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STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1351. 20 Julie 1977.

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

No. 109 van 1977: Wysigingswet op Bemarking, 1977.

DEPARTMENT OF THE PRIME MINISTER

No. 1351. 20 July 1977.

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

No. 109 of 1977: Marketing Amendment Act, 1977.

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ACT

To amend the provisions of the Marketing Act, 1968, relating to definitions; so as to alter the constitution of the National Marketing Council; to empower the Minister of Agriculture, instead of the State President, to perform certain functions; to provide for the submission of certain reports by the National Marketing Council at the request of the Minister of Agriculture; to abolish the Consumers' Advisory Committee; to further regulate the implementation of a joint scheme; to provide for exemption, in the case of the implementation of a joint scheme, from payment of certain duties and fees of office; to alter the constitution of control boards; to determine in greater detail the powers of control boards in connection with the employment of persons; to provide for the utilization, in accordance with an estimate of expenditure, of moneys in a special account established for the purposes of co-operation between a control board and any other person; to confer a right of pledge over certain products on control boards; to provide for the imposition of a general levy on products by the Minister of Agriculture; to regulate the utilization of the proceeds of such general levy; to regulate certain matters arising from the delivery of a product to a control board by a producer of such product who is a member of a co-operative society or co-operative company; to empower the Minister of Agriculture to exercise, in certain circumstances, any power conferred upon a control board; to empower the said Minister to fix the maximum quantity of any product or class or grade thereof which may be imported or exported; and to regulate certain matters arising from the winding-up of the "Aros Utiliteitsmaatskappy"; and to provide for incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 11 July 1977.)

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, section 1 of Act 68 of 1972, section 1 of Act 31 of 1973 and section 1 of Act 38 of 1975.

1. Section 1 of the Marketing Act, 1968 (hereinafter referred to as the principal Act), is hereby amended by the deletion in subsection (1)—

(a) of the definition of "consumers' committee"; and
(b) of paragraph *(a)* of the definition of "self-governing territory".

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WET

Tot wysiging van die bepalings van die Bemarkingswet, 1968, met betrekking tot woordomskrywings; ten einde die samestelling van die Nasionale Bemarkingsraad te verander; die Minister van Landbou, in plaas van die Staatspresident, die bevoegdheid te verleen om sekere werksaamhede te verrig; voorsiening te maak vir die voorlegging van sekere verslae deur die Nasionale Bemarkingsraad op versoek van die Minister van Landbou; die Adviserende Verbruikerskomitee af te skaf; die uitvoering van 'n gesamentlike skema verder te reël; voorsiening te maak vir vrystelling, in die geval van die uitvoering van 'n gesamentlike skema, van betaling van sekere regte en kantoorgelde; die samestelling van beheerrade te verander; die bevoegdhede van beheerrade in verband met die indiensneming van persone nader te bepaal; voorsiening te maak vir die aanwending, ooreenkomstig 'n raming van uitgawes, van gelde in 'n spesiale rekening ingestel vir die doeleindes van samewerking tussen 'n beheerraad en enige ander persoon; 'n pandreg oor sekere produkte aan beheerrade te verleen; voorsiening te maak vir die oplegging van 'n algemene heffing op produkte deur die Minister van Landbou; die aanwending van die opbrengs van so 'n algemene heffing te reël; sekere aangeleenthede te reël wat ontstaan uit die lewering van 'n produk aan 'n beheerraad deur 'n produsent van daardie produk wat 'n lid van 'n koöperatiewe vereniging of koöperatiewe maatskappy is; die Minister van Landbou te magtig om in sekere omstandighede 'n bevoegdheid uit te oefen wat aan 'n beheerraad verleen is; bedoelde Minister te magtig om die maksimum hoeveelheid te bepaal van 'n produk of klas of graad daarvan wat ingevoer of uitgevoer mag word; en sekere aangeleenthede te reël wat ontstaan uit die likwidasie van die Aros Utiliteitsmaatskappy; en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 11 Julie 1977.)

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, artikel 1 van Wet 68 van 1972, artikel 1 van Wet 31 van 1973 en artikel 1 van Wet 38 van 1975.

1. Artikel 1 van die Bemarkingswet, 1968 (hieronder die Hoofwet genoem), word hierby gewysig deur in subartikel (1)—

(a) paragraaf *(a)* van die omskrywing van „selfregerende gebied" te skrap; en

(b) die omskrywing van „verbruikerskomitee" te skrap.

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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:

"THE NATIONAL MARKETING COUNCIL AND THE AGRICULTURAL REFERENCE BOARD.".

Amendment of section 2 of Act 59 of 1968.

3. Section 2 of the principal Act is hereby amended—

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

"(1) There shall be a council to be known as the National Marketing Council which shall consist of a chairman and seven other members, all of whom shall be appointed by the Minister, and one of whom shall be designated by him as deputy chairman for such period as he may determine: Provided that either the chairman or the deputy chairman shall be an officer of the Department of Agricultural Economics and Marketing.";

(b) by the substitution for subsection (3) of the following subsection:

"(3) The members of the marketing council who are not officers of the Department of Agricultural Economics and Marketing shall be appointed for such period not exceeding four years as the Minister may in each case determine, and at such salary or other remuneration and on such conditions as the Minister may from time to time with the concurrence of the Minister of Finance determine.";

(c) by the substitution for subsection (5) of the following subsection:

"(5) A member of the marketing council who is an officer of the Department of Agricultural Economics and Marketing shall, subject to the provisions of the law governing the public service, hold office during the Minister's pleasure, and may be paid such allowances, in addition to his salary as an officer in the public service, as the Minister may, on the recommendation of the Public Service Commission and with the concurrence of the Minister of Finance, determine.";

(d) by the substitution for subsection (7) of the following subsection:

"(7) The Minister may from time to time appoint, at such salary or other remuneration and on such conditions as he may from time to time determine, an acting chairman to exercise all the powers and perform all the duties of the chairman while the office of chairman is vacant."; and

(e) by the substitution for subsection (8) of the following subsection:

"(8) Whenever any member of the marketing council ceases to hold office before the expiration of the period for which he was appointed, the Minister may appoint any other person to fill the vacancy until the expiration of that period.".

Amendment of section 3 of Act 59 of 1968.

4. Section 3 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) The quorum for a meeting of the marketing council shall be four of the members thereof.".

Amendment of section 4 of Act 59 of 1968, as amended by section 2 of Act 78 of 1971.

5. Section 4 of the principal Act is hereby amended—

(a) by the substitution for the proviso to subsection (2) of the following proviso:

"Provided that any action taken or decision given by three or less of such members in pursuance of any such delegation, shall be subject to confirmation by the marketing council.";

(b) by the deletion of subsection (4); and

(c) by the substitution for subsection (5) of the following subsection:

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2. Die opskrif by Deel 1 van die Hoofwet word hierby deur die volgende opskrif vervang: Vervanging van opskrif by Deel 1 van Wet 59 van 1968.

