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**DEPARTEMENT VAN LANDBOU-EKONOMIE EN
-BEMARKING**

No. R. 426 19 Maart 1976

**WET OP AGENTSKAPSVERKOPING VAN LAND-
BOUPRODUKTE, 1975 (No. 12 VAN 1975)**

REGULASIES

Die Minister van Landbou het kragtens die bevoegdheid hom verleen by artikel 63 van die Wet op Agentskapsverkoop van Landbouprodukte, 1975, die regulasies in die Bylae hiervan uiteengesit, met ingang van 1 Mei 1976 gemaak ter vervanging van die regulasies afgekondig by Goewermentskennisgewings R. 669 van 28 April 1972, soos gewysig en R. 584 van 1 September 1961, soos gewysig, wat hierby vanaf daardie datum herroep word.

BYLAE

INDELING VAN REGULASIES

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AANHANGSELS

GOVERNMENT NOTICE

**DEPARTMENT OF AGRICULTURAL ECONOMICS
AND MARKETING**

No. R. 426 19 March 1976

**AGRICULTURAL PRODUCE AGENCY SALES
ACT, 1975 (No. 12 OF 1975)**

REGULATIONS

The Minister of Agriculture has in terms of the powers vested in him by section 63 of the Agricultural Produce Agency Sales Act, 1975, and with effect from 1 May 1976 made the regulations set out in the Schedule hereto in substitution of the regulations published by Government Notices R. 669 of 28 April 1972, as amended, and R. 584 of 1 September 1961, as amended, which is hereby repealed as from that date.

SCHEDULE

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ANNEXURES

WOORDOMSKRYWING

1. (1) In hierdie regulasies, tensy uit die samehang anders blyk, beteken—

“abattoiragent” ’n kommissie-agent wat met vleis en neweprodukte van slagvee afkomstig besigheid dryf, maar uitgesonderd ’n huide-en-velliemakelaar;

“afleweringsbrief” in die geval van produkte wat deur die Suid-Afrikaanse Spoorweë- en Hawensadministrasie afgelewer word, die afleweringsbrief deur genoemde Administrasie uitgereik, en in die geval van produkte wat deur iemand anders afgelewer word, ’n bewys deur die eienaar van die produkte of die betrokke karweier, markmeester of kommissie-agent, na gelang van die geval, uitgereik;

“afrekeningstaat” ’n staat kragtens regulasie 38 (4) (a) of (b), 39 (4) (a), 40 (4) (a) of 41 (4) (a) uitgereik;

“besigheid”, met betrekking tot ’n kommissie-agent, ’n kommissie-agent se besigheid in sy hoedanigheid van kommissie-agent;

“blomagent” ’n kommissie-agent wat anders as op ’n varsproduktemark soos beoog in artikel 1 van die Wet op die Kommissie vir Varsproduktemarke, 1970 (No. 82 van 1970), met blomme, potplante en sierplante besigheid dryf, met inbegrip van ’n kommissie-agent wat op so ’n varsproduktemark, maar anders as onder beheer van die markmeester van daardie mark, aldus besigheid dryf;

“bruto omset”, met betrekking tot ’n kommissie-agent se besigheid, die bruto omset van sodanige besigheid soos deur die Sekretaris beraam;

“die Wet” die Wet op Agentskapsverkoop van Landbouprodukte, 1975 (No. 12 van 1975);

“geldige aansoek”, met betrekking tot ’n in regulasie 10 bedoelde aansoek, ’n aansoek ten opsigte waarvan die Sekretaris nie kragtens regulasie 11 verbied is om van kennis te neem nie;

“huide-en-velliemakelaar” ’n kommissie-agent wat met bereide huide en bereide velle besigheid dryf;

“kalendermaand” die tydperk wat strek van die eerste tot die laaste dag, albei dae ingesluit, van enig een van die 12 maande van ’n jaar;

“markagent” ’n kommissie-agent wat met groente, vrugte, kombuiskruie en diverse markprodukte besigheid dryf;

“stamboekvee” rasegte vee waarvan die afstamming geregistreer is soos beoog in die Wet op Registrasie van Stamboekvee, 1957 (No. 28 van 1957);

“takbesigheid” die besigheid wat ’n kommissie-agent dryf op ’n ander plek as die plek waar hy sy hoofbesigheid het;

“trek”, met betrekking tot ’n tjek, die uitskrif en ondertekening van ’n tjek deur die trekker daarvan;

“trust-tjekrekening” ’n in regulasie 21 bedoelde tjekrekening;

“vasgestelde datum”—

(a) in die geval van kommissie-agente wat gesamentlike sekuriteit verstrekket, die dag een jaar na die datum waarop toestemming kragtens regulasie 18 (1) aan sodanige kommissie-agente verleen of geag word verleen te gewees is om sekuriteit gesamentlik te verstrekket, en dieselfde dag jaarliks daarna;

(b) in die geval van ’n kommissie-agent wat nie gesamentlik met ’n ander kommissie-agent sekuriteit verstrekket nie, die dag een jaar na die datum van bedoelde kommissie-agent se registrasie ingevolge die Wet, (of in die geval van ’n in artikel 2 (3) van die Wet bedoelde kommissie-agent, sy registrasie ingevolge ’n wet in Bylae 2 van die Wet vermeld), en dieselfde dag jaarliks daarna;

