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PROKLAMASIE

VAN DIE STAATSPRESIDENT VAN DIE REPUBLIEK VAN SUID-AFRIKA.

No. R. 19, 1961.]

TABAKREËLINGSKEMA.

Nademaal die Minister van Landbou-ekonomie en -bemarking, kragtens paragraaf (c) van subartikel (3) van artikel *sewentien* saamgelees met artikel *drie-en-twintig* van die Bemarkingswet, 1937 (Wet No. 26 van 1937), soos gewysig, die skema wat in die Bylae hiervan verskyn, aangeeem het, en kragtens paragraaf (b) van subartikel (1) van artikel *een-en-twintig* van genoemde Wet goedkeuring van genoemde skema aanbeveel het;

So is dit dat ek, kragtens die bevoegdheid my verleen by paragraaf (a) van subartikel (1) van artikel *twee-en-twintig* van genoemde Wet, hierby verklaar dat genoemde skema op die datum van publikasie hiervan in werking tree ter vervanging van die Tabakbeheerskema, soos gepubliseer by Proklamasie No. 51 van 1939, soos gewysig.

Proklamasies Nos. 51 van 1939, 26 van 1946, 221 van 1951, 11 van 1953, 235 van 1953, 127 van 1956, 165 van 1956 en 267 van 1960 word hierby herroep met ingang vanaf die datum van publikasie hiervan.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hierdie Sewentiende dag van Junie Eenduisend Negehoonderd Een-en-sestig.

C. R. SWART,
Staatspresident.

Op Las van die Staatspresident-in-rade.

D. C. H. UYS.

BYLAE.**TABAKREËLINGSKEMA.****SKEMA VIR DIE REËLING VAN DIE PRODUKSIE EN BEMARKING VAN TABAK.***Naam en omvang van skema.*

1. (1) Hierdie skema heet die Tabakreëlingskema en het betrekking op tabak wat, vir die doeleindes van die skema, in die volgende klasse verdeel word, naamlik—

- (a) Turkse tabak;
- (b) oondgedroogde tabak; en
- (c) alle ander tabak wat nie onder (a) of (b) val nie.

(2) Die bepalings van hierdie skema is van toepassing in die Republiek van Suid-Afrika op die hieronder genoemde klasse persone wat betrokke is by die produksie, bemarking of verwerking van tabak.

PROCLAMATION

BY THE STATE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA.

No. R. 19, 1961.]

TOBACCO CONTROL SCHEME.

Whereas the Minister of Agricultural Economics and Marketing has, in terms of paragraph (c) of sub-section (3) of section *seventeen* read with section *twenty-three* of the Marketing Act, 1937 (Act No. 26 of 1937), as amended, accepted the scheme appearing in the Schedule hereto, and has, in terms of paragraph (b) of sub-section (1) of section *twenty-one* of the said Act recommended the approval of the said scheme;

Now, therefor, under the powers vested in me by paragraph (a) of sub-section (1) of section *twenty-two* of the said Act, I do hereby declare that the said scheme shall come into operation on the date of publication hereof, in substitution of the Tobacco Control Scheme published in Proclamation No. 51 of 1939, as amended.

Proclamations Nos. 51 of 1939, 26 of 1946, 221 of 1951, 11 of 1953, 235 of 1953, 127 of 1956, 165 of 1956 and 267 of 1960, are hereby repealed with effect from the date of publication hereof.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town on this Seventeenth day of June, One thousand Nine hundred and Sixty-one.

C. R. SWART,
State President.

By Order of the State President-in-Council.

D. C. H. UYS.

SCHEDULE.**TOBACCO CONTROL SCHEME.****SCHEME FOR THE REGULATION OF THE PRODUCTION AND MARKETING OF TOBACCO.***Name and Scope of Scheme.*

1. (1) This scheme shall be known as the Tobacco Control Scheme and shall relate to tobacco, which shall for the purpose of the scheme be divided into the following classes, viz.—

- (a) Turkish tobacco;
- (b) flue-cured tobacco; and
- (c) all other tobacco not included under (a) or (b).

(2) The provisions of this scheme shall apply in the Republic of South Africa to the classes of persons herein-after mentioned who are concerned in the production, marketing or manufacture of tobacco.

Woordomskrywing.

2. In hierdie skema beteken die uitdrukking „die Wet”, die Bemarkingswet, 1937 (Wet No. 26 van 1937), soos gewysig, en enige uitdrukking waaraan aan daardie Wet 'n betekenis geheg is, het, waar dit in hierdie skema gebruik word, dieselfde betekenis; voorts, tensy dit in stryd is met die samehang, beteken—

„groothandelaar in blaartabak”, iemand wat blaartabak koop van enige persoon vir herverkoop aan ander persone as die individuele verbruikers daarvan;

„Minister”, die Minister van die Departement van Landbou-ekonomie en -bemarking;

„produsent”, met betrekking tot—

(a) tabak geproduseer in die Republiek van Suid-Afrika, die persoon deur of ten behoeve van wie daardie tabak verbou is, of die persoon aan wie daardie tabak gelewer is as vergoeding of as deel van die vergoeding vir die reg om die grond waarop of op 'n deel waarvan die tabak verbou is, te gebruik, of die persoon aan wie daardie tabak gelewer is as 'n vergoeding vir bewese dienste;

(b) tabak ingevoer in die Republiek van Suid-Afrika, die persoon wat daardie tabak aldus ingevoer het;

„raad”, die Raad van Beheer oor die Tabaknywerheid, ingestel ingevolge die Tabak-reëlings Wysigingswet, 1935 (Wet No. 17 van 1935), soos hersaamgestel ooreenkomstig artikel drie;

„tabak”, tabak van een of ander van die klasse genoem in subartikel (1) van artikel een wat nie verwerk is nie;

„Transkeigebied”, die landdros-distrikte Bizana, Butterworth, Elliotdale, Engcobo, Flagstaff, Idutywa, Kentani, Libode, Lusikisiki, Matatiele, Mount Ayliff, Mount Currie, Mount Fletcher, Mount Frere, Mqanduli, Ngqeleni, Nqamakwe, Port St. Johns, Qumbu, St. Marks, Tabankulu, Tsolo, Tsomo, Umtata, Umzimkulu, Willowvale, Xalanga;

„verkoop”, ook vir verkoop aangebied, adverteer, hou, uitstal, versend, vervoer, lewer of berei of teen enige vergoeding hoegenaamd verruil of van die hand sit of ingevolge 'n verkoping, verruiling of van die hand sit, soos vermeld, versend, vervoer of lewer, en die woorde „verkoper” en „verkoop” het ooreenstemmende betekenis;

„verwerk”, kerf, draai of andersins vir handelsdoeleindes berei, maar behels nie die droging of die sweetproses of die hantering en manipulering van tabak vir die doel van verkoop in blaarvorm nie; en die woorde „verwerker”, „verwerkte” en „verwerking” het dienooreenkomstige betekenis.

Uitvoering van skema en samestelling van raad.

3. Hierdie skema word uitgevoer deur die Raad van Beheer oor die Tabaknywerheid, ingestel ingevolge artikel een van die Tabak-reëlings Wysigingswet, 1935 (Wet No. 17 van 1935), wat vir daardie doel bestaan uit sestien lede deur die Staatspresident aangestel te word, van wie—

(a) nege verteenwoordigers is van tabakprodusente wat lede is van koöperatiewe verenigings of maatskappye, en genomineer word ooreenkomstig die bepalings van artikel vyf;

(b) een 'n verteenwoordiger is van tabakprodusente wat nie lede van 'n koöperatiewe vereniging of maatskappy is nie, en genomineer word deur die Suid-Afrikaanse Landbou-unie;

(c) twee verteenwoordigers is van grootskaalse tabakverwerkers, en genomineer word ooreenkomstig die bepalings van artikel ses;

(d) twee verteenwoordigers is van kleinskaalse tabakverwerkers, en genomineer word ooreenkomstig die bepalings van artikel sewe;

(e) een 'n verteenwoordiger is van die handel, en 'n persoon is wat nie regstreeks of onregstreeks by die handel in tabak betrokke is nie, en genomineer word deur die Minister; en

Definitions.

2. In this scheme, “the Act” means the Marketing Act, 1937 (Act No. 26 of 1937), as amended, and any expression to which in that Act a meaning has been assigned, bears, when used in this scheme, the same meaning; further, unless inconsistent with the context—

“board” means the Tobacco Industry Control Board established under the Tobacco Control Scheme Amendment Act, 1935 (Act No. 17 of 1935), as reconstituted in terms of section three;

“manufacture” means cut, twist, or otherwise prepared for purposes of trade, but does not include to cure by drying or sweating, nor the handling and manipulation of tobacco for the purpose of sale in leaf form; and the words “manufacturer”, “manufactured” and “manufacturing” bear corresponding meanings;

“Minister” means the Minister of Agricultural Economics and Marketing;

“producer”, in relation to—

(a) tobacco produced in the Republic of South Africa, means the person by whom or on whose behalf that tobacco was grown or the person to whom that tobacco was supplied as a consideration or a part of the consideration for the right to use the land on which, or on a portion whereof, it was grown, or the person to whom that tobacco was supplied as a consideration for services rendered;

(b) tobacco imported into the Republic of South Africa, the person who so imported that tobacco;

“sell” includes to offer, advertise, keep, expose, transmit, convey, deliver or prepare for sale or exchange or to dispose of for any consideration whatever or to transmit, convey or deliver in pursuance of a sale, exchange or disposal as aforesaid, and the words “seller”, “selling”, “sale” and “sold” have a corresponding meaning;

“tobacco” means tobacco of any of the classes mentioned in sub-section (1) of section one which has not been manufactured;

“Transkeian Territories” means the Magisterial Districts of Bizana, Butterworth, Elliotdale, Engcobo, Flagstaff, Idutywa, Kentani, Libode, Lusikisiki, Matatiele, Mount Ayliff, Mount Currie, Mount Fletcher, Mount Frere, Mqanduli, Ngqeleni, Nqamakwe, Port St. Johns, Qumbu, St. Marks, Tabankulu, Tsolo, Tsomo, Umtata, Umzimkulu, Willowvale, Xalanga;

“wholesale leaf dealer” means any person who purchases leaf tobacco from any person for resale to persons other than the individual consumers thereof.

