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[No. 112.]

PROCLAMATION

BY THE STATE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA.

No. R. 124, 1961.]

POTATO 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 Potato Scheme published in Proclamation No. 136 of 1951, as amended;

Proclamations Nos. 136 of 1951, 273 of 1952, 200 of 1953, 222 of 1958 and 177 of 1959 are hereby repealed with effect from the date of publication hereof.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 Pretoria on this Twenty-sixth day of October, 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 REGULATING THE PRODUCTION AND MARKETING OF POTATOES.

DEFINITIONS.

1. (1) In this scheme, the expression "the Act" means the Marketing Act, 1937, as amended, and the regulations made thereunder, 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—

"controlled area" means any one of the following areas, viz.—

- (a) "Bloemfontein area" which shall consist of the municipal area of Bloemfontein;
- (b) "Cape Town area" which shall consist of the municipal areas of Cape Town, Bellville, Fish Hoek, Goodwood, Parow and Simonstown, the local board areas of Milnerton and Pinelands, the Village Management Board of Kuils River, and the local areas of Bellville South, Elsies River, Epping Garden and Tiervlei;

PROKLAMASIE

VAN DIE STAATSPRESIDENT VAN DIE REPUBLIEK VAN SUID-AFRIKA.

No. R. 124, 1961.]

AARTAPPELSKEMA.

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 Aartappelskema, soos gepubliseer by Proklamasie No. 136 van 1951, soos gewysig;

Proklamasies Nos. 136 van 1951, 273 van 1952, 200 van 1953, 222 van 1958 en 177 van 1959 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 Ses-en-twintigste dag van Oktober Eenduisend 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 AARTAPPELS.

WOORDBEPALINGS.

1. (1) In hierdie skema beteken die uitdrukking „die Wet”, die Bemarkingswet, 1937, soos gewysig, en die regulasies wat uit krag daarvan uitgevaardig is, en ’n uitdrukking waaraan ’n betekenis in die Wet gegee is, het wanneer dit in die skema gebesig word, dieselfde betekenis; verder, tensy dit in stryd is met die samhang, beteken— „beheerde gebied”, enige van die volgende gebiede, nl.—

- (a) „Bloemfontein-gebied”, bestaande uit die munisipale gebied van Bloemfontein;
- (b) „Kaapstad-gebied”, bestaande uit die munisipale gebiede van Kaapstad, Bellville, Vishoek, Goodwood, Parow en Simonstad, die plaaslike raadsgebiede van Milnerton en Pinelands, die dorpsbeheerraad van Kuilsrivier, en die plaaslike gebiede van Bellville-Suid, Elsiesrivier, Epping Garden en Tiervlei;

- (c) "Durban area" which shall consist of the areas under the control of the local authorities at Durban, Amanzimtoti, Clairmont Township, Hillcrest, Isipingo Beach, Kloof, Maidstone, Malvern, Mount Edgecombe, Pinetown, Tongaat, Umbogintwini, Umhlanga Rocks, Verulam, Westville and Southern Umlazi;
- (d) "East London area" which shall consist of the areas under the jurisdiction of the local authorities at East London and Amalinda;
- (e) "Kimberley area" which shall consist of the municipal area of Kimberley;
- (f) "Pietermaritzburg area" which shall consist of the municipal area of Pietermaritzburg;
- (g) "Port Elizabeth area" which shall consist of the areas under the jurisdiction of the local authorities at Port Elizabeth, Walmer, Bethelsdorp, Kleinskool, Amsterdamhoek, Despatch, Uitenhage and Redhouse, and inclusive of the areas known as Swartkops and Veeplaas;
- (h) "Pretoria area" which shall consist of the areas under the jurisdiction of the local authorities of Pretoria, Pretoria North, Lyttelton and Silverton, also the areas under the jurisdiction of the local area committees of Eastern Pretoria (excluding the farms Vlakfontein No. 393, Hatherley No. 22 and The Willows No. 23), Menlo Park-Lynnwood, Southern Pretoria (with the exclusion of the farm Doornkloof No. 449), South-western Pretoria (excluding the farms Stuk Grond No. 466, Olievenhoutbosch No. 552, Hoekplaats No. 601, Vlakplaats No. 216, Schurveberg No. 381 and Elandsfontein No. 35), Waterkloof and North-eastern Pretoria (excluding the farms Kameeldrift No. 521 and Zeekoegat No. 287);
- (i) "Witwatersrand area" which shall consist of the areas under the jurisdiction of the local authorities of Alberton, Bedfordview, Benoni, Boksburg, Brakpan, Edenvale, Elsburg, Germiston, Johannesburg, Kempton Park (excluding the farm Rietfontein No. 21), Krugersdorp, Meyerton, Nigel, Randfontein, Roodepoort-Maraiburg, Springs, Vanderbijlpark, Westonaria and Vereeniging, also the areas under the jurisdiction of the local area committees of Kookfontein, South Rand, Western Johannesburg, North-western Johannesburg, Northern Johannesburg, North-eastern Johannesburg and Brentwood (excluding the farm Rietfontein No. 18);

"producer", in relation to potatoes, means any person who produces potatoes, and includes in relation to any quantity of potatoes which—

- (i) has been acquired from a person as a consideration for the right to use land on which that person has produced a quantity of potatoes, or as remuneration for services rendered to a producer of potatoes, the person who so acquired that quantity;
- (ii) is imported into the Republic, the person who so imported that quantity;

"market master" means a person who on behalf of a local authority controls or manages any place under the jurisdiction of a local authority where produce is habitually sold in public.

(2) Any change in the name, status and/or boundaries of any of the local authorities, local area committees or local areas mentioned in sub-section (1) shall apply as from the date of such change as if such change had been incorporated in the definition concerned.

