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REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

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DEPARTMENT OF THE PRIME MINISTER.

No. 643. 18th April, 1973.

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 31 of 1973: Marketing Amendment Act, 1973.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 643. 18 April 1973.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 31 van 1973: Wysigingswet op Bemarking, 1973.

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ACT

To amend the Marketing Act, 1968, in order to provide for the establishment and powers of an Agricultural Reference Board; to provide that a scheme may prescribe the procedure to be followed in connection with the nomination or election of members of a control board; to define further the advisory functions of certain committees; to empower any control board to enter into an agreement with a person with whom such board intends to co-operate in doing any act which such board may perform, providing for the establishment of a committee to perform such act on behalf of such board and such person and for a special account into which certain moneys are to be paid and from which payments in connection with the performance of such act may be made; to provide for the recovery from a control board of certain allowances; to define further a control board's power to advertise products under certain circumstances; to provide for the consideration of applications for registration and certain permits under the said Act only during certain months of a calendar year; to empower a control board to prescribe certain conditions of certain agreements for the purchase and sale of fruit and vegetables intended for processing, and to render such agreements subject to the control board's approval; to provide for an inspection mark or marks and the application thereof to inspected products; to extend the matters for which the proceeds of a levy on an unregulated product may be utilized; to provide that conditions imposed by a control board in connection with the importation or exportation of a regulated product shall be set out in certain permits for such importation or exportation; and to provide for incidental matters.

(*Afrikaans text signed by the State President.*)
(*Assented to 11th April,* 1973.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 59 of 1968, as amended by section 1 of Act 52 of 1969, section 1 of Act 69 of 1970, section 1 of Act 78 of 1971 and section 1 of Act 68 of 1972.

1. Section 1 of the Marketing Act, 1968 (hereinafter referred to as the principal Act), is hereby amended by the insertion in subsection (1) after the definition of "product" of the following definition:

"'reference board' means the Agricultural Reference Board referred to in section 7A;".

Substitution of heading to Part 1 of Act 59 of 1968.

2. The following heading is hereby substituted for the heading to Part 1 of the principal Act:

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WET

Tot wysiging van die Bemarkingswet, 1968, ten einde voorsiening te maak vir die instelling en bevoegdhede van 'n Landbouverwysingsraad; om te bepaal dat 'n skema die prosedure kan voorskryf wat in verband met die nominasie of verkiesing van lede van 'n beheerraad gevolg moet word; om die adviserende funksies van sekere komitees nader te omskryf; om 'n beheerraad te magtig om met iemand met wie daardie raad wil meedoen aan 'n handeling wat dié raad kan verrig, 'n ooreenkoms aan te gaan wat voorsiening maak vir die instelling van 'n komitee om bedoelde handeling namens daardie raad en so iemand te verrig en vir 'n spesiale rekening waarin sekere gelde gestort moet word en waaruit betalings in verband met die verrigting van bedoelde handeling gedoen kan word; om voorsiening te maak vir die verhaal van sekere toelaes op 'n beheerraad; om 'n beheerraad se bevoegdheid om produkte in sekere omstandighede te adverteer, nader te omskryf; om voorsiening te maak vir die oorweging van aansoeke om registrasie en sekere permitte kragtens die genoemde Wet slegs gedurende sekere maande van 'n kalenderjaar; om 'n beheerraad te magtig om sekere voorwaardes van sekere ooreenkomste vir die koop en verkoop van vrugte en groente vir verwerking bestem, voor te skryf, en om sodanige ooreenkomste aan die goedkeuring van die beheerraad onderworpe te stel; om voorsiening te maak vir 'n inspeksiemerk of -merke en die aanbring daarvan op geïnspekteerde produkte; om die aangeleenthede waarvoor die opbrengs van 'n heffing op 'n onbeheerde produk aangewend kan word, uit te brei; om te bepaal dat voorwaardes deur 'n beheerraad opgelê in verband met die invoer of uitvoer van 'n beheerde produk uiteengesit moet word in sekere permitte vir sodanige invoer of uitvoer; en om vir bykomstige aangeleenthede voorsiening te maak.

(*Afrikaanse teks deur die Staatspresident geteken.*)
(*Goedgekeur op* 11 *April* 1973.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 1 van Wet 59 van 1968, soos gewysig deur artikel 1 van Wet 52 van 1969, artikel 1 van Wet 69 van 1970, artikel 1 van Wet 78 van 1971 en artikel 1 van Wet 68 van 1972.

1. Artikel 1 van die Bemarkingswet, 1968 (hieronder die Hoofwet genoem), word hierby gewysig deur in subartikel (1) na die omskrywing van „verwerking" die volgende omskrywing in te voeg:

„,verwysingsraad' die Landbouverwysingsraad in artikel 7A vermeld.".

Vervanging van opskrif by Deel 1 van Wet 59 van 1968.

2. Die opskrif by Deel 1 van die Hoofwet word hierby deur die volgende opskrif vervang:

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"PART 1.

THE NATIONAL MARKETING COUNCIL, THE CONSUMERS' ADVISORY COMMITTEE AND THE AGRICULTURAL REFERENCE BOARD.".

Insertion of sections 7A, 7B and 7C in Act 59 of 1968.

3. The following sections are hereby inserted in the principal Act after section 7:

"The Agricultural Reference Board.

7A. (1) There is hereby established a board to be known as the Agricultural Reference Board, which shall consist of a chairman and two other members who shall be appointed by the Minister: Provided that the Minister may from time to time appoint not more than two additional members to the said board for a particular purpose on the ground of their special knowledge of the matter for the purpose of which they are appointed.

(2) (*a*) A member of the reference board who is not a person in the full-time service of the State or has not been appointed for a particular purpose, shall be appointed for such period not exceeding two years as the Minister may determine at the time of the appointment of the member concerned.

(*b*) A member of the reference board who is a person in the full-time service of the State shall hold office during the Minister's pleasure.

(*c*) A member of the reference board appointed for a particular purpose shall hold office until the matter for the purpose of which he was appointed has been disposed of by the reference board.

