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PROKLAMASIE

VAN DIE STAATSPRESIDENT VAN DIE REPUBLIEK VAN SUID-AFRIKA.

No. R. 27, 1961.]

OLIESADEBEHEERSKEMA.

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, aangeneem 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 Oliesadebeheerskema, soos gepubliseer by Proklamasie No. 24 van 1952, soos gewysig.

Proklamasies Nos. 24 van 1952, 279 van 1952, 158 van 1954 en 285 van 1957 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 Pretoria, op hierdie Derde dag van Julie Eenduiseid Negehoenderd Een-en-sestig.

C. R. SWART,

Staatspresident.

Op las van die Staatspresident-in-rade.

D. C. H. UYS,

BYLAE.

SKEMA VIR DIE REËLING VAN DIE PRODUKSIE EN BEMARKING VAN GRONDBOONTJIES EN SONNEBLOMSAAD KRAGTENS DIE BEMARKINGSWET, 1937, SOOS GEWYSIG.

WOORDBEPALING.

1. In hierdie skema beteken die uitdrukking „die Wet” die Bemarkingswet, 1937 (Wet No. 26 van 1937), soos gewysig, en die regulasies wat daarkragtens uitgevaardig is, en ’n uitdrukking waaraan ’n betekenis in daardie Wet geheg is, het, wanneer dit in hierdie skema gebesig word, dieselfde betekenis; voorts, tensy dit in stryd met die samehang is, beteken—

„raad” die Oliesadebeheerraad soos saamgestel ooreenkomstig artikel 3;

„oliesaad” of „oliesade” grondboontjies en/of sonneblomsaad;

PROCLAMATION

BY THE STATE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA.

No. R. 27, 1961.]

OILSEEDS 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, therefore, 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 Oilseed Control Scheme published in Proclamation No. 24 of 1952, as amended.

Proclamation Nos. 24 of 1952, 149 of 1952, 279 of 1952, 158 of 1954 and 285 of 1957 are hereby repealed with effect from the date of publication hereof.

Given under my Hand and the Great Seal of the Republic of South Africa at Pretoria on this Third day of July, 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.

SCHEME FOR THE REGULATION OF THE PRODUCTION OF GROUNDNUTS AND SUNFLOWER SEED IN TERMS OF THE MARKETING ACT, 1937, AS AMENDED.

DEFINITIONS.

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

“board” means the Oilseeds Control Board as constituted in terms of section 3;

“oilseed” or “oilseeds” means groundnuts and/or sunflower seed;

„grondboontjies” die ondergrondse vrug van die grondboontjieplant *Arachis hypogaeae*, in gedopte of ongedopte vorm;

„sonneblomsaad” die saad van die sonneblomplant *Helianthus annuus*;

„produsent” die persoon deur of ten behoeve van wie oliesaad geproduseer word, en sluit ook in met betrekking tot ’n hoeveelheid oliesaad—

- (i) wat verkry is van ’n persoon as vergoeding vir die reg om grond waarop daardie persoon ’n hoeveelheid oliesaad geproduseer het, te gebruik, die persoon wat daardie hoeveelheid aldus verkry het;
- (ii) wat verkry is deur ’n persoon as vergoeding vir dienste deur hom gelewer, die persoon wat daardie hoeveelheid aldus gekry het;
- (iii) wat in die Republiek van Suid-Afrika ingevoer word, die invoerder daarvan.

NAAM EN OMVANG VAN SKEMA.

2. (1) Hierdie skema heet die Oliesadebeheerskema en het betrekking op grondboontjies en sonneblomsaad.

(2) Die bepalinge van die skema is van toepassing in die Republiek van Suid-Afrika op die bogenoemde klasse persone wat betrokke is by die produksie van grondboontjies of sonneblomsaad of wat met grondboontjies of sonneblomsaad as ’n besigheid handel.

UITVOERING VAN SKEMA EN SAMESTELLING VAN RAAD.

3. (1) Die skema word uitgevoer deur die Oliesadebeheerraad wat bestaan uit vyftien lede wat deur die Staatspresident aangestel word, van wie—

- (a) ses verteenwoordigers is van oliesaadprodusente in die Republiek van Suid-Afrika wat lede is van kooperatiewe verenigings of kooperatiewe maatskappye wat oliesade hanteer (hierna die lede vir kooperatiewe oliesaadprodusente genoem) en benoem word ooreenkomstig die bepalinge van artikel 4;
- (b) twee verteenwoordigers is van oliesaadprodusente in die Republiek van Suid-Afrika wat nie lede is van kooperatiewe verenigings of kooperatiewe maatskappye wat oliesade hanteer nie en benoem word deur die Suid-Afrikaanse Landbou-unie;
- (c) drie verteenwoordigers is van persone wat oliesade uitpers (hierna die lede vir olie-uitpersers genoem) en benoem word ooreenkomstig die bepalinge van artikel 5;
- (d) een ’n verteenwoordiger is van persone wat grondboontjies bak of regstreeks aan die verbruikers daarvan verkoop en benoem word deur ’n vereniging wat volgens die oordeel van die Minister verteenwoordigend van sulke persone in die Republiek van Suid-Afrika is;
- (e) een ’n verteenwoordiger is van koopliede van oliesade en benoem word deur ’n vereniging wat volgens die oordeel van die Minister verteenwoordigend van sulke persone in die Republiek van Suid-Afrika is;
- (f) een ’n verteenwoordiger is van verbruikers van oliesade en deur die Adviserende Verbruikerskomitee uit sy lede genomineer word: Met dien verstande dat wanneer ookal so ’n lid ophou om ’n lid van die Verbruikerskomitee te wees, hy ook ophou om lid van die Raad te wees en ’n ander lid van Verbruikerskomitee in sy plek genomineer word;
- (g) een ’n amptenaar van die Departement van Landbou-ekonomie en -bemarking of van die Departement van Landbou-tegniese Dienste is wat deur die Minister benoem word.

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

„groundnuts” means the underground fruit of the groundnut plant *Arachis hypogaeae*, in shelled or unshelled form;

„sunflower seed” means the seed of the sunflower plant *Helianthus annuus*;

„producer” means the person by whom or on whose behalf oilseed is produced and also includes in relation to any quantity of oilseed—

- (i) acquired from any person as a consideration for the right to use land on which that person has produced a quantity of oilseed, the person who so acquired that quantity;
- (ii) acquired by a person as a consideration for services rendered by him, the person who so acquired that quantity;
- (iii) which is imported into the Republic of South Africa, the importer thereof.

NAME AND SCOPE OF SCHEME.

2. (1) This scheme shall be known as the Oilseeds Control Scheme and shall relate to groundnuts and sunflower seed.

(2) The provisions of this scheme shall apply in the Republic of South Africa to the classes of persons mentioned above who are concerned in the production of groundnuts or sunflower seed or who deal in the course of trade with groundnuts or sunflower seed.

ADMINISTRATION OF THE SCHEME AND CONSTITUTION OF THE BOARD.

3. (1) This scheme shall be administered by the Oilseeds Control Board which shall consist of fifteen members, to be appointed by the State President, of whom—

- (a) six shall represent producers of oilseeds in the Republic of South Africa who are members of co-operative societies or co-operative companies which handle oilseeds (hereinafter referred to as members for co-operative producers of oilseeds) and shall be nominated in accordance with the provisions of section 4;
- (b) two shall represent producers of oilseeds in the Republic of South Africa who are not members of co-operative societies or co-operative companies which handle oilseeds and shall be nominated by the South African Agricultural Union;
- (c) three shall represent persons who express oilseeds (hereinafter referred to as members for oil expressers) and shall be nominated in accordance with the provisions of section 5;
- (d) one shall represent persons who roast groundnuts or who sell groundnuts direct to the consumers thereof and shall be nominated by an association which, in the opinion of the Minister, is representative of such persons in the Republic of South Africa;
- (e) one shall represent oilseed merchants and shall be nominated by an association which, in the opinion of the Minister, is representative of such persons in the Republic of South Africa;
- (f) one shall represent consumers of oilseeds and shall be nominated by the Consumers’ Advisory Committee from amongst its members: Provided that when such member ceases to be a member of the Consumers’ Advisory Committee, he shall also cease to be a member of the board and another member of the Consumers’ Advisory Committee shall be nominated in his place;
- (g) one shall be an officer of the Department of Agricultural Economics and Marketing or of the Department of Agricultural Technical Services nominated by the Minister.