DEFINITIONS

1. (1) In these regulations, unless the context otherwise indicates—

“abattoir agent” means a commission agent who carries on business with meat and by-products derived from slaughter animals, but excluding any hides and skins broker;

“branch business” means the business carried on by a commission agent at a place other than the place where he has his main business;

“business”, in relation to a commission agent, means a commission agent’s business in his capacity as commission agent;

“calendar month” means the period extending from the first to the last day, both days inclusive, of any one of the 12 months of a year;

“delivery note”, in the case of products delivered by the South African Railways and Harbours Administration, means the delivery note issued by the said Administration, and in the case of products delivered by any other person, any voucher issued by the owner of the products or the conveyor market master or commission agent concerned, as the case may be;

“draw”, in relation to a cheque, means the writing out and signing of a cheque by the drawer thereof;

“fixed date”—

(a) in the case of commission agents who have given joint security, means the day one year after the date on which consent was given or is deemed to have been given under regulation 18 (1) to such commission agents to give security jointly, and the same day annually thereafter;

(b) in the case of a commission agent who has not given security jointly with any other commission agent, means the day one year after the date of the said commission agent’s registration under the Act [or in the case of a commission agent referred to in section 2 (3) of the Act, his registration under any law specified in Schedule 2 of the Act], and the same day annually thereafter;

“flower agent” means a commission agent who carries on business with flowers, pot plants and ornamental plants other than on a fresh produce market as contemplated in section 1 of the Commission for Fresh Produce Markets Act, 1970 (No. 82 of 1970), including any commission agent who so carries on business on any such fresh produce market otherwise than under the control of the market master of that market;

“gross turnover”, in relation to a commission agent’s business, means the gross turnover of such business as estimated by the Secretary;

“hides and skins broker” means a commission agent who carries on business with cured hides and cured skins;

“market agent” means a commission agent who carries on business with vegetables, fruit, culinary herbs and miscellaneous market products;

“pedigree livestock” means pure-bred livestock of which the pedigrees have been registered as contemplated in the Registration of Pedigree Livestock Act, 1957 (No. 28 of 1957);

“sales note” means a sales note contemplated in section 41 of the Act;

“statement of settlement” means a statement issued in terms of regulation 38 (4) (a) or (b), 39 (4) (a), 40 (4) (a) or 41 (4) (a);

“the Act” means the Agricultural Produce Agency Sales Act, 1975 (No. 12 of 1975);

“trust cheque account” means a cheque account referred to in regulation 21;

“verkoopnota” ’n in artikel 41 van die Wet beoogde verkoopnota;

“week” ’n week gereken van Maandag tot Sondag, albei dae ingesluit.

(2) By die toepassing van hierdie regulasies het ’n verwysing na ’n produk in Bylae 1 van die Wet vermeld, die betekenis in daardie Bylae daaraan geheg.

DEEL 1

REGISTRASIE

Aansoek om registrasie

2. (1) Aansoek kragtens artikel 3 van die Wet om registrasie as kommissie-agent word gedoen op die vorm uiteengesit in Aanhangsel A hiervan.

(2) Aansoek kragtens artikel 8 van die Wet om registrasie van iemand as verkoopsman word gedoen op die vorm uiteengesit in Aanhangsel B hiervan: Met dien verstande dat ’n aansoek om registrasie van iemand as ’n verkoopsman wat in enige hoedanigheid in diens was of in diens is van ’n kommissie-agent op ’n varsproduktemark onder beheer van ’n markmeester, of wat self die besigheid van kommissie-agent op so ’n mark dryf of gedryf het, vergesel moet gaan van ’n sertifikaat op die vorm uiteengesit in Aanhangsel C hiervan, uitgereik deur die markmeester van die varsproduktemark waar daardie persoon aldus in diens is of laas in diens was of die besigheid van kommissie-agent dryf of laas gedryf het, na gelang van die geval.

By wie aansoek gedoen word

3. (1) ’n Aansoek om registrasie as kommissie-agent of van iemand as ’n verkoopsman moet gerig word aan die Sekretaris van Landbou-ekonomie en -bemarking, Privaatsak X250, Dirk Uysgebou, Hamiltonstraat, Pretoria, 0001.

(2) ’n Aansoek kragtens subregulasie (1) moet duidelik leesbaar, volledig en korrek die inligting bevat wat op die betrokke vorm vereis word.

Registrasiegelde

4. (1) ’n Aansoek om registrasie as kommissie-agent moet, behoudens die voorbehoudsbepaling tot artikel 3 (1) van die Wet, vergesel gaan van ’n registrasiegeld van R2.

(2) ’n Aansoek om die registrasie van iemand as ’n verkoopsman moet, behoudens die voorbehoudsbepaling tot artikel 8 (1) van die Wet, vergesel gaan van ’n registrasiegeld van R1.

Registrasiesertifikaat

5. (1) Die Sekretaris moet ’n registrasiesertifikaat op die vorm in Aanhangsel D hiervan uiteengesit, uitreik aan enigiemand—

(a) wat kragtens artikel 2 (3) van die Wet geag word as ’n kommissie-agent geregistreer te wees;

(b) wie se aansoek om registrasie as ’n kommissie-agent kragtens artikel 3 (3) of 5 van die Wet toegestaan is.