(3) A member of the reference board whose period of office has expired, shall be eligible for re-appointment.

(4) A member of the reference board who is not a person in the full-time service of the State, shall be paid, out of moneys appropriated by Parliament for that purpose, such allowances as the Minister may determine.

(5) Whenever the Minister is satisfied that a member of the reference board is prevented by illness or absence or any other cause from performing the duties of his office, the Minister may appoint any other person whom he considers suitable to act as deputy of that member while he is so prevented, and such deputy shall, during the period he so acts, perform the duties of the member in whose stead he has been appointed so to act: Provided that whenever the chairman is prevented as aforesaid, the Minister may, if he deems it expedient, designate any other member to perform the duties of the chairman during his absence or inability, in which case any person who is appointed as deputy of the chairman shall perform the ordinary duties of the member so designated.

Meetings of reference board.

7B. (1) The meetings of the reference board shall be held at such times and places as the Minister may from time to time determine.

(2) The chairman of the reference board, or the member for the time being charged with the performance of the duties of the chairman, and two other members of the reference board shall constitute a quorum for any meeting of that board.

(3) A decision of the majority of the members present at a meeting of the reference board shall be the decision of the reference board and, in the event of an equality of votes, the chairman, or the member

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„DEEL 1.

DIE NASIONALE BEMARKINGSRAAD, DIE ADVISERENDE VERBRUIKERSKOMITEE EN DIE LANDBOUVERWYSINGSRAAD.".

Invoeging van artikels 7A, 7B en 7C in Wet 59 van 1968.

3. Die volgende artikels word hierby in die Hoofwet na artikel 7 ingevoeg:

„Die Landbouverwysingsraad.

7A. (1) Hierby word 'n raad ingestel wat die Landbouverwysingsraad heet, bestaande uit 'n voorsitter en twee ander lede wat deur die Minister aangestel word: Met dien verstande dat die Minister van tyd tot tyd hoogstens twee addisionele lede vir 'n bepaalde doel in die gemelde raad kan aanstel op grond van hul besondere kennis van die aangeleentheid vir die doel waarvan hulle aangestel word.

(2) (*a*) 'n Lid van die verwysingsraad wat nie 'n persoon in die voltydse diens van die Staat is of vir 'n bepaalde doel aangestel is nie, word aangestel vir die tydperk van hoogstens twee jaar wat die Minister ten tyde van die aanstelling van die betrokke lid bepaal.

(*b*) 'n Lid van die verwysingsraad wat 'n persoon in die voltydse diens van die Staat is, beklee sy amp solank dit die Minister behaag.

(*c*) 'n Lid van die verwysingsraad wat vir 'n bepaalde doel aangestel is, beklee sy amp totdat die aangeleentheid vir die doel waarvan hy aangestel is, deur die verwysingsraad afgehandel is.

(3) 'n Lid van die verwysingsraad wie se ampstermyn verstryk het, kan weer aangestel word.

(4) 'n Lid van die verwysingsraad wat nie 'n persoon in die voltydse diens van die Staat is nie, word uit gelde deur die Parlement vir dié doel bewillig die toelaes betaal wat die Minister bepaal.

(5) Wanneer die Minister oortuig is dat 'n lid van die verwysingsraad deur siekte of afwesigheid of om 'n ander rede verhinder word om sy ampspligte uit te voer, kan die Minister iemand anders wat hy geskik ag, aanstel om as plaasvervanger van daardie lid op te tree solank hy aldus verhinder word, en so 'n plaasvervanger moet gedurende die tydperk wat hy aldus optree, die pligte van die lid uitvoer in wie se plek hy aangestel is om aldus op te tree: Met dien verstande dat wanneer die voorsitter verhinder word soos voormeld, die Minister, indien hy dit dienstig ag, 'n ander lid kan aanwys om die pligte van die voorsitter gedurende sy afwesigheid of onvermoë uit te voer, in welke geval iemand wat as plaasvervanger van die voorsitter aangestel word, die gewone pligte van die lid wat aldus aangewys is, uitvoer.

Vergaderings van verwysingsraad.

7B. (1) Die vergaderings van die verwysingsraad word gehou op die tye en plekke wat die Minister van tyd tot tyd bepaal.

(2) Die voorsitter van die verwysingsraad, of die lid wat asdan met die uitvoering van die voorsitter se pligte belas is, en twee ander lede van die verwysingsraad maak 'n kworum vir 'n vergadering van dié raad uit.

(3) 'n Beslissing van die meerderheid van die lede wat op 'n vergadering van die verwysingsraad aanwesig is, is die besluit van die verwysingsraad, en by 'n staking van stemme het die voorsitter, of die

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for the time being charged with the performance of the duties of the chairman, shall have a casting vote in addition to his deliberative vote.

Powers of reference board.

7C. (1) The reference board shall have power to decide, in the stead and on behalf of a control board, upon any matter referred to the reference board by such control board under subsection (2), and shall for that purpose have such incidental powers as are vested in the control board concerned in relation to that matter.

(2) Where any members of a control board have recused themselves from participation in the proceedings of the control board in connection with a matter upon which the control board is in terms of its scheme or this Act or a proclamation issued under section 87 or a regulation made under section 89 required to take a decision, on the ground of having any interest in such matter, and the remaining members are too few in number to constitute a quorum for a meeting of the control board, the control board may, and, if so directed by the Minister, shall refer the matter in question to the reference board for decision by it under subsection (1).

(3) A decision taken by the reference board under subsection (1) shall, for the purpose of the relevant scheme or this Act or any proclamation issued under section 87 or any regulation made under section 89, be deemed to be a decision of the control board concerned.