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

NOMINASIE VAN LEDE VIR KOÖPERATIEWE OLIESAADPRODUSENTE.

4. (1) Die ses lede van die raad wat in paragraaf (a) van subartikel (1) van artikel 3 genoem is, word onderhewig aan die bepalings van subartikel (2) van hierdie artikel, benoem deur koöperatiewe verenigings of koöperatiewe maatskappye van wie die besigheid gedurende die twaalf maande voorafgaande die nominasies, in so 'n mate uit transaksies met oliesade bestaan het dat hulle volgens die Minister se oordeel verteenwoordigend is van oliesaadprodusente.

(2) (a) Een lid word benoem deur 'n koöperatiewe vereniging of koöperatiewe maatskappy wat aldus verteenwoordigend is van oliesaadprodusente in Oos-Transvaal, d.w.s. die gedeelte van Transvaal suid van breedtegraad 25 en oos van lengtegraad 29.

(b) Twee lede word benoem deur 'n koöperatiewe vereniging of koöperatiewe maatskappy wat aldus verteenwoordigend is van oliesaadprodusente in Wes-Transvaal, d.w.s. die gedeelte van Transvaal suid van breedtegraad 26 en wes van lengtegraad 29, en die gedeelte van die Kaap-provinsie noord van die Oranjerivier.

(c) Een lid word benoem deur 'n koöperatiewe vereniging of koöperatiewe maatskappy wat aldus verteenwoordigend is van oliesaadprodusente in Noord-Transvaal, d.w.s. die gedeelte van die Transvaal wat nie by Oos- of Wes-Transvaal ingesluit is nie.

(d) Een lid word benoem deur 'n koöperatiewe vereniging of koöperatiewe maatskappy wat aldus verteenwoordigend is van oliesaadprodusente in Natal.

(e) Een lid word benoem deur 'n koöperatiewe vereniging of koöperatiewe maatskappy wat aldus verteenwoordigend is van oliesaadprodusente in die Oranje-Vrystaat: Met dien verstande dat ingeval in enigeen van die gebiede genoem in paragrafe (a), (b), (c), (d) en (e) van hierdie subartikels daar meer as een koöperatiewe vereniging of koöperatiewe maatskappy bestaan wat aan die vereistes neergelê in subartikel (1) van hierdie artikel voldoen, die bedoelde lid vir so 'n gebied na onderlinge raadpleging deur die betrokke verenigings of maatskappye benoem word.

NOMINASIE VAN LEDE VIR OLIE-UITPERSERS.

5. Die lede van die raad wat in paragraaf (c) van subartikel (1) van artikel 3 genoem is, word benoem deur die Suid-Afrikaanse Gefedereerde Kamer van Nywerhede: Met dien verstande dat minstens een van die lede verteenwoordigend is van olie-uitpersers wat elkeen minder as vyf persent van die totale hoeveelheid oliesaad wat gedurende die kalenderjaar onmiddellik voorafgaande die benoeming in die Republiek van Suid-Afrika uitgepers is, gepers het.

KENNISGEWING OM LEDE TE BENOEM.

6. Wanneer 'n benoeming kragtens paragraaf (a), (b), (c), (d), (e) of (f) van subartikel (1) van artikel 3 nodig word, moet die Minister die betrokke vereniging, maatskappye of organisasies by skriftelike kennisgewing aansê of laat aansê om binne 'n tydperk in die kennisgewing vasgestel, die persoon of persone te benoem wat hulle ooreenkomstig die betrokke artikel geregtig is om vir aanstelling op die raad te benoem.

MINISTER KAN BENOEM AS GEEN GESKIKTE PERSOON BENOEM IS NIE.

7. (1) Indien iemand wat soos vermeld benoem is, volgens die oordeel van die Minister, nie geskik is om as lid van die raad aangestel te word nie, of onbevoeg is om lid van die raad te wees, kan die Minister daardie benoeming terugverwys na die betrokke vereniging, maatskappy of organisasie en daardie vereniging, maatskappy of organisasie aansê om iemand anders vir aanstelling op die raad te benoem en indien daardie vereniging, maatskappy of organisasie weer iemand benoem wat volgens die Minister se oordeel ongeskik of onbevoeg is, soos vermeld, of wanneer die vereniging, maatskappy of organisasie in gebreke bly om iemand te benoem, kan die

NOMINATION OF MEMBERS FOR CO-OPERATIVE PRODUCERS OF OILSEEDS.

4. (1) The six members of the board referred to in paragraph (a) of sub-section (1) of section 3 shall, subject to the provisions of sub-section (2) of this section, be nominated by co-operative societies or co-operative companies of which the business during the twelve months preceding the nominations consisted to such an extent of transactions in oilseeds that they are, in the opinion of the Minister, representative of producers of oilseeds.

(2) (a) One member shall be nominated by a co-operative society or co-operative company which is thus representative of producers of oilseeds in the Eastern Transvaal, i.e. that portion of the Transvaal south of latitude 25 and west of longitude 29.

(b) Two members shall be nominated by a co-operative society or co-operative company which is thus representative of producers of oilseeds in the Western Transvaal, i.e. that portion of the Transvaal south of latitude 26 and west of longitude 29, and that portion of the Cape Province north of the Orange River.

(c) One member shall be nominated by a co-operative society or co-operative company which is thus representative of producers of oilseeds in the Northern Transvaal, i.e. that portion of the Transvaal not included in Eastern or Western Transvaal.

(d) One member shall be nominated by a co-operative society or co-operative company which is thus representative of producers of oilseeds in Natal.

(e) One member shall be nominated by a co-operative society or co-operative company which is thus representative of producers of oilseeds in the Orange Free State: Provided that if in any of the areas referred to in paragraphs (a), (b), (c), (d) and (e) of this sub-section there exist more than one co-operative society or co-operative company which comply with the requirements prescribed in sub-section (1) of this section, such member for such area shall be nominated after mutual consultation by the societies or companies concerned.

NOMINATION OF MEMBERS FOR OIL EXPRESSERS.

5. The members of the board referred to in paragraph (c) of sub-section (1) of section 3 shall be nominated by the South African Federated Chamber of Industries: Provided that at least one of the members shall be representative of oil expressers each of whom has expressed less than five per cent of the total quantity of oilseed expressed in the Republic of South Africa during the calendar year immediately preceding such nomination.

NOTICE TO NOMINATE MEMBERS.

6. Whenever a nomination in terms of paragraph (a), (b), (c), (d), (e) or (f) of sub-section (1) of section 3 becomes necessary, the Minister shall call upon the societies, companies or organisations concerned, or cause them to be called upon, by notice, in writing, to nominate, within a period fixed by such notice, such person or persons as they are entitled, in terms of the relevant section, to nominate for appointment to the board.

THE MINISTER MAY NOMINATE IF NO SUITABLE PERSON IS NOMINATED.

7. (1) If any person nominated as aforesaid is, in the opinion of the Minister, not suitable for appointment as a member of the board, or not qualified to be a member of the board, the Minister may refer that nomination back to the society, company or organisation concerned and call upon that society, company or organisation to nominate some other person for appointment to the board, and if that society, company or organisation thereupon again nominates a person who is, in the opinion of the Minister, not suitable or not qualified, as aforesaid, or if whenever the society, company or organisation fails to nominate any person, the Minister may himself, subject

Minister self, met inagneming van die bepalings van die skema, iemand benoem wat hy geskik ag om lid van die raad te wees om die betrokke belange te verteenwoordig.

