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1 OKTOBER

[No. 1244.

PROCLAMATION

BY THE STATE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA.

No. R. 238, 1965.]

SCHEME IN TERMS OF THE MARKETING ACT, 1937, AS AMENDED, FOR REGULATING THE MARKETING OF MOHAIR AND FOR MATTERS INCIDENTAL THERETO.

Whereas the Minister of Agricultural Economics and Marketing has, in terms of paragraph (c) of sub-section (3) of section *seventeen* 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.

Given under my Hand and the Seal of the Republic of South Africa at Bloemfontein on this Twenty-second day of September, One thousand Nine hundred and Sixty-five.

C. R. SWART,
State President.

By Order of the State President-in-Council.

D. C. H. UYS.

SCHEDULE.

SCHEME IN TERMS OF THE MARKETING ACT, 1937, AS AMENDED, FOR REGULATING THE MARKETING OF MOHAIR AND FOR MATTERS INCIDENTAL THERETO.

Name and Scope of Scheme.

1. (1) This scheme shall be known as the Mohair Scheme and shall relate to mohair as defined in section 2.

(2) The provisions of this scheme shall apply in the Republic of South Africa to the classes of persons herein-after mentioned who are concerned in the production of mohair or who deal in the course of trade with mohair.

Definitions.

2. 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

PROKLAMASIE

VAN DIE STAATSPRESIDENT VAN DIE REPUBLIEK VAN SUID-AFRIKA.

No. R. 238, 1965.]

SKEMA KRAGTENS DIE BEMARKINGSWET, 1937, SOOS GEWYSIG, VIR DIE REËLING VAN DIE BEMARKING VAN SYBOKHAAR EN AANGELEENTHEDE WAT DAARMEE IN VERBAND STAAN.

Nademaal die Minister van Landbou-ekonomie en -bemarking, kragtens paragraaf (c) van subartikel (3) van artikel *sewentien* 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.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Bloemfontein, op hede die Twee-en-twintigste dag van September Eenduisend Negehoenderd Vyf-en-sestig.

C. R. SWART,
Staatspresident.

Op las van die Staatspresident-in-rade.

D. C. H. UYS.

BYLAE.

SKEMA KRAGTENS DIE BEMARKINGSWET, 1937, SOOS GEWYSIG, VIR DIE REËLING VAN DIE BEMARKING VAN SYBOKHAAR EN VIR AANGELEENTHEDE WAT DAARMEE IN VERBAND STAAN.

Naam en omvang van skema.

1. (1) Hierdie skema heet die Sybokhaarskema en het betrekking op sybokhaar soos omskryf in artikel 2.

(2) Die bepalings van hierdie skema is van toepassing in die Republiek van Suid-Afrika op die klasse persone hierna genoem, wat betrokke is by die produksie van sybokhaar of wat daarmee as 'n besigheid handel.

Woordomskrywing.

2. 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,

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—

- (a) "producer" means a person who produces mohair or on whose behalf mohair is produced and also includes in relation to any quantity of mohair acquired from a person as remuneration for services rendered to a producer of mohair, the person who so acquired that quantity;
- (b) "board" means the Mohair Board as constituted in terms of section 3;
- (c) "mohair" means the hair derived from the Angora goat (*Capra aegreus*) or from another animal obtained from the crossbreeding of an Angora goat with any other member of the goat family, and includes mohair on skins.

Administration of Scheme and Constitution of Board.

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

- (a) four shall represent producers and shall be nominated, after mutual consultation, by organisations which, in the opinion of the Minister, are representative of such producers;
- (b) one shall represent mohair brokers and shall be nominated, after mutual consultation, by organisations which in the opinion of the Minister, are representative of mohair brokers;
- (c) one shall represent buyers of mohair and shall be nominated, after mutual consultation, by organisations which, in the opinion of the Minister, are representative of buyers of mohair;
- (d) one shall be an officer of the Department of Agricultural Economics and Marketing and shall be nominated by the Minister.

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

Notice to Nominated Members.

4. Whenever a nomination in terms of paragraph (a), (b) or (c), of sub-section (1) of section 3 becomes necessary, the Minister shall call upon the 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 said section to nominate for appointment to the board.

The Minister may Nominate if no Suitable Person is Nominated.

