

---

## GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

---

### DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. R. 2699

4 November 2022

#### 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 R7519.05 per metric ton.

  
**MRS ANGELA THOKOZILE DIDIZA**  
**MINISTER FOR 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 are 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 South African 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 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 paragraph (a), (b) or (c) above.

#### 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	1/3/2023 to 28/2/2024	R66,00 per metric ton
	1/3/2024 to 28/2/2025	R92,00 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 the levy contemplated in clause 5(d), be payable by the exporter of the soybeans.
- (2) The amount of the levy payable by the buyer, processor or converter in terms of sub-clauses (1)(a) and (1)(b) above 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) above 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 74626  
LYNNWOOD RIDGE  
0040
- (b) when delivered by hand, be delivered to –
- The SA Cultivar and Technology Agency NPC  
Grain Building Agri-Hub  
477/478 Witherite Street  
Die Wilgers  
Pretoria, 0186
- (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 2023 and shall lapse on 28 February 2025.
- (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).