Administration of Scheme and Constitution of Board.

3. This scheme shall be administered by the Tobacco Industry Control Board, established under section one of the Tobacco Control Amendment Act, 1935 (Act No. 17 of 1935), which shall for that purpose consist of sixteen members to be appointed by the State President, of whom—

(a) nine shall represent producers of tobacco who are members of co-operative societies or companies, and shall be nominated in accordance with the provisions of section five;

(b) one shall represent producers of tobacco who are not members of any co-operative society or company, and shall be nominated by the South African Agricultural Union;

(c) two shall represent large-scale manufacturers of tobacco, and shall be nominated in accordance with the provisions of section six;

(d) two shall represent small-scale manufacturers of tobacco, and shall be nominated in accordance with the provisions of section seven;

(e) one shall represent commerce and shall be a person not directly or indirectly connected with the trade in tobacco and shall be nominated by the Minister; and

- (f) een 'n amptenaar is van die Departement van Landbou-ekonomie en -bemarking en deur die Minister genomineer moet word.

Adviseurs van die raad.

4. (1) Die Minister kan een of meer amptenare van die Departement van Landbou-ekonomie en -bemarking, die Departement Landbou-tegniese Dienste en die Departement van Bantoe-administrasie en -ontwikkeling benoem om in adviserende hoedanigheid alle vergaderings of een of meer van die vergaderings van die raad of van 'n komitee van die raad by te woon, en elke amptenaar aldus aangestel het dieselfde regte as die lede van die raad of komitee waartoe hy benoem is, behalwe dat hy geen stem by 'n vergadering daarvan kan uitbring nie.

(2) Die raad kan hoogstens twee persone as adviserende lede van die raad koöpteer.

Nominasie van verteenwoordigers van produsente wat lede van 'n tabakkoöperasie is.

5. (1) Indien daar 'n vereniging bestaan van daardie koöperatiewe organisasies wat, volgens die oordeel van die Minister, verteenwoordigend is van tabakprodusente, dan het daardie vereniging die reg om die lede van die raad genoem in paragraaf (a) van artikel drie te nomineer, of, indien daar nie so 'n vereniging bestaan nie, is bedoelde koöperatiewe organisasies geregtig om, na onderlinge raadpleging, sodanige lede te nomineer: Met dien verstande dat indien daar 'n koöperatiewe organisasie bestaan wat volgens die oordeel van die Minister, verteenwoordigend is van produsente van Turkse tabak, daardie organisasie geregtig sal wees om een van bedoelde lede te nomineer.

(2) Van die lede genomineer ooreenkomstig subartikel (1) moet twee die produsente van oondgedroogde tabak in die Republiek van Suid-Afrika verteenwoordig, een die produsente van Turkse tabak in die Westelike Kaap-provinsie en een elk die tabakprodusente oor die algemeen in—

- (a) Noord-Transvaal;
- (b) Oos-Transvaal en Natal;
- (c) Sentraal-Transvaal;
- (d) Oranje-Vrystaat en Suidwes-Transvaal;
- (e) Suidwestelike Kaapprovinsie; en
- (f) Oostelike Kaapprovinsie.

(3) Niemand wat kragtens hierdie artikel genomineer is, mag as lid van die raad aangestel word nie tensy die Minister oortuig is dat hy verteenwoordigend is van die belange ten opsigte waarvan hy genomineer is.

Nominasie van verteenwoordigers van grootskaalse verwerkers.

6. Van die twee lede van die raad in paragraaf (c) van artikel drie genoem, verteenwoordig een die verwerkers van sigarette, elkeen waarvan nie minder nie as 15 persent van die totale hoeveelheid verwerkte sigarette gedurende die onmiddellik voorafgaande kalenderjaar verwerk het, en een die verwerkers van tabak anders as sigarette, elkeen waarvan nie minder nie as 15 persent van die totale hoeveelheid verwerkte tabak anders as sigarette gedurende die onmiddellik voorafgaande kalenderjaar verwerk het. Elkeen van die twee verteenwoordigers word genomineer deur 'n vereniging of organisasie wat na die mening van die Minister, verteenwoordigend is van sy groep verwerkers, naamlik—

- (i) verwerkers van sigarette; of
- (ii) verwerkers van tabak anders as sigarette;

en beide moet persone wees wat na die mening van die Minister geskik is om hierdie bepaalde groepe verwerkers van tabak te verteenwoordig: Met dien verstande egter dat geen maatskappy of organisasie op sigself, of deur bemiddeling van 'n ander maatskappy of organisasie direk of indirek daarmee verbonde, meer as een verteenwoordiger in die raad het nie.

- (f) one shall be an officer of the Department of Agricultural Economics and Marketing and nominated by the Minister.

Advisors to the Board.

4. (1) The Minister may nominate one or more officers of the Department of Agricultural Economics and Marketing, the Department of Agricultural Technical Services and the Department of Bantu Administration and Development to attend all or one or more of the meetings of the board or of a committee of the board in an advisory capacity, and any officer so appointed shall have the same rights as the members of the board or committee to which he has been appointed, save that he shall not have the right to vote at any meeting thereof.

(2) The board may co-opt not more than two persons as advisory members thereof.

Nomination of Representatives of Producers who are Members of a Tobacco Co-operative.

5. (1) If there is in existence an association of those co-operative organisations which, in the opinion of the Minister, are representative of tobacco producers, that association shall be entitled to nominate the members of the board referred to in paragraph (a) of section three, or, if there is no such association in existence, the said co-operative organisations shall be entitled after mutual consultation, to nominate such members: Provided that if there is in existence a co-operative organisation which, in the opinion of the Minister, is representative of producers of Turkish tobacco, that organisation shall be entitled to nominate one of such members.

(2) Of the members nominated in terms of sub-section (1), two shall represent producers of flue-cured tobacco in the Republic of South Africa, one shall represent producers of Turkish tobacco in the Western Cape Province and one each shall represent producers of tobacco generally in—

- (a) the Northern Transvaal;
- (b) the Eastern Transvaal and Natal;
- (c) the Central Transvaal;
- (d) the Orange Free State and the South-western Transvaal;
- (e) the South-western Cape Province; and
- (f) the Eastern Cape Province.

(3) No person nominated under this section shall be appointed as a member of the board unless the Minister is satisfied that he is representative of the interests in respect of which he has been nominated.

Nomination of Representatives for Large-scale Manufacturers.

6. Of the two members of the board referred to in paragraph (c) of section three, one shall represent those manufacturers of cigarettes, each of whom has manufactured not less than 15 per cent of the total quantity of cigarettes manufactured during the immediately preceding calendar year, and one shall represent those manufacturers of tobacco other than cigarettes, each of whom has manufactured not less than 15 per cent of the total quantity of tobacco other than cigarettes manufactured during the immediately preceding calendar year. Each of the two representatives shall be nominated by an association or organisation which is in the opinion of the Minister, representative of his group of manufacturers, namely—

- (i) manufacturers of cigarettes; or
- (ii) manufacturers of tobacco other than cigarettes;

and both shall be persons who are, in the opinion of the Minister, suitable to represent these specific groups of manufacturers of tobacco: Provided that no company or organisation by itself, or through another company or organisation allied to it directly or indirectly, shall have more than one representative on the board.

Nominasie van verteenwoordigers van kleinskaalse verwerkers.

7. Van die twee lede van die raad in paragraaf (d) van artikel drie genoem, verteenwoordig een die verwerkers van sigarette, elkeen waarvan minder as 15 persent van die totale hoeveelheid verwerkte sigarette gedurende die onmiddellik voorafgaande kalenderjaar verwerk het, en een die verwerkers van tabak anders as sigarette, elkeen waarvan minder as 15 persent van die totale hoeveelheid verwerkte tabak anders as sigarette, gedurende die onmiddellik voorafgaande kalenderjaar verwerk het. Elkeen van die twee verteenwoordigers word genomineer deur 'n vereniging of organisasie wat na die mening van die Minister, verteenwoordigend is van sy groep verwerkers, naamlik—

(i) verwerkers van sigarette; of

(ii) verwerkers van tabak anders as sigarette;

en beide moet persone wees wat na die mening van die Minister geskik is om hierdie bepaalde groepe verwerkers van tabak te verteenwoordig: Met dien verstande egter dat geen maatskappy of organisasie op sigself, of deur bemiddeling van 'n ander maatskappy of organisasie direk of indirek daarmee verbonde, meer as een verteenwoordiger in die raad het nie.

Kennisgewing om verteenwoordigers te nomineer.

8. Wanneer 'n nominasie ooreenkomstig paragraaf (b) van artikel drie, of ooreenkomstig artikel vyf, ses of sewe nodig word, moet die Minister die betrokke vereniging of organisasie by skriftelike kennisgewing aansê of laat aansê om binne 'n tydperk in die kennisgewing vasgestel, sodanige persoon of persone te nomineer as wat dit ooreenkomstig die betrokke artikel geregtig is om vir aanstelling op die raad te nomineer.

Indien geen geskikte persoon benoem word nie, kan die Minister benoem.