(c) „Durban-gebied”, bestaande uit die gebiede onder beheer van die plaaslike owerhede van Durban, Amanzimtoti, Clairmontdorp, Hillcrest, Isipingo-strand, Kloof, Maidstone, Malvern, Mount Edgecombe, Pinetown, Tongaat, Umbogintwini, Umhlanga Rocks, Verulam, Westville en Suid-Umlazi;

(d) „Oos-Londen-gebied”, bestaande uit die gebiede onder beheer van die plaaslike owerhede van Oos-Londen en Amalinda;

(e) „Kimberley-gebied”, bestaande uit die munisipale gebied van Kimberley;

(f) „Pietermaritzburg-gebied”, bestaande uit die munisipale gebied van Pietermaritzburg;

(g) „Port Elizabeth-gebied”, bestaande uit die gebiede onder beheer van die plaaslike owerhede van Port Elizabeth, Walmer, Bethelsdorp, Kleinskool, Amsterdamhoek, Despatch, Uitenhage en Redhouse, en insluitende ook die gebiede bekend as Swartkops en Veeplaas;

(h) „Pretoria-gebied”, bestaande uit die gebiede onder beheer van die plaaslike owerhede van Pretoria, Pretoria-Noord, Lyttelton en Silverton, asook die gebiede onder beheer van die plaaslike gebiedskomitees van Oostelike Pretoria (met uitsluiting van die plase Vlakfontein No. 393, Hatherley No. 22 en The Willows No. 23), Menlo Park-Lynnwood, Pretoria-Suid (met uitsluiting van die plaas Doornkloof No. 449), Suidwestelike Pretoria (met uitsluiting van die plase Stuk Grond No. 466, Olievenhoutbosch No. 552, Hoekplaats No. 601, Vlakplaats No. 216, Schurveberg No. 381 en Elandsfontein No. 35), Waterkloof en Noordoostelike Pretoria (met uitsluiting van die plase Kameeldrift No. 521 en Zeekoegat No. 287);

(i) „Witwatersrand-gebied”, bestaande uit die gebiede onder beheer van die plaaslike owerhede van Alberton, Bedfordview, Benoni, Boksburg, Brakpan, Edenvale, Elsburg, Germiston, Johannesburg, Kempton Park (met uitsluiting van die plaas Rietfontein No. 21), Krugersdorp, Meyerton, Nigel, Randfontein, Roodepoort-Maraiburg, Springs, Vanderbijlpark, Westonaria en Vereeniging, asook die gebiede onder beheer van die plaaslike gebiedskomitees van Kookfontein, Suid-Rand, West-Johannesburg, Noordwestelike Johannesburg, Noord-Johannesburg, Noordoostelike Johannesburg en Brentwood (met uitsluiting van die plaas Rietfontein No. 18);

„produsent”, met betrekking tot aartappels, enige persoon wat aartappels produseer, en met betrekking tot ’n hoeveelheid aartappels wat—

(i) verkry is van ’n persoon as vergoeding vir die reg om grond waarop daardie persoon ’n hoeveelheid aartappels geproduseer het, te gebruik, of as ’n beloning vir dienste aan ’n produsent van aartappels gelewer, die persoon wat daardie hoeveelheid aldus verkry het;

(ii) in die Republiek ingevoer word, die persoon wat daardie hoeveelheid aldus invoer;

„markmeester”, ’n persoon wat namens ’n plaaslike bestuur ’n plek binne die regsgebied van daardie plaaslike bestuur, waar produkte in die reël in die openbaar verkoop word, beheer of bestuur.

(2) Enige verandering in die naam, status en/of grense van enige van die plaaslike owerhede, plaaslike gebiedskomitees of plaaslike gebiede genoem in subartikel (1) sal vanaf datum van sodanige verandering van toepassing wees asof sodanige verandering by die betrokke omskrywing ingelyf is.

NAME AND SCOPE OF SCHEME.

2. (1) The scheme shall be known as the Potato Scheme and shall relate to potatoes.

(2) The provisions of the scheme shall apply in the Republic to all persons who are concerned in the production of potatoes or who deal with potatoes in the course of trade, except as far as otherwise provided in the scheme.

ADMINISTRATION OF SCHEME AND CONSTITUTION OF BOARD.

3. (1) The scheme shall be administered by a board known as the Potato Board (hereinafter called "the board"), which shall consist of thirteen members, to be appointed by the State President, of whom—

- (a) eight shall be representatives of producers of potatoes and shall be nominated in accordance with the provisions of section four;
- (b) two shall be representatives of consumers of potatoes, one of whom shall be nominated by the Minister after consultation with the Consumers' Advisory Committee and the other by that committee from amongst its members: Provided that whenever a member nominated by the Consumers' Advisory Committee ceases to be a member of that committee, he shall also cease to be a member of the board and another member of that committee shall be nominated in his place;
- (c) one shall be a representative of persons who act as agents for the sale of potatoes on behalf of producers in controlled areas, and shall be nominated by an association, which, in the opinion of the Minister, is representative of such agents: Provided that no person who, in the opinion of the Minister, is directly or indirectly interested or concerned in the wholesale trade in potatoes, shall be nominated under this paragraph;
- (d) one shall be a representative of market masters, nominated by an association which, in the opinion of the Minister, is representative of market masters in the Republic;
- (e) one shall be an officer of the Department of Agricultural Economics and Marketing, nominated by the Minister.

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

NOMINATION OF REPRESENTATIVES OF PRODUCERS OF POTATOES.

4. Of the members of the board mentioned in paragraph (a) of sub-section (1) of section three—

- (a) two shall be nominated by an association which, in the opinion of the Minister, is representative of producers of potatoes in the Transvaal (with the exclusion of the Lowveld area);
- (b) two shall be nominated by an association which, in the opinion of the Minister, is representative of such producers in the Orange Free State;
- (c) one shall be nominated by an association which, in the opinion of the Minister, is representative of such producers in Natal;
- (d) one shall be nominated by an association which, in the opinion of the Minister, is representative of such producers in the Lowveld area of Transvaal;
- (e) one shall be nominated by an association which, in the opinion of the Minister, is representative of such producers in the Cape Province; and
- (f) one shall be nominated by an association which, in the opinion of the Minister, is representative of producers of seed potatoes.

NOTICE TO NOMINATE REPRESENTATIVES.

5. Whenever a nomination in terms of section three becomes necessary, the Minister shall call upon the association 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 to nominate for appointment to the board.

NAAM EN OMVANG VAN SKEMA.

2. (1) Die skema heet die Aartappelskema en het betrekking op aartappels.