(2) Die Sekretaris moet ’n registrasiesertifikaat op die vorm in Aanhangsel E hiervan uiteengesit, uitreik aan ’n kommissie-agent—

(a) ten opsigte van elke persoon wat ingevolge artikel 7 (2) geag word as verkoopsman in sy diens geregistreer te wees;

(b) wie se aansoek om registrasie van ’n verkoopsman kragtens artikel 8 (2) of 10 van die Wet toegestaan is.

“valid application”, in relation to an application referred to in regulation 10, an application in respect of which the Secretary is not prohibited under regulation 11 to take notice of;

“week” means a week calculated from Monday to Sunday, both days inclusive.

(2) For the purposes of these regulations a reference to a product referred to in Schedule 1 of the Act shall have the meaning assigned thereto in that Schedule.

PART 1

REGISTRATION

Application for registration

2. (1) Application in terms of section 3 of the Act for registration as commission agent shall be made on the form set out in Annexure A hereto.

(2) Application in terms of section 8 of the Act for registration of any person as salesman shall be made on the form set out in Annexure B hereto: Provided that an application for registration as a salesman of any person who is or was in the employ of a commission agent in any capacity on a fresh produce market under control of a market master, or who himself is carrying on or carried on the business of commission agent on any such market, shall be accompanied by a certificate on the form set out in Annexure C hereto, issued by the market master of the fresh produce market where such person is or was last so employed or is carrying on or last carried on the business of commission agent, as the case may be.

To whom application shall be made

3. (1) An application for registration as commission agent or of any person as a salesman shall be directed to the Secretary for Agricultural Economics and Marketing, Private Bag X250, Dirk Uys Buildings, Hamilton Street, Pretoria, 0001.

(2) An application in terms of subregulation (1) shall contain clearly legible, fully and correctly the information required on the particular form.

Registration fees

4. (1) An application for registration as commission agent shall, subject to the proviso to section 3 (1) of the Act, be accompanied by a registration fee of R2.

(2) An application for the registration of any person as a salesman shall, subject to the proviso to section 8 (1) of the Act, be accompanied by a registration fee of R1.

Registration certificates

5. (1) The Secretary shall issue a certificate of registration on the form set out in Annexure D hereto to any person—

(a) who is in terms of section 2 (3) deemed to be registered as a commission agent;

(b) whose application for registration has been granted in terms of section 3 (3) or 5 of the Act.

(2) The Secretary shall issue a certificate of registration on the form set out in Annexure E hereto to a commission agent—

(a) in respect of every person who is in terms of section 7 (2) deemed to be registered as a salesman in his service;

(b) whose application for registration of a salesman has been granted in terms of section 8 (2) or 10 of the Act.

Appel teen besluite van Sekretaris

6. (1) Iemand wat voornemens is om kragtens artikel 5 of 10 van die Wet by die Minister appèl aan te teken teen 'n besluit van die Sekretaris, moet binne 30 dae nadat hy of sy verteenwoordiger van sodanige besluit in kennis gestel is, 'n skriftelike verklaring waarin die gronde van die appèl duidelik uiteengesit is, aan die Minister voorleë op die wyse voorgeskryf in subregulasie (2).

(2) So 'n verklaring moet onder eed gemaak of andersins bevestig wees voor 'n vrederegter of kommissaris van ede en aan die Minister voorgelê word deur dit per aangetekende pos te versend aan die Sekretaris van Landbou-ekonomie en -bemarking, Privaatsak X250, Pretoria, of dit by die kantoor van die genoemde Sekretaris by Dirk Uysgebou, Hamiltonstraat, Pretoria, in te handig.

DEEL 2

SEKURITEIT

Vorms van sekuriteit

7. (1) Die sekuriteit wat ingevolge artikel 26 van die Wet verstrekk moet word, moet in een of meer van die volgende vorms wees:

(a) Kontant;

(b) 'n getrouheidswaarborg, op die vorm uiteengesit in Aanhangsel F hiervan, deur 'n versekeraar wat kragtens die Versekeringswet, 1943 (No. 27 van 1943) geregistreer is, of 'n bankinstelling, wat as garant vir die Sekretaris aanneemlik is.

(2) Die Sekretaris moet die betrokke kommissie-agent in kennis stel of die sekuriteit wat deur hom verstrekk is, aanvaar is of nie.

(3) Die Sekretaris kan te eniger tyd besluit dat sekuriteit van 'n bepaalde kommissie-agent in sy besit nie verder aanneemlik is nie en van daardie kommissie-agent vereis om binne 30 dae ander sekuriteit wat vir hom aanneemlik is, te verstrekk.