(2) Indien 'n vereniging, maatskappy of organisasie soos vermeld in paragrawe (a), (b), (c), (d), (e) en (f) van subartikel (1) van artikel 3, of in artikels 4 en 5, nie bestaan nie, kan die Minister self 'n persoon of persone benoem vir aanstelling op die raad om die betrokke belange te verteenwoordig.

AMPSDUUR VAN RAADSLEDE.

8. (1) Behoudens die bepalings van subartikel (5) van artikel 28, word die lede van die raad vir 'n tydperk van twee jaar aangestel: Met dien verstande dat die lid bedoel in paragraaf (g) van subartikel (1) van artikel 3 sy amp beklee solank dit die Staatspresident behaag.

(2) By verstryking van die tydperk waarvoor lede aangestel is, bly hulle hul amp beklee totdat hul opvolgers aangestel is, maar in geen geval vir 'n verdere tydperk van meer 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 verstryking van die tydperk waarvoor hy aangestel is, kan die Minister iemand anders wat hy geskik ag, aanstel om die vakature te vul totdat die tydperk waarvoor die uittredende lid aangestel is, verstryk het.

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

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

VERKIESING EN AMPSDUUR VAN VOORSITTER.

9. (1) Die raad kies op sy eerste vergadering en daarna soos dit nodig mag wees uit sy lede 'n voorsitter wat daardie amp beklee vir een jaar of tot verstryking van die tydperk waarvoor hy as lid van die raad aangestel is, watter tydperk ookal die kortste is, en daarna kan hy herkies word.

(2) Wanneer die voorsitter om een of ander rede nie sy pligte kan waarneem nie, kies die raad een van sy ander lede om as voorsitter op te tree vir sodanige tydperk as wat hy bepaal.

RAADSVERGADERINGS.

10. (1) Alle vergaderings van die raad word gehou op die tye en plekke wat die raad van tyd tot tyd bepaal.

(2) D'e voorsitter van die raad kan self te eniger tyd 'n spesiale vergadering van die raad byeenroep, gehou te word op 'n tyd en plek deur hom bepaal.

(3) Op skriftelike versoek van minstens drie lede van die raad, roep die voorsitter 'n spesiale vergadering van die raad byeen wat gehou word binne veertien dae vanaf ontvangs van so 'n versoek op 'n tyd en plek wat hy bepaal.

(4) Die vergaderings van die raad word byeengeroep by wyse van kennisgewing deur of op las van die voorsitter van die raad of 'n beampete van die raad deur die raad daartoe gemagtig.

KWORUM, MEERDERHEIDSBESLISSING EN BESLISSENDE STEM VAN VOORSITTER.

11. (1) Agt lede van die raad, aangestel ooreenkomstig subartikel (1) van artikel 3 en subartikels (4) en (5) van artikel 8, maak 'n kworum vir enige vergadering van die raad uit.

to the provisions of this scheme, nominate any person whom he considers fit to be a member of the board to represent the interests concerned.

(2) If a society, company or organisation such as is referred to in paragraphs (a), (b), (c), (d), (e) and (f) of sub-section (1) of section 3 or in sections 4 and 5, 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.

8. (1) Subject to the provisions of sub-section (5) of section 28, the members of the board shall be appointed for a period of two years: Provided that the member referred to in paragraph (g) of sub-section (1) of section 3 shall hold office during the State President's pleasure.

(2) Upon the expiration of the period for which members were appointed, they 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 reappointment.

(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 whom he considers suitable to fill the vacancy until the expiration of the period for which the vacating member was appointed.

(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 whom he considers suitable 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 one 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.

9. (1) The board shall at its first meeting and thereafter as occasion arises, elect from amongst its members a chairman, who shall hold that office 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 is the shorter period, and 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.

10. (1) All meetings of the board shall be held at such times and places as the board may from time to time determine.

(2) The chairman of the board may himself at any time call a special meeting of the board, to be held at the time and place to be appointed by him.

(3) At the written request of not less than three members of the board, the chairman shall call a special meeting of the board to be held within fourteen days from the date of receipt of such request, at a time and place to be appointed by him.

(4) The meetings of the board shall be convened by notice given by or by direction of the chairman of the board or any official of the board authorised thereto by the board.

QUORUM, MAJORITY DECISION AND CHAIRMAN'S CASTING VOTE.

11. (1) Eight members of the board, appointed in terms of sub-section (1) of section 3 and sub-sections (4) and (5) of section 8, shall form a quorum at any meeting of the board.

(2) Die beslissing van die meerderheid van die raadslede wat op 'n raadsvergadering aanwesig is, maak 'n besluit 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.

12. (1) Die raad kan met die Minister se toestemming en onderworpe aan die voorwaardes wat die raad opleë, een of meer komitees uit sy lede aanstel en na goeddunke van sy bevoegdhede aan so 'n komitee oordra: Met dien verstande dat die raad nie afstand doen van 'n bevoegdheid wat hy aan so 'n komitee oordra nie.

(2) Wanneer so 'n komitee aangestel word, wys die raad een van die lede van die komitee aan om as voorsitter daarvan op te tree en die voorsitter aldus aangewys kan te eniger tyd met goedkeuring van die voorsitter van die raad, 'n vergadering van die komitee belê, gehou te word op 'n tyd en plek wat hy bepaal.

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

(4) 'n Beslissing van die meerderheid van al die lede van 'n komitee maak 'n besluit van die komitee uit.

BOEKJAAR.

13. Die boekjaar onder hierdie skema is die tydperk van die eerste dag van Julie elke jaar tot die laaste dag van Junie in die daaropvolgende jaar.

ODUIT.

14. (1) Die rekenings van die raad word jaarliks deur die Kontroleur- en Ouditeur-generaal geouditeer.

(2) Ten opsigte van sodanige ouditering moet die raad 'n bedrag wat deur die Tesourie na oorlegpleging met die Kontroleur- en Ouditeur-generaal bepaal word, ten bate van die Gekonsolideerde Inkomstefonds betaal.

BEVOEGDHEDE VAN RAAD.

15. Benewens bevoegdhede wat by ander artikels van hierdie skema aan die raad verleen is, is die raad bevoeg om—

- (a) die amptenare aan te stel, en die 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: Met dien verstande dat geen vaste eiendom aangeskaf word nie behalwe met toestemming van die Minister en op die voorwaardes wat hy mag goedkeur;
- (b) met die Minister se goedkeuring die toelaes vas te stel wat uit die raad se fondse aan sy lede of adviserende lede betaal mag word;
- (c) onderworpe aan voorwaardes deur die Minister goedgekeur, die agente wat hy nodig ag vir die behoorlike verrigting van sy werksaamhede, aan te stel: Met dien verstande dat indien die aansoek van enige persoon om aanstelling as 'n agent afgewys word of die aanstelling van enige persoon as 'n agent beëindig word, hy, nadat hy 'n bedrag van dertig rand by die Sekretaris gestort het, teen die afwysing of beëindiging na die Minister kan appelleer en die Minister die appèl van die hand kan wys of, as hy oortuig is dat daardie persoon as agent aangestel behoort te word benewens enige ander aldus aangestelde persoon of dat sy aanstelling nie beëindig behoort te gewees het nie, na gelang van die geval, die appèl kan toestaan en die wyse kan bepaal waarop oor die aldus gestorte bedrag beskik moet word;
- (d) met die Minister se goedkeuring geld te leen wat aangewend moet word ter verwesenliking van die doel van die skema en geld verkry uit 'n heffing opgelê kragtens artikel 16 aan te wend vir die doeleindes wat volgens die raad se oordeel tot voordeel sal wees van persone wat belang het by die produksie en bemarking van oliesade;

(2) The decision of the majority of the members of the board present at a board meeting shall constitute a 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.

12. (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) Whenever any such committee is appointed, the board shall designate one of the members of the committee to act as chairman thereof and the chairman so designated may at any time, with the approval of the chairman of the board, convene a meeting of the committee to be held at a time and place to be appointed by him.