(2) Die bepalings van die skema is van toepassing in die Republiek op alle persone wat betrokke is by die produksie van aartappels of wat met aartappels as 'n besigheid handel, behalwe vir sover die skema anders bepaal.

UITVOERING VAN SKEMA EN SAMESTELLING VAN RAAD.

3. (1) Die skema word uitgevoer deur 'n raad bekend as die Aartappelraad (hierna „die raad” genoem) wat uit dertien lede bestaan, deur die Staatspresident aangestel te word, van wie—

- (a) agt verteenwoordigers is van aartappelprodusente en benoem word soos in artikel vier bepaal;
- (b) twee verteenwoordigers is van verbruikers van aartappels van wie een deur die Minister na raadpleging met die Adviserende Verbruikerskomitee en die ander deur daardie komitee uit sy lede genomineer moet word: Met dien verstande dat wanneer 'n lid deur die Verbruikerskomitee genomineer, ook al ophou om lid van daardie komitee te wees, hy ook ophou om 'n lid van die raad te wees en 'n ander lid van daardie komitee in sy plek genomineer word;
- (c) een 'n verteenwoordiger is van persone wat as agente vir die verkoop van aartappels namens produsente in beheerde gebiede optree, en deur 'n vereniging wat, volgens oordeel van die Minister, verteenwoordigend van sulke agente is, benoem word: Met dien verstande dat niemand wat, volgens die Minister se oordeel, direk of indirek belang het by of betrokke is in die groothandel in aartappels, kragtens hierdie paragraaf benoem mag word nie;
- (d) een 'n verteenwoordiger is van markmeesters en deur 'n vereniging wat, volgens oordeel van die Minister, verteenwoordigend van markmeesters in die Republiek is, benoem word;
- (e) een 'n amptenaar van die Departement van Landbou-ekonomie en -bemarking is wat deur die Minister benoem is.

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

BENOEMING VAN VERTEENWOORDIGERS VAN AARTAPPELPRODUSENTE.

4. Van die lede van die raad in paragraaf (a) van sub-artikel (1) van artikel drie bedoel, word—

- (a) twee benoem deur 'n vereniging wat, volgens oordeel van die Minister, verteenwoordigend is van produsente van aartappels in Transvaal (met uitsondering van die Laeveld-gebied);
- (b) twee deur 'n vereniging wat, volgens oordeel van die Minister, verteenwoordigend is van sulke produsente in die Oranje-Vrystaat;
- (c) een deur 'n vereniging wat, volgens oordeel van die Minister, verteenwoordigend is van sulke produsente in Natal;
- (d) een deur 'n vereniging wat, volgens oordeel van die Minister, verteenwoordigend is van sulke produsente in die Laeveld-gebied van Transvaal;
- (e) een deur 'n vereniging wat, volgens oordeel van die Minister, verteenwoordigend is van sulke produsente in die Kaapprovinsie; en
- (f) een deur 'n vereniging wat, volgens oordeel van die Minister, verteenwoordigend is van kwekers van aartappelmoere.

KENNISGEWING OM VERTEENWOORDIGERS TE BENOEM.

5. Wanneer 'n benoeming ooreenkomstig artikel drie nodig word, moet die Minister die betrokke vereniging skriftelik kennis gee of laat gee om, binne 'n tydperk in die kennisgewing vasgestel, die persoon of persone te benoem, wat sodanige vereniging geregtig is om vir aanstelling op die raad te benoem.

IF NO SUITABLE PERSON IS NOMINATED, THE MINISTER MAY NOMINATE.

6. If any person nominated as aforesaid is, in the opinion in 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 association concerned and call upon that association to nominate some other person for appointment to the board, and if that association thereupon again nominates a person who is, in the opinion of the Minister, not suitable or not qualified, as aforesaid, or whenever the association fails to nominate any person, the Minister may himself, subject to the provisions of the scheme, nominate any person whom he considers fit to be a member of the board to represent the interests concerned.

IF NO ASSOCIATION EXISTS, THE MINISTER MAY NOMINATE.

7. If the Minister is satisfied that an association such as is referred to in paragraphs (c) and (d) of sub-section (1) of section three and section four 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 twenty-five, the members of the board shall be appointed for a period of two years: Provided that the member referred to in paragraph (e) of sub-section (1) of section three 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 not longer than a period of three months as from the expiration of the first-mentioned period.

(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 deputy of that member while he is so prevented.

(6) Whenever a member of the board absents himself from three consecutive meetings of the board without its leave, 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.

MEETINGS OF THE BOARD.

9. (1) All meetings of the board shall be held at such times and places as the board, or the chairman, if authorised thereto by 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 a time and place to be determined by him.

(3) At the written request of not less than six 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 such a time and place as determined 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 official of the board authorised thereto by the board.

MINISTER KAN BENOEM AS GEEN GESKIKTE PERSOON BENOEM IS NIE.

6. 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 en daardie vereniging aansê om iemand anders vir aanstelling op die raad te benoem, en indien daardie vereniging daarna weer iemand benoem wat, volgens die oordeel van die Minister, ongeskik of onbevoeg is, soos vermeld, of wanneer die vereniging in gebreke bly om iemand te benoem, kan die 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.

MINISTER KAN BENOEM AS DAAR GEEN VERENIGING BESTAAN NIE.

7. Indien die Minister oortuig is dat 'n vereniging, soos bedoel in paragrawe (c) en (d) van subartikel (1) van artikel drie en artikel vier nie bestaan nie, kan hy self iemand vir aanstelling op die raad benoem om die betrokke belange te verteenwoordig.

AMPSDUUR VAN RAADSLEDE.

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

(2) Na afloop van die tydperk waarvoor lede aangestel is, bly hulle in hul amp totdat hul opvolgers aangestel is, maar nie vir langer as drie maande na afloop van genoemde tydperk 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 verloop 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 oorsaak verhinder word om sy ampswerkzaamhede te verrig, kan die Minister iemand anders wat hy geskik ag, aanstel om as plaasvervanger van daardie lid op te tree 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 te dien nie, hou hy op om lid van die raad te wees.

RAADSVERGADERINGS.