(4) Any reference in this section—

(*a*) to a control board shall be construed as including a reference to the Dairy Industry Control Board established under section 2 of the Dairy Industry Control Ordinance, 1962 (Ordinance No. 29 of 1962), of the territory, and the Meat Trade Control Board established under section 2 of the Meat Trade Control Ordinance, 1962 (Ordinance No. 20 of 1962), of the territory; and

(*b*) to any scheme or this Act or any proclamation issued under section 87 or any regulation made under section 89 shall be construed as including a reference to an Ordinance mentioned in paragraph (*a*) or any regulation made thereunder, as the circumstances may require.".

Amendment of section 28 of Act 59 of 1968, as amended by section 9 of Act 52 of 1969 and section 2 of Act 68 of 1972.

4. Section 28 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) A scheme shall, subject to the provisions of subsections (2), (3) and (4), provide for the appointment to its control board of not more than one officer either in the Department of Agricultural Economics and Marketing or in the Department of Agricultural Technical Services, and of members to represent persons who produce the product to which the scheme relates, and such classes of persons dealing in the course of trade with, or of consumers of, or of persons having any other interest whether directly or indirectly in such product, as the Minister may after consultation with the marketing council determine, and may in respect of any one or more of or all such members—

(*a*) provide that the member or members concerned shall be nominated or elected for appointment to the control board in accordance with a procedure prescribed in

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lid wat asdan met die uitvoering van die voorsitter se pligte belas is, benewens sy beraadslagende stem ook 'n beslissende stem.

Bevoegdhede van verwysingsraad.

7C. (1) Die verwysingsraad is bevoeg om in die plek van en namens 'n beheerraad oor 'n aangeleentheid te besluit wat ingevolge subartikel (2) deur dié beheerraad na die verwysingsraad verwys is, en het vir dié doel die bykomstige bevoegdhede wat die betrokke beheerraad met betrekking tot daardie aangeleentheid het.

(2) Waar lede van 'n beheerraad hulle van deelname aan die verrigtinge van die beheerraad in verband met 'n aangeleentheid waaroor die beheerraad ingevolge sy skema of hierdie Wet of 'n kragtens artikel 87 uitgevaardigde proklamasie of 'n kragtens artikel 89 uitgevaardigde regulasie 'n besluit moet neem, onttrek het op grond daarvan dat hulle 'n belang by daardie aangeleentheid het, en die oorblywende lede in getal te min is om 'n kworum vir 'n vergadering van die beheerraad uit te maak, kan die beheerraad, en moet hy indien die Minister hom daartoe gelas, die betrokke aangeleentheid na die verwysingsraad verwys vir beslissing deur hom kragtens subartikel (1).

(3) 'n Besluit deur die verwysingsraad kragtens subartikel (1) geneem, word by die toepassing van die betrokke skema of hierdie Wet of 'n kragtens artikel 87 uitgevaardigde proklamasie of 'n kragtens artikel 89 uitgevaardigde regulasie geag 'n besluit van die betrokke beheerraad te wees.

(4) 'n Verwysing in hierdie artikel—

(*a*) na 'n beheerraad word uitgelê as 'n verwysing ook na die Raad van Beheer oor die Suiwelnywerheid ingestel by artikel 2 van die Ordonnansie op die Beheer op die Suiwelnywerheid, 1962 (Ordonnansie No. 29 van 1962), van die gebied, en die Vleishandelbeheerraad ingestel by artikel 2 van die Vleishandelbeheerordonnansie, 1962 (Ordonnansie No. 20 van 1962), van die gebied;

(*b*) na 'n skema of hierdie Wet of 'n kragtens artikel 87 uitgevaardigde proklamasie of 'n kragtens artikel 89 uitgevaardigde regulasie word uitgelê as 'n verwysing ook na 'n in paragraaf (*a*) genoemde Ordonnansie of 'n daarkragtens uitgevaardigde regulasie, na gelang van die omstandighede.".

Wysiging van artikel 28 van Wet 59 van 1968, soos gewysig deur artikel 9 van Wet 52 van 1969 en artikel 2 van Wet 68 van 1972.

4. Artikel 28 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) 'n Skema moet, behoudens die bepalings van subartikels (2), (3) en (4), voorsiening maak vir die aanstelling in sy beheerraad van hoogstens een beampte van òf die Departement van Landbou-ekonomie en -bemarking òf die Departement van Landbou-tegniese Dienste, en van lede om persone te verteenwoordig wat die produk produseer waarop die skema betrekking het asook dié klasse persone wat met daardie produk as 'n besigheid handel, of dié klasse verbruikers daarvan of dié klasse persone wat 'n ander belang, hetsy regstreeks of onregstreeks, by die produk het, wat die Minister na oorlegpleging met die bemarkingsraad bepaal, en kan ten opsigte van een of meer van of al sodanige lede—

(*a*) bepaal dat die betrokke lid of lede vir aanstelling in die beheerraad genomineer of verkies moet word volgens 'n prosedure in die skema voorgeskryf, of gekies moet

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the scheme, or shall be selected from among persons whose names are to be submitted for that purpose in accordance with a procedure so prescribed;

(*b*) prescribe the person or persons who or organization or organizations which may so nominate the member or members concerned, or who or which may so submit the names of persons;

(*c*) prescribe the class or classes of persons who may so elect the member or members concerned.".

Amendment of section 29 of Act 59 of 1968.

5. Section 29 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) (*a*) A scheme may provide for the establishment of one or more committees for the purpose of advising the control board concerned in regard to any matter relating to the administration of the scheme or any of its provisions in general or in a part of the area in which the scheme or a provision thereof applies or in respect of any product or products to which the scheme relates.

(*b*) Any such committee shall be constituted in such manner as may be specified in the scheme or determined by the control board concerned with the approval of the Minister.

(*c*) The control board concerned may assign to any such committee, on such conditions as the Minister may approve, such of the powers of that control board under the scheme as it may determine with the approval of the Minister.".

Substitution of section 38 of Act 59 of 1968.

6. The following section is hereby substituted for section 38 of the principal Act:

"Co-operation by a control board with any person or another board.

38. (1) A scheme may empower its control board to co-operate, with the approval of the Minister, with any person in doing any act which the board may perform, and to do on behalf of any other board established under any law for or in respect of any agricultural or related industry, any act which such other board may perform.