9. Indien iemand wat soos voormeld benoem is, volgens die Minister se oordeel nie geskik is om as lid van die raad aangestel te word nie, of in die geval van 'n benoeming ingevolge paragraaf (b) van artikel drie of ooreenkomstig artikel vyf, ses of sewe, onbevoeg is om lid van die raad te wees, kan die Minister die benoeming na die betrokke organisasie of vereniging terugverwys en die organisasie of vereniging aansê om iemand anders vir aanstelling op die raad te benoem, en indien dié organisasie of vereniging daarop weer iemand benoem wat volgens die Minister se oordeel ongeskik of onbevoeg is, soos voormeld, of wanneer die organisasie of vereniging in gebreke bly om iemand te benoem, kan die Minister self, onderworpe aan die bepalings van voornoemde artikels, iemand benoem wat hy geskik ag om lid van die raad te wees.

Indien geen vereniging of organisasie bestaan nie, kan die Minister benoem.

10. Indien 'n vereniging of organisasie soos bedoel in paragraaf (b) van artikel drie of in artikel vyf, ses of sewe, nie bestaan nie, kan die Minister self 'n persoon of persone nomineer vir aanstelling op die raad om die betrokke belange te verteenwoordig.

Ampsduur van lede van raad.

11. (1) Behoudens die bepaling van subartikel (5) van artikel sewe-en-twintig word die lede van die raad aangestel vir 'n tydperk van twee jaar: Met dien verstande dat die lid waarna verwys word in paragraaf (f) van artikel drie sy amp beklee solank dit die Staatspresident behaag.

(2) Na verstryking van die tydperk waarvoor hulle aangestel is, moet lede hul amp beklee totdat hul opvolgers aangestel is, maar in geen geval vir 'n langer tydperk as drie maande nie.

(3) Aftredende lede kan weer aangestel word.

(4) Wanneer die setel van 'n lid van die raad om een of ander rede vakant word voor afloop van die tydperk waarvoor hy aangestel is, kan die Minister iemand anders aanstel om die vakature te vul totdat die tydperk waarvoor die uitgetrede lid aangestel was, verstryk is.

Nomination of Representatives for Small-scale Manufacturers.

7. Of the two members of the board referred to in paragraph (d) of section three, one shall represent those manufacturers of cigarettes, each of whom has manufactured less than 15 per cent of the total quantity of cigarettes manufactured during the immediately preceding calendar year, and one shall represent those manufacturers of tobacco, other than cigarettes, each of whom has manufactured less than 15 per cent of the total quantity of tobacco other than cigarettes manufactured during the immediately preceding calendar year. Each of the two representatives shall be nominated by an association or organisation which is, in the opinion of the Minister, representative of his group of manufacturers, namely—

(i) manufacturers of cigarettes; or

(ii) manufacturers of tobacco other than cigarettes;

and both shall be persons who are, in the opinion of the Minister, suitable to represent these specific groups of manufacturers of tobacco: Provided that no company or organisation by itself, or through another company or organisation allied to it directly or indirectly, shall have more than one representative on the board.

Notice to Nominate Representatives.

8. Whenever any nomination in terms of paragraph (b) of section three or in terms of section five, six or seven, becomes necessary, the Minister shall call upon the association or organisation concerned, or cause it to be called upon, by notice in writing, to nominate within a period fixed by such notice, such person or persons as it is entitled, in terms of the relevant section, to nominate for appointment to the board.

If no Suitable Persons Nominated, Minister may Nominate.

9. If any person nominated as aforesaid is, in the opinion of the Minister, not suitable for appointment as a member of the board, or in case of a nomination made under paragraph (b) of section three or in terms of section five, six or seven, not qualified to be a member of the board, the Minister may refer that nomination back to the organisation or association concerned, and call upon that organisation or association to nominate some other person for appointment to the board, and if that organisation or association thereupon again nominates a person who is, in the opinion of the Minister, not suitable or not qualified, as aforesaid, or whenever the organisation or association fails to nominate any person, the Minister may himself, subject to the provisions of the aforesaid sections, nominate any person whom he considers fit to be a member of the board.

If no Association or Organisation Exists, Minister may Nominate.

10. If any association or organisation referred to in paragraph (b) of section three, or in section five, six or seven, is not in existence, the Minister may himself nominate a person or persons for appointment to the board to represent the interests concerned.

Tenure of Office of Members of the Board.

11. (1) Subject to the provisions of sub-section (5) of section twenty-seven the members of the board shall be appointed for a period of two years: Provided that the member referred to in paragraph (f) of section three shall hold office during the State President's pleasure.

(2) Upon the expiration of the period for which they were appointed, members shall continue to hold office until their successors have been appointed, but in no case for a further period of more than three months.

(3) Retiring members shall be eligible for re-appointment.

(4) Whenever for any reason the office of any member of the board becomes vacant 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 the period for which the vacating member was appointed.

(5) Wanneer die Minister oortuig is dat 'n lid van die raad weens siekte, afwesigheid of om 'n ander rede verhinder word om sy ampswerksaamhede te verrig, kan die Minister iemand anders aanstel om as plaasvervanger van daardie lid op te tree solank hy aldus verhinder word.

(6) Wanneer 'n raadslid sonder verlof van die raad van drie agtereenvolgende raadsvergaderings afwesig was en niemand ooreenkomstig subartikel (5) aangestel is om as sy plaasvervanger op te tree nie, hou hy op om lid van die raad te wees.

Verkieping en ampsduur van voorsitter.

12. (1) Die raad moet een van sy lede tot voorsitter kies wat sy amp as sodanig beklee vir een jaar tot verstryking van die tydperk waarvoor hy as lid van die raad aangestel is, watter tydperk die kortste mag wees, en wat herkiesbaar is.

(2) Wanneer die voorsitter om enige rede nie sy pligte kan waarneem nie, moet die raad een van sy ander lede aanstel om as voorsitter te ageer vir sodanige tydperk as wat hy mag vasstel.

Vergaderings van die raad.

13. (1) Die voorsitter van die raad kan self te eniger tyd 'n vergadering van die raad byeenroep wat gehou moet word op 'n dag en plek wat hy vasstel, en moet op skriftelike versoek van minstens ses lede van die raad, 'n spesiale vergadering aldus byeenroep.

(2) Die vergaderings van die raad word byeengeroep by kennisgewing deur of op las van die voorsitter.

Kworum, meerderheidsbeslissing en beslissende stem van voorsitter.

14. (1) Tien lede van die raad maak 'n kworum uit vir enige vergadering van die raad.

(2) Die beslissing van die meerderheid van die raadslede wat op 'n vergadering van die raad aanwesig is, maak 'n beslissing van die raad uit. Met dien verstande dat by 'n staking van stemme die voorsitter benewens sy beraadslagende stem ook 'n beslissende stem het.

Komitees van die raad.

15. (1) Die raad kan, met die Minister se toestemming en onderworpe aan sulke voorwaardes as die raad mag stel, een of meer komitees uit sy lede benoem en, na goeddunke, van sy eie bevoegdhede aan so 'n komitee oordra. Met dien verstande dat die raad nog beklee bly met enige bevoegdheid wat hy aan so 'n komitee mag oordra.

(2) Die voorsitter van die raad is *ex officio* lid van elke komitee wat die raad aanstel en kan te eniger tyd 'n vergadering van 'n komitee belê om gehou te word op 'n dag en plek deur hom bepaal.

(3) 'n Besluit van die meerderheid van al die lede van 'n komitee maak 'n besluit van die komitee uit.

Boekjaar.

16. Die boekjaar onder hierdie skema is vanaf die eerste dag van Mei in elke jaar tot die dertigste dag van April in die volgende jaar.

Ouditering.

17. (1) Die rekenings en boeke van die raad word jaarliks geouditeer deur die Kontroleur en Ouditeur-generaal wat vir die doeleindes van so 'n ouditering een of meer persone kan aanstel om hom, onderworpe aan die voorskrifte wat hy goedgevind, behulpzaam te wees.

(2) 'n Bedrag wat deur die Tesourie na raadpleging met die Minister en die Kontroleur en Ouditeur-generaal bepaal word, word deur die raad aan die Tesourie ten opsigte van so 'n ouditering bepaal.

Bevoegdhede van die raad.

18. Die raad is bevoeg—

(a) om sodanige dienaars aan te stel, teen sodanige besoldiging en op sodanige voorwaardes as wat hy mag bepaal en om eiendom aan te skaf of te huur wat hy nodig ag vir die behoorlike verrigting van sy werksaamhede en vir die bereiking van die doel van die skema;

(5) Whenever the Minister is satisfied that any member of the board is prevented by illness, absence or any other cause from performing the duties of his office, the Minister may appoint any other person to act as the deputy of that member while he is so prevented.

(6) Whenever a member of the board has without its leave absented himself from three consecutive meetings of the board, and no other person has been appointed to act as his deputy in terms of sub-section (5), he shall cease to be a member of the board.

Election and Tenure of Office of Chairman.

12. (1) The board shall elect from amongst its members a chairman who shall hold office as such for a period of one year or until the expiration of the period for which he was appointed as a member of the board, whichever shall be the shorter period, and who shall be eligible for re-election.

(2) Whenever for any reason the chairman is unable to perform his duties, the board shall elect another of its members to act as chairman for such period as it may determine.

Meetings of the Board.

13. (1) The chairman of the board may at any time call a meeting of the board, to be held on a day and at a place to be appointed by him, and shall so call a special meeting if requested thereto in writing by not less than six members of the board.

(2) The meetings of the board shall be convened by notice given by or on the direction of the chairman.

Quorum, Majority Decision and Chairman's Casting Vote.

14. (1) Ten members of the board shall form a quorum at any meeting of the board.

(2) The decision of the majority of the members of the board present at any meeting thereof shall constitute the decision of the board: Provided that in the event of an equality of votes, the chairman shall have a casting vote in addition to his deliberative vote.

Committees of Board.

15. (1) The board may, with the consent of the Minister and subject to such conditions as the board may impose, appoint one or more committees from its members and invest any such committee with such of its powers as it may deem fit: Provided that the board shall not be divested of any power with which it may invest any such committee.