„DIE NASIONALE BEMARKINGSRAAD EN DIE LANDBOUVERWYSINGSRAAD.".

3. Artikel 2 van die Hoofwet word hierby gewysig— Wysiging van artikel 2 van Wet 59 van 1968.

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

„(1) Daar is 'n raad genoem die Nasionale Bemarkingsraad, bestaande uit 'n voorsitter en sewe ander lede, wat almal deur die Minister aangestel word, en van wie hy een as ondervoorsitter aanwys vir 'n tydperk wat hy bepaal: Met dien verstande dat òf die voorsitter òf die ondervoorsitter 'n beampte van die Departement van Landbou-ekonomie en -bemarking moet wees.";

(b) deur subartikel (3) deur die volgende subartikel te vervang:

„(3) Die lede van die bemarkingsraad, wat nie beamptes van die Departement van Landbou-ekonomie en -bemarking is nie, word aangestel vir dié tydperk van hoogstens vier jaar wat die Minister in elke geval bepaal en wel teen dié salaris of ander besoldiging en op dié voorwaardes wat die Minister van tyd tot tyd met die instemming van die Minister van Finansies bepaal.";

(c) deur subartikel (5) deur die volgende subartikel te vervang:

„(5) 'n Lid van die bemarkingsraad, wat 'n beampte van die Departement van Landbou-ekonomie en -bemarking is, beklee sy amp, behoudens die wetsbepalings betreffende die Staatsdiens, solank dit die Minister behaag, en kan benewens sy salaris as 'n beampte in die Staatsdiens dié toelaes betaal word wat die Minister op aanbeveling van die Staatsdienskommissie en met die instemming van die Minister van Finansies bepaal.";

(d) deur subartikel (7) deur die volgende subartikel te vervang:

„(7) Die Minister kan van tyd tot tyd, teen dié salaris of ander besoldiging en op dié voorwaardes wat hy van tyd tot tyd bepaal, 'n waarnemende voorsitter aanstel om al die bevoegdhede van die voorsitter uit te oefen en al sy pligte te verrig terwyl die amp van voorsitter vakant is."; en

(e) deur subartikel (8) deur die volgende subartikel te vervang:

„(8) Wanneer 'n lid van die bemarkingsraad ophou om sy amp te beklee voor die verstryking van die tydperk waarvoor hy aangestel is, kan die Minister iemand anders aanstel om die vakature te vul totdat daardie tydperk verstryk het.".

4. Artikel 3 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang: Wysiging van artikel 3 van Wet 59 van 1968.

„(2) Die kworum vir 'n vergadering van die bemarkingsraad is vier lede daarvan.".

5. Artikel 4 van die Hoofwet word hierby gewysig— Wysiging van artikel 4 van Wet 59 van 1968, soos gewysig deur artikel 2 van Wet 78 van 1971.

(a) deur die voorbehoudsbepaling by subartikel (2) deur die volgende voorbehoudsbepaling te vervang:

„Met dien verstande dat 'n handeling of besluit van drie of minder sodanige lede uit hoofde van so 'n delegering, onderworpe is aan bekragtiging deur die bemarkingsraad.";

(b) deur subartikel (4) te skrap; en

(c) deur subartikel (5) deur die volgende subartikel te vervang:

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"(5) The marketing council shall at the request of the Minister submit to him a report on the operation of any scheme which is in operation under this Act.".

Repeal of sections 5, 6 and 7 of Act 59 of 1968.

6. Sections 5, 6 and 7 of the principal Act are hereby repealed.

Amendment of section 9 of Act 59 of 1968, as amended by section 2 of Act 69 of 1970.

7. Section 9 of the principal Act is hereby amended by the deletion of subsection (4).

Amendment of section 10 of Act 59 of 1968, as amended by section 3 of Act 52 of 1969.

8. Section 10 of the principal Act is hereby amended—

(a) by the substitution for subsection (3) of the following subsection:

"(3) A joint scheme referred to in subsection (1) may provide for—

(a) the extent to which any notices, prohibitions, requirements, decisions or determinations issued, imposed, taken or made under any other scheme wholly or partially superseded by such joint scheme shall continue in force;

(b) the extent to which any assets, liabilities, rights and obligations of the board administering any such other scheme, shall vest in the board established under such joint scheme;

(c) the extent to which any moneys in any fund established under any such other scheme, shall be transferred to any fund established under the joint scheme;

(d) the transfer of persons in the employ of the board administering any such other scheme, to the employ of the board established under such joint scheme and the conditions of service of persons so transferred."; and

(b) by the addition of the following subsection:

"(4) The registrar of deeds concerned shall as soon as may be practicable after the commencement of a joint scheme referred to in subsection (1), make such entries or endorsements in or on any relevant register, title deed or other document in his office or submitted to him as he may deem necessary in order to give effect to any vesting by virtue of the provisions of subsection (3) *(b)*, and no transfer duty, office fee or other charge shall be payable in respect of any such vesting or in respect of any such entry or endorsement.".

Amendment of section 15 of Act 59 of 1968, as amended by section 5 of Act 52 of 1969.

9. Section 15 of the principal Act is hereby amended—

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

"*(b)* The marketing council or any body which, in the opinion of the Minister, is representative of persons engaged in agricultural pursuits, may submit to the Minister a proposal in writing for the amendment of any existing scheme.";

(b) by the substitution for subsection (4) of the following subsection:

"(4) An amendment of a scheme which provides for a modification of the constitution of the board administering the scheme, may provide for the extension or reduction of the period of office of any existing member of the board, or for the abolition of such office."; and

(c) by the deletion of subsection (5).

Amendment of section 28 of Act 59 of 1968, as amended by section 9 of Act 52 of 1969,

10. Section 28 of the principal Act is hereby amended—

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

"(1) *(a)* A scheme shall, subject to the provisions of subsections (2) and (3), provide for the extent to

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„(5) Die bemarkingsraad moet op versoek van die Minister 'n verslag aan hom voorlê oor die werking van 'n skema wat kragtens hierdie Wet in werking is.".

Herroeping van artikels 5, 6 en 7 van Wet 59 van 1968.

6. Artikels 5, 6 en 7 van die Hoofwet word hierby herroep.

Wysiging van artikel 9 van Wet 59 van 1968, soos gewysig deur artikel 2 van Wet 69 van 1970.

7. Artikel 9 van die Hoofwet word hierby gewysig deur subartikel (4) te skrap.

Wysiging van artikel 10 van Wet 59 van 1968, soos gewysig deur artikel 3 van Wet 52 van 1969.

