van die produsent daarvan aankoop;
- (c) 'n sorghumagent of makelaar wat sorghum ten behoeve van 'n ander persoon, van die produsent daarvan aankoop;
- (d) die persoon deur wie sorghum ingevoer of in die Republiek van Suid-Afrika ingebring word;
- (e) die persoon deur wie sorghum uit die Republiek van Suid-Afrika uitgevoer word;
- (f) die persoon wat sorghum as vergoeding ontvang vir enige dienste of vir enige goedere deur hom of namens hom gelewer.

Persone aan wie die heffing betaalbaar is

8. Die heffing is betaalbaar aan die Sorghumtrust.

Betaling van heffing

9. (1) Betaling sal geskied binne 15 dae na die einde van elke kalendermaand.

(2) Betaling sal geskied by wyse van tjek, posorder of poswissel wat uitgemaak word ten gunste van die Sorghumtrust en wat die heffingsopgawe soos deur Coopers & Lybrand en die Sorghumtrust voorgeskryf, sal vergesel.

(3) 'n Ouditsertifikaat of beëdigde verklaring deur 'n rekenmeester sal voor 31 Julie van elke jaar deur die eerste koper aan Coopers & Lybrand voorgelê word.

(4) Die betalings, heffingsopgawes en ouditsertifikate moet—

- (a) wanneer per pos gestuur, geadresseer wees aan—
Coopers & Lybrand (Sorghumtrust)
Posbus 1093
PRETORIA
0001

- (b) wanneer per hand afgelewer, afgelewer word by—
Coopers & Lybrand (Sorghumtrust)
Leopontgebou
Kerkstraat 451
PRETORIA
0002

Inwerkingtreding en tydperk van geldigheid

10. Hierdie statutêre maatreël tree op die datum van publikasie hiervan in werking en verval op 31 Julie 2000.
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