(2) The chairman of the board shall *ex officio* be a member of any committee appointed by the board and may at any time convene a meeting of a committee, to be held on a day and at a place to be determined by him.

(3) The decision of the majority of all members of a committee shall constitute a decision of the committee.

Financial Year.

16. The financial year under this scheme shall be from the first day of May in each year to the thirtieth day of April in the following year.

Audit.

17. (1) The accounts and books of the board shall be audited annually by the Controller and Auditor-General, who may, for the purpose of such audit, appoint one or more persons to assist him subject to such directions as he may deem fit.

(2) An amount which shall be determined by the Treasury after consultation with the Minister and the Controller and Auditor-General, shall be paid by the board to the Treasury in respect of such audit.

Powers of the Board.

18. The board shall have power—

(a) to appoint such servants at such remuneration and on such conditions as it may determine, and to acquire or hire such property as it may consider necessary for the proper performance of its functions and for the attainment of the objects of the scheme;

- (b) om met die Minister se goedkeuring die toelaes vas te stel wat uit die raad se fondse aan sy lede en sy adviserende lede betaal moet word;
- (c) om met die Minister se goedkeuring geld te leen wat aangewend moet word tot verwesenliking van die doel van die skema en om sy fondse te gebruik vir enige doel wat volgens die raad se oordeel tot voordeel sal wees van die produksie en bemarking van tabak;
- (d) om geld of eiendom aan te neem wat by wyse van geskenk, toekenning of andersins aan die raad gegee word, en om sodanige geld of eiendom te gebruik op 'n wyse wat die Minister goedkeur;
- (e) om uit sy fondse alle skulde te betaal wat hy mag of moet maak by die uitoefening van sy werksaamhede onder hierdie skema;
- (f) om 'n inligtingsdiens in te stel ten einde produsente van tyd tot tyd in te lig aangaande bemarkingstoestande oor die algemeen of aangaande die toestand van 'n besondere mark, en om sodanige inligting aangaande die tabaknywerheid te versprei as wat hy ag in die belang van daardie nywerheid te wees;
- (g) om met enigeen saam te werk by die verrigting van enigiets waartoe die raad bevoeg is;
- (h) om iemand wat tabak uitvoer, te gelas om enige hoeveelheid daarvan wat hy uitvoer, aan of deur die raad of die persone of agentskappe (met inbegrip van enige agentskap deur die raad aangestel) wat die raad aanwys, te versend of van die hand te sit;
- (i) om van elke persoon wat betrokke is by die produksie, bemarking of verwerking van tabak te vereis dat hy aan die raad alle inligting met betrekking tot tabak moet verstrek waarvoor bedoelde persoon beskik en wat die raad mag spesifiseer;
- (j) om deur middel van toekenning of lening of op 'n ander wyse, hulp te verleen aan ondernemings vir die opberging of herkondisionering van tabak met dien verstande dat geen sodanige lening vir 'n langer termyn as twaalf maande mag wees nie en om deur middel van toekenning of lening of op ander wyse hulp te verleen in verband met navorsingswerk betreffende die verbetering, produksie, verwerking en bemarking van tabak;
- (k) om die Minister te adviseer aangaande—
- die voorwaardes wat betref grade, kwaliteitstandaarde, verpakkingsmetodes en die merking van tabak of 'n houër of omslag wat dit bevat, waarop tabak verkoop mag word;
 - die verbod op, en die beheer of reëling van die invoer of uitvoer van tabak;
 - alle aangeleenthede betreffende die bemarking of verwerking van tabak; en
 - enigiets anders waaromtrent die raad dit mag goeddink om aanbevelings by die Minister te maak;
- (l) om uit sy fondse aan enigeen wat tabak uitvoer na enige land, gebied of streek buite die Republiek van Suid-Afrika, behalwe Suid-Rhodesië, Noord-Rhodesië, die Protektorate van Basoetoland, Swaziland, Betsjoeanaland of die mandaatgebied van Suidwes-Afrika, 'n vergoeding te betaal wat kan wissel volgens die klas, graad, standaard of kwaliteit van die uitgevoerde tabak, en waarvan tabak laer as 'n vasgestelde kwaliteit uitgesluit kan word;
- (m) om middele te ontwerp vir die gebruik van surplus-tabak;
- (n) om vir die uitvoering van die bepalings van hierdie skema enigiemand oor die algemeen of in 'n besondere geval te magtig om op alle redelike tye—
- 'n plek te betree wat geokkupeer word deur 'n persoon wat 'n produsent is of vermoed word 'n produsent van tabak te wees, of 'n persoon wat as 'n besigheid met tabak handel of vermoed word as 'n besigheid daarmee te handel, of 'n plek of voertuig waarin of waarop daar tabak deur enige persoon gehou word of na vermoede gehou word vir 'n ander doel dan verbruik deur die eienaar van die tabak of deur lede van sy huisgesin;
- (b) with the approval of the Minister, to determine the allowance payable out of the funds of the board to its members and its advisory members;
- (c) with the approval of the Minister, to borrow money to be used for the purpose of attaining the objects of the scheme, and to utilise its funds for any object which in its opinion will be to the advantage of the production and marketing of tobacco;
- (d) to accept money or property given to the board by way of donation, grant or otherwise and to utilise such money or property in such manner as the Minister may approve;
- (e) to pay out of its funds all debts which it may, or is required to incur in the exercise of its functions under this scheme;
- (f) to establish an information service in order to advise producers from time to time about marketing conditions in general or about the condition of any particular market, and to disseminate such information concerning the tobacco industry as it considers to be in the interests of that industry;
- (g) to co-operate with any person in doing any act which the board may perform;
- (h) to require any person who exports tobacco to consign or dispose of any quantity thereof which he exports to or through the board or such persons or agencies (including an agency established by the board) as it may designate;
- (i) to require every person concerned in the production, marketing or processing of tobacco to furnish the board with such information relating to tobacco as may be available to such person and as the board may specify;
- (j) to assist, by grant or loan or otherwise, any undertaking for storing or reconditioning tobacco provided that any such loan shall not be for a period exceeding twelve months, and to assist by grant or loan or otherwise any research work relating to the improvement, production, processing and marketing of tobacco;
- (k) to advise the Minister as to—
- the conditions, regarding grades, standards of quality, methods of packing, and the marking of any tobacco or any receptacle or cover containing it, subject to which any tobacco may be sold;
 - the prohibition, control or regulation of the importation or export of tobacco;
 - all matters relating to the marketing or processing of tobacco; and
 - any other matter in regard to which the board may deem it expedient to make recommendations to the Minister;
- (l) to pay out of its funds to any person who exports tobacco to any country, territory or area outside the Republic of South Africa, except Southern Rhodesia, Northern Rhodesia, the Protectorates of Basutoland, Swaziland and Bechuanaland or the Mandated Territory of South West Africa, a compensation which may vary according to the class, grade, standard or quality of the tobacco exported and from which may be excluded tobacco below a specified quality;
- (m) to devise means for the use of surplus tobacco;
- (n) for the purpose of the enforcement of the provisions of this scheme, to empower any person generally or in any particular case at all reasonable hours—
- to enter any place occupied by any person who is or is suspected to be a producer of tobacco or person dealing in the course of trade with tobacco, or any place or vehicle in or upon which there is kept, or is suspected to be kept any tobacco by any person for any purpose other than consumption by the owner of such tobacco or by the members of his household;

- (ii) sodanige tabak te inspekteer en alle boeke en stukke op bedoelde plek of in of op bedoelde voertuig na te gaan wat op redelike gronde vermoed word op daardie tabak betrekking te hê en afskrifte van, of uittreksels uit die boeke of stukke te maak;
- (iii) van die eienaar van daardie tabak of die persoon wat daardie tabak in bewaring het, inligting aangaande daardie tabak te eis;
- (iv) van die eienaar van sodanige boek of stuk of die persoon wat dit in bewaring het, 'n verklaring van aantekeninge daarin te eis;
- (v) beslag te lê op boeke, stukke of artikels wat bewys kan lewer van 'n misdryf ingevolge die Bemerkingswet of die Tabakreëlinskema of kragtens daarvan uitgevaardigde regulasie gepleeg, of op enige hoeveelheid van sodanige tabak ten opsigte waarvan so 'n misdryf vermoedelik gepleeg is, en om boeke, stukke of artikels of enige hoeveelheid van sodanige tabak waarop aldus beslag gelê is, van die betrokke plek of voertuig te verwyder of dit op bedoelde plek of voertuig te laat en na goeddunke op so 'n boek, stuk, artikel of tabak, of die houer daarvan enige identifikasiemerk wat hy nodig ag, aan te bring;
- (vi) van sodanige tabak, met inbegrip van enige hoeveelheid daarvan waarop kragtens die voorafgaande paragraaf beslag gelê is, monsters te neem, en sodanige monsters te ondersoek, te ontleed of te gradeer of te laat ondersoek, ontleed of gradeer;
- (o) om met die Minister se goedkeuring 'n produsent van tyd tot tyd te belet om tabak te verkoop behalwe sodanige klas, graad, hoeveelheid of persentasie daarvan as wat die raad vasgestel het, of behalwe vir 'n doel wat die raad bepaal het;
- (p) om met die Minister se goedkeuring, van tyd tot tyd, enigiemand, of enige persoon wat tot enige klas of groep persone behoort of enige ander persoon as 'n persoon wat tot 'n klas of groep persone behoort te verbied om enige hoeveelheid tabak of enige klas of graad daarvan te verkry, te verkoop of van die hand te sit teen 'n ander, of 'n laer of hoër prys as 'n prys deur die raad vasgestel of bereken ooreenkomstig 'n basis deur die raad bepaal vir tabak of vir sodanige klas, graad of hoeveelheid daarvan;
- (q) om met die Minister se goedkeuring, die rekords wat gehou moet word, die tydperk waarvoor so 'n rekord gehou moet word en die opgawes wat aan die raad verstrekk moet word deur enige persoon of klas of groep persone wat tabak produseer of wat daarmee as 'n besigheid handel, voor te skryf, asook die tye waarop, die vorm waarin en die wyse waarop die opgawes aldus verstrekk moet word.