8. Artikel 10 van die Hoofwet word hierby gewysig—

(a) deur subartikel (3) deur die volgende subartikel te vervang:

„(3) 'n In subartikel (1) bedoelde gesamentlike skema kan voorsiening maak vir—

(a) die mate waarin kennisgewings, verbodsbepalings, voorskrifte, besluite, vasstellings of bepalings, wat uitgevaardig, opgelê, geneem of gedoen is kragtens 'n ander skema wat geheel en al of gedeeltelik deur die gesamentlike skema vervang word, van krag bly;

(b) die mate waarin bates en laste van die raad wat so 'n ander skema uitvoer, oorgaan op die kragtens die gesamentlike skema ingestelde raad;

(c) die mate waarin gelde in 'n fonds kragtens so 'n ander skema gestig, na 'n kragtens die gesamentlike skema gestigte fonds oorgedra word;

(d) die oorplasing van persone in die diens van die raad wat so 'n ander skema uitvoer, na die diens van die kragtens die gesamentlike skema ingestelde raad en die diensvoorwaardes van persone wat aldus oorgeplaas word."; en

(b) deur die volgende subartikel by te voeg:

„(4) Die betrokke registrateur van aktes moet so gou doenlik na die inwerkingtreding van 'n gesamentlike skema bedoel in subartikel (1) die inskrywings of aantekeninge wat hy nodig ag ten einde aan 'n oordrag uit hoofde van die bepalings van subartikel (3) *(b)* gevolg te gee, in of op enige tersaaklike register, titelbewys, of ander stuk in sy kantoor of aan hom voorgelê, maak, en geen hereregte, kantoorgeld of ander geld is ten opsigte van so 'n oordrag of ten opsigte van so 'n inskrywing of aantekening betaalbaar nie.".

Wysiging van artikel 15 van Wet 59 van 1968, soos gewysig deur artikel 5 van Wet 52 van 1969.

9. Artikel 15 van die Hoofwet word hierby gewysig—

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

„*(b)* Die bemarkingsraad of 'n liggaam wat na die oordeel van die Minister verteenwoordigend is van persone wat hulle met landbouaangeleenthede besig hou, kan skriftelik aan die Minister 'n voorstel vir die wysiging van 'n bestaande skema voorlê.";

(b) deur subartikel (4) deur die volgende subartikel te vervang:

„(4) 'n Wysiging van 'n skema wat voorsiening maak vir 'n verandering in die samestelling van die raad wat die skema uitvoer, kan voorsiening maak vir die verlenging of inkorting van die ampstermyn van 'n bestaande lid van die raad, of vir die afskaffing van sodanige amp."; en

(c) deur subartikel (5) te skrap.

Wysiging van artikel 28 van Wet 59 van 1968, soos gewysig deur artikel 9 van Wet 52 van 1969,

10. Artikel 28 van die Hoofwet word hierby gewysig—

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

„(1) *(a)* 'n Skema moet, behoudens die bepalings van subartikels (2) en (3), voorsiening maak vir die

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section 2 of Act 68 of 1972 and section 4 of Act 31 of 1973.

which 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, shall be represented on its control board and shall determine how many members, not exceeding thirteen, such control board shall have: Provided that in the case of a joint scheme contemplated in section 10 the board established under such joint scheme may for a period of one year as from the date of its constitution consist of more than thirteen members.

(b) The members of a control board shall, subject to any provision included in the relevant scheme by virtue of the provisions of paragraph *(a)* and to the provisions of subsection (2) and section 15 (4), be appointed by the Minister for a period of three years: Provided that—
   (i) no person of or over the age of sixty-eight years shall be appointed as a member of a control board;
   (ii) the Minister may from time to time appoint one additional member to a control board for a particular purpose on the ground of his special knowledge of the matter for the purpose of which he is appointed.

(c) In making an appointment in terms of paragraph *(b)* the Minister may consult with persons or organizations which in the opinion of the Minister are representative of persons who produce the product to which the relevant scheme relates and of the classes of persons or consumers which, in terms of the provisions of the relevant scheme, are required to be represented on the control board in question.

(d) A member of a control board appointed under paragraph (ii) of the proviso to paragraph *(b)* for a particular purpose—
   (i) shall hold office until the matter for the purpose of which he was appointed, has been disposed of by that control board;
   (ii) shall have the right to take part in the proceedings of that control board, but shall not have the right to vote.'';

(b) by the deletion of subsection (1A);
(c) by the deletion of subsection (4); and
(d) by the substitution for subsection (5) of the following subsection:

''(5) A scheme may provide that its control board may co-opt one person as an advisory member of such board.''.

Substitution of section 33 of Act 59 of 1968.

11. The following section is hereby substituted for section 33 of the principal Act:

''Employment of persons by a control board.

33. A scheme may empower its control board to employ, subject to such directions as the Minister may issue in a particular case, such persons as the board may consider necessary for the proper performance of its functions and for the attainment of the objects of the scheme.''.

Amendment of section 38 of Act 59 of 1968, as substituted by section 6 of Act 31 of 1973.

12. Section 38 of the principal Act is hereby amended—

(a) by the substitution for subsection (4) of the following subsection:

''(4) The moneys in a special account contemplated in subsection (2) may, after approval by the Minister of an estimate of expenditure submitted to him, be utilized in

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mate waarin persone 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, in sy beheerraad verteenwoordig moet wees en moet bepaal uit hoeveel lede, maar hoogstens dertien, bedoelde beheerraad moet bestaan: Met dien verstande dat in die geval van 'n gesamentlike skema bedoel in artikel 10 die kragtens so 'n gesamentlike skema ingestelde raad vir 'n tydperk van een jaar vanaf die datum van sy samestelling uit meer as dertien lede mag bestaan. artikel 2 van Wet 68 van 1972 en artikel 4 van Wet 31 van 1973.

(b) Die lede van 'n beheerraad word, behoudens enige bepaling in die tersaaklike skema opgeneem uit hoofde van die bepalings van paragraaf *(a)* en behoudens die bepalings van subartikel (2) en artikel 15 (4), deur die Minister aangestel vir 'n tydperk van drie jaar: Met dien verstande dat—
   (i) geen persoon wat agt-en-sestig jaar of ouer is as 'n lid van 'n beheerraad aangestel mag word nie;
   (ii) die Minister van tyd tot tyd een addisionele lid vir 'n bepaalde doel in 'n beheerraad kan aanstel op grond van sy besondere kennis van die aangeleentheid vir die doel waarvan hy aangestel word.

(c) Die Minister kan by die doen van 'n aanstelling ingevolge paragraaf *(b)* oorleg pleeg met persone of organisasies wat na die oordeel van die Minister verteenwoordigend is van persone wat die produk produseer waarop die tersaaklike skema betrekking het, asook van die klasse persone of verbruikers wat ingevolge die bepalings van die tersaaklike skema in die betrokke beheerraad verteenwoordig moet wees.

(d) 'n Lid van 'n beheerraad wat kragtens paragraaf (ii) van die voorbehoudsbepaling by paragraaf *(b)* vir 'n bepaalde doel aangestel is—
   (i) beklee sy amp totdat die aangeleentheid vir die doel waarvan hy aangestel is, deur daardie beheerraad afgehandel is;
   (ii) het die reg om aan die verrigtinge van daardie beheerraad deel te neem, maar het nie die reg om 'n stem uit te bring nie.";

(b) deur subartikel (1A) te skrap;
(c) deur subartikel (4) te skrap; en
(d) deur subartikel (5) deur die volgende subartikel te vervang:

„(5) 'n Skema kan bepaal dat sy beheerraad een persoon as 'n adviserende lid van daardie raad kan koöpteer.".