(3) 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 at a time and place to be appointed by him.

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

FINANCIAL YEAR.

13. The financial year under this scheme shall be the period from the first day of July in each year to the last day of June in the following year.

AUDITING.

14. (1) The accounts of the board shall be audited annually by the Controller and Auditor-General.

(2) In respect of such audit an amount which shall be determined by the Treasury after consultation with the Controller and Auditor-General shall be paid by the board for the benefit of the Consolidated Revenue Fund.

POWERS OF THE BOARD.

15. In addition to powers vested in the board under other sections of this scheme, the board shall have power—

- (a) to appoint such servants 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: Provided that no immovable property shall be acquired except with the consent of the Minister and on such conditions as he may approve;
- (b) with the approval of the Minister, to determine the allowances payable out of the funds of the board to its members or advisory members;
- (c) to appoint, subject to conditions approved by the Minister, such agents as it may consider necessary for the proper performance of its functions: Provided that if the application of any person for appointment as an agent has been refused, or if the appointment of any person as an agent is terminated, he may, on depositing with the Secretary an amount of thirty rand, appeal against the refusal or termination to the Minister who may dismiss the appeal or if he is satisfied that such person should be appointed as an agent in addition to any other person so appointed or that his appointment should not have been terminated, as the case may be, allow the appeal, and determine the manner in which the amount so deposited shall be disposed of;
- (d) with the approval of the Minister, to borrow money to be used for the purpose of attaining the objects of the scheme and to use any money derived from any levy imposed in terms of section 16 for any object which, in the opinion of the board, will be to the advantage of persons interested in the production and marketing of oilseeds;

- (e) geld of eiendom aan te neem wat by wyse van geskenk, toekenning of andersins aan die raad gegee word, en om daardie geld of eiendom te gebruik op die wyse wat die Minister goedkeur;
- (f) 'n inligtingsdiens in te stel ten einde produsente van tyd tot tyd in te lig aangaande bemarkingstoestande oor die algemeen of aangaande die toestand ten opsigte van 'n besondere mark;
- (g) met enigeen mee te doen aan 'n handeling wat die raad kan verrig, en om namens 'n ander soortgelyke raad alle handeling te verrig wat daardie raad kan verrig;
- (h) elke persoon wat betrokke is by die produksie, dors, bemarking of verwerking van oliesade te gelas om aan die raad die inligting met betrekking tot daardie oliesade te verstrek waaroor sodanige persoon beskik en wat die raad spesifiseer;
- (i) deur middel van toekenning of lening of op enige ander wyse hulp te verleen aan ondernemings vir die bewaring, verwerking, opberging of bewerking van oliesade en in verband met navorsingswerk met betrekking tot die verbetering, produksie, verwerking en bemarking van oliesade;
- (j) as agent vir die ontvangs en verkoop van oliesade op te tree;
- (k) op die voorwaardes wat die Minister goedkeur, oliesade te koop;
- (l) oliesade wat hy gekoop het te behandel soos hy goedvind, te gradeer, te verpak, op te berg, te verwerk, vir verkoop geskik te maak, te verseker, te adverteer of te vervoer;
- (m) op die voorwaardes wat die Minister goedkeur, oliesade wat hy gekoop het te verkoop, hetsy in hulle oorspronklike of in gedeeltelik of geheel-en-al verwerkte vorm, of 'n deel daarvan van die mark te onthou;
- (n) met die Minister se goedkeuring 'n produsent van tyd tot tyd te belet om oliesaad wat hy geproduseer het, behalwe 'n klas, graad, hoeveelheid of persentasie daarvan wat die raad vasgestel het, of behalwe vir 'n doel wat die raad bepaal het, te verkoop;
- (o) met die Minister se goedkeuring enigiemand te belet om oliesaad te verkoop tensy hy dit verkry het van die raad of die persone wat deur die raad bepaal word;
- (p) die Minister van advies te dien aangaande—
 - (i) die voorwaardes wat betref grade, kwaliteitstandaarde, verpakkingsmetodes, en die merk van oliesade of 'n houer of omhulsel wat hulle bevat, waarop oliesade verkoop of vir verkoop ingevoer mag word;
 - (ii) verbod op, beheer oor of reëling van die invoer of uitvoer van oliesade; en
 - (iii) alle aangeleenthede betreffende die bemarking of verwerking van oliesade;
- (q) met die Minister se goedkeuring die rekords wat gehou moet word, die tydperk waarvoor so 'n rekord behou moet word en die opgawes wat aan die raad verstrek moet word deur enige persoon of klas of groep persone wat oliesaad produseer of daarmee as 'n besigheid handel, voor te skryf, asook die tye waarop, die vorm waarin en die wyse waarop die opgawes aldus verstrek moet word.

HEFFING OP OLIESADE EN INSTELLING VAN FONDSE.

16. (1) Die raad kan, met die goedkeuring van die Minister en op so 'n basis as wat die raad mag bepaal, 'n heffing op oliesade op lê: Met dien verstande dat die aldus opgelegde heffing—

- (a) ten opsigte van 'n besondere klas, graad of kwaliteit oliesaad kan verskil van so 'n heffing ten opsigte van 'n ander klas, graad of kwaliteit oliesaad en 'n heffing ten opsigte van 'n eenheid of hoeveelheid oliesaad wat in die Republiek van Suid-Afrika ingevoer word, kan verskil van, maar nie meer wees nie as 'n heffing ten opsigte van 'n eenheid of hoeveelheid oliesaad wat in die Republiek van Suid-Afrika geproduseer word;

- (e) 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;
- (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;
- (g) to co-operate with any person in doing any act which the board may perform and to do on behalf of any other similar board any act which that board may perform;
- (h) to require every person concerned in the production, threshing, marketing or processing of oilseeds to furnish the board with such information relating to those oilseeds as may be available to such person and as the board may specify;
- (i) to assist by grant, loan or otherwise any undertaking for preserving, processing, storing or conditioning oilseeds and any research work relating to improvement, production, processing and marketing of oilseeds;
- (j) to act as agent for the receipt and sale of oilseeds;
- (k) on such conditions as the Minister may approve, to buy oilseeds;
- (l) to treat in such manner as it may deem fit, grade, pack, store, process, adapt for sale, insure, advertise or transport any oilseeds which it has bought;
- (m) on such conditions as the Minister may approve, to sell, whether in its original form or processed wholly or in part, the oilseeds which it has bought, or withhold any part thereof from the market;
- (n) with the approval of the Minister, from time to time to prohibit any producer from selling oilseed which he has produced, except such class, grade, quantity or percentage thereof as the board has determined or except for such purposes as the board has defined;
- (o) with the approval of the Minister, to prohibit any person from selling oilseed unless he has acquired it from the board or from such persons as may be determined by the board;
- (p) to advise the Minister as to—
 - (i) the conditions regarding grades, standards of quality, methods of packing and the marking of oilseeds or any receptacle or cover containing them, subject to which any oilseeds may be sold or imported for sale;
 - (ii) the prohibition, control or regulation of the importation or export of oilseeds; and
 - (iii) all matters relating to the marketing or processing of oilseeds;
- (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 oilseeds and the times at which and the form and manner in which such returns shall be so rendered.

LEVY ON OILSEEDS AND ESTABLISHMENT OF FUNDS.

16. (1) The board may, with the approval of the Minister and on such basis as the board may determine, impose a levy on oilseeds: Provided that the levy thus imposed—

- (a) may, in respect of any particular class, grade or quality of oilseed differ from any such levy in respect of any other class, grade or quality oilseed and any levy in respect of any unit or quantity of oilseed which is imported into the Republic of South Africa may differ from but not exceed any levy in respect of any unit or quantity of oilseed which is produced in the Republic of South Africa;

- (b) nie tien sent per 100 lb. op enige klas, graad of kwaliteit gedopte of ses en twee-derde sent per 100 lb. op enige klas, graad of kwaliteit ongedopte grondboontjies, oorskry nie;
- (c) nie vyf en vyf-sesde sent per 100 lb. op enige klas, graad of kwaliteit sonneblomsaad oorskry nie.