Vasstelling en hersiening van sekuriteit

8. (1) Die bedrag waarvoor sekuriteit kragtens artikel 26 van die Wet verstrekk moet word—

(a) moet deur die Sekretaris vasgestel word—

(i) in die geval van iemand wat beoog om as kommissie-agent besigheid te dryf [behalwe 'n in artikel 2 (4) van die Wet bedoelde kommissie-agent], by sy registrasie as sodanig;

(ii) in die geval van 'n in artikel 2 (4) van die Wet bedoelde kommissie-agent, by inwerkingtreding van die Wet;

(iii) in die geval van twee of meer kommissie-agente wat hetsy in vennootskap of afsonderlik van mekaar besigheid dryf en sekuriteit gesamentlik wil verstrekk, by verlening van toestemming kragtens regulasie 17 (1) om sodanige gesamentlike sekuriteit te verstrekk;

(b) moet deur die Sekretaris jaarliks hersien word so gou moontlik na die betrokke kommissie-agent of kommissie-agente se vasgestelde datum;

(c) kan ondanks die bepalinge van paragraaf (b) deur die Sekretaris hersien word—

(i) te eniger tyd vóór die eerste hersiening kragtens paragraaf (b) van 'n kommissie-agent se sekuriteit of twee of meer kommissie-agente se gesamentlike sekuriteit, na gelang van die geval, indien die Sekretaris van oordeel is dat die omvang van besigheid van die betrokke kommissie-agent of kommissie-agente of die afsonderlike besighede van sodanige kommissie-agente, na gelang van die geval, groter of kleiner is as wat aanvanklik beraam is;

Appeal against decisions of Secretary

6. (1) Any person intending to appeal in terms of section 5 or 10 of the Act to the Minister against a decision of the Secretary, shall within 30 days after he or his representative has been notified of such decision, submit to the Minister in the manner prescribed in subregulation (2) a written statement in which the grounds of appeal are clearly set out.

(2) Any such statement shall be made under oath or otherwise affirmed before a justice of the peace or commissioner of oaths and be submitted to the Minister by forwarding it under registered cover to the Secretary for Agricultural Economics and Marketing, Private Bag X250, Pretoria, or by handing it in at the office of the said Secretary at Dirk Uys Buildings, Hamilton Street, Pretoria.

PART 2

SECURITY

Forms of security

7. (1) The security to be given in terms of section 26 of the Act, shall be in the form of any one or more of the following:

(a) Cash;

(b) a fidelity guarantee, on the form set out in Annexure F hereto, by an insurer registered in terms of the insurance Act, 1943 (No. 27 of 1943) or any banking institution who, as guarantor, is acceptable to the Secretary.

(2) The Secretary shall notify the commission agent concerned whether or not the security given by him has been accepted.

(3) The Secretary may at any time decide that security of a particular commission agent in his possession is no longer acceptable and require that commission agent to give, within 30 days, other security which is acceptable to him.

Determination and review of security

8. (1) The amount of the security to be given under section 26 of the Act—

(a) shall be determined by the Secretary—

(i) in the case of any person who intends carrying on business as commission agent [except a commission agent referred to in section 2 (4) of the Act], upon his registration as such;

(ii) in the case of a commission agent referred to in section 2 (4) of the Act, upon commencement of the Act;

(iii) in the case of two or more commission agents whether conducting business in partnership or separately from each other and who intend to give security jointly, upon granting of consent under regulation 18 (1) to give such joint security;

(b) shall be reviewed annually by the Secretary as soon as may be after the fixed date of the commission agent or commission agents, in question;

(c) may notwithstanding the provisions of paragraph (b) be reviewed by the Secretary—

(i) at any time prior to the first review under paragraph (b) of a commission agent's security or two or more commission agents' joint security, as the case may be, if the Secretary is of opinion that the volume of business of the commission agent or commission agents concerned or the separate businesses of such commission agents, as the case may be, is greater or smaller than initially estimated;

(ii) wanneer 'n kommissie-agent, of enigeen of meer van 'n aantal kommissie-agente wat gesamentlike sekuriteit verstrek het, 'n nuwe takbesigheid open te eniger tyd ná die eerste hersiening van sy of hul sekuriteit kragtens paragraaf (b);

(iii) wanneer 'n kommissie-agent, of enigeen of meer van 'n aantal kommissie-agente wat gesamentlike sekuriteit verstrek het, 'n bestaande takbesigheid sluit te eniger tyd ná die eerste hersiening van sy of hul sekuriteit kragtens paragraaf (b).

(2) Die bedrag waarvoor 'n kommissie-agent sekuriteit of twee of meer kommissie-agente gesamentlike sekuriteit moet verstrek, word kragtens subregulasie (1) vasgestel of hersien volgens die toepaslike formule hieronder uiteengesit: Met dien verstande dat—

(a) die bedrag waarvoor sekuriteit deur 'n in artikel 2 (3) van die Wet bedoelde kommissie-agent aan die Sekretaris verstrek is ooreenkomstig 'n regulasie wat deur hierdie regulasies herroep is, geag word kragtens hierdie regulasie vasgestel te gewees het totdat sodanige sekuriteit deur die Sekretaris kragtens subregulasie (1) (b) of (c) hersien is;

(b) die bedrag waarvoor sekuriteit volgens die toepaslike formule hieronder uiteengesit, by inwerkingtreding van die Wet verstrek moet word deur 'n in artikel 2 (4) van die Wet bedoelde kommissie-agent, deur die Sekretaris op 'n grondslag deur die Minister bepaal, tot 'n kleiner bedrag verminder kan word.