11. Artikel 33 van die Hoofwet word hierby deur die volgende artikel vervang: Vervanging van artikel 33 van Wet 59 van 1968.

„Indiensneming van persone deur 'n beheerraad. **33.** 'n Skema kan sy beheerraad magtig om, behoudens die voorskrifte wat die Minister in 'n bepaalde geval uitreik, die persone in diens te neem wat die raad nodig ag vir die behoorlike verrigting van sy werksaamhede en vir die bereiking van die oogmerke van die skema.".

12. Artikel 38 van die Hoofwet word hierby gewysig— Wysiging van artikel 38 van Wet 59 van 1968, soos vervang deur artikel 6 van Wet 31 van 1973.

(a) deur subartikel (4) deur die volgende subartikel te vervang:

„(4) Die gelde in 'n in subartikel (2) beoogde spesiale rekening kan na goedkeuring deur die Minister van 'n raming van uitgawes aan hom voorgelê, ooreenkomstig

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accordance with that estimate for any purposes connected with the performance of the act referred to in subsection (1) which is the subject of the co-operation."; and

(b) by the substitution for subsection (5) of the following subsection:

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

Substitution of section 39 of Act 59 of 1968.

13. The following section is hereby substituted for section 39 of the principal Act:

"Exemption of a control board from certain licensing provisions.

39. Notwithstanding anything to the contrary contained in any law, a control board shall be exempt from the duty to obtain any licence and to pay any licence duties or fees in respect of the carrying on by it of any activity contemplated in the Licences Act, 1962 (Act No. 44 of 1962).".

Amendment of section 46 of Act 59 of 1968, as substituted by section 5 of Act 68 of 1972.

14. Section 46 of the principal Act is hereby amended by the addition to subsection (1) of the following paragraph:

"*(d)* As long as any amount is owing by any person to a control board in respect of any loan granted by virtue of the provisions of paragraph *(c)* by that control board to that person out of money in such a general fund, all products to which the relevant scheme relates and which has been produced or manufactured by the said person, shall be deemed to be pledged for the amount so owing in favour of the said control board as if it had actually been pledged in favour of and delivered to the control board, and any disposal by or on behalf of the said person of those products while they are so deemed to be pledged, shall be void unless the written consent of the control board concerned to such disposal had been obtained beforehand.".

Insertion of sections 46A, 46B, 46C and 46D in Act 59 of 1968.

15. The following sections are hereby inserted in the principal Act after section 46:

"Imposition of a general levy by Minister.

46A. (1) The Minister may by notice in the *Gazette* impose, on a basis specified in such notice, a general levy on any product, or on any such product of a particular class, grade or standard of quality, or on any such product, class, grade or standard of quality thereof produced or sold in a particular area or at a particular place.

(2) The provisions of section 84A (2), (3) and (4) shall *mutatis mutandis* apply in respect of a general levy imposed under subsection (1).

The amount of the general levy.

46B. (1) The general levy contemplated in section 46A—

(a) may be in the form of a percentage or portion of the selling price of every unit or quantity of the product in question purchased or sold;

(b) may be in the form of a fixed amount on any unit or quantity of that product dealt with in a manner determined in the notice;

(c) may be indicated by means of a formula according to which the amount of such levy shall be calculated on every unit or quantity of that product purchased or sold;

(d) may, in so far as it affects producers, be determined on a sliding scale according to the quantity of that product sold by any producer during any period determined by the Minister.

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daardie raming 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."; en

(b) deur subartikel (5) deur die volgende subartikel te vervang:

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

Vervanging van artikel 39 van Wet 59 van 1968.

13. Artikel 39 van die Hoofwet word hierby deur die volgende artikel vervang:

„Vrystelling van 'n beheerraad van sekere lisensiebepalings.

39. Ondanks andersluidende wetsbepalings, is 'n beheerraad onthef van die verpligting om 'n lisensie te verkry en om lisensieregte of -gelde te betaal ten opsigte van die uitoefening deur hom van 'n bedrywigheid beoog in die Wet op Lisensies, 1962 (Wet No. 44 van 1962).".

Wysiging van artikel 46 van Wet 59 van 1968, soos vervang deur artikel 5 van Wet 68 van 1972.

14. Artikel 46 van die Hoofwet word hierby gewysig deur die volgende paragraaf by subartikel (1) te voeg:

„*(d)* Solank 'n bedrag deur enige persoon aan 'n beheerraad verskuldig is ten opsigte van 'n lening uit hoofde van die bepalings van paragraaf *(c)* deur daardie beheerraad aan daardie persoon toegestaan uit geld in so 'n algemene fonds, word alle produkte waarop die tersaaklike skema betrekking het en wat deur bedoelde persoon geproduseer of vervaardig is, geag verpand te wees aan bedoelde beheerraad vir die bedrag aldus verskuldig asof dit daadwerklik aan die beheerraad verpand en oorhandig was, en is enige beskikking deur of namens bedoelde persoon oor daardie produkte terwyl dit aldus geag word verpand te wees, nietig tensy die skriftelike toestemming van die betrokke beheerraad tot sodanige beskikking vooraf verkry is.".

Invoeging van artikels 46A, 46B, 46C en 46D in Wet 59 van 1968.

15. Die volgende artikels word hierby in die Hoofwet na artikel 46 ingevoeg:

„Oplegging van 'n algemene heffing deur Minister.

46A. (1) Die Minister kan by kennisgewing in die *Staatskoerant* en op 'n grondslag in bedoelde kennisgewing vermeld, 'n algemene heffing lê op 'n produk, of op 'n produk van 'n bepaalde klas, graad of kwaliteitstandaard, of op so 'n produk, klas, graad of kwaliteitstandaard daarvan wat in 'n bepaalde gebied of op 'n bepaalde plek geproduseer of verkoop word.

(2) Die bepalings van artikel 84A (2), (3) en (4) is *mutatis mutandis* van toepassing ten opsigte van 'n algemene heffing kragtens subartikel (1) opgelê.

Die bedrag van die algemene heffing.

46B. (1) Die in artikel 46A beoogde algemene heffing—

(a) kan in die vorm wees van 'n persentasie of gedeelte van die verkoopprys van elke eenheid of hoeveelheid van die betrokke produk gekoop of verkoop;

(b) kan in die vorm wees van 'n vasgestelde bedrag op 'n eenheid of hoeveelheid van daardie produk waarmee op 'n in die kennisgewing vermelde wyse gehandel word;

(c) kan aangedui word by wyse van 'n formule waarvolgens die bedrag van sodanige heffing op elke eenheid of hoeveelheid van daardie produk gekoop of verkoop, bereken word;

(d) kan, vir sover dit produsente raak, bepaal word volgens 'n skaal wat wissel volgens die hoeveelheid van daardie produk wat deur 'n produsent gedurende 'n tydperk deur die Minister bepaal, verkoop word.