(2) A control board may enter into a written agreement with any person with whom that board intends to co-operate under subsection (1) in doing any act which the board in question may perform, providing—

(*a*) for the establishment of a committee consisting of representatives of that board and representatives of such person, to perform the said act on behalf of that board and such person, in such manner and subject to such conditions as may be set out in the agreement;

(*b*) for the establishment of a special account which shall be administered and controlled by the control board concerned or by it in co-operation with such committee, in such manner

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word uit die geledere van persone wie se name vir dié doel volgens 'n aldus voorgeskrewe prosedure voorgelê word;

(*b*) die persoon of persone of organisasie of organisasies voorskryf deur wie die betrokke lid of lede aldus genomineer kan word of deur wie die name van persone aldus voorgelê kan word;

(*c*) die klas of klasse persone voorskryf deur wie die betrokke lid of lede aldus verkies kan word.".

Wysiging van artikel 29 van Wet 59 van 1968.

5. Artikel 29 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) (*a*) 'n Skema kan voorsiening maak vir die instelling van een of meer komitees ten einde die betrokke beheerraad te adviseer aangaande enige aangeleentheid betreffende die uitvoering van die skema of 'n bepaling daarvan in die algemeen of in 'n gedeelte van die gebied waarin die skema of 'n bepaling daarvan van toepassing is of ten opsigte van 'n produk of produkte waarop die skema betrekking het.

(*b*) So 'n komitee word saamgestel op die wyse in die skema aangegee of deur die betrokke beheerraad met die goedkeuring van die Minister bepaal.

(*c*) Die betrokke beheerraad kan aan so 'n komitee, op die voorwaardes wat die Minister goedkeur, sodanige van daardie beheerraad se bevoegdhede ingevolge die skema oordra as wat hy met die goedkeuring van die Minister bepaal.".

Vervanging van artikel 38 van Wet 59 van 1968.

6. Artikel 38 van die Hoofwet word hierby deur die volgende artikel vervang:

„Samewerking deur 'n beheerraad met enigiemand of 'n ander raad.

38. (1) 'n Skema kan sy beheerraad magtig om met die Minister se goedkeuring met enigeen mee te doen aan 'n handeling wat die raad kan verrig, en om namens 'n ander raad wat kragtens 'n wetsbepaling vir of ten opsigte van 'n landbou- of verwante bedryf ingestel is, alle handelings te verrig wat daardie ander raad kan verrig.

(2) 'n Beheerraad kan met iemand met wie daardie raad voornemens is om ingevolge subartikel (1) mee te doen aan 'n handeling wat die betrokke raad kan verrig, 'n skriftelike ooreenkoms aangaan wat voorsiening maak—

(*a*) vir die instelling van 'n komitee wat uit verteenwoordigers van daardie raad en verteenwoordigers van so iemand bestaan, om namens daardie raad en so iemand bedoelde handeling te verrig op die wyse en behoudens die voorwaardes in die ooreenkoms uiteengesit;

(*b*) vir die instelling van 'n spesiale rekening wat deur die betrokke beheerraad of deur hom in samewerking met sodanige komitee bestuur en beheer moet word, op die wyse en behoudens

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and subject to such conditions as may be set out in the agreement, and into which shall be paid all moneys specified in the agreement.

(3) The provisions of section 32 shall *mutatis mutandis* apply with reference to a decision taken on behalf of the control board concerned or under this section by a committee contemplated in subsection (2) of this section and in respect of which the Minister's approval is required under this Act.

(4) The moneys in a special account contemplated in subsection (2) may, with the approval of the Minister, be utilized for any purposes connected with the performance of the act referred to in subsection (1) which is the subject of the co-operation.

(5) A special account contemplated in subsection (2) shall be audited annually by the Controller and Auditor-General.

(6) The provisions of section 30 shall *mutatis mutandis* apply with reference to the members of a committee contemplated in subsection (2): Provided that, if a special account has been established as contemplated in that subsection, the allowances and insurance premiums payable to or in respect of such members may be paid from such special account.".

Substitution of section 48 of Act 59 of 1968.

7. The following section is hereby substituted for section 48 of the principal Act:

"Recovery of certain costs and allowances from a control board.

48. The Minister may recover—

(*a*) the costs incurred from time to time in respect of any action taken by the marketing council under section 4 (1) (*b*), (*d*), (*e*), (*g*) or (*j*) in respect of any scheme; and

(*b*) the allowances paid under section 7A (4) to members of the reference board in connection with the consideration of a matter referred to it by a control board,

or such portion of those costs or allowances as the Minister may determine, from the control board of the scheme in question or from the control board by whom the matter in question has been so referred to the reference board, as the case may be.".

Amendment of section 56 of Act 59 of 1968, as amended by section 7 of Act 68 of 1972.

8. Section 56 of the principal Act is hereby amended by the substitution for paragraph (*b*) of subsection (1) of the following paragraph:

"(*b*) to treat in such manner as it may deem fit, classify, grade, pack, store, process, adapt for sale, insure, transport and, subject to the provisions of section 37, advertise any product which it has bought;".

Amendment of section 57 of Act 59 of 1968, as amended by section 8 of Act 68 of 1972.

9. Section 57 of the principal Act is hereby amended by the substitution for paragraph (*a*) of subsection (1) of the following paragraph:

"(*a*) to conduct a pool for the sale of any product to which the scheme relates, and to treat in such manner as it may deem fit, classify, grade, pack, store, process, adapt for sale, insure, transport and, subject to the provisions of section 37, advertise any product in connection with which it conducts a pool;".

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die voorwaardes in die ooreenkoms uiteengesit, en waarin alle gelde in die ooreenkoms vermeld, gestort moet word.

(3) Die bepalings van artikel 32 is *mutatis mutandis* van toepassing met betrekking tot 'n besluit wat 'n in subartikel (2) van hierdie artikel beoogde komitee namens die betrokke beheerraad of kragtens hierdie artikel neem en ten opsigte waarvan die Minister se goedkeuring ingevolge hierdie Wet vereis word.