5. (1) If no 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 organisation concerned and call upon that organisation to nominate some other person for appointment to the board, and if that organisation thereupon again nominates a person who is, in the opinion of the Minister, not suitable or not qualified, as aforesaid, or whenever that organisation fails to nominate any person, the Minister may himself nominate any person who he considers suitable to be a member of the board to represent the interests concerned.

(2) If an organisation such as is referred to in paragraph (a), (b) or (c) of sub-section (1) of section 3 does not exist, 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.

6. (1) The members of the board shall, subject to the provisions of sub-section (2), be appointed for a period of two years: Provided that the member referred to in paragraph (d) of sub-section (1) of section 3 shall hold office during the State President's pleasure.

en enige uitdrukking waaraan 'n betekenis in daardie Wet geheg is, het wanneer dit in hierdie skema gebruyk word, dieselfde betekenis; voorts, tensy dit in stryd met die samehang is, beteken—

- (a) „produsent”, 'n persoon wat sybokhaar produseer of ten behoeve van wie sybokhaar geproduseer word en omvat ook met betrekking tot 'n hoeveelheid sybokhaar wat verkry is van 'n persoon as beloning vir dienste aan 'n produsent van sybokhaar gelewer, die persoon wat daardie hoeveelheid aldus verkry het;
- (b) „raad”, die Sybokhaarraad soos saamgestel ingevolge artikel 3;
- (c) „sybokhaar”, die haar afkomstig van die Angorabok (*Capra aegreus*) of van 'n ander dier verkry deur die kruisteling van 'n Angorabok met 'n ander lid van die bokfamilie, en sluit in sybokhaar op velle.

Administrasie van skema en samestelling van die raad.

3. (1) Hierdie skema word geadminestreer deur 'n raad bekend as die Sybokhaarraad wat bestaan uit sewe lede, deur die Staatspresident aangestel te word, van wie—

- (a) vier verteenwoordigers moet wees van produsente en genomineer moet word na onderlinge raadpleging deur organisasies wat, volgens oordeel van die Minister, verteenwoordigend van sodanige produsente is;
- (b) een 'n verteenwoordiger moet wees van sybokhaarmakelaars en genomineer moet word na onderlinge raadpleging deur organisasie wat, volgens oordeel van die Minister, verteenwoordigend van sybokhaarmakelaars is;
- (c) een 'n verteenwoordiger moet wees van kopers van sybokhaar en genomineer moet word na onderlinge raadpleging deur organisasies wat, volgens oordeel van die Minister, verteenwoordigend is van kopers van sybokhaar;
- (d) een 'n amptenaar van die Departement van Landbou-ekonomie en -bemarking moet wees en deur die Minister genomineer moet word.

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

Kennisgewing om lede te nomineer.

4. Wanneer 'n nominasie ingevolge paragraaf (a), (b) of (c) van subartikel (1) van artikel 3 nodig word, moet die Minister die betrokke organisasies by skriftelike kennisgewing aansê of laat aansê om binne 'n tydperk in sodanige kennisgewing vasgestel, sodanige persoon of persone te nomineer as wat hulle ingevolge genoemde artikel geregtig is om vir aanstelling in die raad te nomineer.

Indien geen geskikte persoon genomineer word nie, kan Minister nomineer.

5. (1) Indien enigeen wat soos voormeld genomineer 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 nominasie terugverwys na die betrokke organisasie en daardie organisasie aansê om iemand anders vir aanstelling in die raad te nomineer en indien daardie organisasie weer 'n persoon nomineer wat volgens die Minister se oordeel nie geskik is nie, of onbevoeg is, soos voormeld, of wanneer die organisasie in gebreke bly om iemand te nomineer, kan die Minister self iemand nomineer wat hy geskik ag om lid van die raad te wees om die betrokke belange te verteenwoordig.

(2) Indien 'n organisasie soos vermeld in paragraaf (a), (b) of (c) van subartikel (1) van artikel 3 nie bestaan nie, kan die Minister self 'n persoon op persone nomineer vir aanstelling in die raad om die betrokke belange te verteenwoordig.

Amptermyn van raadslede.

6. (1) Die lede van die raad word, behoudens die bepalinge van subartikel (2), vir 'n tydperk van 2 jaar aangestel: Met dien verstande dat die lid bedoel in paragraaf (d) van subartikel (1) van artikel 3 sy amp beklee solank dit die Staatspresident behaag.

(2) After the expiration of one year from the first appointment of members to the board, two of the members appointed in terms of paragraph (a) of sub-section (1) of section 3 shall retire and the vacancies so arising shall be filled.