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(2) Such general levy—

(a) may, in respect of any particular class, grade or standard of quality of the product in question, differ from any such general levy in respect of any other class, grade or standard of quality of that product;

(b) may, in respect of any unit or quantity of that product which was produced or is sold in any particular area, differ from any such general levy in respect of any unit or quantity of that product which was produced or is sold in any other area;

(c) may, in respect of any unit or quantity of that product which is exported from the Republic, differ from any such general levy in respect of any unit or quantity of that product which is not so exported.

Proceeds of general levy to be paid into special account.

46C. (1) The Minister shall cause a special account to be opened at the South African Reserve Bank into which the proceeds of any general levy imposed under section 46A and such moneys as may accrue to such account from any other source shall be paid, and out of which all payments authorized under section 46D shall be made.

(2) Such special account shall, subject to the provisions of section 46D, be under the control of the Secretary who shall keep proper account of all moneys paid into, and of all payments made out of, such special account.

(3) Such special account shall be audited annually by the Auditor-General.

Utilization of moneys in the special account.

46D. (1) The Minister may from time to time direct that there be paid out of the special account referred to in section 46C such amount as he may determine for any purpose set out in subsection (2).

(2) The moneys in such account may be utilized—

(a) to meet expenditure incurred by the South African Agricultural Union for such purposes connected with the performance of its functions as the Minister may approve after submission to him by the said South African Agricultural Union of an estimate of its requirements for such purposes;

(b) for the payment of commission in terms of section 84A (4) as applied by section 46A (2), and the payment of any other costs in connection with the administration of such account.

(3) Any moneys in such special account not immediately required for any such purpose, shall be invested with the Public Debt Commissioners or in such other manner as the Minister may with the concurrence of the Minister of Finance determine.".

Substitution of section 51 of Act 59 of 1968.

16. The following section is hereby substituted for section 51 of the principal Act:

"Auditing of accounts of a control board.

51. (1) The accounts of a control board shall be audited annually by the Auditor-General.

(2) As soon as may be after completion of any such audit the Auditor-General shall transmit to the Minister, to the marketing council and to the control board concerned a copy of his report in respect of such audit.".

Amendment of section 64 of Act 59 of 1968, as amended by section 12 of Act 69 of 1970 and section 4 of Act 78 of 1971.

17. Section 64 of the principal Act is hereby amended by the insertion after subsection (2A) of the following subsection:

"(2B) (a) Any quantity of a product delivered by the producer thereof to a control board by virtue of the provisions of subsection (1) (a) shall, in so far as a permit under section 96 of the Co-operative Societies

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(2) Sodanige algemene heffing—

(a) ten opsigte van 'n besondere klas, graad of kwaliteitstandaard van die betrokke produk, kan verskil van so 'n algemene heffing ten opsigte van 'n ander klas, graad of kwaliteitstandaard van daardie produk;

(b) ten opsigte van 'n eenheid of hoeveelheid van daardie produk wat in 'n bepaalde gebied geproduseer is of verkoop word, kan verskil van so 'n algemene heffing ten opsigte van 'n eenheid of hoeveelheid van daardie produk wat in 'n ander gebied geproduseer is of verkoop word;

(c) ten opsigte van 'n eenheid of hoeveelheid van daardie produk wat uit die Republiek uitgevoer word, kan verskil van so 'n algemene heffing ten opsigte van 'n eenheid of hoeveelheid van daardie produk wat nie aldus uitgevoer word nie.

Opbrengs van algemene heffing moet in spesiale rekening gestort word.

46C. (1) Die Minister laat 'n spesiale rekening by die Suid-Afrikaanse Reserwebank open waarin die opbrengs van 'n kragtens artikel 46A opgelegde algemene heffing en die ander gelde wat uit enige ander bron aan sodanige rekening toeval, gestort word en waaruit alle kragtens artikel 46D gemagtigde betalings gedoen word.

(2) Bedoelde spesiale rekening is, behoudens die bepalings van artikel 46D, onder beheer van die Sekretaris wat behoorlik moet boekhou van alle gelde wat in die spesiale rekening gestort word en van alle betalings daaruit gedoen.

(3) Bedoelde spesiale rekening word jaarliks deur die Ouditeur-generaal geouditeer.

Aanwending van gelde in die spesiale rekening.

46D. (1) Die Minister kan van tyd tot tyd gelas dat daar uit die in artikel 46C bedoelde spesiale rekening die bedrag wat hy bepaal, betaal word vir 'n in subartikel (2) vermelde doel.

(2) Die gelde in bedoelde rekening kan aangewend word—

(a) om uitgawes te bestry wat deur die Suid-Afrikaanse Landbou-unie aangegaan word vir die doeleindes in verband met die verrigting van sy werksaamhede wat die Minister goedkeur na voorlegging aan hom deur bedoelde Suid-Afrikaanse Landbou-unie van 'n raming van sy behoeftes vir sodanige doeleindes;

(b) vir die betaling van kommissie ingevolge artikel 84A (4) soos toegepas deur artikel 46A (2), en die betaling van enige ander koste in verband met die administrasie van bedoelde rekening.

(3) Gelde in bedoelde spesiale rekening wat nie onmiddellik vir so 'n doel benodig is nie, moet by die Staatskuldkommissarisse of op die ander wyse wat die Minister met instemming van die Minister van Finansies bepaal, belê word.".

Vervanging van artikel 51 van Wet 59 van 1968.

16. Artikel 51 van die Hoofwet word hierby deur die volgende artikel vervang:

„Ouditering van rekenings van 'n beheerraad.

51. (1) Die rekenings van 'n beheerraad word jaarliks deur die Ouditeur-generaal geouditeer.

(2) So gou doenlik na die voltooiing van so 'n ouditering moet die Ouditeur-generaal 'n afskrif van sy verslag ten opsigte van bedoelde ouditering aan die Minister, aan die bemarkingsraad en aan die betrokke beheerraad stuur.".

Wysiging van artikel 64 van Wet 59 van 1968, soos gewysig deur artikel 12 van Wet 69 van 1970 en artikel 4 van Wet 78 van 1971.

17. Artikel 64 van die Hoofwet word hierby gewysig deur die volgende subartikel na subartikel (2A) in te voeg:

„(2B) *(a)* 'n Hoeveelheid van 'n produk deur die produsent daarvan aan 'n beheerraad gelewer uit hoofde van die bepalings van subartikel (1) *(a)*, word, vir sover 'n permit ingevolge artikel 96 van die Wet op Koöpera-

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Act, 1939 (Act No. 29 of 1939), or under section 96 of the Co-operative Societies Ordinance, 1946 (Ordinance No. 15 of 1946), of the territory, is required for the purpose, be deemed to have been delivered in pursuance of such a permit.