(4) Die gelde in 'n subartikel (2) beoogde spesiale rekening kan met die Minister se goedkeuring aangewend word vir doeleindes wat in verband staan met die verrigting van die in subartikel (1) bedoelde handeling wat die onderwerp van die samewerking is.

(5) 'n Spesiale rekening in subartikel (2) beoog, word jaarliks deur die Kontroleur en Ouditeur-generaal geouditeer.

(6) Die bepalings van artikel 30 is *mutatis mutandis* van toepassing met betrekking tot die lede van 'n komitee in subartikel (2) van hierdie artikel beoog: Met dien verstande dat, indien 'n spesiale rekening ingestel is soos in daardie subartikel beoog, die toelaes en versekeringspremies wat aan of ten opsigte van bedoelde lede betaalbaar is, uit daardie spesiale rekening betaal kan word.".

Vervanging van artikel 48 van Wet 59 van 1968.

7. Artikel 48 van die Hoofwet word hierby deur die volgende artikel vervang:

„Verhaal van sekere koste en toelaes op 'n beheerraad.

48. Die Minister kan—

(*a*) koste wat van tyd tot tyd aangegaan is ten opsigte van 'n handeling van die bemarkingsraad kragtens artikel 4 (1) (*b*), (*d*), (*e*), (*g*) of (*j*) in verband met 'n skema; en

(*b*) toelaes wat kragtens artikel 7A (4) aan lede van die verwysingsraad betaal is in verband met die oorweging van 'n aangeleentheid wat deur 'n beheerraad na hom verwys is,

of dié deel van daardie koste of toelaes wat die Minister bepaal, op die beheerraad van die betrokke skema of op die beheerraad deur wie die betrokke aangeleentheid aldus na die verwysingsraad verwys is, na gelang van die geval, verhaal.".

Wysiging van artikel 56 van Wet 59 van 1968, soos gewysig deur artikel 7 van Wet 68 van 1972.

8. Artikel 56 van die Hoofwet word hierby gewysig deur paragraaf (*b*) van subartikel (1) deur die volgende paragraaf te vervang:

„(*b*) om 'n produk wat hy gekoop het, te behandel soos hy goedvind, te klassifiseer, te gradeer, te verpak, op te berg, te verwerk, vir verkoop geskik te maak, te verseker, te vervoer en, behoudens die bepalings van artikel 37, te adverteer;".

Wysiging van artikel 57 van Wet 59 van 1968, soos gewysig deur artikel 8 van Wet 68 van 1972.

9. Artikel 57 van die Hoofwet word hierby gewysig deur paragraaf (*a*) van subartikel (1) deur die volgende paragraaf te vervang:

„(*a*) om 'n poel te bestuur vir die verkoop van 'n produk waarop die skema betrekking het, en om 'n produk ten opsigte waarvan hy 'n poel bestuur, te behandel soos hy goedvind, te klassifiseer, te gradeer, te verpak, op te berg, te verwerk, vir verkoop geskik te maak, te verseker, te vervoer en, behoudens die bepalings van artikel 37, te adverteer;".

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Amendment of section 59 of Act 59 of 1968, as amended by section 10 of Act 69 of 1970 and section 9 of Act 68 of 1972.

10. Section 59 of the principal Act is hereby amended by the insertion after paragraph (*a*) of subsection (3) of the following paragraph:

"(*a*A) with the approval of the Minister, to determine that such applications for registration will be considered by the board during one or more specified months of each calendar year, and to fix a date in respect of each such month as the last date on which such applications will be accepted for consideration during that month, and to postpone the consideration of all such applications which may be received after a date so fixed, until the next ensuing month so specified;".

Substitution of section 70 of Act 59 of 1968.

11. The following section is hereby substituted for section 70 of the principal Act:

"Prohibition of the sale of fruit or vegetables intended for processing, otherwise than in accordance with an approved written agreement.

70. (1) A scheme relating to fruit or vegetables intended for processing, may authorize its control board to prohibit, with the approval of the Minister, any person, or any person belonging to any class or group of persons, or any person other than a person belonging to any class or group of persons, from selling, during a period determined by the board, any quantity of the product in question to any person who carries on business as a processor thereof, or any person who so carries on business, from purchasing any quantity of that product from any person, or any person belonging to any class or group of persons, or any person other than a person belonging to any class or group of persons, during any such period, otherwise than in accordance with a written agreement entered into on or before a date fixed by the board or such later date as the board may in special circumstances allow, of which a certified copy has been submitted to the board on or before that date for approval and which has been approved by the board, and in terms whereof provision is made for the purchase and sale of that product subject to the conditions determined by the board with the approval of the Minister.

(2) A scheme may prescribe the grounds on which a control board may refuse to approve an agreement referred to in subsection (1).".

Amendment of section 72 of Act 59 of 1968.

12. Section 72 of the principal Act is hereby amended by the insertion after subsection (1) of the following subsection:

"(1A) A scheme may empower its control board, with the approval of the Minister, to determine that applications for permits referred to in subsection (1) will be considered by the board during one or more specified months of each calendar year, and to fix a date in respect of each such month as the last date on which such applications will be accepted for consideration during that month, and to postpone the consideration of all such applications which may be received after a date so fixed, until the next ensuing month so specified.".

Amendment of section 79 of Act 59 of 1968, as substituted by section 15 of Act 69 of 1970.

13. Section 79 of the principal Act is hereby amended—

(*a*) by the substitution for paragraph (*b*) of the following paragraph:

"(*b*) prohibition under section 60 (1) (*a*), 60A, 64 (1) (*a*), 67 (1), 69, 70, 71, 72 (1), 73 (*a*), 74 or 77;"; and

(*b*) by the substitution for paragraph (*c*) of the following paragraph:

"(*c*) direction, determination, requirement, condition

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10. Artikel 59 van die Hoofwet word hierby gewysig deur na paragraaf (*a*) van subartikel (3) die volgende paragraaf in te voeg:

Wysiging van artikel 59 van Wet 59 van 1968, soos gewysig deur artikel 10 van Wet 69 van 1970 en artikel 9 van Wet 68 van 1972.