Formules

(i) Formule vir abattoiragente:

[(Kleinste van A of R20 000)+(50 persent van B)+(40 persent van C)+(30 persent van D)+(20 persent van E)+(10 persent van F), opwaarts afgerond tot die volgende R2 000]

of

(R10 000 x G),

na gelang van watter bedrag ook al die grootste is.

Vir die doeleindes van bogenoemde formule het A, B, C, D, E, F en G onderskeidelik die volgende waardes: A = 'n bedrag—

(aa) vir doeleindes van 'n vasstelling kragtens subregulasie (1) (a) (i), gelykstaande met die verwagte gemiddelde tweeweklikse bruto omset van die betrokke abattoiragent se besigheid vir die 12 maande vanaf die datum van sy registrasie as kommissie-agent; of

(bb) vir doeleindes van 'n vasstelling kragtens subregulasie (1) (a) (ii), gelykstaande met een-kwart van die totale bruto omset van die betrokke abattoiragent se besigheid vir daardie afsonderlike agt weke waarin die hoogste sodanige omset deur daardie abattoiragent behaal is in die 12 maande wat die datum van inwerkingtreding van die Wet voorafgegaan het; of

(cc) vir doeleindes van 'n vasstelling kragtens subregulasie (1) (a) (iii), gelykstaande met die verwagte gemiddelde tweeweklikse bruto omset van die betrokke abattoiragente se besigheid of afsonderlike besighede gesamentlik, na gelang van die geval, vir die 12 maande vanaf die datum waarop toestemming kragtens regulasie 18 (1) aan sodanige abattoiragente verleen is om gesamentlike sekuriteit te verstrek; of

(dd) vir doeleindes van 'n hersiening kragtens subregulasie (1) (b), gelykstaande met een-kwart van die totale bruto omset van die betrokke abattoiragent of abattoiragente se besigheid of afsonderlike besighede gesamentlik, na gelang van die geval, vir daardie afsonderlike agt weke waarin die hoogste sodanige omset deur hom of hulle behaal is in die 12 maande wat sy of hul vasgestelde datum voorafgegaan het; of

(ii) whenever a commission agent, or any one or more of a number of commission agents who have given joint security, open a new branch business at any time after the first review of his or their security under paragraph (b).

(iii) whenever a commission agent, or any one or more of a number of commission agents who have given joint security, close an existing branch business at any time after the first review of his or their security under paragraph (b).

(2) The amount of security to be given by a commission agent, or joint security to be given by two or more commission agents, shall be determined or reviewed in terms of subregulation (1) according to the appropriate formula set out below: Provided that—

(a) the amount of security given to the Secretary by a commission agent referred to in section 2 (3) of the Act in pursuance of any regulation repealed by these regulations, shall be deemed to have been determined in terms of these regulations until such time as such security is reviewed by the Secretary in terms of subregulation (1) (b) or (c);

(b) the amount for which security is to be given in accordance with the appropriate formula set out below at the commencement of the Act by a commission agent referred to in section 2 (4) of the Act, may be reduced by the Secretary to a smaller amount on a basis determined by the Minister.

Formulae

(i) Formula for abattoir agents:

[(Smallest of A or R20 000)+(50 per cent of B)+(40 per cent of C)+(30 per cent of D)+(20 per cent of E)+(10 per cent of F), rounded off upwards to the next R2 000]

or

(R10 000 x G),

according to whichever amount is the largest.

For the purposes of the abovementioned formula A, B, C, D, E, F and G shall have the following values respectively:

A = an amount—

(aa) for the purposes of a determination in terms of subregulation (1) (a) (i), equivalent to the expected average bi-weekly gross turnover of the business of the abattoir agent concerned for the 12 months from the date of his registration as commission agent; or

(bb) for the purposes of a determination in terms of subregulation (1) (a) (ii), equivalent to one quarter of the total gross turnover of the business of the abattoir agent concerned for those separate eight weeks in which the highest such turnover was attained by that abattoir agent in the 12 months preceding the date of commencement of the Act; or

(cc) for the purposes of a determination in terms of subregulation (1) (a) (iii), equivalent to the expected average bi-weekly gross turnover of the particular abattoir agents' business or separate businesses jointly, as the case may be, for the 12 months from the date on which consent was given under regulation 18 (1) to such abattoir agents to give joint security; or

(dd) for the purposes of a review in terms of subregulation (1) (b), equivalent to one quarter of the total gross turnover of the business of the abattoir agent or abattoir agents concerned or the separate businesses of such abattoir agents jointly, as the case may be, for those separate eight weeks in which the highest such turnover was attained by him or them in the 12 months preceding his or their fixed date; or

(ee) vir doeleindes van 'n hersiening kragtens subregulasie (1) (c) (i), gelykstaande met een-kwart van die bruto omset van die betrokke abattoiragent of abattoiragente se besigheid of afsonderlike besighede gesamentlik, na gelang van die geval, vir daardie afsonderlike agt weke waarin die hoogste sodanige omset deur hom of hulle behaal is in die tydperk sedert die vasstelling van sy of hulle sekuriteit kragtens subregulasie (1) (a); of