(b) No moneys payable by a control board to a producer of a product in respect of any quantity of that product delivered by such producer to such control board by virtue of the provisions of subsection (1) *(a)* shall be paid to such producer unless—

(i) the said producer has at the time of such delivery informed that control board in writing whether or not he is a member of a co-operative society or co-operative company and, in the event of such producer being such a member, has furnished the control board with the name of every such society or company of which he is a member;

(ii) all amounts owing in terms of the provisions of section 96 of the said Co-operative Societies Act, 1939, or of the said Co-operative Societies Ordinance, 1946, by such producer to a co-operative society or co-operative company referred to in subparagraph (i) have, subject to the provisions of paragraph *(c)*, been paid to such society or company.

(c) An amount referred to in paragraph *(b)* (ii) shall be paid to the co-operative society or co-operative company concerned by the control board concerned out of the moneys referred to in paragraph *(b)*, after deduction by the control board from such moneys of any amount owing to the control board by the producer concerned in terms of the provisions of the scheme administered by the control board or of this Act: Provided that if the total of amounts so owing to the co-operative society or co-operative company and the control board concerned exceeds the amount of the said moneys, the amounts so owing shall be paid to the co-operative society or co-operative company and the control board concerned in proportion to their claims.".

Insertion of section 80 in Act 59 of 1968.

18. The following section is hereby inserted in the principal Act before section 81:

"Exercise of powers of control board by Minister in certain circumstances.

80. (1) If—

(a) the Minister is not prepared to grant his approval of any decision of a control board taken by such control board in the exercise of any of its powers or the performance of any of its duties and in respect of which the Minister's approval is required under this Act; or

(b) a control board, after having been directed by the Minister to exercise any power or to perform any duty which it is under this Act empowered or required to exercise or to perform, refuses or neglects to do so within a period determined by the Minister,

the Minister may, after consultation with the control board concerned and the marketing council, exercise the power or perform the duty in question and may, in exercising such power or performing such duty, if he deems it expedient and in so far as it is practicable to do so, dispense with compliance with any provision or requirement of the scheme which governs or otherwise relates to the exercise of such power or the performance of such duty by the control board concerned.

(2) Any power exercised or duty performed by the Minister in terms of the provisions of subsection (1)

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tiewe Verenigings, 1939 (Wet No. 29 van 1939), of ingevolge artikel 96 van die Ordonnansie op Koöperatiewe Verenigings, 1946 (Ordonnansie No. 15 van 1946), van die gebied, daartoe vereis word, geag uit hoofde van so 'n permit gelewer te wees.

(b) Geen gelde deur 'n beheerraad betaalbaar aan 'n produsent van 'n produk ten opsigte van 'n hoeveelheid van daardie produk deur so 'n produsent uit hoofde van die bepalings van subartikel (1) *(a)* aan so 'n beheerraad gelewer, word aan so 'n produsent betaal nie tensy—

(i) bedoelde produsent ten tyde van bedoelde lewering daardie beheerraad skriftelik in kennis gestel het of hy 'n lid van 'n koöperatiewe vereniging of koöperatiewe maatskappy is of nie en, in die geval waar so 'n produsent so 'n lid is, die naam van elke sodanige vereniging of maatskappy waarvan hy 'n lid is aan die beheerraad verstrek het;

(ii) alle bedrae ingevolge die bepalings van artikel 96 van bedoelde Wet op Koöperatiewe Verenigings, 1939, of van bedoelde Ordonnansie op Koöperatiewe Verenigings, 1946, deur so 'n produsent verskuldig aan 'n koöperatiewe vereniging of koöperatiewe maatskappy bedoel in paragraaf *(a)*, behoudens die bepalings van paragraaf *(c)* aan so 'n vereniging of maatskappy betaal is.

(c) 'n Bedrag bedoel in paragraaf *(b)* (ii) moet deur die betrokke beheerraad aan die betrokke koöperatiewe vereniging of koöperatiewe maatskappy betaal word uit die gelde bedoel in paragraaf *(b)*, ná aftrekking deur die beheerraad van sodanige gelde van enige bedrag deur die betrokke produsent aan die beheerraad verskuldig ingevolge die bepalings van die skema wat deur die beheerraad uitgevoer word of van hierdie Wet: Met dien verstande dat indien die totaal van bedrae wat aldus aan die betrokke koöperatiewe vereniging of koöperatiewe maatskappy en die betrokke beheerraad verskuldig is, die bedrag van bedoelde gelde oorskry, die aldus verskuldigde bedrae aan die betrokke koöperatiewe vereniging of koöperatiewe maatskappy en die betrokke beheerraad in verhouding tot hul eise betaal moet word.".

Invoeging van artikel 80 in Wet 59 van 1968.

18. Die volgende artikel word hierby in die Hoofwet voor artikel 81 ingevoeg:

„Uitoefening van bevoegdhede van beheerraad deur Minister in sekere omstandighede.

80. (1) Indien—

(a) die Minister nie bereid is nie om sy goedkeuring te verleen aan 'n besluit van 'n beheerraad deur so 'n beheerraad geneem by die uitoefening van enige van sy bevoegdhede of die verrigting van enige van sy werksaamhede en ten opsigte waarvan die Minister se goedkeuring ingevolge hierdie Wet vereis word; of

(b) 'n beheerraad, nadat hy deur die Minister aangesê is om 'n bevoegdheid uit te oefen of 'n plig te verrig wat hy kragtens hierdie Wet kan of moet uitoefen of verrig, weier of nalaat om dit te doen binne 'n tydperk wat die Minister bepaal het,

kan die Minister, na oorleg met die betrokke beheerraad en die bemarkingsraad, die betrokke bevoegdheid uitoefen of plig verrig en kan hy by die uitoefening van so 'n bevoegdheid of die verrigting van so 'n plig, indien hy dit dienstig ag en vir sover dit doenlik is, afsien van die nakoming van enige bepaling of vereiste van die skema wat die uitoefening van daardie bevoegdheid of die verrigting van daardie plig deur die betrokke beheerraad beheers of andersins betrek.

(2) 'n Bevoegdheid uitgeoefen of plig verrig deur die Minister ingevolge die bepalings van subartikel

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shall, for the purposes of the relevant scheme and the applicable provisions of this Act, be deemed to have been exercised or performed by the control board concerned.

(3) Whenever the Minister exercises the powers or performs the duties of a control board in terms of this section, he shall within 14 days, if Parliament is then in session, or, if Parliament is not then in session, within 14 days after the commencement of its next ensuing session, report such matter to Parliament.".

Substitution of section 81 of Act 59 of 1968.

19. The following section is hereby substituted for section 81 of the principal Act:

"Certain reports to be submitted to Parliament.

81. The Minister shall lay copies of every report submitted to him in terms of section 4 (5) or 40, and of every report relating to the fixing of prices for any product, submitted to him in terms of section 32, upon the Table of the Senate and of the House of Assembly within fourteen days after receipt thereof, if Parliament is then in ordinary session, or, if Parliament is not then in ordinary session, within fourteen days after the commencement of its next ensuing ordinary session.".