9. (1) Alle vergaderings van die raad word gehou op die tye en plekke wat die raad of die voorsitter, indien deur die raad daartoe gemagtig, van tyd tot tyd mag bepaal.

(2) Die 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 ses 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 beampde van die raad deur die raad daartoe gemagtig.

ELECTION AND TENURE OF OFFICE OF CHAIRMAN.

10. (1) Subject to the provisions of sub-section (6) of section *twenty-five*, the board shall at its first meeting and thereafter as the occasion arises, 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 a period as it may determine.

QUORUM, MAJORITY DECISION AND CHAIRMAN'S CASTING VOTE.

11. (1) Seven members of the board, appointed in terms of sub-section (1) of section *three* and sub-sections (4) and (8) of section *eight*, shall form a quorum at any meeting of the board.

(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 determined 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 determined by him.

(4) A 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 October in each year to the thirtieth day of September in the following year.

AUDIT.

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

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

POWERS OF THE BOARD.

15. (1) 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;

VERKIESING EN AMPSDUUR VAN VOORSITTER.

10. (1) Behoudens die bepalings van subartikel (6) van artikel *vyf-en-twintig*, kies die raad 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 'n lid van die raad aangestel is, watter tydperk ookal die kortste is, en wat daarna herkies kan 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.

KWORUM, MEERDERHEIDSBESLISSING EN BESLISSENDE STEM VAN VOORSITTER.

11. (1) Sewe lede van die raad, aangestel ooreenkomstig subartikel (1) van artikel *drie* en subartikels (4) en (5) van artikel *agt*, maak 'n kworum vir enige vergadering van die raad uit.

(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 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 goeë dunde sommige 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 Oktober elke jaar tot die dertigste dag van September die volgende jaar.

OUDITERING.

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

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

BEVOEGDHEDE VAN DIE RAAD.

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

- (a) om die amptenare aan te stel en die eiendom aan te skaf of te huur wat hy vir die behoorlike verrigting van sy werksaamhede nodig ag, 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) 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 for Agricultural Economics and Marketing 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;
- (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 use any money derived from the levy imposed in terms of section sixteen for any object which, in the opinion of the board, will be to the advantage of persons interested in the production and marketing of potatoes;
- (d) to assist by grant, loan or otherwise, any undertaking for preserving, processing, storing or conditioning potatoes and any research work relating to the improvement, production, processing and marketing of potatoes;
- (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 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;
- (g) to act as agent for the receipt and sale of potatoes;
- (h) on such conditions as the Minister may approve, to buy potatoes;
- (i) to treat in such manner as it may deem fit, grade, pack, store, process, adapt for sale, insure, advertise or transport any potatoes which it has bought;
- (j) on such conditions as the Minister may approve, to sell, whether in its original form or processed wholly or in part, the potatoes which it has bought;
- (k) to conduct a pool for the sale of potatoes and to treat in such manner as it may deem fit, grade, pack, store, process, adapt for sale, insure, advertise and transport potatoes in connection with which it conducts a pool;
- (l) to finance any pool conducted by the board and to make advances to the contributors to the pool;
- (m) to prohibit with the approval of the Minister from time to time any producer from selling potatoes which he has produced, except such class or grade thereof as the board has determined or except for such purposes as the board has defined;
- (n) with the approval of the Minister, from time to time to prohibit any person from introducing into any area defined by the board, potatoes, except such class or grade thereof as the board has determined or except for such purposes as the board has defined;
- (o) to require every person concerned in the production, marketing or processing of potatoes to furnish the board with such information relating to potatoes as may be available to such person and as the board may specify;
- (p) to establish an information service in order to advise producers of potatoes from time to time about marketing conditions in general or about the condition of any particular market;
- (b) om, onderworpe aan voorwaardes deur die Minister goedgekeur, die agente wat hy vir die behoorlike verrigting van sy werksaamhede nodig ag, 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 30 rand by die Sekretaris van Landbou-ekonomie en -bemarking 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 benevens enige ander aldus aangestelde persoon of dat sy aanstelling nie beëindig behoort te gewees het nie, al na die geval, die appèl kan toestaan, en die wyse kan bepaal waarop oor die aldus gestorte bedrag beskik moet word;
- (c) om, met die Minister se goedkeuring, geld te leen om aangewend te word ter verwesenliking van die doel van die skema en geld verkry uit die heffing kragtens artikel *sestien* opgelê, aan te wend vir di doeleindes wat volgens die raad se oordeel tot voordeel sal wees van persone wat belang het by die produksie en bemarking van aartappels;
- (d) om deur middel van toekenning of lening, of ander wyse, hulp te verleen aan enige onderneming vir die bewaring, verwerking, opberging of bewerking van aartappels en enige navorsingswerk met betrekking tot die verbetering, produksie, verwerking en bemarking van aartappels;
- (e) om geld of eiendom wat by wyse van geskenk, toekenning of andersins aan die raad gegee word, aan te neem en om daardie geld of eiendom op 'n wyse wat die Minister mag goedkeur, aan te wend;
- (f) om met enigeen mee te doen aan 'n handeling wat raad kan verrig, en om namens 'n ander soortgelyke raad enige handeling te verrig wat daardie raad kan verrig;
- (g) om as agent vir die ontvangs en verkoping van aartappels op te tree;
- (h) om, op die voorwaardes wat die Minister goedkeur, aartappels te koop;
- (i) om aartappels 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;
- (j) om, op die voorwaardes wat die Minister goedkeur, aartappels wat hy gekoop het, te verkoop, hetsy in die oorspronklike of in gedeeltelik of geheel-enal verwerkte vorm;
- (k) om 'n poel vir die verkoop van aartappels te bestuur en om aartappels ten opsigte waarvan hy 'n poel bestuur, te behandel soos hy goedvind, te gradeer, te verpak, op te berg, te verwerk, vir verkoop geskik te maak, te verseker, te adverteer en te vervoer;
- (l) om 'n poel wat deur die raad bestuur word, te finansier en om aan bydraers tot die poel geld voor te skiet;
- (m) om, met die goedkeuring van die Minister, 'n produsent van tyd tot tyd te belet om aartappels wat hy geproduseer het, behalwe 'n klas of graad daarvan wat die raad vasgestel het, of behalwe vir 'n doel wat die raad bepaal het, te verkoop;
- (n) om, met die Minister se goedkeuring, enigiemand van tyd tot tyd te belet om aartappels, behalwe 'n klas of graad daarvan wat die raad vasgestel het, of behalwe vir 'n doel wat die raad bepaal het, in 'n deur die raad omskrewe gebied in te bring;
- (o) om eike persoon wat betrokke is by die produksie, bemarking of verwerking van aartappels te gelas om aan die raad die inligting met betrekking tot aartappels te verstrek waarvoor sodanige persoon beskik en wat die raad mag spesifiseer;
- (p) om 'n inligtingsdiens in te stel ten einde aartappelprodusente van tyd tot tyd in te lig aangaande bemarkingstoestande oor die algemeen of aangaande die toestand ten opsigte van 'n besondere mark;