(3) Which of the members of the board shall retire in accordance with sub-section (2) of this section shall be decided by lot.

(4) 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.

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

(6) 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.

(7) 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.

(8) 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 in terms of sub-section (7) to act as his deputy, he shall cease to be a member of the board.

Election and Tenure of Office of Chairman and Vice-chairman.

7. (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 thereafter he may be re-elected.

(2) Whenever the board deems it necessary, it may elect from amongst its members a vice-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 thereafter he may be re-elected.

(3) Whenever for any reason the chairman is unable to perform his duties, the vice-chairman shall deputise for him and in the event of both the chairman and the vice-chairman not being able to attend to their duties, the board shall elect another of its members to act as chairman.

Meetings of the Board.

8. (1) The first meeting of the Board shall be held at a time and place appointed by the Minister.

(2) All subsequent 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.

(3) 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 appointed by him.

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

(5) 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.

(2) Na afloop van een jaar met ingang van die eerste aanstelling van lede van die raad, tree twee van die lede aangestel ingevolge paragraaf (a) van subartikel (1) van artikel 3 af, en die vakatures wat aldus ontstaan, word aangevul.

(3) Daar word deur die lot beslis watter lede van die raad ooreenkomstig subartikel (2) van hierdie artikel moet aftree.

(4) 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.

(5) Aftredende lede kan weer aangestel word.

(6) Wanneer die setel van enige lid van die raad om een of ander rede vakant raak voor verstryking van die tydperk waarvoor hy aangestel is, kan die Minister enige ander persoon wat hy geskik ag, aanstel om die vakature te vul totdat die tydperk waarvoor die uitredende lid aangestel is, verstryk het.

(7) Wanneer die Minister daarvan oortuig is dat 'n lid van die raad weens siekte, afwesigheid of om enige ander rede verhinder word om sy ampspligte te vervul, kan die Minister enige ander persoon wat hy geskik ag, aanstel om as plaasvervanger van daardie lid op te tree solank hy aldus verhinder word.

(8) Wanneer 'n lid van die raad sonder die raad se verlof van drie agtereenvolgende raadsvergaderings afwesig was en niemand ingevolge subartikel (7) aangestel is om as sy plaasvervanger op te tree nie, hou hy op om lid van die raad te wees.

Verkiezing en ampstermyn van voorsitter en ondervoorsitter.

7. (1) Die raad moet op sy eerste vergadering en daarna, soos dit nodig mag wees, uit sy lede 'n voorsitter kies wat daardie amp beklee vir 'n tydperk van 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) Die raad kan, wanneer hy dit nodig ag, uit sy lede 'n ondervoorsitter kies wat daardie amp beklee vir 'n tydperk van 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.

(3) Wanneer die voorsitter, om watter rede ookal, nie sy pligte kan waarneem nie, moet die ondervoorsitter in sy plek optree en ingeval sowel die voorsitter as die ondervoorsitter nie hulle pligte kan vervul nie, kies die raad een van sy ander lede om as voorsitter op te tree.

Vergaderings van die raad.

8. (1) Die eerste vergadering van die raad word gehou op 'n tyd en plek deur die Minister bepaal.

(2) Alle daaropvolgende vergaderings van die raad moet gehou word op sodanige tye en plekke wat die raad of die voorsitter, indien hy deur die raad daartoe gemagtig is, van tyd tot tyd bepaal.

(3) Die voorsitter van die raad kan self op enige tyd 'n spesiale vergadering van die raad belê wat gehou moet word op 'n tyd en plek deur hom bepaal.

(4) Op skriftelike versoek van minstens drie lede van die raad moet die voorsitter 'n spesiale vergadering van die raad belê, wat binne veertien dae na die datum van ontvangs van so 'n versoek en op 'n tyd en plek wat hy moet bepaal, gehou moet word.

(5) Die vergaderings van die raad moet belê word by kennisgewing deur of op las van die voorsitter van die raad of 'n beampte van die raad wat die raad daartoe gemagtig het.

Quorum and Procedure at Meetings.

9. (1) Five members of the board, appointed in terms of sub-section (1) of section 3 or sub-section (6) or (7) of section 6, shall form a quorum at any meeting of the board.

(2) The decision of at least four of the members of the board appointed as aforesaid and present at any meeting of the board shall constitute a decision of the board.

Committees of the Board.