„(*a*A) om met die Minister se goedkeuring te bepaal dat sodanige aansoeke om registrasie deur die raad oorweeg sal word gedurende een of meer vermelde maande van elke kalenderjaar, en ten opsigte van elke sodanige maand 'n datum vas te stel as die laaste datum waarop sodanige aansoeke vir oorweging gedurende daardie maand aanvaar sal word, en die oorweging van alle sodanige aansoeke wat na 'n aldus vasgestelde datum ontvang word, tot die eersvolgende aldus vermelde maand uit te stel;".

11. Artikel 70 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 70 van Wet 59 van 1968.

„Verbod op die verkoop van vrugte of groente vir verwerking bestem, behalwe ooreenkomstig 'n goedgekeurde skriftelike ooreenkoms.

70. (1) 'n Skema met betrekking tot vrugte of groente vir verwerking bestem, kan sy beheerraad magtig om met die Minister se goedkeuring enigiemand, of enigiemand wat tot 'n klas of groep persone behoort, of enigiemand behalwe iemand wat tot 'n klas of groep persone behoort, te verbied om gedurende 'n tydperk deur die raad bepaal 'n hoeveelheid van die betrokke produk aan iemand te verkoop wat as 'n verwerker daarvan besigheid dryf, of iemand wat aldus besigheid dryf, te verbied om gedurende so 'n tydperk van enigiemand, of enigiemand wat tot 'n klas of groep persone behoort, of enigiemand behalwe iemand wat tot 'n klas of groep persone behoort, 'n hoeveelheid van daardie produk te koop, behalwe ooreenkomstig 'n skriftelike ooreenkoms aangegaan op of voor 'n datum wat die raad bepaal of die later datum wat die raad onder spesiale omstandighede toelaat, waarvan 'n gewaarmerkte afskrif op of voor daardie datum aan die raad voorgelê is vir goedkeuring en wat deur die raad goedgekeur is, en waarvolgens voorsiening gemaak word vir die koop en verkoop van daardie produk op die voorwaardes wat die raad met die Minister se goedkeuring bepaal het.

(2) 'n Skema kan die gronde voorskryf waarop 'n beheerraad kan weier om 'n in subartikel (1) bedoelde ooreenkoms goed te keur.".

12. Artikel 72 van die Hoofwet word hierby gewysig deur na subartikel (1) die volgende subartikel in te voeg:

Wysiging van artikel 72 van Wet 59 van 1968.

„(1A) 'n Skema kan sy beheerraad magtig om met die Minister se goedkeuring te bepaal dat aansoeke om die in subartikel (1) bedoelde permitte deur die raad oorweeg sal word gedurende een of meer vermelde maande van elke kalenderjaar, en ten opsigte van elke sodanige maand 'n datum vas te stel as die laaste datum waarop sodanige aansoeke vir oorweging gedurende daardie maand aanvaar sal word, en die oorweging van alle sodanige aansoeke wat na 'n aldus vasgestelde datum ontvang word, tot die eersvolgende aldus vermelde maand uit te stel.".

13. Artikel 79 van die Hoofwet word hierby gewysig—

Wysiging van artikel 79 van Wet 59 van 1968, soos vervang deur artikel 15 van Wet 69 van 1970.

(*a*) deur paragraaf (*b*) deur die volgende paragraaf te vervang:

„(*b*) verbod kragtens artikel 60 (1) (*a*), 60A, 64 (1) (*a*), 67 (1), 69, 70, 71, 72 (1), 73 (*a*), 74 of 77;"; en

(*b*) deur paragraaf (*c*) deur die volgende paragraaf te vervang:

„(*c*) lasgewing, bepaling, voorskrif, voorwaarde of

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or fixation of a date under section 52 (2) (*a*) or (*b*), 59 (3) (*a*) or (*a*A), 60 (1) (*b*), 61 (1), 63 (1) (*a*), 65 (1) (*e*), 66 (3) (*a*), 70, 72 (1A), 75 (1) (*a*), (*b*) or (*c*) or 78; or".

Insertion of section 83A in Act 59 of 1968.

14. The following section is hereby inserted in the principal Act after section 83:

"Inspection marks. **83A.** (1) The State President may, by proclamation in the *Gazette*, prescribe an inspection mark or marks for application to a product specified in the proclamation to indicate that a quantity of that product to which, or on the receptacle of which, any such mark has been applied, has been inspected on behalf of the Department of Agricultural Economics and Marketing and has at such inspection been found to comply with the requirements prescribed by or under this Act or with such requirements for a particular class or grade of such product, as the circumstances may require.

(2) No person shall—

(*a*) apply an inspection mark prescribed under subsection (1) to any product not specified in the proclamation prescribing such mark or to any receptacle containing such a product;

(*b*) except under authority in writing granted by the Secretary, or otherwise than in accordance with the conditions or requirements determined by him and set out in the authorization, apply any such mark or any other representation purporting to indicate that a product has been inspected on behalf of the Department of Agricultural Economics and Marketing, to any product or to any receptacle containing any product.

(3) The Secretary may at any time cancel any authority granted by him under subsection (2) (*b*), if the person to whom such authority was granted, has contravened or failed to comply with a condition or requirement thereof.".

Amendment of section 84C of Act 59 of 1968, as inserted by section 16 of Act 52 of 1969 and amended by section 18 of Act 69 of 1970.

15. Section 84C of the principal Act is hereby amended by the insertion in subsection (2) after paragraph (*b*) of the following paragraph:

"(*b*A) the payment of subsidies in connection with any such product under such circumstances and to such person or persons or such class or classes of persons producing, or dealing in the course of trade with, any such product, as the Minister may determine;".

Amendment of section 85 of Act 59 of 1968, as amended by section 17 of Act 52 of 1969, section 20 of Act 69 of 1970 and section 15 of Act 68 of 1972.