- (q) with the approval of the Minister, to prescribe the records to be kept, the period for which any such records 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 potatoes, and the times at which and the form and manner in which such returns shall be rendered;
- (r) to advise the Minister as to—
 - (i) the conditions regarding grades, standards of quality, methods of packing and the marking of potatoes, or any receptacles containing potatoes subject to which any such potatoes may be sold or imported for sale;
 - (ii) the prohibition, control or regulation of the importation or exportation of potatoes; and
 - (iii) all matters relating to the marketing or processing of potatoes;
- (f/s) to require any person who exports potatoes to consign or dispose of any quantity of such potatoes which he exports to or through the board or such persons or agencies (including any agency established by the board) as it may designate, or to consign any quantity of the potatoes which he exports to a specified overseas market;
- (t) with the approval of the Minister, to impose a special levy on potatoes referred to in sub-section (1) of section *sixteen*, for the purpose of which levy the provisions of sub-sections (2) and (3) of the said section shall *mutatis mutandis* apply;
- (u) to establish a special fund, to pay into that fund the proceeds of any special levy imposed under paragraph (t) above, and such other amounts at the board's disposal as may be approved by the Minister, and to deal with moneys in that fund in such manner as may be approved by the Minister;
- (v) to determine, with the approval of the Minister, the allowances payable out of the funds of the board to its members or advisory members or any member of a committee established in terms of section *twenty*;
- (w) to determine a commission payable to market masters in controlled areas for the benefit of the local authorities in whose area of jurisdiction such market masters operate, for services rendered in connection with the collection of a levy referred to in section *sixteen* of the scheme.

(2) Any requirement or prohibition imposed or decision taken by the board which relates to any area within the Republic, or a class of potatoes, may differ from such requirement or prohibition or decision which relates to any other area of the Republic or another class of potatoes or shall apply only to specified portions of the Republic or relate only to specified classes of potatoes.

LEVY ON POTATOES.

16. (1) The board may with the approval of the Minister impose a levy not exceeding $2\frac{1}{2}$ cents per $37\frac{1}{2}$ lb. on potatoes—

- (a) sold by a producer within a controlled area; or
- (b) introduced for sale into any such area by a person dealing with potatoes in the course of trade.

(2) The levy imposed under sub-section (1) shall be payable to the board at such time and in such a manner as may be prescribed by regulation under the Act: In the case of potatoes—

- (a) sold through an agent or a market master, by that agent or market master: Provided that potatoes sold by an agent at a place under the control of a market master shall be regarded as having been sold by such a market master;

(q) om, met die Minister se goedkeuring, die rekords wat gehou moet word, die tydperk waarvoor sodanige rekords bewaar moet word, en die opgawes wat aan die raad verstrekk moet word deur enige persoon of klas of groep persone wat aartappels produseer of daarmee as 'n besigheid handel, voor te skryf, asook die tye waarop, die vorm waarin en die wyse waarop die opgawes verstrekk moet word;

(r) om die Minister van advies te bedien aangaande—

- (i) die voorwaardes wat betref grade, kwaliteit-standaarde, verpakkingsmetodes en die merk van aartappels of houers wat aartappels bevat, waarop die aartappels verkoop of vir verkoop ingevoer mag word;
- (ii) verbod op, beheer oor of reëling van die invoer of uitvoer van aartappels; en
- (iii) alle aangeleenthede betreffende die bemarking en verwerking van aartappels;

(s) om iemand wat aartappels uitvoer, te gelas om enige hoeveelheid van sodanige aartappels wat hy uitvoer, aan of deur die raad of die persone of agent-skappe (met inbegrip van enige agentskap deur die raad ingestel) wat die raad aanwys, te versend of van die hand te sit, of om enige hoeveelheid van die aartappels wat hy uitvoer, na 'n bepaalde oorsese mark te stuur;

(t) om, met die Minister se goedkeuring, 'n spesiale heffing op aartappels, bedoel in subartikel (1) van artikel *sestien*, te lê, vir die doeleindes waarvoor die bepalings van subartikels (2) en (3) van genoemde artikel *mutatis mutandis* van toepassing is;

(u) om 'n spesiale fonds in te stel, om die opbrengste van 'n spesiale heffing kragtens paragraaf (t) hierbo opgelê en enige ander bedrae tot beskikking van die raad, wat deur die Minister goedgekeur word, in daardie fonds te stort en om met gelde in daardie fonds te handel op die wyse wat deur die Minister goedgekeur mag word;

(v) om, met die Minister se goedkeuring, die toelaes vas te stel wat uit die raad se fondse aan sy lede of adviserende lede of lede van 'n komitee ingestel ingevolge artikel *twintig* betaal moet word;

(w) om 'n kommissie vas te stel wat aan markmeesters in beheerde gebiede betaalbaar is, ten bate van die plaaslike besture binne wie se regsgebied sodanige markmeesters optree, vir dienste met die invordering van 'n heffing bedoel in artikel *sestien* van die skema verrig.

(2) 'n Voorskrif van of verbod opgelê of besluit geneem deur die raad, met betrekking tot 'n gedeelte van die Republiek of 'n klas aartappels, kan verskil van so 'n voorskrif of verbod of besluit met betrekking tot 'n ander gedeelte van die Republiek of 'n ander klas aartappels of kan alleen in aangewese gedeeltes van die Republiek van toepassing wees of alleen op aangewese klasse van aartappels betrekking hê.