Heffing op tabak.

19. (1) Die raad kan, met die Minister se goedkeuring, 'n heffing oplê op tabak op sodanige basis as wat die raad mag bepaal: Met dien verstande dat sodanige heffing nie die tarief van vyftien sent per 100 pond tabak oorskry nie.

(2) Enige heffing kragtens subartikel (1) opgelê, moet aan die raad betaal word op sodanige tye en op sodanige wyse as wat by regulasie ingevolge die Wet voorgeskryf mag word, en sodanige heffing is betaalbaar—

- (a) in die geval van tabak verkoop of uitgevoer deur 'n agent aangestel kragtens artikel twee-en-twintig, deur daardie agent;
- (b) in die geval van tabak ingevoer deur 'n persoon wat met tabak as 'n besigheid handel, deur sodanige invoerder;
- (c) in die geval van tabak verkoop of op 'n ander wyse van die hand gesit deur 'n produsent, insluitende 'n produsent in die Transkeiegebied, aan enige persoon wat met tabak as 'n besigheid handel, anders as 'n agent van die raad kragtens artikel twee-en-twintig aangestel deur sodanige persoon;

- (ii) to inspect any such tobacco and to examine all books and documents at any such place or in or upon any such vehicle which are believed, upon reasonable grounds, to relate to such tobacco, and to make copies of or take extracts from such books and documents;
- (iii) to demand from the owner or custodian of any such tobacco any information concerning such tobacco;
- (iv) to demand from the owner or custodian of any such book or document an explanation of any entry therein;
- (v) to seize any books, documents or articles which may afford evidence of the commission of an offence under the Marketing Act or the Tobacco Control Scheme or any regulation made thereunder, or any quantity of such tobacco in respect of which any such offence is suspected to have been committed, and to remove from the place or vehicle in question or to leave at such place or on such vehicle any books, documents, or articles or any quantity of such tobacco which has been so seized, and if deemed fit, to place on any such book, document, article or tobacco, or on the container thereof any identification mark which he may consider necessary;
- (vi) to take samples of any such tobacco, including any quantity thereof which has been seized in terms of the preceding paragraph, and to examine, analyse or grade such samples or cause them to be examined, analysed or graded;
- (o) with the approval of the Minister from time to time to prohibit any producer from selling tobacco, except such class, grade, quantity or percentage thereof as the board has determined or except for such purposes as the board has defined;
- (p) with the approval of the Minister from time to time to prohibit 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 acquiring, selling or disposing of any quantity of tobacco or any class or grade thereof at a price other than or below or above a price fixed by the board, or calculated in accordance with a basis determined by the board for tobacco or for such class, grade or quantity thereof;
- (q) with the approval of the Minister to prescribe the records to be kept, the period for which any such record shall be retained, and the returns to be rendered to the board by any person or class or group of persons producing or dealing in the course of trade with tobacco and the times at which and the form and manner in which such returns shall be rendered.

Levy on Tobacco.

19. (1) The board may, with the approval of the Minister impose a levy on tobacco in such basis as the board may determine: Provided that such levy shall not exceed the rate of fifteen cents per 100 pounds tobacco.

(2) Any levy imposed under sub-section (1) shall be paid to the board at such times and in such manner as may be prescribed by regulation under the Act, and such levy shall be payable—

- (a) in the case of tobacco sold or exported by an agent appointed under section twenty-two, by that agent;
- (b) in the case of tobacco imported by a person dealing with tobacco in the course of trade, by such importer;
- (c) in the case of tobacco sold or otherwise disposed of by a producer, including a producer in the Transkeian Territories, to any person dealing in the course of trade with tobacco, other than an agent of the board appointed under section twenty-two, by such person;

- (d) in die geval van tabak vervaardig deur of ten behoeve van 'n produsent, en verkoop aan of op 'n ander wyse van die hand gesit, aan 'n persoon wat met tabak as 'n besigheid handel, deur sodanige persoon.

Spesiale heffing op tabak.

20. Die raad kan, met die Minister se goedkeuring, en op sodanige basis as wat die raad mag bepaal, 'n spesiale heffing op lê op tabak en vir die doeleindes van sodanige spesiale heffing is die bepalings van subartikel (2) van artikel negentien *mutatis mutandis* van toepassing.

Instelling van fondse.

21. (1) Die raad stel 'n fonds in, bekend as die tabak-heffingsfonds, wat deur die raad bestuur en beheer word waarin alle gelde deur die raad ontvang, met inbegrip van gelde verkry uit enige heffing opgelê kragtens artikel negentien gestort word en waaruit alle betalings deur die raad gedoen word.

(2) Ondanks die bepalings van subartikel (1) stel die raad 'n spesiale fonds in, waarin die opbrengs van enige spesiale heffing opgelê kragtens artikel twintig en sodanige ander bedrae tot die beskikking van die raad as wat die Minister mag goedkeur, gestort word, en die raad beskik oor enige gelde in hierdie fonds op sodanige wyse as wat die Minister mag goedkeur.

(3) Die raad stel een of meer reserwefondse in waarin sodanige bedrae tot die beskikking van die raad gestort word as wat die Minister van tyd tot tyd mag goedkeur of wat hy na afloop van enige boekjaar onder die skema en na oorlegpleging met die raad mag bepaal, en die raad beskik oor enige gelde in sodanige fonds op sodanige wyse as wat die Minister mag goedkeur.

Verbod op verkoop van tabak deur produsente.

22. (1) Die raad kan, met die Minister se goedkeuring, enige produsent van tabak in die Republiek van Suid-Afrika uitgesonderd die Transkeigebied, belet om tabak te verkoop deur 'n ander kanaal as 'n agentskap wat die raad mag aanwys, en kan vir daardie doel ten opsigte van sodanige gebiede en op sodanige voorwaardes as wat hy mag goedvind, agente aanstel met magtiging om sodanige agentskappe vir die verkoop van tabak ten behoeve van produsente te dryf.

(2) 'n Verbod opgelê kragtens subartikel (1) is, behoudens die bepalings van daardie subartikel, van toepassing in sodanige gebiede as wat die raad spesifiseer.

(3) Wanneer die raad 'n koöperatiewe vereniging of 'n koöperatiewe maatskappy, wat nie 'n sentrale of federale koöperatiewe maatskappy is nie, as 'n agent onder subartikel (1) aanstel, moet dit 'n voorwaarde van sodanige aanstelling wees dat—

- (a) die regulasies van daardie vereniging of maatskappy deur die raad goedgekeur moet word; en dat
- (b) 'n produsent wat nie 'n lid van sodanige vereniging of maatskappy is nie en wat ingevolge 'n verbod opgelê kragtens subartikel (1) tabak aan daardie vereniging of maatskappy vir verkoop lewer, ten opsigte van die lewering van daardie tabak aan, en die verkoop daarvan deur, sodanige vereniging of maatskappy, onderhewig moet wees aan al die voorwaardes en verpligtings waaraan hy onderhewig sou gewees het indien hy 'n lid van bedoelde vereniging of maatskappy was.

(4) Elke agent (behalwe 'n koöperatiewe vereniging of koöperatiewe maatskappy) met inbegrip van 'n sentrale of federale koöperatiewe maatskappy, wat vir die doel van hierdie artikel aangestel word—

- (a) is geregtig om van die bedrag verkry uit die verkoop van tabak ten behoeve van 'n produsent, vergoeding af te trek volgens sodanige skaal as wat die raad bepaal: Met dien verstande dat die skaal aldus bepaal, mag verskil ten opsigte van verskillende gebiede;
- (b) moet, by aflewering van tabak aan hom deur 'n produsent vir verkoop ten behoeve van daardie produsent aan sodanige produsent 'n voorskot betaal tot 'n bedrag verteenwoordigende 'n persentasie van sodanige waardasie per pond van daardie tabak as wat hy van tyd tot tyd vasstel;

- (d) in the case of tobacco manufactured by or on behalf of a producer, and sold to, or otherwise disposed of to a person dealing with tobacco in the course of trade, by such person.

Special Levy on Tobacco.

20. The board may, with the approval of the Minister and on such basis as the board may determine, impose a special levy on tobacco and for the purposes of such special levy the provisions of sub-section (2) of section nineteen shall *mutatis mutandis* apply.

Establishment of Funds.

21. (1) The board shall establish a fund to be known as the Tobacco Levy Fund, to be administered and controlled by the board, into which shall be paid all moneys received by the board, including any moneys derived from any levy imposed under section nineteen and from which all payments by the board shall be made.

(2) Notwithstanding the provisions of sub-section (1) the board shall establish a special fund, and pay into this fund the proceeds of any special levy imposed under section twenty and such other amounts at the board's disposal as may be approved by the Minister, and the board shall deal with any moneys in this fund in such manner as may be approved by the Minister.

(3) The board shall establish one or more reserve funds into which shall be paid such amounts at the disposal of the board as may from time to time be approved by the Minister or as may after consultation with the board be determined by him after the end of any financial year under the scheme, and the board shall deal with any moneys in any such fund in such manner as may be approved by the Minister.

Prohibition of Sale of Tobacco by Producers.

22. (1) The board may, with the approval of the Minister, prohibit any producer of tobacco in the Republic of South Africa excluding the transkeian Territories from selling through any channel other than such agency as the board may determine, and may for that purpose appoint in respect of such areas—and on such conditions as it may deem fit, agents who shall be authorised to conduct such agencies for the sale of tobacco on behalf of producers.