10. (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 committees 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 committee is appointed, in terms of sub-section (1), the board shall designate one of the members of that 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 that committee to be held at a time and place appointed by him.

(3) The chairman of the board shall *ex officio* be a member of any committee appointed in terms of sub-section (1) and may at any time convene a meeting of such a committee, to be held at a time and place appointed by him.

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

Special Committee of the Board.

11. (1) There is hereby established a marketing committee constituted as specified in sub-section (2), to advise the board in regard to any matter relating to the administration in the Republic of paragraph (1) of section 14 of this scheme, and the board may, on such conditions as the Minister may approve, assign such of its powers under this scheme to such committee as it may, with the approval of the Minister, determine.

(2) The said committee shall consist of nine members of whom—

- (a) one is the chairman of the board and who shall be the chairman of the committee;
- (b) four shall be representative of buyers of mohair brokers and who shall be appointed as specified in sub-section (3); and
- (c) four shall be representatives of buyers of mohair and who shall be appointed as specified in sub-section (3).

(3) The members of the committee referred to in paragraphs (b) and (c) of sub-section (2) shall be appointed by the Minister after consultation with bodies which, in his opinion, are representative of mohair brokers or buyers of mohair, as the case may be, or, if such a body does not exist, after consultation with the board.

(4) The board shall lay down in respect of the committee such rules in connection with the calling of meetings, procedure at meetings, tenure of office of members and the filling of vacancies, as it may, with the approval of the Minister, determine.

(5) A decision of the majority of all the members of the committee shall be a decision of the committee.

Financial Year.

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

Kworum en prosedure by vergaderings.

9. (1) Vyf lede van die raad aangestel ingevolge sub-artikel (1) van artikel 3 of subartikel (6) of (7) van artikel 6, maak 'n kworum uit vir enige vergadering van die raad.

Die besluit van minstens vier van die raadslede wat soos voormeld aangestel is en wat op 'n vergadering van die raad teenwoordig is, maak 'n besluit van die raad uit.

Komitees van die raad.

10. (1) Die raad kan, met die Minister se toestemming en behoudens sodanige voorwaardes as wat die raad mag opla, een of meer komitees uit sy lede aanstel en so 'n komitee met sodanige van sy bevoegdhede beklee as wat hy dienstig ag: Met dien verstande dat die raad nie afstand doen van 'n bevoegdheid waarmee hy so 'n komitee beklee nie.

(2) Wanneer 'n komitee kragtens subartikel (1) aangestel word, moet die raad een van die lede van daardie komitee aanwys om as voorsitter daarvan op te tree en die voorsitter aldus aangewys kan te enige tyd, met goedkeuring van die voorsitter van die raad, 'n vergadering van daardie komitee belê, wat op 'n tyd en plek deur hom bepaal, gehou moet word.

(3) Die voorsitter van die raad is ampshalwe lid van elke komitee wat kragtens subartikel (1) aangestel is en kan op enige tyd 'n vergadering van so 'n komitee belê wat gehou moet word op 'n tyd en plek deur hom bepaal.

(4) Die besluit van die meerderheid van al die lede van so 'n komitee maak 'n besluit van daardie komitee uit.

Spesiale komitee van die raad.

11. (1) Daar word hierby ingestel 'n bemarkings-komitee, saamgestel soos in subartikel (2) bepaal, om die raad te adviseer aangaande enige aangeleentheid betreffende die uitvoering in die Republiek van paragraaf (1) van artikel 14 van hierdie skema, en die raad kan, op die voorwaardes wat die Minister goedkeur, sodanige van sy bevoegdhede onder hierdie skema aan sodanige komitee oordra as wat hy met die goedkeuring van die Minister bepaal.

(2) Genoemde komitee moet uit nege lede bestaan van wie—

- (a) een die voorsitter van die raad is en wat die voorsitter van die komitee moet wees;
- (b) vier verteenwoordigers moet wees van sybokhaarmakelaars en wat aangestel word soos in subartikel (3) bepaal; en
- (c) vier verteenwoordigers moet wees van kopers van sybokhaar en wat aangestel word soos in subartikel (3) bepaal.

(3) Die lede van die komitee genoem in paragrafe (b) en (c) van subartikel (2) word deur die Minister aangestel na raadpleging met liggame wat volgens sy oordeel verteenwoordigend is van sybokhaarmakelaars of kopers van sybokhaar, na gelang van die geval, of, indien so 'n liggaam nie bestaan nie, na raadpleging met die raad.