(2) 'n Heffing opgelê kragtens subartikel (1) word—

- (a) in die geval van oliesaad wat aan of deur die raad verkoop word, bygevoeg by en op dieselfde tydstip betaalbaar gemaak as die prys waarteen die raad oliesaad aan enige persoon van die hand sit, of afgetrek van die prys deur die raad betaalbaar aan die produsent van die oliesaad wanneer betaling gemaak word; en
- (b) in die geval van oliesaad wat deur die produsent daarvan direk aan 'n persoon wat daarmee as 'n besigheid handel, verkoop is, deur daardie persoon betaal, op die tyd en wyse soos voorgeskryf mag word by regulasie onder die Wet.

(3) Die raad moet—

- (a) 'n grondboontjieheffingsfonds instel waarin alle bedrae verkry uit heffings opgelê op gedopte of ongedopte grondboontjies gestort word en waaruit alle koste regstreeks in verband met die grondboontjiebedryf behoort en die ander bedrae in hierdie skema bepaal, betaal word;
- (b) 'n sonneblomsaadheffingsfonds instel waarin alle bedrae verkry uit heffings opgelê op sonneblomsaad gestort word en waaruit alle koste regstreeks in verband met die sonneblomsaadbedryf behoort en die ander bedrae in hierdie skema bepaal, betaal word; en
- (c) 'n algemene fonds instel waarin die bedrae wat die raad van tyd tot tyd vasstel, onderskeidelik uit die grondboontjie- en sonneblomsaadheffingsfondse, en alle ander gelde wat die raad toekom, gestort word en waaruit alle koste nie regstreeks in verband met die grondboontjie- of sonneblomsaadbedryf aangaan nie, gedek moet word.

SPESIALE HEFFING OP OLIESADE EN INSTELLING VAN SPESIALE FONDSE.

17. (1) Die raad kan, met die Minister se goedkeuring, 'n spesiale heffing op oliesade opelê en vir die doeleindes van daardie heffing is die bepalings van paragraaf (a) van subartikel (1) van artikel 16 en subartikel (2) van artikel 16 *mutatis mutandis* van toepassing.

(2) Die raad moet—

- (a) 'n spesiale grondboontjieheffingsfonds instel, waarin die opbrengste van 'n spesiale heffing opgelê kragtens subartikel (1) op grondboontjies, en die ander bedrae tot beskikking van die raad, wat deur die Minister goedgekeur word, gestort moet word, en die raad moet met gelde in hierdie fonds handel op die wyse wat deur die Minister goedgekeur mag word;
- (b) 'n spesiale sonneblomsaadheffingsfonds instel waarin die opbrengste van 'n spesiale heffing opgelê kragtens subartikel (1) op sonneblomsaad, en die ander bedrae tot beskikking van die raad, wat deur die Minister goedgekeur word, gestort moet word, en die raad moet met gelde in hierdie fonds handel op die wyse wat deur die Minister goedgekeur mag word.

INSTELLING VAN RESERWEFONDSE.

18. Die raad stel grondboontjie- en sonneblomsaad-reserwefondse waarin die bedrae tot die beskikking van die raad gestort moet word wat die Minister van tyd tot tyd goedkeur, of wat hy na afloop van 'n boekjaar onder die skema en na oorlegpleging met die raad bepaal, en die raad mag oor gelde in sodanige fondse beskik op die wyse wat die Minister mag goedkeur.

- (b) shall not exceed ten cents per 100 lb. on any class, grade or quality of shelled groundnuts or six and two-thirds cents per 100 lb. on any class, grade or quality of unshelled groundnuts;
- (c) shall not exceed five and five-sixths cents per 100 lb. on any class, grade or quality of sunflower seed.

(2) Any levy imposed in terms of sub-section (1) shall—

- (a) in the case of oilseed which is sold to or through the board, be added to and made payable at the same time as the price at which the board disposes of the oilseed to any person, or be deducted from the price payable by the board to the producer of the oilseed when payment is made; and
- (b) in the case of oilseed which is sold by the producer thereof direct to a person who deals with it in the course of trade, be paid by that person at such time and in such manner as may be prescribed by regulation under the Act.

(3) The board shall—

- (a) establish a groundnut levy fund into which shall be paid all moneys derived from any levies imposed on shelled or unshelled groundnuts and from which all costs incurred directly in connection with the groundnut industry and the other amounts determined in this scheme shall be paid;
- (b) establish a sunflower seed levy fund into which shall be paid all moneys derived from any levies imposed on sunflower seed and from which all costs incurred directly in connection with the sunflower seed industry and the other amounts determined in this scheme shall be paid; and
- (c) establish a general fund into which shall be paid such amounts from the groundnut levy fund and the sunflower seed levy fund as the board may from time to time determine and all other moneys which accrue to the board and from which all costs not incurred directly in respect of either the groundnut industry or the sunflower seed industry shall be paid.

SPECIAL LEVY ON OILSEEDS AND ESTABLISHMENT OF SPECIAL FUNDS.

17. (1) The board may, with the approval of the Minister, impose a special levy on oilseed for the purposes of which levy the provisions of paragraph (a) of sub-section (1) of section 16 and sub-section (2) of section 16 shall *mutatis mutandis* apply.

(2) The board shall—

- (a) establish a special groundnut levy fund into which shall be paid the proceeds of any special levy imposed on groundnuts under the provisions of sub-section (1) 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;
- (b) establish a special sunflower seed levy fund into which shall be paid the proceeds of any special levy imposed on sunflower seed under the provisions of sub-section (1) 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.

ESTABLISHMENT OF RESERVE FUNDS.

18. The board shall establish groundnut and sunflower seed 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 may deal with any moneys in any such funds in such manner as may be approved by the Minister.

VASSTELLING VAN PRYSE.

19. (1) Met die Minister se goedkeuring kan die raad van tyd tot tyd enigiemand, of iemand wat tot 'n klas of groep persone behoort of iemand anders as iemand wat tot 'n klas of groep persone behoort, verbied om 'n hoeveelheid oliesaad of 'n klas of graad daarvan te verkry, te verkoop of van die hand te sit teen 'n ander, of 'n laer of 'n hoër prys as 'n prys deur die raad vasgestel of bereken ooreenkomstig 'n grondslag deur die raad bepaal vir oliesaad of vir sodanige klas, graad of hoeveelheid daarvan.

(2) By die uitoefening van sy bevoegdhede kragtens subartikel (1) kan die raad met die Minister se goedkeuring—

- (a) ten opsigte van 'n hoeveelheid oliesaad of 'n klas of graad daarvan wat verkry is vir enige doel of deur enige klas persone 'n prys vasstel wat verskil van die prys wat vasgestel is ten opsigte van 'n hoeveelheid oliesaad wat verkry is vir 'n ander doel of deur 'n ander klas persone; of ten opsigte van oliesaad of 'n klas of graad daarvan verskillende pryse ten opsigte van verskillende hoeveelhede of ten opsigte van verskillende tye van die jaar vasstel;
- (b) die gelde of koste bepaal wat ingesluit of bygevoeg moet word by, of afgetrek moet word van 'n prys waarna in genoemde subartikel verwys is, of die gewig vasstel wat ten opsigte van die hoeveelheid oliesaad waarna daarin verwys is, toegelaat moet word vir die houer van die oliesaad;
- (c) van enige persoon wat oliesaad of enige klas, graad of hoeveelheid daarvan, van die hand sit op krediet of vir 'n bedrag wat meer is dan 'n deur die raad bepaalde bedrag, vereis dat hy 'n faktuur met die aldus voorgeskrewe of bepaalde besonderhede moet verskaf.

SPESIALE REGULASIES BETREFFENDE DIE BEMARKING VAN GRONDBOONTJIES.