(ff) vir doeleindes van 'n hersiening kragtens subregulasie (1) (c) (ii), gelykstaande met die bedrag wat as faktor A gegeld het by die berekening van die betrokke abattoiragent of abattoiragente se bestaande sekuriteit, plus die verwagte gemiddelde tweeweklikse bruto omset van die betrokke nuwe takbesigheid vir die tydperk wat eindig op daardie abattoiragent of abattoiragente se eersvolgende vasgestelde datum; of

(gg) vir doeleindes van 'n hersiening kragtens subregulasie (1) (c) (iii), gelykstaande met die bedrag wat as faktor A gegeld het by die berekening van die betrokke abattoiragent of abattoiragente se bestaande sekuriteit, minus die gemiddelde tweeweklikse bruto omset van die betrokke takbesigheid vir die tydperk beginnende op daardie abattoiragent of abattoiragente se onmiddellik voorafgaande vasgestelde datum;

B=R20 000 of die bedrag waarmee A R20 000 oorskry, na gelang van watter bedrag ook al die kleinste is;

C=R20 000 of die bedrag waarmee A R40 000 oorskry, na gelang van watter bedrag ook al die kleinste is;

D=R20 000 of die bedrag waarmee A R60 000 oorskry, na gelang van watter bedrag ook al die kleinste is;

E=R20 000 of die bedrag waarmee A R80 000 oorskry, na gelang van watter bedrag ook al die kleinste is;

F=die bedrag waarmee A R100 000 oorskry; en

G=die aantal abattoirs waar die betrokke abattoiragent of abattoiragente besigheid dryf of beoog om besigheid te dryf.

(ii) *Formule vir kommissie-agente behalwe abattoir-agente:*

$[(\text{Kleinste van } 2 \text{ persent van } A \text{ of } R10\,000) + (1\frac{1}{2} \text{ persent van } B) + (1 \text{ persent van } C)], \text{ opwaarts afgerond tot die volgende } R100]$

of

R1 000,

na gelang van watter bedrag ook al die grootste is.

Vir doeleindes van bogenoemde formule het A, B en C onderskeidelik die volgende waardes:

A='n bedrag—

(aa) vir doeleindes van 'n vasstelling kragtens subregulasie (1) (a) (i), gelykstaande met die verwagte bruto omset van die betrokke kommissie-agent se besigheid vir die 12 maande vanaf die datum van sy registrasie as kommissie-agent; of

(bb) vir doeleindes van 'n vasstelling kragtens subregulasie (1) (a) (ii), gelykstaande met die bruto omset van die betrokke kommissie-agent se besigheid vir die 12 maande wat die datum van inwerkingtreding van die Wet voorafgegaan het, of indien so 'n kommissie-agent nie vir die volle tydperk van 12 maande besigheid gedryf het nie, met die bruto gemiddelde maandelikse omset van sy besigheid vir die tydperk wat hy wel besigheid gedryf het, vermenigvuldig met 12; of

(cc) vir doeleindes van 'n vasstelling kragtens subregulasie (1) (a) (iii), gelykstaande met die verwagte bruto omset van die betrokke kommissie-agente se besigheid of afsonderlike besighede gesamentlik, na gelang van die geval, vir die 12 maande vanaf die datum waarop

(ee) for the purposes of a review in terms of subregulation (1) (c) (i), equivalent to one quarter of the gross turnover of the business of the abattoir agent or abattoir agents concerned or the separate businesses of such abattoir agents jointly, as the case may be, for those separate eight weeks in which the highest such turnover was attained by him or them in the period since the determination of his or their security under subregulation (1) (a); or

(ff) for the purposes of a review in terms of subregulation (1) (c) (ii), equivalent to the amount which served as factor A in the determination of the existing security of the abattoir agent or abattoir agents concerned, plus the expected average bi-weekly gross turnover of the new branch business concerned for the period terminating on the next succeeding fixed date of that abattoir agent or abattoir agents; or

(gg) for the purposes of a review in terms of subregulation (1) (c) (iii), equivalent to the amount which served as factor A in the determination of the existing security of the abattoir agent or abattoir agents concerned, minus the average bi-weekly gross turnover of the branch business concerned for the period commencing on the immediately preceding fixed date of that abattoir agent or abattoir agents;

B=R20 000 or the amount with which A exceeds R20 000, according to whichever amount is the smallest;

C=R20 000 or the amount with which A exceeds R40 000, according to whichever amount is the smallest;

D=R20 000 or the amount with which A exceeds R60 000, according to whichever amount is the smallest;

E=R20 000 or the amount with which A exceeds R80 000, according to whichever amount is the smallest;

F=the amount with which A exceeds R100 000; and

G=the number of abattoirs where the abattoir agent or abattoir agents concerned carry on or intend carrying on business.

(ii) *Formula for commission agents other than abattoir agents:*

$[(\text{Smallest of } 2 \text{ per cent of } A \text{ or } R10\,000) + (1\frac{1}{2} \text{ per cent of } B) + (1 \text{ per cent of } C)], \text{ rounded off upwards to the next } R100]$

or

R1 000,

according to whichever amount is the largest.