HEFFING OP AARTAPPELS.

16. (1) Die raad kan met goedkeuring van die Minister 'n heffing van hoogstens $2\frac{1}{2}$ sent per $37\frac{1}{2}$ lb. op aartappels lê—

- (a) deur 'n produsent in 'n beheerde gebied verkoop; of
- (b) in so 'n gebied deur 'n persoon wat met aartappels as 'n besigheid handel, vir verkoop ingebring.

(2) Die heffing opgelê onder subartikel (1) is aan die raad betaalbaar op die tye en wyse wat by regulasie kragtens die Wet voorgeskryf mag word: In die geval van aartappels, wat—

- (a) deur 'n agent of 'n markmeester verkoop word, deur daardie agent of markmeester: Met dien verstande dat aartappels wat deur 'n agent op 'n plek onder beheer van 'n markmeester verkoop word, geag word deur sodanige markmeester verkoop te wees;

(b) not sold through an agent or market master—

- (i) by the purchaser thereof, if that purchaser is a person dealing with potatoes in the course of trade; subject, however, to the provisions of paragraph (c) hereof;
- (ii) by the producer thereof, if the purchaser is not a person dealing with potatoes in the course of trade;

(c) introduced for sale into a controlled area by a person dealing with potatoes in the course of trade (excluding potatoes sold on his behalf by an agent or market master in such area), by the person who so introduces such potatoes, irrespective of whether or not the purchaser is a person dealing with potatoes in the course of trade.

(3) Any agent or market master who has paid the levy on potatoes sold on behalf of a producer or a person dealing with potatoes in the course of trade, may recover such levy from such producer or person.

ESTABLISHMENT OF POTATO LEVY FUND.

17. The board shall establish a fund to be known as the Potato Levy Fund into which it shall pay all moneys which it may derive from the levy imposed in terms of section sixteen, as well as any other moneys which may accrue to the board, and from which all payments by the board shall be made.

ESTABLISHMENT OF A RESERVE FUND.

18. The board shall establish a fund to be known as the Reserve Fund 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 this fund in such manner as may be approved by the Minister.

REGISTRATION OF CERTAIN PERSONS DEALING WITH POTATOES IN THE COURSE OF TRADE.

19. (1) No person who introduces potatoes into a controlled area, or who purchases potatoes in a controlled area from producers of potatoes, or who produces potatoes in a controlled area, may deal with such potatoes in such an area in the course of trade unless he has been registered with the board, and no person may act as an agent in a controlled area for the sale of potatoes unless he has been registered with the board.

(2) No person shall be registered under this section unless he has complied with such requirements as may be prescribed by regulation under the Act.

(3) The board may cancel the registration of a person in terms of this section if he has contravened or failed to comply with the said requirements.

(4) Any such person may appeal to the Minister against any decision of the board relative to his registration and the Minister may, after consideration of any appeal, confirm, set aside or vary such decision.

ESTABLISHMENT OF ADVISORY COMMITTEE.

20. The board may, in any area in which this scheme or any provision thereof applies or in respect of any product or products to which this scheme relates, establish one or more committees to be constituted in such manner as may be determined by the board with the approval of the Minister, for the purpose of advising the board in regard to any matter relating to the administration of this scheme, or any provision thereof, in the area in question, or in respect of the product or products in question and to which the board may, on such conditions as the Minister may approve, assign such of its powers under this scheme as it may with the approval of the Minister determine.

(b) nie deur 'n agent of markmeester verkoop is nie—

- (i) deur die koper daarvan, indien hy 'n persoon is wat met aartappels as 'n besigheid handel, onderhewig egter aan die bepalings van paragraaf (c) hiervan;
- (ii) deur die produsent daarvan, indien die koper nie 'n persoon is wat met aartappels as 'n besigheid handel nie;

(c) in 'n beheerde gebied deur 'n persoon wat met aartappels as 'n besigheid handel, vir verkoop ingebring word (uitgesonderd aartappels namens hom deur 'n agent of markmeester in sodanige gebied verkoop), deur daardie persoon, ongeag of die koper 'n persoon is wat met aartappels as 'n besigheid handel, al dan nie.

(3) 'n Agent of markmeester wat die heffing op aartappels betaal het wat hy ten behoeve van 'n produsent of 'n persoon wat met aartappels as 'n besigheid handel verkoop het, kan daardie heffing op daardie produsent of persoon verhaal.

INSTELLING VAN 'N AARTAPPELHEFFINGFONDS.

17. Die raad stel 'n fonds in onder die benaming Aartappelheffingfonds, waarin alle gelde ontvang uit heffings ingevolge artikel *sestien* opgelê, en ander gelde wat die raad toekom, gestort word, en waaruit betalings deur die raad gemaak word.

INSTELLING VAN 'N RESERWEFONDS.

18. Die raad stel 'n fonds in wat bekend staan as die Reserwefonds 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 'n boekjaar ingevolge die skema en na oorlegpleging met die raad mag bepaal, en die raad beskik oor die gelde in genoemde fonds op die wyse wat die Minister mag goedkeur.

REGISTRASIE VAN SEKERE PERSONE WAT MET AARTAPPELS AS 'N BESIGHEID HANDEL.

19. (1) Niemand wat aartappels in 'n beheerde gebied inbring of aartappels in 'n beheerde gebied van produsente daarvan koop of aartappels in 'n beheerde gebied produseer, mag in sodanige gebied met daardie aartappels as 'n besigheid handel nie tensy hy by die raad geregistreer is, en niemand mag in 'n beheerde gebied as 'n agent vir die verkoop van aartappels optree nie tensy hy by die raad geregistreer is.

(2) Geen persoon word kragtens hierdie artikel geregistreer nie tensy hy voldoen aan die vereistes wat by regulasie onder die Wet voorgeskryf mag word.

(3) Die raad kan die registrasie van 'n persoon ingevolge hierdie artikel kanselleer as hy 'n aldus voorgeskrewe vereiste oortree het of in gebreke gebly het om daaraan te voldoen.

(4) So 'n persoon kan by die Minister appèl aanteken teen 'n besluit van die raad wat in verband staan met sy registrasie, en die Minister kan, na oorweging van enige appèl, so 'n besluit bekrachtig, dit van die hand wys of wysig.

