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**DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM**

NO. R. 571

2 July 2021

**MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996 (ACT NO. 47 OF 1996)****ESTABLISHMENT OF STATUTORY MEASURE AND DETERMINATION OF GUIDELINE  
PRICES: LEVIES RELATING TO LUPINE**

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 statutory measure set out in the Schedule hereto; and
- (b) determine the guideline price, per metric ton, for lupine as R3 497.11

  
**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 lupine or a person on whose behalf lupine is produced;
  - “**Lupine**” or “**Lupin**” means the seed of the species *Legimus* or the European lupine (*Lupinus albus*; *Lupinus angustifolius* & *Lupinus luteus*), which is used as food or is utilised for the processing or manufacture of flour or protein.
  - “**the Act**” means the Marketing of Agricultural Products Act, 1996 (Act No. 47 of 1996);
  - “**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 lupine varieties for their contribution towards obtaining and utilising improved international and local agriculture related intellectual property to the benefit of the lupine 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 lupine industry in the Republic of South Africa, cultivation of high yielding crops from seed varieties that are most suited for particular regions is essential. A portion of the funds collected by means of the levy will be focused on small-scale farmers and transformation of the lupine industry in the Republic of South Africa. SACTA, that will administer the levy, will be responsible for allocating 20% of their proceeds from the levy to transformation initiatives within the company, or to a service provider of its choice, and report back to the National Agricultural Marketing Council annually. The statutory measure shall be administered by the SA Cultivar and Technology Agency NPC (SACTA). The levies collected shall be administered in a separate account for lupine. SACTA shall be audited in accordance with generally accepted accounting practices.

### Product to which statutory measure applies

3. This statutory measure shall apply to lupine.

### 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 lupine –
  - (a) sold by or on behalf of the producer thereof;

- (b) processed or converted or caused to be processed or converted into a lupine product, by or on behalf of the producer thereof, if the lupine product is intended to be disposed of; and
- (c) in respect of which a silo receipt has been issued, if the levy in respect of such lupine has not already been paid in terms of paragraph (a) or (b).
- (d)

### Amount of levy

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

Commodity	Period	Amount (Excluding Value Added Tax)
Lupine	1/10/2021 to 30/09/2022	R35 per metric ton (Based on 1% of average lupine price* from 2013 to 2020)
	1/10/2022 to 30/09/2023	R35 per metric ton (Based on 1% of average lupine price* from 2013 to 2020)

### 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 lupine;
  - (b) in the case of a levy contemplated in clause 5(b), be payable by the processor or converter of the lupine; and
  - (c) in the case of a levy contemplated in clause 5(c), 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 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 lupine 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 lupine 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 October 2021 and shall lapse on 30 September 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).