For the purposes of the above-mentioned formula A, B and C shall have the following values respectively:

A=an amount—

(aa) for the purposes of a determination in terms of subregulation (1) (a) (i), equivalent to the expected gross turnover of the business of the commission agent concerned for the 12 months from the date of his registration as commission agent; or

(bb) for the purposes of a determination in terms of subregulation (1) (a) (ii), equivalent to the gross turnover of the business of the commission agent concerned for the 12 months which preceded the date of commencement of the Act, or if such commission agent did not carry on business for the full period of 12 months, equivalent to the average gross monthly turnover of his business during the period for which he actually carried on business, multiplied by 12; or

(cc) for the purposes of a determination in terms of subregulation (1) (a) (iii), equivalent to the expected gross turnover of the particular commission agents' business or separate businesses jointly, as the case may

toestemming kragtens regulasie 18 (1) aan sodanige kommissie-agente verleen is en gesamentlike sekuriteit te verstrek; of

(dd) vir doeleindes van 'n hersiening kragtens subregulasie (1) (b), gelykstaande met die bruto omset van die betrokke kommissie-agent of kommissie-agente se besigheid of afsonderlike besighede gesamentlik, na gelang van die geval, vir die 12 maande wat sy of hul vasgestelde datum voorafgegaan het: Met dien verstande dat indien daardie kommissie-agent of enigeen of meer van 'n aantal kommissie-agente wat gesamentlike sekuriteit verstrek het—

(i) 'n nuwe takbesigheid gedurende bedoelde tydperk geopen het, die bruto omset van sodanige takbesigheid vir doeleindes van hierdie paragraaf bereken word teen die gemiddelde maandelikse bruto omset van daardie takbesigheid vir daardie deel van bedoelde tydperk waarin besigheid by daardie tak gedryf is, vermenigvuldig met 12;

(ii) 'n bestaande takbesigheid gedurende bedoelde tydperk gesluit het, die bruto omset van sodanige takbesigheid vir daardie deel van bedoelde tydperk waarin besigheid by daardie tak gedryf is, vir doeleindes van hierdie paragraaf buite rekening gelaat word; of

(ee) vir doeleindes van 'n hersiening kragtens subregulasie (1) (c) (i), gelykstaande met die gemiddelde maandelikse bruto omset van die betrokke kommissie-agent of kommissie-agente se besigheid of afsonderlike besighede gesamentlik na gelang van die geval, vir die tydperk sedert die vasstelling van sy of hulle sekuriteit kragtens subregulasie (1) (a), vermenigvuldig met 12; of

(ff) vir doeleindes van 'n hersiening kragtens subregulasie (1) (c) (ii), gelykstaande met die bedrag wat as faktor A gegeld het by die berekening van die betrokke kommissie-agent of kommissie-agente se bestaande sekuriteit, plus die verwagte bruto omset van die betrokke nuwe takbesigheid vir die tydperk wat eindig op daardie kommissie-agent of kommissie-agente se eersvolgende vasgestelde datum; of

(gg) vir doeleindes van 'n hersiening kragtens subregulasie (1) (c) (iii), gelykstaande met die bedrag wat as faktor A gegeld het by die berekening van die betrokke kommissie-agent of kommissie-agente se bestaande sekuriteit, minus die gemiddelde maandelikse bruto omset van die betrokke takbesigheid sedert daardie kommissie-agent of kommissie-agente se onmiddellik voorafgaande vasgestelde datum, vermenigvuldig met 12;

B=R500 000 of die bedrag waarmee A R500 000 oorskry, na gelang van watter bedrag ook al die kleinste is; en C=die bedrag waarmee A R1 000 000 oorskry.

(3) Die Sekretaris moet onverwyld na die vasstelling of hersiening van die bedrag waarvoor 'n kommissie-agent sekuriteit moet verstrek, die betrokke kommissie-agent kennis gee van die bedrag wat deur hom as sekuriteit verstrek moet word.

Vermeerdering of vermindering van sekuriteit by hersiening

9. (1) Wanneer die bedrag waarvoor 'n kommissie-agent sekuriteit moet verstrek, kragtens regulasie 8—

(a) vermeerder moet word, moet sekuriteit vir die bedrag van die vermeerdering deur die betrokke kommissie-agent binne 30 dae na die datum van die in subregulasie (3) van daardie regulasie bedoelde kennisgewing, aan die Sekretaris verstrek word;

(b) verminder kan word, kan die betrokke kommissie-agent—

(i) indien sy sekuriteit in die vorm van kontant is, die bedrag van die vermindering opvra;

be, for the 12 months from the date on which consent was given under regulation 18 (1) to such commission agents to give joint security; or

(dd) for the purposes of a review in terms of subregulation (1) (b), equivalent to the gross turnover of the business of the commission agent or commission agents concerned or the separate businesses of such commission agents jointly, as the case may be, for the 12 months which preceded his or their fixed date: Provided that if that commission agent or any one or more of a number of commission agents who have given joint security—

(i) opened a new branch business during the said period, the gross turnover of such branch business shall be calculated for the purposes of this paragraph by multiplying the average monthly gross turnover of that branch business for that part of the said period in which business was carried on at that branch, by 12;

(ii) closed an existing branch business during the said period, the gross turnover of such branch business for that part of the said period in which business was carried on at that branch, shall be excluded for the purposes of this paragraph; or