20. (1) Met die goedkeuring van die Minister kan die raad produsente van grondboontjies belet om grondboontjies of 'n klas of graad daarvan wat die raad van tyd tot tyd bepaal, te verkoop behalwe aan of deur die raad of die persone wat deur die raad bepaal word.

(2) Wanneer die raad ingevolge subartikel (1) 'n verbod opgelê het, bestuur hy poele ooreenkomstig die bepalinge van artikel 21 vir die verkoop van sodanige grondboontjies.

(3) Ondanks enige verbod kragtens hierdie artikel opgelê, kan die raad met die Minister se goedkeuring, op enige tyd 'n produsent van grondboontjies by wyse van 'n permit magtig om sodanige grondboontjies of 'n klas, graad of hoeveelheid daarvan of vir 'n doel wat die raad bepaal, te verkoop op sodanige voorwaardes en na betaling van sodanige gelde (wat egter nie meer mag wees nie as die heffings kragtens artikels 16 en 17 opgelê) as wat die raad mag bepaal.

VERPOELING VAN OPPERINGS.

21. (1) Die raad moet 'n afsonderlike poel bestuur ten opsigte van elke klas grondboontjies aan die raad gelewer gedurende sodanige tydperk as wat die raad, met die goedkeuring van die Minister mag bepaal, en elke hoeveelheid grondboontjies aan die raad of sy agente vir verkoop gelewer, moet toegewys word aan die graad van elke klas waartoe sodanige hoeveelheid grondboontjies na bevinding van die raad behoort ten tye van lewering vir verkoop: Met dien verstande dat die raad, wanneer hy dit goedvind en met die goedkeuring van die Minister, 'n poel kan bestuur ten opsigte van 'n groep klasse grondboontjies.

(2) Die raad kan enige hoeveelheid grondboontjies wat aldus gelewer en toegewys is, hergradeer of daarmee handel soos hy goedvind en kan dit verkoop volgens sodanige voorwaardes as wat die raad met die goedkeuring van die Minister mag bepaal en volgens grade wat verskil van die grade waartoe dit toegewys is deur die raad ten tye van die lewering daarvan vir verkoop.

FIXATION OF PRICES.

19. (1) With the approval of the Minister the board may from time to time 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 oilseed 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 oilseed or for such class, grade or quantity thereof.

(2) When exercising its powers under sub-section (1) the board may, with the approval of the Minister—

- (a) fix in respect of any quantity of oilseed or any class or grade thereof, which is acquired for any purpose or by any class of persons, a price which differs from the price fixed in respect of a quantity of oilseed acquired for any other purpose or by any other class of persons; or fix in respect of oilseed or any class or grade thereof different prices in respect of different quantities or in respect of different times of the year;
- (b) determine the charges or costs to be included in, added to or deducted from any price referred to in the said sub-section or the weight to be allowed, in relation to any quantity of oilseed therein referred to, for any container of the oilseed;
- (c) require any person disposing of oilseed or any class, grade or quantity thereof on credit or for an amount exceeding an amount determined by the board, to render an invoice containing such particulars as may be so specified or determined.

SPECIAL REGULATIONS RELATING TO THE MARKETING OF GROUNDNUTS.

20. (1) With the approval of the Minister the board may prohibit producers of groundnuts from selling groundnuts or any class or grade thereof which the board may from time to time determine except to or through the board or such persons as may be determined by the board.

(2) Whenever the board has imposed any prohibition under sub-section (1) it shall conduct pools for the sale of such groundnuts in accordance with the provisions of section 21.

(3) Notwithstanding any prohibition imposed under this section, the board may with the approval of the Minister at any time by permit authorise a producer of groundnuts to sell such groundnuts or a class, grade or quantity thereof or for a purpose determined by the board on such conditions and upon payment of such fees (which, however, may not exceed the levies imposed in terms of sections 16 and 17) as the board may determine.

POOLING OF PROCEEDS.

21. (1) The board shall conduct a separate pool in respect of each class of groundnuts delivered to the board during such period as the board may, with the approval of the Minister, determine, and each quantity of groundnuts delivered to the board or its agents for sale shall be assigned to the grade of each class to which such quantity of groundnuts is found by the board to belong at the time of delivery for sale: Provided that the board may, whenever it deems it expedient and with the approval of the Minister, conduct a pool in respect of a group of classes of groundnuts.

(2) The board may regrade any quantity of groundnuts so delivered and assigned or may deal with it in such manner as it may deem fit, and may sell it subject to such conditions as the board may, with the approval of the Minister, determine, and according to grades which differ from the grades to which it was assigned by the board at the time of delivery for sale.

(3) So gou doenlik nadat al die grondboontjies wat die raad vir die rekening van 'n poel aangeneem het, verkoop is, moet die raad die netto-opbrengs van daardie poel bepaal deur van die bruto-opbrengs daarvan af te trek die koste verbonde aan die verkoop van sodanige grondboontjies waarby ingesluit word alle uitgawes en koste regstreeks in verband met die ontvangs, hantering, opberging, finansiering en verkoop van sodanige grondboontjies aangegaan en die koste van bestuur van die poel soos deur die raad van tyd tot tyd bepaal.

(4) Die netto-opbrengs van elke poel, soos bepaal oorkomstig subartikel (3), moet tussen die verskillende grade waartoe die grondboontjies ten tye van die aflewering vir verkoop deur die raad toegewys is, verdeel word ooreenkomstig 'n skaal van pryse wat die raad met die goedkeuring van die Minister ten opsigte van sodanige grade moet bepaal en in verhouding tot die onderskeie hoeveelhede grondboontjies wat aan sodanige grade toegewys is.

(5) Behoudens die bepalings van paragraaf (a) van subartikel (2) van artikel 16, artikel 17 en subartikel (6) van hierdie artikel, moet die raad die netto-opbrengs van elke graad grondboontjies in elke poel, soos bepaal ooreenkomstig subartikel (4), verdeel onder produsente wat tot daardie graad in daardie poel bygedra het, in verhouding tot die onderskeie hoeveelhede grondboontjies wat elke produsent gelewer het en wat die raad vir rekening van daardie graad in daardie poel aangeneem het.

(6) Die bedrag wat aan 'n produsent ingevolge subartikel (5) betaalbaar is, moet verminder word met die bedrag van enige voorskotte kragtens subartikel (7) aan daardie produsent betaal.

(7) Die raad kan, met die goedkeuring van die Minister, van tyd tot tyd en op enige tyd voordat die netto-opbrengs uit die verkoop van grondboontjies aan die raad gelewer gedurende die tydperk genoem in subartikel (1) en deur die raad vir die rekening van 'n poel aangeneem, verdeel is soos in hierdie artikel bepaal, aan produsente wat sodanige grondboontjies aldus afgelewer het, voorskotte betaal in verhouding tot die onderskeie hoeveelhede van sodanige grondboontjies van elke graad aldus deur hulle gelewer.

(8) Ondanks andersluidende bepalings in hierdie artikel, kan die raad wanneer hy grondboontjies verkoop het vir die rekening van 'n poel in subartikel (1) genoem—

- (a) die bedrag wat uit sodanige poel verdeel moet word, verminder met 'n bedrag wat hy met die Minister se goedkeuring bepaal;
- (b) die bedrag wat uit enige ander poel genoem in daardie subartikel, verdeel moet word, vermeerder met 'n bedrag wat op dieselfde wyse bepaal is; en
- (c) enige bedrag wat aan enige van genoemde poele teeval, nadat sodanige poele reeds afgesluit is, aanwend op 'n wyse wat hy met die goedkeuring van die Minister bepaal.

(9) Vir die toepassing van hierdie artikel beteken—

„gelewer”, gelewer by die besigheidspersone of pakhuise van die raad of die persone deur die raad bepaal;

„graad”, die graad grondboontjies wat bepaal is op die wyse wat by regulasie kragtens artikel drie-en-veertig van die Wet voorgeskryf is.