INSTELLING VAN ADVISERENDE KOMITEE.

20. Die raad kan in enige gebied waarin hierdie skema of enige bepalings daarvan van toepassing is, of ten opsigte van 'n produk of produkte waarop hierdie skema betrekking het, een of meer komitees instel wat saamgestel sal wees soos deur die raad met die goedkeuring van die Minister bepaal mag word, ten einde die raad te adviseer aangaande enige aangeleentheid betreffende die uitvoering van hierdie skema, of enige bepaling daarvan, in die betrokke gebied, of ten opsigte van die betrokke produk of produkte en waaraan die raad, op die voorwaardes wat die Minister goedkeur, sodanige van sy bevoegdhede onder hierdie skema kan oordra as wat hy met die goedkeuring van die Minister bepaal.

POWERS OF INSPECTION.

21. (1) Any person generally or specially authorised thereto by the board may at all reasonable hours—

- (a) enter any place occupied by any person who is, or who is suspected of being a producer of potatoes or a person dealing or suspected of dealing with potatoes in the course of trade, or any place or vehicle in or upon which there is kept, or is suspected of being kept, any quantity of potatoes by any person for any purpose other than consumption by the owner of such potatoes or by the members of his household;
- (b) inspect any such potatoes and examine all books and documents at such place or in or upon such vehicle which are believed, upon reasonable grounds, to relate to such potatoes, and make copies of or take extracts from such books and documents;
- (c) demand from the owner or custodian of such potatoes any information concerning such potatoes;
- (d) demand from the owner or custodian of any such book or document an explanation of any entry therein;
- (e) 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 potatoes in respect of which any such offence is suspected to have been committed, and remove from the place or vehicle in question or leave at such place or on such vehicle any books, documents, articles or any quantity of such potatoes which have been so seized; and if he deems fit place on any such book, document, article or potatoes, or on the container thereof, any identification mark which he may consider necessary.

(2) Any person who obstructs any person in the exercise of a function or the carrying out of an authorisation in terms of sub-section (1), or who wilfully fails or refuses to make any statement or furnish any explanation demanded in terms thereof, or who makes a false statement or who causes such false statement to be made, or furnishes a false explanation or causes such false explanation to be made in relation to a matter referred to in sub-section (1), is guilty of an offence.

OFFENCES AND PENALTIES.

22. Any person who—

- (a) contravenes or fails to comply with—
 - (i) any provision of the scheme or any prohibition, requirement, direction, decision or determination imposed, prescribed, given or made thereunder or any prohibition, requirement, direction, decision or determination in force in consequence of the provisions of sub-section (1) of section *twenty-five*; or
 - (ii) any condition prescribed in connection with any such provision, prohibition, requirement, direction, decision, or determination; or
 - (iii) any condition subject to which he has in pursuance of any such provision, prohibition, requirement, direction or determination been authorised to do any act; or
- (b) fails to keep, issue or render any record, invoice, account, statement or return which he is required to keep, issue or render in terms of the scheme or a requirement prescribed under the scheme or in force in consequence of the provisions of sub-section (1) of section *twenty-five* or in terms of a condition referred to in sub-paragraph (ii) or (iii) of paragraph (a); or
- (c) fails to retain any record for the period for which he is required to retain it in terms of a requirement prescribed under the scheme or in force in consequence of the provisions of sub-section (1) of section *twenty-five*; or

INSPEKSIEBEVOEGDHEDE.

21. (1) Enigiemand wat in die algemeen of spesiaal deur die raad daartoe gemagtig is, kan op alle redelike tye—

- (a) 'n plek betree wat geokkupeer word deur 'n persoon wat 'n produsent is van aartappels of vermoed word 'n produsent daarvan te wees, of 'n persoon wat met aartappels as 'n besigheid handel of vermoed word daarmee as 'n besigheid te handel of 'n plek of voertuig betree waarin of waarop daar 'n hoeveelheid aartappels deur enigiemand gehou word of na vermoede gehou word vir 'n ander doel as verbruik deur die eienaar van die aartappels of deur lede van sy huisgesin;
- (b) sodanige aartappels inspekteer en alle boeke en stukke op sodanige plek of in of op sodanige voertuig nagaan wat op redelike grond vermoed word om op sodanige aartappels betrekking te hê, en afskrifte van of uittreksels uit die boeke en stukke maak;
- (c) van die eienaar van sodanige aartappels of die persoon wat dit in sy bewaring het, enige inligting aangaande die aartappels 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 eis;
- (e) beslag 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 aartappels ten opsigte waarvan so 'n misdryf vermoedelik begaan is, en om boeke, stukke, of artikels of enige hoeveelheid van sodanige aartappels 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 aartappels, of die houer daarvan, enige identifikasiemerk wat hy nodig ag, aan te bring.

(2) Enigien wat iemand by die verrigting van 'n werksaamheid of die uitoefening van 'n bevoegdheid, kragtens subartikel (1), belemmer, of wat opsetlik versuim of weier om 'n verklaring te maak of uitleg te verstrek wat daarkragtens geëis word, of wat 'n valse verklaring maak of laat maak of 'n valse uitleg verstrek of laat verstrek betreffende 'n aangeleentheid genoem in subartikel (1), begaan 'n misdryf.

OORTREDINGS EN STRAFBEPALINGS.