(4) Die raad moet ten opsigte van die komitee sodanige reëls neerlê in verband met die byeenroeping van vergaderings, prosedure op vergaderings, ampstermyn van lede en die aanvulling van vakatures, as wat hy met die goedkeuring van die Minister mag bepaal.

(5) 'n Besluit van die meerderheid van al die lede van die Komitee is 'n besluit van die komitee.

Boekjaar.

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

Auditing.

13. Subject to the provisions of Chapter IV of the Exchequer and Audit Act, 1956 (Act No. 23 of 1956), as amended, the accounts and balance sheet of the board shall be audited annually by the Controller and Auditor-General.

General Powers of the Board.

14. 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 this 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, advisory-members and members of the committee referred to in section 11.
- (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 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;
- (d) with the approval of the Minister, to borrow money to be used for the purpose of attaining the objects of this scheme and to use any money derived from any levy imposed in terms of section 15 for any object which, in the opinion of the board, will be to the advantage of persons interested in mohair;
- (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 conditions 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 assist by grant, loan or otherwise, any undertaking for preserving, processing, storing, or conditioning mohair and any research work relating to the improvement, production, processing and marketing of mohair;
- (i) to require every person concerned in the production, marketing or processing of mohair to furnish the board with such information relating to mohair as may be available to such person and as the board may specify;
- (j) 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 of group of persons producing or dealing in the course of trade with mohair and the times at which and the form and manner in which such returns shall be so rendered;

Ouditering.

13. Behoudens die bepalings van Hoofstuk IV van die Skatkis- en Ouditwet, 1956 (Wet No. 23 van 1956), soos gewysig, word die rekenings en balansstaat van die raad jaarliks geouditeer deur die Kontroleur en Ouditeur-generaal.

Algemene bevoegdthede van die raad.

14. Benewens die bevoegdthede kragtens ander artikels van hierdie skema aan die raad verleen, het die raad die bevoegdheid om—

- (a) die beamptes 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 verwesenliking van die oogmerke van hierdie skema: Met dien verstande dat geen vaste eiendom aangeskaf word nie behalwe met die 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, adviseerende lede en lede van die komitee genoem in artikel 11, betaal moet word;
- (c) onderworpe aan die 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 agent afgewys word, of die aanstelling van enige persoon as 'n agent beëindig word, hy, nadat 'n bedrag van dertig rand by die Sekretaris van Landbou-ekonomie en -bemarking gestort is, teen die afwysing of beëindiging na die Minister kan appelleer en die Minister die appél 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 appél 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 om aangewend te word vir die verwesenliking van die doel van hierdie skema en om geld verkry uit 'n heffing opgelê ingevolge artikel 15 aan te wend vir die doeleindes wat volgens die raad se oordeel tot voordeel sal wees van persone wat belang het by sybokhaar;
- (e) geld of eiendom aan te neem wat by wyse van geskenk, toekenning of andersins aan die raad gegee word, en om sodanige geld of eiendom aan te wend op die wyse wat die Minister mag goedkeur;
- (f) 'n inligtingsdiens in te stel ten einde produsente van tyd tot tyd in te lig aangaande bemarkingstoestande in die algemeen of aangaande die toestand ten opsigte van 'n besondere mark;
- (g) met enigeen saam te werk in enige handeling wat die raad kan verrig en om namens 'n ander soortgelyke raad enige handeling te verrig wat daardie raad kan verrig;
- (h) deur middel van toekenning of lening of andersins hulp te verleen aan enige onderneming vir die bewaring, verwerking, opberging of bewerking van sybokhaar en in verband met navorsingswerk met betrekking tot die verbetering, produksie, verwerking en bemarking van sybokhaar;
- (i) van iedereen wat betrokke is by die produksie, bemarking of verwerking van sybokhaar te vereis om aan die raad die inligting met betrekking tot sybokhaar te verstrek waarvoor sodanige persoon mag beskik en wat die raad mag spesifiseer;
- (j) met die Minister se goedkeuring, die rekords wat gehou moet word, die tydperk waarvoor enige sodanige rekords behou moet word en die opgawes wat aan die raad verstrekk moet word deur enige persoon of klas of groep persone wat sybokhaar produseer of daarmee as 'n besigheid handel, voor te skryf, asook die tye waarop, die vorm waarin en die wyse waarop sodanige opgawes aldus verstrekk moet word;