Amendment of section 84B of Act 59 of 1968, as inserted by section 16 of Act 52 of 1969.

20. Section 84B of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

"(3) Such special account shall be audited annually by the Auditor-General.".

Amendment of section 87 of Act 59 of 1968, as amended by section 5 of Act 78 of 1971 and section 17 of Act 31 of 1973.

21. Section 87 of the principal Act is hereby amended by the addition to subsection (1) of the following proviso:

"Provided that—

(aa) the total quantity of any product or class or grade thereof which may be imported or exported by virtue of the provisions of this subsection during a particular period, shall not exceed a quantity determined in respect of such period by the Minister after consultation with the marketing council and, in the case of a regulated product, also with the control board concerned;

(bb) the Minister may determine the basis of allocation to different persons authorized in terms of subparagraph (iii), of different portions of a quantity determined in terms of subparagraph *(aa)*.".

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, section 16 of Act 68 of 1972, section 18 of Act 31 of 1973 and section 6 of Act 73 of 1974.

22. Section 89 of the principal Act is hereby amended by the substitution for paragraph *(b)* of subsection (1) of the following paragraph:

"*(b)* the times at which and the manner in which any levy imposed in terms of section 41 or 84A or any special levy imposed in terms of section 44 or any general levy imposed in terms of section 46A shall be paid.".

Amendment of section 89A of Act 59 of 1968, as inserted by section 23 of Act 69 of 1970.

23. Section 89A of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) The Minister may in writing delegate to any officer in the Department of Agricultural Economics and Marketing all or any of the powers conferred upon him by this Act, other than a power conferred upon him by section 12, 16, 17 (3), 53 (2), 59 (6), 60 (2A), 72 (2), 80, 81 or 87 (3) or by this section, or the power to publish a notice in the *Gazette* in pursuance of the provisions of section 46A, 64 (4), 84A, 84D, 84E, 84F or 88.".

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(1) word, by die toepassing van die tersaaklike skema en die toepaslike bepalings van hierdie Wet, geag deur die betrokke beheerraad uitgeoefen of verrig te gewees het.

(3) Wanneer die Minister ingevolge hierdie artikel die bevoegdhede of pligte van 'n beheerraad uitoefen of verrig, moet hy binne 14 dae, indien die Parlement dan byeen is, of, indien die Parlement dan nie byeen is nie, binne 14 dae na die aanvang van sy eersvolgende sessie, sodanige aangeleentheid aan die Parlement rapporteer.".

Vervanging van artikel 81 van Wet 59 van 1968.

19. Artikel 81 van die Hoofwet word hierby deur die volgende artikel vervang:

„Voorlegging van sekere verslae aan die Parlement.

81. Die Minister moet afskrifte van elke verslag kragtens artikel 4 (5) of 40 aan hom voorgelê, en van elke verslag met betrekking tot die vasstelling van pryse vir 'n produk aan hom voorgelê ingevolge artikel 32, in die Senaat en in die Volksraad ter Tafel lê binne veertien dae na ontvangs daarvan as die Parlement dan in gewone sessie is, of, as die Parlement dan nie in gewone sessie is nie, binne veertien dae na die aanvang van sy eersvolgende gewone sessie.".

Wysiging van artikel 84B van Wet 59 van 1968, soos ingevoeg deur artikel 16 van Wet 52 van 1969.

20. Artikel 84B van die Hoofwet word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

„(3) Bedoelde spesiale rekening word jaarliks deur die Ouditeur-generaal geouditeer.".

Wysiging van artikel 87 van Wet 59 van 1968, soos gewysig deur artikel 5 van Wet 78 van 1971 en artikel 17 van Wet 31 van 1973.

21. Artikel 87 van die Hoofwet word hierby gewysig deur die volgende voorbehoudsbepaling by subartikel (1) te voeg:

„Met dien verstande dat—

(aa) die totale hoeveelheid van 'n produk of klas of graad daarvan wat gedurende 'n bepaalde tydperk uit hoofde van die bepalings van hierdie subartikel ingevoer of uitgevoer mag word, nie 'n hoeveelheid mag oorskry nie wat ten opsigte van so 'n tydperk deur die Minister na oorlegpleging met die bemarkingsraad en, in die geval van 'n beheerde produk, ook met die betrokke beheerraad, bepaal is;

(bb) die Minister die grondslag van toekenning aan verskillende kragtens subparagraaf (iii) gemagtigde persone van verskillende gedeeltes van 'n ingevolge subparagraaf *(aa)* bepaalde hoeveelheid kan bepaal.".

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, artikel 16 van Wet 68 van 1972, artikel 18 van Wet 31 van 1973 en artikel 6 van Wet 73 van 1974.

22. Artikel 89 van die Hoofwet word hierby gewysig deur paragraaf *(b)* van subartikel (1) deur die volgende paragraaf te vervang:

„*(b)* die tye wanneer en die wyse waarop 'n ingevolge artikel 41 of 84A opgelegde heffing of 'n ingevolge artikel 44 opgelegde spesiale heffing of 'n ingevolge artikel 46A opgelegde algemene heffing betaal moet word;";

Wysiging van artikel 89A van Wet 59 van 1968, soos ingevoeg deur artikel 23 van Wet 69 van 1970.

23. Artikel 89A van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Die Minister kan al die bevoegdhede wat hierdie Wet aan hom verleen, of een of meer daarvan, skriftelik aan 'n beampte in die Departement van Landbou-ekonomie en -bemarking delegeer, met die uitsondering van 'n bevoegdheid aan hom verleen by artikel 12, 16, 17 (3), 53 (2), 59 (6), 60 (2A), 72 (2), 80, 81 of 87 (3) of by hierdie artikel en die bevoegdheid om 'n kennisgewing in die *Staatskoerant* te publiseer ooreenkomstig die bepalings van artikel 46A, 64 (4), 84A, 84D, 84E, 84F of 88.".

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Amendment of section 90 of Act 59 of 1968, as amended by section 20 of Act 52 of 1969, section 24 of Act 69 of 1970, section 19 of Act 31 of 1973 and section 7 of Act 73 of 1974.

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

"*(b*A*)* fails to pay a levy imposed under section 46A or 84A within the period and in the manner prescribed by regulation under section 89; or".

Amendment of section 92 of Act 59 of 1968, as amended by section 21 of Act 52 of 1969.

25. Section 92 of the principal Act is hereby amended by the substitution for paragraph *(a)* of subsection (1) of the following paragraph:

"*(a)* in the case of an offence which consists of a failure to pay the full amount due by that person in respect of—
- (i) any levy or special levy imposed by a control board by virtue of the provisions of section 41 or 44; or
- (ii) any exemption granted by a control board by virtue of the provisions of section 64 (1) *(b)*; or
- (iii) any levy imposed by the Minister under section 46A or 84A,

summarily enquire into and assess the amount due by that person to the control board concerned, or to the Department of Agricultural Economics and Marketing for the benefit of the special account referred to in section 46C or 84B, as the case may be, and forthwith give judgment for the amount so assessed against that person and in favour of that control board or that Department, as the case may be, and any such judgment may be executed in the same manner as if it had been pronounced in the course of civil proceedings;".