22. Enigiemand wat—

- (a) 'n oortreding begaan van of versuim om te voldoen aan—
 - (i) enige bepaling van die skema of enige verbod, vereiste, voorskrif, besluit of vasstelling ingevolge daarvan opgelê, voorgeskryf, uitgereik of gemaak of enige verbod, vereiste, voorskrif, besluit of vasstelling van krag as gevolg van die bepalings van subartikel (1) van artikel *vyf-en-twintig*; of
 - (ii) enige voorwaarde voorgeskryf in verband met sodanige bepaling, verbod, vereiste, voorskrif, besluit of vasstelling; of
 - (iii) enige voorwaarde onderworpe waaraan hy ooreenkomstig sodanige bepaling, verbod, vereiste, voorskrif of vasstelling gemagtig is om enige daad te verrig; of
- (b) versuim om enige rekord, faktuur, rekening, staat of opgawe te hou, uit te reik of te verstrek wat hy ingevolge die skema of 'n vereiste voorgeskryf kragtens die skema of van krag as gevolg van die bepalings van subartikel (1) van artikel *vyf-en-twintig* of ingevolge 'n voorwaarde genoem in subparagraaf (ii) of (iii) van paragraaf (a) moet hou, uitreik of verstrek; of
- (c) versuim om enige rekord te bewaar vir die tydperk wat hy dit kragtens 'n vereiste ingevolge die skema voorgeskryf, of van krag as gevolg van die bepalings van subartikel (1) van artikel *vyf-en-twintig*, moet bewaar; of

- (d) in any record, invoice, account, statement, or return referred to in paragraph (b) furnishes any information which is incorrect or calculated to mislead;

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.

LEGAL PERSONALITY.

23. The board established under section *three*, shall be a body corporate capable of suing and being sued in its own name, and of performing all such acts as are necessary for or incidental to the carrying out of its objects and powers under this scheme.

LIQUIDATION OF SCHEME.

24. In the event of the discontinuance of this scheme—

- (a) any assets of the board after all its debts have been paid shall be handed over to the Minister and the assets so handed over shall be utilised by the Minister in his discretion for the advancement of the potato industry;
- (b) any deficit which may exist after all the assets of the board have been realised, shall be borne by producers, pro rata to the relative amounts paid by or recovered from them by way of levy in terms of section *sixteen* during the period of three years immediately preceding the date on which the scheme is discontinued.

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

25. (1) All notices, prohibitions, requirements, decisions or determinations issued, imposed, taken or made under the Potato Scheme published under Proclamation No. 136 of 1951, 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 Potato Scheme published under Proclamation No. 136 of 1951, 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 Potato Scheme published under Proclamation No. 136 of 1951, as amended, shall vest in the board administering this scheme.

(4) Any moneys in any fund established in terms of the Potato Scheme published under Proclamation No. 136 of 1951, as amended, shall be transferred to the corresponding funds established in terms of this scheme.

(5) The members appointed to the Potato Board, in terms of Proclamation No. 136 of 1951, 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 Potato Board in terms of this scheme and shall, notwithstanding the provision in sub-section (1) of section *eight* 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. 136 of 1951, as amended.

(6) The person elected as chairman of the Potato Board in terms of Proclamation No. 136 of 1951, 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 Potato 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 *ten*, continue to hold office for the unexpired portion of the period for which he was elected in terms of Proclamation No. 136 of 1951, as amended.

- (d) in enige rekord, faktuur, rekening, staat of opgawe genoem in paragraaf (b) inligting verstrek wat onjuis is of daarop bereken is om te mislei;

is aan 'n misdryf skuldig en by skuldigverklaring 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.

REGSPERSONLIKHEID.

23. Die raad kragtens artikel *drie* ingestel, is met regs-persoonlikheid bekleed en kan in sy eie naam as eiser en verweerder in regte optree en al die handelinge verrig wat nodig is vir of verbonde is aan die bereiking van sy doel en die uitoefening van sy bevoegdhede onder hierdie skema.

OPHEFFING VAN SKEMA.

24. Ingeval hierdie skema opgehef word—

- (a) word alle bates van die raad, nadat al sy skulde betaal is, aan die Minister oorhandig en die aldu oorhandigde bates word deur die Minister na goeddunke vir die bevordering van die aartappelbedryf aangewend;
- (b) word enige tekort wat mag bestaan nadat al die bates van die raad tot geld gemaak is, gedra deur produsente, in verhouding tot die onderskeie bedrae deur hulle betaal of van hulle verhaal as heffing kragtens artikel *sestien* gedurende die tydperk van die drie jaar onmiddellik voor die datum waarop die skema opgehef is.

KENNISGEWINGS, VERBODSBEPALINGS, VOORSKRIFTE, BESLUIT, VASSTELLINGS, FONDSE EN LEDE VAN DIE RAAD.

25. (1) Alle kennisgewings, verbodsbepalings, voorskrifte, besluite, vasstellings of bepalinge wat uitgevaardig, opgelê, geneem of gedoen is kragtens die Aartappelskema, bekendgemaak by Proklamasie No. 136 van 1951, 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 appêle uitgereik, gemaak, gesluit of aangeteken kragtens die Aartappelskema, bekendgemaak by Proklamasie No. 136 van 1951, 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 Aartappelskema, bekendgemaak by Proklamasie No. 136 van 1951, soos gewysig, uitvoer, gaan oor op die raad wat hierdie skema uitvoer.

(4) Enige gelde in enige fonds ingestel kragtens die Aartappelskema, bekendgemaak by Proklamasie No. 136 van 1951, soos gewysig, word oorgedra na die onderskeie fondse kragtens hierdie skema ingestel.

(5) Die lede wat kragtens Proklamasie No. 136 van 1951, soos gewysig, in die Aartappelraad aangestel is en hulle amp beklee onmiddellik voor die datum van inwerkingtreding van hierdie skema, word geag as lede van die Aartappelraad kragtens hierdie skema aangestel te gewees het en beklee hulle amp, ongeag die bepaling in subartikel (1) van artikel *agt* 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. 136 van 1951, soos gewysig, aangestel is.

(6) Die persoon wat kragtens Proklamasie No. 136 van 1951, soos gewysig, tot voorsitter van die Aartappelraad 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 Aartappelraad verkies te gewees het en bly daardie amp beklee met ingang van die datum van die inwerkingtreding van hierdie skema en onderworpe aan die bepalinge van artikel *tien*, vir die onverstreke gedeelte van die tydperk waarvoor hy kragtens Proklamasie No. 136 van 1951, soos gewysig, verkies is.

(7) Any committee appointed by the board in terms of Proclamation No. 136 of 1951, as amended, shall be deemed to have been appointed in terms of the corresponding provision of this scheme.

(7) Enige komitee wat kragtens Proklamasie No. 136 van 1951, soos gewysig, deur die raad aangestel is, word geag kragtens die ooreenstemmende bepaling van hierdie skema aangestel te gewees het.

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