- (k) with the approval of the Minister to prohibit any person or any person belonging to any class or group of persons from purchasing or selling mohair or any class, grade or quantity thereof which the board may determine, in any manner determined by the board or in any manner other than a manner so determined, except under the authority of a permit which may be issued by the board subject to the conditions (if any), determined by it;
- (l) to determine the maximum quantity of mohair which may be sold or offered for sale during any period determined by the board at any market or other place specified by the board;
- (m) to advise the Minister as to—
 - (i) the conditions, regarding grades, standards of quality, methods of packing and the marking of any receptacle or cover containing mohair, subject to which mohair may be sold or imported for sale;
 - (ii) the prohibition, control or regulation of the importation or export of mohair; and
 - (iii) all matters relating to the marketing or processing of mohair.

Levy on Mohair.

15. (1) The board may, with the approval of the Minister and on such basis as the board may determine, impose a levy on mohair sold by a producer or imposed into the Republic: Provided that such levy shall not exceed ½c per lb. calculated on the basis of unprocessed mohair.

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

- (a) may, in respect of any particular class, grade or standard of quality of mohair, differ from any such levy in respect of any other class, grade or standard of quality of mohair;
- (b) may, in respect of any unit or quantity of mohair which is imported into the Republic from any other country or territory, differ from but not exceed any levy in respect of any unit or quantity of mohair which is produced in the Republic;
- (c) shall be paid to the board at such times and in such manner as may be prescribed by regulation under the Act, and shall be payable—
 - (i) in the case of mohair sold by a producer through an agent, by such agent;
 - (ii) in the case of mohair imported into the Republic, by the importer thereof;
 - (iii) in the case of mohair sold by a producer direct to a person who deals with mohair in the course of trade, by the buyer;
 - (iv) in the case of mohair sold by a producer other than through an agent or other than direct to a person who deals with mohair in the course of trade, by such producer.

(3) An agent who has paid any levy to the board in terms of sub-paragraph (1) of paragraph (c) of sub-section (2), may recover the amount so paid from the person on whose behalf the mohair concerned was sold.

Special Levy on Mohair.

16. (1) The board may, with the approval of the Minister and on such basis as the board may determine, impose a special levy on mohair sold by a producer or imported into the Republic, and for the purposes of such special levy the provisions of sub-sections (2) and (3) of section 15 shall *mutatis mutandis* apply.

Establishment of Funds.

17. (1) Save as is provided in sub-sections (2) and (3), the board shall establish a fund to be known as the Mohair Levy Fund, to be administered and controlled by

- (k) met die Minister se goedkeuring enige persoon of enige persoon wat tot 'n klas of groep persone behoort, te verbied om sybokhaar of 'n klas, graad of hoeveelheid daarvan wat die raad mag bepaal, te koop of te verkoop op 'n wyse deur die raad bepaal of op 'n ander wyse dan 'n aldus bepaalde wyse, dan alleen op gesag van 'n permit wat die raad mag uitreik onderworpe aan die voorwaardes (as daar is) wat hy bepaal;
- (l) die grootste hoeveelheid van sybokhaar vas te stel wat gedurende enige tydperk bepaal deur die raad verkoop of te koop aangebied mag word op 'n mark of 'n ander deur die raad omskewende plek;
- (m) die Minister van advies te bedien aangaande—
 - (i) die voorwaardes, wat betref grade, kwaliteitstandaarde, verpakkingsmetodes en die merk van sybokhaar of 'n houder of omhulsel wat sybokhaar bevat, waarop sybokhaar verkoop of vir verkoop ingevoer mag word;
 - (ii) verbod op, beheer oor of reëling van die invoer en uitvoer van sybokhaar; en
 - (iii) alle aangeleenthede betreffende die bemarking of verwerking van sybokhaar.

Heffing op sybokhaar.

15. (1) Die raad kan, met die goedkeuring van die Minister en op so 'n basis as wat die raad mag bepaal, 'n heffing lê op sybokhaar wat deur 'n produsent verkoop word of wat in die Republiek ingevoer word: Met hier verstande dat sodanige heffing nie ½c per lb. bereken op die basis van onverwerkte sybokhaar oorskry nie.