(2) Any prohibition imposed in terms of sub-section (1) may subject to the provisions of that sub-section, apply in respect of such areas as the board may specify.

(3) Whenever the board appoints any co-operative society or co-operative company, not being a central or federal co-operative company, as an agent under sub-section (1), it shall be a condition of such appointment that—

- (a) the regulations of such society or company are approved by the board; and
- (b) any producer who is not a member of such society or company and who delivers tobacco to such society or company for sale in pursuance of a prohibition imposed in terms of sub-section (1) shall, in respect of the delivery of such tobacco to, and the sale thereof by, such society or company, be subject to all such conditions and obligations as he would have been subject to had he been a member of the said society or company.

(4) Any agent (other than a co-operative society or co-operative company) including a central or federal co-operative company, appointed for the purpose of this section shall—

- (a) be entitled to deduct from the amount realised from the sale of tobacco on behalf of any producer, remuneration at such a rate as may be determined by the board: Provided that the rate of remuneration so determined may vary in respect of different areas;
- (b) on delivery to him by any producer of tobacco for sale on behalf of that producer, pay to such producer an advance of an amount representing a percentage of such valuation per pound of that tobacco as may from time to time be determined by him;

(c) moet, vir die doeleindes van verkoop en van bereiding vir verkoop al die tabak wat gedurende die boekjaar van daardie agent deur produsente aan hom gelever word vir verkoop ten behoeve van hulself verpoel ooreenkomstig sodanige klassifikasies as wat die raad goedkeur; en

(d) moet, so spoedig doenlik na afloop van sy boekjaar en nadat al die tabak aldus gedurende daardie boekjaar afgelever vir verkoop ten behoeve van produsente verkoop is, die netto bedrag bereken wat, ten opsigte van daardie tabak van elke klassifikasie goedgekeur deur die raad onder paragraaf (c), verkry is uit die verkoop van daardie tabak, deur van die bruto bedrag aldus verkry af te trek—

(i) vergoeding teen die skaal vasgestel deur die raad;

(ii) 'n bedrag verteenwoordigende die heffing, as daar is, wat betaalbaar is op daardie tabak ingevolge artikel *negentien* en die spesiale heffing betaalbaar ingevolge artikel *twintig* onderskeidelik; en

(iii) die koste verbonde aan die verkoop van daardie tabak, waarby ingesluit word koste van hantering, gradering, bereiding vir verkoop en verpakking en sodanige ander koste as wat die raad goedkeur;

en moet daarna die netto bedrag, aldus bereken, verdeel onder produsente wat gedurende daardie boekjaar tabak van daardie klassifikasie aan hom vir verkoop gelever het, in verhouding met die totale waardasie van die onderskeie hoeveelhede tabak van daardie klassifikasie wat deur daardie produsente gelever is gedurende daardie boekjaar bereken op die grondslag van die waardasie vasgestel onder paragraaf (b), en van die bedrag aan elke produsent betaalbaar, word afgetrek die voorskot wat aan daardie produsent betaal is onder genoemde paragraaf.

Registrasie van verwerkers en groothandelaars in blaartabak.

23. (1) Geen verwerker of groothandelaar in blaartabak mag tabak koop of verkoop tensy hy by die raad geregistreer is nie, en geen sodanige persoon word aldus geregistreer nie tensy hy voldoen het aan die voorskrifte wat by regulasie kragtens die Wet voorgeskryf mag wees en die raad sy registrasie goedkeur.

(2) Die raad kan die registrasie van 'n verwerker of groothandelaar in blaartabak onder subartikel (1) goedkeur op voorwaardes wat die raad stel, en kan die registrasie van so 'n persoon intrek as hy 'n vereiste aldus voorgeskryf of 'n voorwaarde aldus gestel of 'n bepaling van hierdie skema of 'n verbod, voorskrif of bevel daaronder uitgevaardig, oortree het of versuim het om daaraan te voldoen.

(3) Elke verwerker of groothandelaar in blaartabak wie se registrasie onder hierdie artikel deur die raad afgekeur of ingetrek is, kan hom op die Minister beroep teen sodanige afkeuring of intrekking.

Differensiering tussen gebiede en klasse tabak.

24. 'n Voorskrif van, of 'n verbod opgelê of besluit geneem deur die raad met betrekking tot 'n gebied binne die Republiek van Suid-Afrika of 'n klas of graad tabak, kan verskil van so 'n voorskrif of verbod of besluit wat betrekking het op 'n ander sodanige gebied of 'n ander klas of graad tabak.

Opheffing van skema.

25. Ingeval hierdie skema opgehef word, moet die bate van die raad tot geld gemaak en die opbrengs, nadat alle skulde en verpligtings nagekom is, verdeel word onder diene wat heffing en spesiale heffing betaal het eweredig tot die bedrag aldus deur hulle betaal gedurende die voorafgaande drie boekjare van hierdie skema; en in geval van 'n tekort, word sodanige tekort ingevorder van diene wat die heffing en spesiale heffing betaal het eweredig tot die bedrag deur hulle betaal in heffing en spesiale heffing gedurende die voorafgaande drie boekjare van hierdie skema.

(c) for the purpose of sale and preparation for sale, pool, according to such classifications as may be approved by the board, all the tobacco delivered to him by producers during any financial year of such agent for sale on their behalf; and

(d) as soon as may be after the close of the financial year of such agent and after all the tobacco so delivered for sale on behalf of producers during that financial year has been sold, determine in respect of such tobacco of each classification as approved by the board under paragraph (c) the net amount realised from the sale of that tobacco by deducting from the gross amount so realised—

(i) remuneration at the rate determined by the board;

(ii) an amount representing the levy, if any, payable on that tobacco in terms of section *nineteen* and the special levy payable under section *twenty* respectively; and

(iii) the costs incidental to the sale of that tobacco, which shall include costs of handling, grading, preparation for sale and packing and such other charges as the board approve;

and shall thereupon distribute the net amount so determined amongst producers who have during that financial year delivered tobacco of that classification to such agent for sale, in proportion to the total valuation of the respective quantities of tobacco of such classification delivered by such producers during that financial year calculated on the basis of the valuation determined under paragraph (b), the amount paid to any producer being reduced by any advance paid to that producer under the said paragraph.

Registration of Manufacturers and Wholesale Leaf Dealers.

23. (1) No manufacturer or wholesale leaf dealer may purchase or sell any tobacco unless he has been registered with the board and no such person shall be so registered unless he has complied with such requirements as may be prescribed by regulation under the Act and the board approves of his registration.

(2) The board may approve of the registration of any manufacturer or wholesale leaf dealer under sub-section (1) on such conditions as it may determine, and may cancel the registration of any such person if he has contravened or failed to comply with any requirement so prescribed or any condition so determined or any provision of this scheme or any prohibition, requirement or order issued thereunder.

(3) Any manufacturer or wholesale leaf dealer whose registration has been rejected or cancelled by the board under this section may appeal to the Minister against such rejection or cancellation.

Differentiation Between Areas and Classes of Tobacco.

24. Any requirement or prohibition imposed or decision taken by the board which relates to any area within the Republic of South Africa or to any class or grade of tobacco may differ from any such requirement or prohibition or decision which relates to any other such area or any other class or grade of tobacco.

Liquidation of Scheme.

25. In the event of the discontinuance of this scheme the assets of the board shall be realised and the proceeds, after all debts and commitments have been met, shall be distributed amongst those who paid levy and special levy on a pro rata basis to the amount so paid by them during the preceding three financial years of this scheme; and in the event of a deficit, such deficit shall be recovered from those who paid the levy and special levy on a pro rata basis to the amount paid by them as levy and special levy during the preceding three financial years of this scheme.

Oortredings en strawwe.

26. Elkeen wat 'n bepaling van hierdie skema of 'n verbod, voorskrif of bevel daaronder uitgevaardig of van krag ingevolge die bepalings van subartikel (1) van artikel sewe-en-twintig genoem, oortree of versuim om daarna te voldoen, is aan 'n oortreding skuldig en by veroordeling straffbaar met 'n boete van hoogstens tweehonderd rand.

Kennisgewings, verbodsbepalings, voorskrifte, besluite, vasstellers, fondse en lede van die Raad van Beheer oor die Tabaknywerheid.

27. (1) Alle kennisgewings, verbodsbepalings, voorskrifte, besluite, vasstellers of bepalings wat uitgevaardig, opgelê, geneem of gedoen is kragtens die Tabakreëlinskema bekendgemaak by Proklamasie No. 51 van 1939, soos gewysig, en wat nie ingevolge genoemde bepalings ingetrek is nie, bly van krag totdat die raad hulle ingevolge hierdie skema wysig of intrek.

(2) Alle magtigings, registrasies, aanstellings, kontrakte of appêlle uitgereik, gemaak, gesluit of aangeteken kragtens die Tabakreëlinskema bekendgemaak by Proklamasie No. 51 van 1939, soos gewysig, en van krag of hangende, na gelang van die geval, onmiddellik voor die datum van inwerkingtreding van hierdie skema, word geag kragtens hierdie skema uitgereik, gemaak, gesluit of aangeteken te gewees het.

(3) Die bates en laste van die raad wat die Tabakreëlinskema, bekendgemaak by Proklamasie No. 51 van 1939, soos gewysig, uitvoer, gaan oor op die raad wat hierdie skema uitvoer.

(4) Enige gelde in enige fonds ingestel kragtens die Tabakreëlinskema bekendgemaak by Proklamasie No. 51 van 1939, soos gewysig, word oorgedra na die onderskeie fondse ingestel kragtens hierdie skema.