SPEZIALE REGULASIES BETREFFENDE DIE BEMARKING VAN SONNEBLOMSAAD.

22. (1) Met die goedkeuring van die Minister kan die raad produsente van sonneblomsaad belet om sonneblomsaad of 'n klas of graad daarvan wat die raad van tyd tot tyd bepaal, te verkoop behalwe aan of deur die raad of die persone wat deur die raad bepaal word.

(2) Wanneer die raad ingevolge subartikel (1) 'n verbod opgelê het, bestuur hy poele ooreenkomstig die bepalings van artikel 23 vir die verkoop van sodanige sonneblomsaad.

(3) As soon as may be after all the groundnuts accepted by the board for the account of a pool has been sold, the board shall determine the net proceeds of that pool by deducting from the gross proceeds thereof the costs incidental to the sale of such groundnuts, which shall include all expenses and costs directly incurred in connection with the receipt, handling, financing and sale of such groundnuts and the costs of the conduct of the pool as determined by the board from time to time.

(4) The net proceeds of each pool, as determined in terms of sub-section (3), shall be distributed among the various grades to which the groundnuts at the time of delivery for sale had been assigned by the board, in accordance with a scale of prices to be fixed by the board with the approval of the Minister in respect of such grades, and in proportion to the respective quantities of groundnuts assigned to such grades.

(5) Subject to the provisions of paragraph (a) of sub-section (2) of section 16, section 17 and sub-section (6) of this section the board shall distribute the net proceeds of each grade of groundnuts in each pool, as determined in terms of sub-section (4), to producers who contributed to that grade in that pool in proportion to the respective quantities of groundnuts delivered by each producer and accepted by the board for the account of that grade in that pool.

(6) The amount payable to a producer in terms of sub-section (5), shall be reduced by the amount of any advances paid under sub-section (7) to that producer.

(7) The board may with the approval of the Minister from time to time and at any time before the net proceeds of the sale of groundnuts delivered to the board during the period referred to in sub-section (1) and accepted by the board for the account of a pool, have been distributed as provided in this section make advances to producers who have so delivered such groundnuts in proportion to the respective quantities of such groundnuts of each grade so delivered by them.

(8) Notwithstanding anything to the contrary contained in this section, the board may, when it has sold groundnuts for the account of a pool referred to in sub-section (1)—

- (a) reduce the amount to be distributed from such a pool by an amount determined by the board with the approval of the Minister;
- (b) increase the amount to be distributed from any other pool referred to in that sub-section by an amount determined in the same manner; and
- (c) apply any amount accruing to any of the said pools after such pools have been closed, in a manner it may determine with the approval of the Minister.

(9) For the purposes of this section—

“delivered” shall mean delivered at the business premises or stores of the board or the persons determined by the board;

“grade” shall mean the grade of groundnuts as determined in the manner prescribed by regulation under section forty-three of the Act.

SPECIAL REGULATIONS RELATING TO THE MARKETING OF SUNFLOWER SEED.

22. (1) With the approval of the Minister the board may prohibit producers of sunflower seed from selling sunflower seed or any class or grade thereof which the board may from time to time determine, except to or through the board or such persons as may be determined by the board.

(2) Whenever the board has imposed any prohibition under sub-section (1) it shall conduct pools for the sale of such sunflower seed in accordance with the provisions of section 23.

(3) Ondanks enige verbod kragtens hierdie artikel opgelê, kan die raad met die Minister se goedkeuring, op enige tyd 'n produsent van sonneblomsaad by wyse van 'n permit magtig om sodanige sonneblomsaad of 'n klas, graad of hoeveelheid daarvan of vir 'n doel wat die raad bepaal, te verkoop op sodanige voorwaardes en na betaling van sodanige gelde (wat egter nie meer mag wees nie as die heffings kragtens artikels 16 en 17 opgelê) as wat die raad mag bepaal.

VERPOELING VAN OPBRENGS.

23. (1) Die raad moet 'n afsonderlike poel bestuur ten opsigte van elke klas sonneblomsaad aan die raad gelewer gedurende sodanige tydperk as wat die raad, met die goedkeuring van die Minister mag bepaal, en elke hoeveelheid sonneblomsaad aan die raad of sy agente vir verkoop gelewer, moet toegewys word aan die graad van elke klas waartoe sodanige hoeveelheid sonneblomsaad na bevinding van die raad behoort ten tye van lewering vir verkoop: Met dien verstande dat die raad, wanneer hy dit goedvind en met die goedkeuring van die Minister, 'n poel kan bestuur ten opsigte van 'n groep klasse sonneblomsaad.

(2) Die bepalings van subartikels (2), (3), (4), (5) (6), (7), (8) en (9) van artikel 21 sal *mutatis mutandis* van toepassing wees op die poele genoem in subartikel (1) van hierdie artikel.

ONDSKEIDING TUSSEN GEBIEDE.

24. 'n Voorskrif van of verbod opgelê of besluit geneem deur die raad met betrekking tot 'n gedeelte van die Republiek van Suid-Afrika kan verskil van so 'n voorskrif of verbod of besluit met betrekking tot 'n ander gedeelte van die Republiek van Suid-Afrika of kan alleen in aangegeve gedeeltes van die Republiek van Suid-Afrika van toepassing wees.

INSPEKSIEBEVOEGDHEDE.

25. Die raad is bevoeg om vir die uitvoering van die bepalings van die skema enigiemand in die algemeen of in 'n besondere geval te magtig om op alle redelike tye—

- (a) 'n plek te betree wat geokkupeer word deur 'n persoon wat 'n produsent is of vermoed word om 'n produsent te wees van, of 'n persoon wat as 'n besigheid handel of vermoed word as 'n besigheid te handel met oliesaad, of 'n plek of voertuig waarin of waarop daar 'n hoeveelheid oliesaad deur enige persoon gehou word of na vermoede gehou word vir 'n ander doel as verbruik deur die eienaar van die oliesaad of deur lede van sy huisgesin;
- (b) sodanige oliesaad te inspekteer en alle boeke en stukke op sodanige plek of in of op sodanige voertuig na te gaan wat op redelike grond vermoed word op sodanige oliesaad betrekking te hê en afskrifte van of uittreksels uit die boeke of stukke te maak;
- (c) van die eienaar van sodanige oliesaad of die persoon wat dit in sy bewaring het inligting aangaande die oliesaad te eis;
- (d) van die eienaar van so 'n boek of stuk of die persoon wat dit in sy bewaring het 'n verklaring van aantekeninge daarin te eis;
- (e) beslag te lê op boeke, stukke of artikels wat bewys kan lewer van 'n misdryf ingevolge die Wet of hierdie skema of 'n kragtens die Wet uitgevaardigde regulasie gepleeg, of op enige hoeveelheid oliesaad ten opsigte waarvan so 'n misdryf vermoedelik gepleeg is, en om boeke, stukke of artikels of enige hoeveelheid oliesaad waarop aldus beslag gelê is, van die betrokke plek of voertuig te verwyder of dit op die betrokke plek of voertuig te laat en na goeëdanke op sodanige boek, stuk, artikel of oliesaad of die houer daarvan, enige identifikasiemerk wat hy nodig ag, aan te bring;

(3) Notwithstanding any prohibition imposed under this section the board may with the approval of the Minister at any time by permit authorise a producer of sunflower seed to sell such sunflower seed or a class, grade or quantity thereof or for a purpose determined by the board on such conditions and upon payment of such fees (which, however, may not exceed the levies imposed in terms of sections 16 and 17) as the board may determine.

POOLING OF PROCEEDS.

23. (1) The board shall conduct a separate pool in respect of each class of sunflower seed delivered to the board during such period as the board may, with the approval of the Minister, determine, and each quantity of sunflower seed delivered to the board or its agents for sale shall be assigned to the grade of each class to which such quantity of sunflower seed is found by the board to belong at the time of delivery for sale: Provided that the board may, whenever it deems it expedient and with the approval of the Minister, conduct a pool in respect of a group of classes of sunflower seed.