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

- (a) kan, ten opsigte van 'n besondere klas, graad of kwaliteitstandaard van sybokhaar, verskil van so 'n heffing ten opsigte van enige ander klas, graad of kwaliteitstandaard van sybokhaar;
- (b) kan, ten opsigte van 'n eenheid of hoeveelheid sybokhaar wat uit 'n ander land of gebied in die Republiek ingevoer word, verskil van maar nie meer wees nie as 'n heffing ten opsigte van 'n eenheid of hoeveelheid sybokhaar wat in die Republiek geproduseer word;
- (c) moet, aan die raad betaal word op die tye en wys wat by regulasie kragtens die Wet voorgeskryf mag word en is betaalbaar—
 - (i) in die geval van sybokhaar wat 'n produsent deur 'n agent verkoop, deur sodanige agent
 - (ii) in die geval van sybokhaar wat in die Republiek ingevoer word, deur die invoerder daarvan;
 - (iii) in die geval van sybokhaar wat deur 'n produsent verkoop word direk aan 'n persoon wat met sybokhaar as 'n besigheid handel deur die koper;
 - (iv) in die geval van sybokhaar wat 'n produsent verkoop anders as deur 'n agent of anders as direk aan 'n persoon wat met sybokhaar as 'n besigheid handel, deur sodanige produsent

(3) 'n Agent wat ooreenkomstig die bepalings van subparagraaf (1) van paragraaf (c) van subartikel (2) 'n heffing aan die raad betaal het, kan die bedrag aldus betaal verhaal op die persoon ten behoeve van wie die betrokke sybokhaar verkoop was.

Spesiale heffing op sybokhaar.

16. Die raad kan met die goedkeuring van die Minister en op so 'n basis as wat die raad mag bepaal, 'n spesiale heffing lê op sybokhaar wat deur 'n produsent verkoop word of wat in die Republiek ingevoer word en vir di doeleindes van sodanige spesiale heffing is die bepaling van subartikels (2) en (3) van artikel 15 *mutatis mutandi* van toepassing.

Instelling van fondse.

17. (1) Behoudens die bepalings van subartikels (2) en (3), moet die raad 'n fonds instel wat moet bekend staan as die sybokhaarheffingsfonds wat deur die raad bestu

the board and into which shall be paid all moneys derived from any levies imposed under section 15 and all other moneys which may accrue to the board, and from which all payments by the board shall be made.

(2) The board shall establish a special fund into which shall be paid the proceeds of any special levy imposed under section 16 and such other amounts at the board's disposal as may be approved by the Minister, and the board may deal with any moneys in such fund in such manner as may be approved by the Minister.

(3) The board shall establish a 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 this scheme, and the board may deal with any moneys in this fund in such manner as may be approved by the Minister.

Differentiation between Areas and between Classes of Mohair.

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

Inspection Powers.

19. 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 mohair or any place or vehicle in or upon which there is kept, or is suspected to be kept, any quantity of mohair by any person for any purpose other than for use by the owner of such mohair or by the members of his household;
- (b) to inspect any such mohair 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 mohair and to make copies of or take extracts from such books and documents;
- (c) to demand from the owner or custodian of such mohair any information concerning such mohair;
- (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 mohair 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 mohair which has been so seized, and if he deems fit to place on any such book, document, article or the container of such mohair, any identification mark which he may consider necessary;
- (f) to take samples of any mohair, including any quantity of mohair which has been seized in terms of paragraph (e), and to examine, analyse or grade such samples or cause them to be examined, analysed or graded.

en beheer moet word en waarin alle bedrae verkry uit heffings wat kragtens artikel 15 opgelê is, en alle ander gelde wat aan die raad mag toeval, gestort moet word en waaruit alle betalings deur die raad gedoen moet word.

(2) Die raad moet 'n spesiale fonds instel en die opbrengs van enige spesiale heffing opgelê kragtens artikel 16 en sodanige ander bedrae tot die beskikking van die raad as wat deur die Minister goedgekeur mag word, in hierdie fonds stort, en die raad kan met gelde in hierdie fonds handel op die wyse wat deur die Minister goedgekeur mag word.

(3) Die raad moet 'n reserwefonds instel waarin sodanige bedrae tot die beskikking van die raad gestort moet word as wat die Minister van tyd tot tyd mag goedkeur, of wat hy na afloop van 'n boekjaar onder die skema en na oorlegpleging met die raad bepaal, en die raad kan oor gelde in hierdie fonds beskik op die wyse wat die Minister mag goedkeur.

Onderskeiding tussen gebiede en tussen klasse sybokhaar.