(5) Die lede wat kragtens Proklamasie No. 51 van 1939, soos gewysig, in die Raad van Beheer oor die Tabaknywerheid aangestel is en hulle amp beklee onmiddellik voor die datum van inwerkingtreding van hierdie skema, word geag as lede van die Raad van Beheer oor die Tabaknywerheid kragtens hierdie skema aangestel te gewees het en beklee hulle amp, ongeag die bepaling in subartikel (1) van artikel elf dat lede vir 'n tydperk van twee jaar aangestel word maar onderworpe aan die ander bepalings van genoemde artikel, van die datum van die inwerkingtreding van hierdie skema vir die onverstreke gedeeltes van die onderskeie tydperke waarvoor hulle kragtens genoemde Proklamasie No. 51 van 1939, soos gewysig, aangestel is.

(6) Die persoon wat kragtens Proklamasie No. 51 van 1939, soos gewysig, tot voorsitter van die Raad van Beheer oor die Tabaknywerheid verkies is en daardie amp onmiddellik voor die datum van die inwerkingtreding van hierdie skema beklee, word geag kragtens hierdie skema tot voorsitter van die Raad van Beheer oor die Tabaknywerheid verkies te gewees het en bly daardie amp beklee met ingang van die datum van die inwerkingtreding van hierdie skema en onderworpe aan die bepalings van artikel twaalf, vir die onverstreke gedeelte van die tydperk waarvoor hy kragtens Proklamasie No. 51 van 1939, soos gewysig, verkies is.

(7) 'n Komitee wat kragtens Proklamasie No. 51 van 1939, soos gewysig, deur die raad aangestel is, word geag kragtens subartikel (1) van artikel vyftien van hierdie skema aangestel te gewees het.

Offences and Penalties.

26. Any person who contravenes or fails to comply with any provision of this scheme or any prohibition, requirement or order issued thereunder or in force in terms of the provisions of sub-section (1) of section twenty-seven shall be guilty of an offence and on conviction liable to a fine not exceeding two hundred rand.

Notices, Prohibitions, Requirements, Decisions, Determinations, Funds and Members of The Tobacco Industry Control Board.

27. (1) All notices, prohibitions, requirements, decisions or determinations issued, imposed, taken or made under the Tobacco Control Scheme published under Proclamation No. 51 of 1939, as amended, and not withdrawn in terms of those provisions, shall continue in force until amended or withdrawn by the board in terms of this scheme.

(2) All authorizations, registrations, appointments, contracts or appeals issued, made, concluded or noted under the Tobacco Control Scheme published under Proclamation No. 51 of 1939, as amended, and in force or pending, as the case may be, immediately prior to the date of the coming into operation of this scheme, shall be deemed to have been issued, made, concluded or noted under this scheme.

(3) Any assets and liabilities of the board administering the Tobacco Control Scheme published under Proclamation No. 51 of 1939, as amended, shall vest in the board administering this scheme.

(4) Any moneys in any fund established in terms of the Tobacco Control Scheme published under Proclamation No. 51 of 1939, as amended, shall be transferred to the respective fund established in terms of this scheme.

(5) The members appointed to the Tobacco Industry Control Board in terms of Proclamation No. 51 of 1939, as amended, and holding office immediately prior to the date of the coming into operation of this scheme, shall be deemed to have been appointed as members to the Tobacco Industry Control Board in terms of this scheme and shall, notwithstanding the provisions in sub-section (1) of section eleven that members shall be appointed for a period of two years but subject to the other provisions of the said section, hold office as and from the date of the coming into operation of this scheme for the unexpired portions of the respective periods for which they were appointed in terms of the said Proclamation No. 51 of 1939, as amended.

(6) The person elected as chairman of the Tobacco Industry Control Board in terms of Proclamation No. 51 of 1939, as amended, and holding office as such immediately prior to the date of the coming into operation of this scheme, shall be deemed to have been elected as chairman to the Tobacco Industry Control Board in terms of this scheme and shall, as and from the date of the coming into operation of this scheme and subject to the provisions of section twelve, continue to hold office for the unexpired portion of the period for which he was elected in terms of Proclamation No. 51 of 1939, as amended.

(7) Any committee appointed by the board in terms of Proclamation No. 51 of 1939, as amended, shall be deemed to have been appointed in terms of sub-section (1) of section fifteen of this scheme.

INHOUD.

No.	BLADSY
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(c) in die Engelse teks van paragraaf (c) van sub-regulasie (4) van genoemde regulasie 10 die woord „requirement” deur die woord „requirements” te vervang.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die Dertiende dag van Junie Eenduisend Negehoenderd Een-en-sestig.

C. R. SWART,
Staatspresident.

Op las van die Staatspresident-in-Rade.

D. C. H. UYS.

GOEWERMENSKENNISGEWINGS.

DEPARTEMENT VAN SPOORWEE, HAWENS EN LUGDIENS.

No. R. 203.]

[7 Julie 1961.

Dit het Sy Eksellensie die Amptenaar belas met die Uitoefening van die Uitvoerende Gesag behaag om kragtens artikel twee-en-dertig van die Wet op Spoorweg- en Hawediens, 1960 (Wet no. 22 van 1960) goed keuring daaraan te verleen dat die Personeelregulasies van die Suid-Afrikaanse Spoorweë en Hawens, soos gewysig, wat in Goewermentskennisgewing no. R. 1045 van 15 Julie 1960 gepubliseer is, soos volg verder gewysig word:

SUID-AFRIKAANSE SPOORWEE EN HAWENS.

PERSONEELREGULASIES.

WYSIGINGSLSYS.

(Van krag van 26 April 1961.)

Regulasie no. 93.

Vervang subparagrafe (2) (b) en (2) (c) deur die volgende:

„(b) Goeie Vrydag, Meidag, Uniedag, Geloftedag en Kersdag is vakansiedae met loon vir uurliks besoldigde werksmanne wie se betrekkings in die Besoldigingslys vir Ambagsmanne (Besoldigingslys no. 2) geklassifiseer is. Enige sodanige werksman wat op enigeen van dié dae moet werk, word daarvoor betaal soos bepaal in subparagraaf (a) en ontvang daarbenewens 'n dag se besoldiging vir die vakansiedag met loon.

(c) Goeie Vrydag, Uniedag, Geloftedag en Kersdag is vakansiedae met loon vir uurliks besoldigde werksmanne, behalwe dié genoem in subparagraaf (b), en vir daagliks besoldigde werksmanne. Enige sodanige werksman wat op enigeen van dié dae moet werk, word daarvoor betaal soos bepaal in subparagraaf (a) en ontvang daarbenewens 'n dag se besoldiging vir die vakansiedag met loon.”

No. R. 204.]

[7 Julie 1961.

Dit het Sy Eksellensie die Amptenaar belas met die Uitoefening van die Uitvoerende Gesag behaag om kragtens artikel sewe-en-twintig van die Wet op Spoorweg- en Hawediens, 1960 (Wet no. 22 van 1960) goedkeuring daaraan te verleen dat die Versoeningsraadregulasies van die Suid-Afrikaanse Spoorweë en Hawens, soos gewysig, wat in Goewermentskennisgewing no. R. 819 van 10 Junie 1960 gepubliseer is, soos volg verder gewysig word:

SUID-AFRIKAANSE SPOORWEE EN HAWENS.

VERSOENINGSRAADREGULASIES.

WYSIGINGSLSYS.

(Van krag van 1 April 1961.)

Regulasie no. 10.

Vervang „26s. 6d.” in paragraaf (2) deur „R2.65”.

(c) the substitution in the English text of paragraph (c) of sub-regulation (4) of the said regulation 10 for the word “requirement” of the word “requirements”.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town on this Thirteenth day of June, One thousand Nine hundred and Sixty-one.

C. R. SWART,
State President.

By Order of the State President-in-Council.

D. C. H. UYS.

GOVERNMENT NOTICES.

DEPARTMENT OF RAILWAYS, HARBOURS AND AIRWAYS.

No. R. 203.]

[7 July 1961.

His Excellency the Officer Administering the Government has, in terms of section thirty-two of the Railways and Harbours Service Act, 1960 (Act No. 22 of 1960), been pleased to approve of the South African Railways and Harbours Staff Regulations, published in Government Notice No. R. 1045 of 15th July, 1960, as amended, being further amended as follows:—

SOUTH AFRICAN RAILWAYS AND HARBOURS.

STAFF REGULATIONS.

SCHEDULE OF AMENDMENT.

(Operative from 26th April, 1961.)

Regulation No. 93.

Substitute the following for sub-paragraphs (2) (b) and (2) (c):—

“(b) Good Friday, May Day, Union Day, the Day of the Covenant and Christmas Day are paid holidays for hourly-paid employees whose appointments are classified in the Artisan Pay Schedule (Pay Schedule No. 2). Any such employee who is required to work on any such day will be paid in accordance with sub-paragraph (a) in addition to a day's pay for the paid holiday.

(c) Good Friday, Union Day, the Day of the Covenant and Christmas Day are paid holidays for hourly-paid employees, other than those referred to in sub-paragraph (b), and for daily-paid employees. Any such employee who is required to work on any such day, will be paid in accordance with sub-paragraph (a) in addition to a day's pay for the paid holiday.”

No. R. 204.]

[7 July 1961.

His Excellency the Officer Administering the Government has, in terms of section twenty-seven of the Railways and Harbours Service Act, 1960 (Act No. 22 of 1960), been pleased to approve of the South African Railways and Harbours Conciliation Board Regulations, published in Government Notice No. R. 819 of 10th June, 1960, as amended, being further amended as follows:—

SOUTH AFRICAN RAILWAYS AND HARBOURS.

CONCILIATION BOARD REGULATIONS.

SCHEDULE OF AMENDMENT.

(Operative from 1st April, 1961.)

Regulation No. 10.

In paragraph (2), substitute “R2.65” for “26s. 6d.”.

DEPARTEMENT VAN LANDBOU-EKONOMIE EN -BEMARKING.

No. R. 205.]

[7 Julie 1961.]

DROËBONESKEMA.