(2) The provisions of sub-section (2), (3), (4), (5), (6), (7), (8) and (9), of section 21 shall *mutatis mutandis* apply to the pools mentioned in sub-section (1) of this section.

DIFFERENTIATION BETWEEN AREAS.

24. Any requirement or prohibition imposed or decision taken by the board which relates to any area within the Republic of South Africa, may differ from any such requirement or prohibition or decision which relates to any other area of the Republic of South Africa or may apply only to specified portions of the Republic of South Africa.

INSPECTION POWERS.

25. The board shall have power, 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—

- (a) to enter any place occupied by any person who is or is suspected to be a producer of or person dealing in the course of trade with oilseed or any place or vehicle in or upon which there is kept or is suspected to be kept any quantity of oilseed by any person for any purpose other than consumption by the owner of such oilseed or by the members of his household;
- (b) to inspect any such oilseed 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 oilseed and to make copies of or take extracts from such books and documents;
- (c) to demand from the owner or custodian of such oilseed any information concerning such oilseed;
- (d) to demand from the owner or custodian of any such book or document an explanation of any entry therein;
- (e) to seize any books, documents or articles which may afford evidence of the commission of an offence under the Act or this scheme or any regulation made under the Act, or any quantity of oilseed 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 oilseed which has been so seized, and if he deems fit to place on any such book, document, article or oilseed, or on the container thereof, any identification mark which he may consider necessary;

(f) van sodanige oliesaad, met inbegrip van enige hoeveelheid van sodanige oliesaad waarop kragtens subparagraaf (e) beslag gelê is, monsters te neem en sodanige monsters te ondersoek, te ontleed of te gradeer of te laat ondersoek, ontleed of gradeer.

OORTREDINGS EN STRAFBEPALINGS.

26. Iemand wat 'n bepaling van hierdie skema of 'n verbod, voorskrif of bevel daarkragtens uitgevaardig of van krag ingevolge die bepaling van subartikel (1) van artikel 28, oortree of versuim om daaraan te voldoen is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met beide sodanige boete en gevangenisstraf.

OPHEFFING VAN SKEMA.

27. Ingeval hierdie skema opgehef word, moet alle bates van die raad tot geld gemaak word en indien daar nadat al die skulde van die raad betaal is—

- (a) 'n surplus is, moet die bedrag daarvan onder die persone wat aanspreeklik is vir die betaling van 'n heffing opgelê volgens artikel 16 verdeel word in verhouding tot die onderskeie bedrae deur hulle tot die fondse van die raad by wyse van heffing bygedra gedurende die tydperk van drie jaar onmiddellik vóór die datum waarop die skema opgehef word, of gedurende die tydperk wat die skema in werking was, wat ookal die kortste tydperk is;
- (b) 'n te kort is, is die bedrag daarvan verhaalbaar op die persone genoem in paragraaf (a) in die verhouding bereken op die wyse in daardie paragraaf beskryf.

KENNISGEWINGS, VERBODSBEPALINGS, VOORSKRIFTE, BESLUITE, VASSTELLINGS, FONDSE EN LEDE VAN DIE OLIESADEBEHEERRAAD.

28. (1) Alle kennisgewings, verbodsbepalings, voorskrifte, besluite, vasstellings of bepalinge wat uitgevaardig, opgelê, geneem of gedoen is kragtens die Oliesadebeheerskema, bekendgemaak by Proklamasie No. 24 van 1952, soos gewysig, en wat nie ingevolge genoemde bepalinge 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 Oliesadebeheerskema, bekendgemaak by Proklamasie No. 24 van 1952, 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 Oliesadebeheerskema, bekendgemaak by Proklamasie No. 24 van 1952, soos gewysig, uitvoer, gaan oor op die raad wat hierdie skema uitvoer.

(4) Enige gelde in enige fonds ingestel kragtens die Oliesadebeheerskema, bekendgemaak by Proklamasie No. 24 van 1952, soos gewysig, word oorgedra na die onderskeie fondse ingestel kragtens hierdie skema.

(5) Die lede wat kragtens Proklamasie No. 24 van 1952, soos gewysig, in die Oliesadebeheerraad aangestel is en hulle amp beklee onmiddellik voor die datum van inwerkingtreding van hierdie skema, word geag as lede van die Oliesadebeheerraad kragtens hierdie skema aangestel te gewees het en beklee hulle amp, ongeag die bepaling in subartikel (1) van artikel 8 dat lede vir 'n tydperk van twee jaar aangestel word maar onderworpe aan die ander bepalinge 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. 24 van 1952, soos gewysig, aangestel is.

(f) to take samples of any such oilseed, including any quantity of such oilseed which has been seized in terms of sub-paragraph (e), and to examine, analyse or grade such samples or cause them to be examined, analysed or graded.

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 28, shall be guilty of an offence and on conviction liable to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

LIQUIDATION OF SCHEME.

27. In the event of the discontinuance of this scheme all assets of the board shall be realised and if, after all the debts of the board have been paid there is—

- (a) a surplus, the amount thereof shall be distributed amongst the persons liable for the payment of any levy imposed under section 16 in proportion to the respective amounts contributed by them towards the funds of the board by means of levy during the period of three years immediately preceding the date of discontinuance of the scheme or during the period the scheme was in operation, whichever is the shorter period;
- (b) a deficit, the amount thereof shall be recoverable from the persons mentioned in paragraph (a) in the proportion calculated in the manner described in that paragraph.

NOTICES, PROHIBITIONS, REQUIREMENTS, DECISIONS, DETERMINATIONS, FUNDS AND MEMBERS OF OILSEED CONTROL BOARD.

28. (1) All notices, prohibitions, requirements, decisions or determinations issued, imposed, taken or made under the Oilseed Control Scheme, published under Proclamation No. 24 of 1952, 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 authorisations, registrations, appointments, contracts or appeals issued, made, concluded or noted under the Oilseed Control Scheme, published under Proclamation No. 24 of 1952, 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 Oilseed Control Scheme, published under Proclamation No. 24 of 1952, as amended, shall vest in the board administering this scheme.

(4) Any moneys in any fund established in terms of the Oilseed Control Scheme, published under Proclamation No. 24 of 1952, as amended, shall be transferred to the respective fund established in terms of this scheme.

(5) The members appointed to the Oilseed Control Board, in terms of Proclamation No. 24 of 1952, 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 Oilseed Control Board in terms of this scheme and shall, notwithstanding the provisions in sub-section (1) of section 8 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. 24 of 1952, as amended.

(6) Die persone wat kragtens Proklamasie No. 24 van 1952, soos gewysig, tot voorsitter van die Oliesadebeheerraad verkies is en daardie amp onmiddellik voor die datum van die inwerkingtreding van hierdie skema bekleë, word geag kragtens hierdie skema tot voorsitter van die Oliesadebeheerraad verkies te gewees het en bly daardie amp bekleë met ingang van die datum van die inwerkingtreding van hierdie skema en onderworpe aan die bepalings van artikel 9, vir die onverstreke gedeelte van die tydperk waarvoor hy kragtens Proklamasie No. 24 van 1952, soos gewysig, verkies is.

(7) 'n Komitee wat kragtens Proklamasie No. 24 van 1952, soos gewysig, deur die raad aangestel is, word geag kragtens artikel 12 van hierdie skema aangestel te gewees het.

(6) The person elected as Chairman of the Oilseed Control Board, in terms of Proclamation No. 24 of 1952, 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 Oilseed Control Board, in terms of this scheme and shall as and from the date of the coming into operation of the scheme and subject to the provisions of section 9, continue to hold office for the unexpired portion of the period for which he was elected in terms of Proclamation No. 24 of 1952, as amended.

(7) Any committee appointed by the board in terms of Proclamation No. 24 of 1952, as amended, shall be deemed to have been appointed in terms of section 12 of this scheme.

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