16. Section 85 of the principal Act is hereby amended—

(*a*) by the substitution for subsection (1) of the following subsection:

"(1) Whenever a national mark has been prescribed under section 82 or any inspection mark has been prescribed under section 83A or a prohibition has been imposed under section 84, 84D, 84E or 84F in respect of any product, the Minister may designate persons to perform, subject to the control of the Minister, the functions referred to in subsection (2).";

(*b*) by the substitution in subsection (2) for the words preceding paragraph (*a*) of the following words:

"(2) Any person designated under subsection (1) may at all reasonable times enter upon any premises or vehicle in or on which there is or is suspected to be sold, kept, manufactured, produced, processed, treated, prepared, graded, classified, packed or marked any

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vasstelling van 'n datum kragtens artikel 52 (2) (*a*) of (*b*), 59 (3) (*a*) of (*a*A), 60 (1) (*b*), 61 (1), 63 (1) (*a*), 65 (1) (*e*), 66 (3) (*a*), 70, 72 (1A), 75 (1) (*a*), (*b*) of (*c*) of 78; of".

Invoeging van artikel 83A in Wet 59 van 1968.

14. Die volgende artikel word hierby in die Hoofwet na artikel 83 ingevoeg:

„Inspeksiemerke.

83A. (1) Die Staatspresident kan by proklamasie in die *Staatskoerant* 'n inspeksiemerk of -merke voorskryf vir toepassing op 'n in die proklamasie vermelde produk om aan te dui dat 'n hoeveelheid van daardie produk waarop, of op die houer waarvan, so 'n merk aangebring is, namens die Departement van Landobu-ekonomie en -bemarking geïnspekteer is en volgens bevinding by sodanige inspeksie voldoen aan die by of kragtens hierdie Wet voorgeskrewe vereistes of aan sodanige vereistes vir 'n bepaalde klas of graad van daardie produk, na gelang van die omstandighede.

(2) Niemand mag—

(*a*) 'n kragtens subartikel (1) voorgeskrewe inspeksiemerk op 'n produk wat nie in die proklamasie wat bedoelde merk voorskryf, vermeld word nie, of op 'n houer wat so 'n produk bevat, aanbring nie; of

(*b*) behalwe ingevolge skriftelike magtigtiging deur die Sekretaris verleen, of anders as ooreenkomstig die voorwaardes of vereistes deur hom bepaal en in bedoelde magtiging uiteengesit, so 'n merk of 'n ander voorstelling wat heet aan te dui dat 'n produk namens die Departement van Landbou-ekonomie en -bemarking geïnspekteer is, op 'n produk of op 'n houer wat 'n produk bevat, aanbring nie.

(3) Die Sekretaris kan te eniger tyd 'n magtiging deur hom kragtens subartikel (2) (*b*) verleen, intrek indien die persoon aan wie sodanige magtiging verleen is 'n voorwaarde of vereiste daarvan oortree het of versuim het om daaraan te voldoen.".

Wysiging van artikel 84C van Wet 59 van 1968, soos ingevoeg deur artikel 16 van Wet 52 van 1969 en gewysig deur artikel 18 van Wet 69 van 1970.

15. Artikel 84C van die Hoofwet word hierby gewysig deur in subartikel (2) na paragraaf (*b*) die volgende paragraaf in te voeg:

„(*b*A) die betaling van subsidies in verband met so 'n produk in die omstandighede en aan die persoon of persone of die klas of klasse persone wat daardie produk produseer of as 'n besigheid daarmee handel, wat die Minister bepaal;".

Wysiging van artikel 85 van Wet 59 van 1968, soos gewysig deur artikel 17 van Wet 52 van 1969, artikel 20 van Wet 69 van 1970 en artikel 15 van Wet 68 van 1972.

16. Artikel 85 van die Hoofwet word hierby gewysig—

(*a*) deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Wanneer 'n nasionale merk kragtens artikel 82 of 'n inspeksiemerk kragtens artikel 83A of 'n verbod kragtens artikel 84, 84D, 84E of 84F ten opsigte van 'n produk voorgeskryf of opgelê is, kan die Minister persone aanwys om, onderworpe aan die beheer van die Minister, die in subartikel (2) bedoelde werksaamhede te verrig.";

(*b*) deur in subartikel (2) die woorde wat paragraaf (*a*) vorafgaan deur die volgende woorde te vervang:

„(2) Iemand wat kragtens subartikel (1) aangewys is, kan te alle redelike tye 'n perseel of voertuig betree waarin of waarop daar 'n produk ten opsigte waarvan so 'n nasionale merk of so 'n inspeksiemerk voorgeskryf of so 'n verbod opgelê is, wel of na vermoede

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product in respect of which any such national mark or any such inspection mark has been prescribed or any such prohibition has been imposed, and may—"; and

(*c*) by the substitution for paragraph (*b*) of that subsection of the following paragraph:

"(*b*) if he is of the opinion—

(i) that any such national mark or a mark or representation resembling any such national mark, or any such inspection mark or a representation referred to in section 83A (2) (*b*), which has been applied to any product found in or on such premises or vehicle or to the container thereof, has not been lawfully applied thereto; or

(ii) that any quantity of that product found in or on such premises or vehicle has not been lawfully graded, classified, packed or marked,

cancel the said national mark or inspection mark or representation or any mark which has been applied to the said product or the container thereof otherwise than in accordance with the requirements prescribed under this Act, or grade, classify, pack or mark, or regrade, reclassify, repack or remark such product or container in accordance with the requirements so prescribed, or direct any person in charge of the said premises or vehicle or the said quantity of that product, or any employee or agent of such person, to do so;".

Amendment of section 87 of Act 59 of 1968, as amended by section 5 of Act 78 of 1971.