Amendment of section 94 of Act 59 of 1968, as amended by section 22 of Act 52 of 1969, section 25 of Act 69 of 1970 and section 2 of Act 50 of 1976.

26. Section 94 of the principal Act is hereby amended—

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

"(1A) The provisions of subsection (1) shall *mutatis mutandis* apply in respect of the trial of a person charged with the commission of an offence which consists of a failure to pay the full amount of a levy imposed under section 46A or 84A and for the purpose of such application a reference in that subsection to a control board and to an employee of such a board shall be construed as a reference to the Department of Agricultural Economics and Marketing and to a person employed in that Department, respectively."; and

(b) by the substitution for subsection (2) of the following subsection:

"(2A) At any trial referred to in subsection (1) a certificate stating the result of an examination, analysis, grading or other classification carried out in pursuance of the provisions of this Act or any scheme or any regulation made under section 89, and purporting to be signed by the person who carried out such examination, analysis, grading or classification, shall be accepted as *prima facie* proof of the facts stated therein.".

Distribution of assets and rights of "Aros Utiliteitsmaatskappy".

27. (1) After the winding-up of the "Aros Utiliteitsmaatskappy" in terms of the provisions of the Companies Act, 1973 (Act No. 61 of 1973), all assets and rights of the said company shall vest in and be distributed between the Oil Seeds Control Board established by section 3 (1) of Proclamation No. R.55 of 1968, and the Potato Board referred to in section 6 (1) of Proclamation No. R.268 of 1970, in the manner determined by the Minister of Agriculture with the concurrence of the said boards.

(2) The registrar of deeds concerned shall as soon as may be practicable after the winding-up referred to in subsection (1) make such entries or endorsements in or on any relevant register, title deed or other document in his office or submitted to him, as he may deem necessary in order to give effect to the provisions of

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

„*(b*A*)* versuim om 'n kragtens artikel 46A of 84A opgelegde heffing te betaal binne die tydperk en op die wyse by regulasie kragtens artikel 89 voorgeskryf; of".

Wysiging van artikel 90 van Wet 59 van 1968, soos gewysig deur artikel 20 van Wet 52 van 1969, artikel 24 van Wet 69 van 1970, artikel 19 van Wet 31 van 1973 en artikel 7 van Wet 73 van 1974.

25. Artikel 92 van die Hoofwet word hierby gewysig deur paragraaf *(a)* van subartikel (1) deur die volgende paragraaf te vervang:

„*(a)* in die geval van 'n oortreding wat bestaan uit 'n versuim om die volle bedrag te betaal wat deur daardie persoon verskuldig is ten opsigte van—
(i) 'n heffing of 'n spesiale heffing deur 'n beheerraad opgelê uit hoofde van die bepalings van artikel 41 of 44; of
(ii) 'n vrystelling deur 'n beheerraad verleen uit hoofde van die bepalings van artikel 64 (1) *(b)*; of
(iii) 'n heffing deur die Minister opgelê kragtens artikel 46A of 84A,

op staande voet ondersoek instel na en die omvang bepaal van die bedrag wat daardie persoon verskuldig is aan die betrokke beheerraad, of aan die Departement van Landbou-ekonomie en -bemarking ten bate van die in artikel 46C of 84B, na gelang van die geval, bedoelde spesiale rekening, en onverwyld vonnis vir die bedrag aldus bepaal, uitspreek teen daardie persoon en ten gunste van daardie beheerraad of daardie Departement, na gelang van die geval, en so 'n vonnis kan ten uitvoer gelê word op dieselfde wyse asof dit in die loop van 'n siviele geding uitgespreek was;".

Wysiging van artikel 92 van Wet 59 van 1968, soos gewysig deur artikel 21 van Wet 52 van 1969.

26. Artikel 94 van die Hoofwet word hierby gewysig—

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

„(1A) Die bepalings van subartikel (1) is *mutatis mutandis* van toepassing ten opsigte van 'n verhoor waarby iemand aangekla word van 'n oortreding bestaande uit 'n versuim om die volle bedrag van 'n kragtens artikel 46A of 84A opgelegde heffing te betaal, en by sodanige toepassing word 'n verwysing in daardie subartikel na 'n beheerraad en na 'n werknemer van so 'n raad uitgelê as 'n verwysing onderskeidelik na die Departement van Landbou-ekonomie en -bemarking en na iemand in diens van daardie Departement."; en

(b) deur subartikel (2) deur die volgende subartikel te vervang:

„(2) By 'n verhoor bedoel in subartikel (1) word 'n sertifikaat waarin die resultaat van 'n ondersoek, ontleding, gradering of ander klassifikasie uitgevoer uit hoofde van die bepalings van hierdie Wet of 'n skema of 'n kragtens artikel 89 uitgevaardigde regulasie aangeteken is en wat onderteken heet te wees deur die persoon wat die ondersoek, ontleding, gradering of ander klassifikasie uitgevoer het, as *prima facie*-bewys van die daarin vermelde feite aanvaar.".

Wysiging van artikel 94 van Wet 59 van 1968, soos gewysig deur artikel 22 van Wet 52 van 1969, artikel 25 van Wet 69 van 1970 en artikel 2 van Wet 50 van 1976.

27. (1) Na die likwidasie van die Aros Utiliteitsmaatskappy ingevolge die bepalings van die Maatskappywet, 1973 (Wet No. 61 van 1973), gaan alle bates en regte van bedoelde maatskappy oor op en word dit verdeel tussen die Oliesadebeheerraad ingestel by artikel 3 (1) van Proklamasie No. R.55 van 1968, en die Aartappelraad bedoel in artikel 6 (1) van Proklamasie No. R.268 van 1970, op die wyse wat die Minister van Landbou met die instemming van bedoelde rade bepaal.

Verdeling van bates en regte van Aros Utiliteitsmaatskappy.

(2) Die betrokke registrateur van aktes moet so gou doenlik na die likwidasie bedoel in subartikel (1) die inskrywings of aantekeninge wat hy nodig ag ten einde aan die bepalings van

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subsection (1), and no transfer duty, office fee or other charge shall be payable in respect of any vesting in terms of subsection (1) or in respect of any such entry or endorsement.

Short title and commencement.

28. This Act shall be called the Marketing Amendment Act, 1977, and section 10 shall come into operation on 1 July 1978.

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subartikel (1) gevolg te gee, in of op enige tersaaklike register, titelbewys of ander stuk in sy kantoor of aan hom voorgelê, maak, en geen hereregte, kantoorgeld of ander geld is ten opsigte van 'n oordrag ingevolge subartikel (1) of ten opsigte van so 'n inskrywing of aantekening betaalbaar nie.

Kort titel en inwerkingtreding.

28. Hierdie Wet heet die Wysigingswet op Bemarking, 1977, en artikel 10 tree in werking op 1 Julie 1978.