18. 'n Voorskrif van of verbod opgelê of besluit geneem deur die raad, met betrekking tot enige gebied in die Republiek of 'n klas sybokhaar kan verskil van sodanige voorskrif of verbod of besluit met betrekking tot enige ander gebied in die Republiek of 'n ander klas sybokhaar of kan slegs in bepaalde dele van die Republiek van toepassing wees of slegs op bepaalde klasse sybokhaar betrekking hê.

Inspeksiebevoegdhede.

19. Die raad het die bevoegdheid om vir die toepassing van die bepalings van hierdie skema, aan enige persoon in die algemeen of in enige besondere geval die bevoegdheid te verleen om op alle redelike tye—

- (a) 'n plek te betree wat ge-okkupeer word deur 'n persoon wat 'n produsent is of vermoed word 'n produsent te wees van, of 'n persoon wat as 'n besigheids handel of vermoed word as 'n besigheid te handel met sybokhaar, of 'n plek of voertuig waarin of waarop daar 'n hoeveelheid sybokhaar deur enige persoon gehou word of na vermoede gehou word vir enige ander doel as gebruik deur die eienaar van sodanige sybokhaar of deur lede van sy huisgesin;
- (b) enige sodanige sybokhaar 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 sybokhaar betrekking te hê, en afskrifte van of uittreksels uit sodanige boeke en stukke te maak;
- (c) van die eienaar van sodanige sybokhaar of die persoon wat dit in sy bewaring het, inligting aangaande sodanige sybokhaar te eis;
- (d) van die eienaar van sodanige boek of stuk of die persoon wat dit in sy bewaring het, 'n verklaring van enige aantekening daarin te eis;
- (e) beslag te lê op enige boeke, stukke of artikels wat bewys kan lewer van 'n misdryf ingevolge die Wet of hierdie skema of enige regulasie kragtens die Wet uitgevaardig, of op enige hoeveelheid sybokhaar ten opsigte waarvan enige sodanige misdryf vermoedelik begaan is, en enige boeke, stukke of artikels of enige hoeveelheid sybokhaar waarop aldus beslag gelê is, van die betrokke plek of voertuig te verwyder of dit op die betrokke plek of voertuig te laat en om, indien hy dit goed ag, op sodanige boek, stuk, artikel of die houer van sodanige sybokhaar, enige identifikasiemerk wat hy nodig mag ag, aan te bring.
- (f) van enige sybokhaar, met inbegrip van enige hoeveelheid sybokhaar waarop ingevolge paragraaf (c) beslag gelê is, monsters te neem en sodanige monsters te ondersoek, te ontleed of te gradeer of te laat ondersoek, ontleed of gradeer.

Offences and Penalties.

20. Any person who—

(a) contravenes or fails to comply with—

- (i) any provision of this scheme or any prohibition, requirement, direction, decision or determination imposed, prescribed, given, taken or made thereunder; 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, decision 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 this scheme or a requirement prescribed under this scheme 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 this scheme; or

(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.

Liquidation of Scheme.

21. 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 mohair industry;

(b) any deficit which may exist after all the assets of the board have been realised shall be borne by all producers, *pro rata* to the quantity of mohair produced and sold or dealt with in the course of trade by them during the period of two years immediately preceding the date on which this scheme is discontinued or during the period this scheme was in operation, whichever is the shorter period.

Misdrywe en Strafbepalings.

20. Iedereen wat—

(a) 'n oortreding begaan van of versuim om te voldoen aan—

- (i) enige bepaling van hierdie skema of enige verbod, vereiste, voorskrif, besluit of vasstelling ingevolge daarvan opgelê, voorgeskryf, uitgereik, geneem of gemaak; 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, besluit 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 hierdie skema of 'n vereiste voorgeskryf kragtens hierdie skema 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 ingevolge 'n vereiste kragtens hierdie skema voorgeskryf, moet bewaar; of

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

is skuldig aan 'n misdryf 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.

21 Ingeval hierdie skema opgehef word—

(a) word alle bates van die raad, nadat al sy skulde betaal is, aan die Minister oorhandig en die bates aldus oorhandig word deur die Minister na goeddunke vir die bevordering van die sybokhaarbedryf aangewend;

(b) word enige tekort wat mag bestaan nadat al die bates van die raad tot geld gemaak is, gedra deur alle produsente, *pro rata* volgens die hoeveelheid sybokhaar deur hulle geproduseer en verkoop of as 'n besigheid mee gehandel gedurende die tydperk van twee 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.

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