17. Section 87 of the principal Act is hereby amended—

(*a*) by the substitution for subparagraph (iii) of paragraph (*b*) of subsection (1) of the following subparagraph:

"(iii) prohibit the importation into or the exportation from the Republic of any regulated product, or of any class or grade of any such product, except by the control board concerned or by any person authorized thereto by permit, the issue of which shall be in the discretion of the board, or otherwise than in accordance with conditions determined by the board and set out in such permit."; and

(*b*) by the insertion after subsection (1A) of the following subsection:

"(1B) A proclamation issued under subsection (1) may provide that applications for permits referred to in that subsection will be considered by the control board concerned or the Secretary, as the case may be, during one or more specified months of each calendar year, and may in respect of each such month fix a date as the last date on which any such applications will be accepted for consideration during that month, and authorize that control board or the Secretary, as the case may be, to postpone the consideration of all such applications received after a date so fixed, until the next ensuing month so specified.".

Amendment of section 89 of Act 59 of 1968, as amended by section 19 of Act 52 of 1969, section 22 of Act 69 of 1970 and section 16 of Act 68 of 1972.

18. Section 89 of the principal Act is hereby amended by the insertion in subsection (1) after paragraph (*f*) of the following paragraph:

"(*f*A) the manner in which a matter contemplated in section 7C shall be referred by a control board, as defined in that section, to the reference board, and the documents in connection with such matter to be submitted by such a control board to the reference board;".

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verkoop, gehou, vervaardig, geproduseer, verwerk, behandel, berei, gegradeer, geklassifiseer, verpak of gemerk word, en kan—"; en

(*c*) deur paragraaf (*b*) van daardie subartikel deur die volgende paragraaf te vervang:

„(*b*) indien hy van oordeel is—

(i) dat so 'n nasionale merk of 'n merk of voorstelling wat na so 'n nasionale merk lyk, of so 'n inspeksiemerk of 'n in artikel 83A (2) (*b*) bedoelde voorstelling, wat op 'n produk wat in of op die perseel of voertuig gevind is, of op die houer daarvan, aangebring is, nie wettiglik daarop aangebring is nie; of

(ii) dat 'n hoeveelheid van daardie produk wat in of op die perseel of voertuig gevind is, nie wettiglik gegradeer, geklassifiseer, verpak of gemerk is nie,

genoemde nasionale merk of inspeksiemerk of voorstelling of 'n merk wat nie ooreenkomstig die kragtens hierdie Wet voorgeskrewe vereistes op bedoelde produk of die houer daarvan aangebring is nie, rojeer of bedoelde produk of die houer daarvan gradeer, klassifiseer, verpak of merk, of hergradeer, herklassifiseer, herverpak of oormerk ooreenkomstig die aldus voorgeskrewe vereistes, of 'n perssoon wat oor genoemde perseel of voertuig of genoemde hoeveelheid van daardie produk beheer het, of 'n werknemer of agent van so 'n persoon, gelas om dit te doen;".

17. Artikel 87 van die Hoofwet word hierby gewysig—

Wysiging van artikel 87 van Wet 59 van 1968, soos gewysig deur artikel 5 van Wet 78 van 1971.

(*a*) deur subparagraaf (iii) van paragraaf (*b*) van subartikel (1) deur die volgende subparagraaf te vervang:

„(iii) die invoer in die Republiek of die uitvoer uit die Republiek van 'n beheerde produk of van 'n klas of graad van so 'n produk behalwe deur die betrokke beheerraad of deur 'n persoon wat daartoe gemagtig is by permit, wat na goeddunke van die raad uitgereik word, of andersins as ooreenkomstig voorwaardes deur die raad bepaal en in bedoelde permit uiteengesit, verbied."; en

(*b*) deur na subartikel (1A) die volgende subartikel in te voeg:

„(1B) 'n Proklamasie kragtens subartikel (1) uitgevaardig, kan bepaal dat aansoeke om die in daardie subartikel bedoelde permitte deur die betrokke beheerraad of die Sekretaris, na gelang van die geval, oorweeg sal word gedurende een of meer vermelde maande van elke kalenderjaar, en kan ten opsigte van elke sodanige maand 'n datum vasstel as die laaste datum waarop sodanige aansoeke vir oorweging gedurende daardie maand aanvaar sal word, en daardie beheerraad of die Sekretaris, na gelang van die geval, magtig om die oorweging van alle sodanige aansoeke wat na 'n aldus vasgestelde datum ontvang word, tot die eersvolgende aldus vermelde maand uit te stel.".

18. Artikel 89 van die Hoofwet word hierby gewysig deur in subartikel (1) na paragraaf (*f*) die volgende paragraaf in te voeg:

Wysiging van artikel 89 van Wet 59 van 1968, soos gewysig deur artikel 19 van Wet 52 van 1969, artikel 22 van Wet 69 van 1970 en artikel 16 van Wet 68 van 1972.

„(*f*A) die wyse waarop 'n aangeleentheid in artikel 7C bedoel deur 'n beheerraad, soos in daardie artikel omskryf, na die verwysingsraad verwys moet word, en die stukke in verband met sodanige aangeleentheid wat deur so 'n beheerraad aan die verwysingsraad voorgelê moet word;".

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Amendment of section 90 of Act 59 of 1968, as amended by section 20 of Act 52 of 1969 and section 24 of Act 69 of 1970.

19. Section 90 of the principal Act is hereby amended by the substitution for paragraph (*b*) of subsection (1) of the following paragraph:

"(*b*) contravenes or fails to comply with any provision of section 83 or 83A; or".

Short title.

20. This Act shall be called the Marketing Amendment Act, 1973.

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19. Artikel 90 van die Hoofwet word hierby gewysig deur paragraaf (*b*) van subartikel (1) deur die volgende paragraaf te vervang:

„(*b*) 'n bepaling van artikel 83 of 83A oortree of versuim om daaraan te voldoen; of".

Wysiging van artikel 90 van Wet 59 van 1968, soos gewysig deur artikel 20 van Wet 52 van 1969 en artikel 24 van Wet 69 van 1970.

20. Hierdie Wet heet die Wysigingswet op Bemarking, 1973.

Kort titel.