OPLEGGING VAN HEFFING EN SPESIALE HEFFING OP DROËBONE.

Ooreenkomstig artikel *nege-en-twintig* van die Bemakingswet, 1937 (Wet No. 26 van 1937), soos gewysig, maak ek, DIRK CORNELIS HERMANUS UYS, Minister van Landbou-ekonomie en -bemaking, hierby bekend dat die Droëbonebeheerraad, genoem in artikel 3 van die Droëboneskema, afgekondig by Proklamasie No. 89 van 1955, soos gewysig, kragtens artikels 15 en 16 van genoemde skema, met my goedkeuring en vanaf die datum van publikasie hiervan, die heffings wat in die Bylae hiervan genoem word, opgelê het ter vervanging van die heffings bekendgemaak by Goewermentskennisgewing No. 479 van 26 Maart 1959.

D. C. H. UYS,
Minister van Landbou-ekonomie
en -bemaking.

BYLAE.

'n Heffing van 5c per 200 lb. en 'n spesiale heffing van 15c per 200 lb. word hierby opgelê op alle droëbone wat deur of ten behoeve van 'n produsent verkoop word of deur of ten behoeve van 'n persoon wat met droëbone as 'n besigheid handel, in die Unie ingevoer word.

WOORDOMSKRYWING.

Vir die doel van hierdie kennisgewing—

- (a) beteken „droëbone”, die klasse en variëteite droëbone waarop genoemde skema betrekking het;
- (b) beteken „produsent”, die persoon deur of ten behoeve van wie droëbone geproduseer word, en omvat ook met betrekking tot enige hoeveelheid droëbone—
 - (i) wat verkry is van enige persoon as vergoeding vir die reg om grond waarop daardie persoon 'n hoeveelheid droëbone geproduseer het, te gebruik, die persoon wat daardie hoeveelheid aldus verkry het;
 - (ii) wat verkry is deur enige persoon as beloning vir dienste aan 'n produsent van droëbone gelewer, die persoon wat daardie hoeveelheid aldus verkry het;
 - (iii) verkry deur die dors van 'n ongedorsde hoeveelheid droëbone wat van iemand verkry is, die persoon deur wie of, as daardie persoon nie die eienaar daarvan is nie, die persoon ten behoeve van wie daardie hoeveelheid aldus gedors is; en
- (c) het die woord „verkoop” en die uitdrukking „as 'n besigheid handel”, die betekenis wat in die Bemakingswet, 1937 (Wet No. 26 van 1937), soos gewysig, onderskeidelik daaraan geheg is.

No. R. 206.]

[7 Julie 1961.]

DROËBONESKEMA.

DIE TYE WANNEER EN DIE WYSE WAAROP ENIGE HEFFING OP DROËBONE GELE, BETAAL MOET WORD.

Die Staatspresident het, kragtens die bevoegdheid hom verleen by artikel *drie-en-veertig* van die Bemakingswet, 1937 (Wet No. 26 van 1937), soos gewysig, en met ingang van die datum van publikasie hiervan, die regulasies in die Bylae hierby uiteengesit, uitgevaardig met betrekking tot die tye wanneer en die wyse waarop enige heffing

DEPARTMENT OF AGRICULTURAL ECONOMICS AND MARKETING.

No. R. 205.]

[7 July 1961.]

DRIED BEAN SCHEME.

IMPOSITION OF LEVY AND SPECIAL LEVY ON DRIED BEANS.

In terms of section *twenty-nine* of the Marketing Act, 1937 (Act No. 26 of 1937), as amended, I, DIRK CORNELIS HERMANUS UYS, Minister of Agricultural Economics and Marketing hereby make known that the Dried Bean Control Board, referred to in section 3 of the Dried Bean Scheme, published by Proclamation No. 89 of 1955, as amended, has in terms of sections 15 and 16 of that scheme, with my approval and with effect from the date of publication hereof, imposed the levies mentioned in the Schedule hereto in substitution for the levies made known by Government Notice No. 479 of the 26th March, 1959.

D. C. H. UYS,
Minister of Agricultural Economics
and Marketing.

SCHEDULE.

A levy of 5c per 200 lb. and a special levy of 15c per 200 lb. are hereby imposed on all dried beans sold by or on behalf of a producer or imported into the Union by or on behalf of a person dealing in the course of trade with dried beans.

DEFINITIONS.

For the purpose of this notice—

- (a) “dried beans”, means the classes and varieties of dried beans to which the said scheme relates;
- (b) “producer”, means the person by whom or on whose behalf dried beans are produced and also includes in relation to any quantity of dried beans—
 - (i) acquired from any person as a consideration for the right to use land on which that person has produced a quantity of dried beans, the person who so acquired that quantity;
 - (ii) acquired by any person as a remuneration for services rendered to a producer of dried beans, the person who so acquired that quantity;
 - (iii) obtained by the threshing of any unthreshed quantity of dried beans acquired from any person, the person by whom, or, if such person is not the owner thereof, the person on whose behalf that quantity has been so threshed; and
- (c) the word “sold” and the expression “dealing in the course of trade”, shall have the meaning respectively assigned thereto in the Marketing Act, 1937 (Act No. 26 of 1937), as amended.

No. R. 206.]

[7 July 1961.]

DRIED BEAN SCHEME.

THE TIMES AT WHICH AND THE MANNER IN WHICH ANY LEVY IMPOSED ON DRIED BEANS SHALL BE PAID.

The State President has, under the powers vested in him by section *forty-three* of the Marketing Act, 1937 (Act No. 26 of 1937), as amended, and with effect from the date of publication hereof, made the regulations set out in the Schedule hereto in connection with the times at which and

opgelê op droëbone betaal moet word, ter vervanging van die regulasies bekendgemaak by Goewermenskennisgewing No. 712 van 23 Mei 1958.

In hierdie regulasies—

- (a) beteken „produsent”, die persoon deur of ten behoeve van wie droëbone geproduseer word, en omvat ook met betrekking tot enige hoeveelheid droëbone—
- (i) wat verkry is van enige persoon as vergoeding vir die reg om grond waarop daardie persoon 'n hoeveelheid droëbone geproduseer het, te gebruik, die persoon wat daardie hoeveelheid aldus verkry het;
 - (ii) wat verkry is deur enige persoon as beloning vir dienste aan 'n produsent van droëbone gelewer, die persoon wat daardie hoeveelheid aldus verkry het;
 - (iii) verkry deur die dors van 'n ongedorste hoeveelheid droëbone wat van iemand verkry is, die persoon deur wie of, as daardie persoon nie die eienaar daarvan is nie, die persoon ten behoeve van wie daardie hoeveelheid aldus gedors is; en
- (b) het die woord „verkoop” en die uitdrukking „as 'n besigheid handel”, die betekenis wat in die Bemarkingswet, 1937 (Wet No. 26 van 1937), soos gewysig, onderskeidelik daaraan geheg is.

BYLAE.

1. Behoudens die bepalinge van klousule 2, moet enige heffing opgelê deur die Droëbonebeheerraad, genoem in artikel 3 van die Droëboneskema, gepubliseer by Proklamasie No. 89 van 1955, soos gewysig, kragtens artikel 15 of 16 van daardie skema, op droëbone wat deur of ten behoeve van 'n produsent verkoop word of deur of ten behoeve van 'n persoon wat met droëbone as 'n besigheid handel in die Republiek ingevoer word, binne 10 dae na die einde van die kalendermaand waarin die betrokke bone aldus verkoop of in die Republiek ingevoer is, aan die Droëbonebeheerraad, Posbus 669, Pretoria, betaal word deur die persoon deur wie die heffing ingevolge paragraaf (b) van subartikel (2) van artikel 15 van gemelde skema, betaalbaar is.

2. Die bepalinge van klousule 1 is nie van toepassing in die geval van droëbone wat deur 'n produsent aan genoemde raad vir verkoop gelewer is nie.

3. Iedereen wat enige bepaling van hierdie regulasies oortree of versuim om daaraan te voldoen, is skuldig aan 'n misdryf en by skuldigverklaring met 'n boete van hoogstens tweehonderd rand strafbaar.

the manner in which any levy imposed on dried beans shall be paid, in substitution for the regulations made known by Government Notice No. 712 of 23rd May, 1958.

In these regulations—

- (a) the word “producer”, means the person by whom or on whose behalf dried beans are produced and also includes in relation to any quantity of dried beans—
- (i) acquired from any person as a consideration for the right to use land on which that person has produced a quantity of dried beans, the person who so acquired that quantity;
 - (ii) acquired by any person as a remuneration for services rendered to a producer of dried beans, the person who so acquired that quantity;
 - (iii) obtained by the threshing of any unthreshed quantity of dried beans acquired from any person, the person by whom, or, if such person is not the owner thereof, the person on whose behalf that quantity has been threshed and
- (b) the word “sold” and the expression “dealing in the course of trade”, shall have the meanings respectively assigned thereto in the Marketing Act 1937 (Act No. 26 of 1937), as amended.

SCHEDULE.

1. Save as is provided in clause 2, any levy imposed by the Dried Bean Control Board, referred to in section 3 of the Dried Bean Scheme, published by Proclamation No. 89 of 1955, as amended, in terms of sections 15 or 16 of that scheme, on dried beans sold by or on behalf of a producer of dried beans, or imported into the Republic by or on behalf of a person who deals with dried beans in the course of trade, shall within 10 days after the end of the calendar month during which the dried beans concerned were so sold or imported into the Republic be paid to the Dried Bean Control Board, P.O. Box 669 Pretoria, by the person by whom the levy is payable in terms of paragraph (b) of sub-section (2) of section 15 of the said scheme.

2. The provisions of clause 1 shall not apply in the case of dried beans delivered by a producer to the said board, for sale.

3. Any person who contravenes or fails to comply with any provision of these regulations shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand.

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