(ee) for the purposes of a review in terms of subregulation (1) (c) (i), equivalent to the average monthly gross turnover of the business of the commission agent or commission agents concerned or the separate businesses of such commission agents jointly, as the case may be, for the period since the determination of his or their security under subregulation (1) (a), multiplied by 12; or

(ff) for the purposes of a review in terms of subregulation (1) (c) (ii), equivalent to the amount which served as factor A in the determination of the existing security of the commission agent or commission agents concerned, plus the expected gross turnover of the new branch business concerned for the period terminating on the next succeeding fixed date of that commission agent or commission agents; or

(gg) for the purposes of a review in terms of subregulation (1) (c) (iii), equivalent to the amount which served as factor A in the determination of the existing security of the commission agent or commission agents concerned, minus the average monthly gross turnover of the branch business concerned commencing on the immediately preceding fixed date of that commission agent or commission agents;

B=R500 000 or the amount with which A exceeds R500 000, according to whichever amount is the smallest; and

C=the amount with which A exceeds R1 000 000.

(3) The Secretary shall forthwith after the determination or review of the amount for which a commission agent has to give security, notify the commission agent concerned of the amount to be given by him as security.

Increase or reduction of security upon review

9. (1) Whenever the amount for which a commission agent has to give security—

(a) is to be increased under regulation 8, security for the amount of the increase shall be given by the commission agent concerned to the Secretary within 30 days after the date of the notice referred to in subregulation (3) of that regulation;

(b) may be reduced under regulation 8, the commission agent concerned may—

(i) if his security is in the form of cash, claim the amount of the reduction;

(ii) indien sy sekuriteit in die vorm van 'n getrouheidswaarborg is, die betrokke garant versoek om kennis van onttrekking ingevolge regulasie 16 aan die Sekretaris te gee ten opsigte van die bedrag van die vermindering.

(2) 'n Bedrag deur 'n kommissie-agent kragtens subregulasie (1) (b) (i) opgevra, word nie aan hom betaal nie—

(a) voor verstryking van 150 dae vanaf die datum van die kennisgewing wat kragtens regulasie 8 (3) aan hom gestuur is;

(b) indien 'n aansoek kragtens regulasie 10 by die Sekretaris voor verstryking van die in paragraaf (a) vermelde tydperk gedoen word, in welke geval daar met die sekuriteit van daardie kommissie-agent op die toepaslike wyse gehandel word.

Aansoeke om betaling van eise uit sekuriteit

10. (1) Iemand teenoor wie 'n kommissie-agent 'n in artikel 26 van die Wet beoogde verpligting het, kan by die Sekretaris, Departement van Landbou-ekonomie en -bemarking, Privaatsak X250, Dirk Uysgebou, Hamiltonstraat, Pretoria, aansoek doen om daardie kommissie-agent se sekuriteit beskikbaar te stel vir die voldoening van eise soos in genoemde artikel beoog.

(2) 'n Aansoek kragtens subregulasie (1) moet die volgende besonderhede bevat en vergesel wees van dokumentêre bewys, soos in regulasie 13 (2) beoog, van die applikant se eis teen die betrokke kommissie-agent:

(a) Applikant se volle naam en adres;

(b) volle name en adres van die betrokke kommissie-agent;

(c) die soort en hoeveelheid produkte waarop die eis betrekking het;

(d) die datum waarop bedoelde produkte aan die kommissie-agent versend is; en

(e) die bedrag wat geëis word.

Geen kennis van sekere aansoeke geneem te word nie

11. (1) Die Sekretaris neem nie van 'n aansoek wat kragtens regulasie 10 tot hom gerig word, kennis nie—

(a) indien so 'n aansoek gebaseer is op 'n skuldoorzaak wat—

(i) na die datum van onttrekking ontstaan het, in die geval van sekuriteit van in die vorm van 'n getrouheidswaarborg is en ten opsigte waarvan die garant hom kragtens regulasie 16 van aanspreeklikheid onttrek het;

(ii) na die datum van vrystelling ontstaan het, in die geval van sekuriteit wat deur 'n kommissie-agent wat kragtens artikel 26 (3) van die Wet, [of uit hoofde van opskorting van genoemde artikel kragtens artikel 65 (2) (a) van die Wet], vrygestel is van die verpligting om sekuriteit te verstrek, voor die datum van sy vrystelling verstrek is;

(iii) na die datum van verstrekking van vervangende sekuriteit ontstaan het, in die geval van sekuriteit wat kragtens regulasie 17 (2) deur ander sekuriteit vervang is;

(b) indien so 'n aansoek deur hom ontvang word ná verstryking van enigen van die volgende tydperke:

(i) 150 dae vanaf datum van staking van besigheid, in die geval van 'n aansoek wat betrekking het op die sekuriteit van 'n kommissie-agent wat opgehou het om besigheid te dryf;

(ii) 120 dae vanaf datum van onttrekking, in die geval van 'n aansoek wat betrekking het op sekuriteit wat in die vorm van 'n getrouheidswaarborg is en ten opsigte waarvan die garant hom kragtens regulasie 16 van aanspreeklikheid onttrek het;

(ii) if his security is in the form of a fidelity guarantee, request the guarantor to give notice of relief in terms of regulation 16 to the Secretary in respect of the amount of the reduction.

(2) An amount claimed by a commission agent under subregulation (1) (b) (i), shall not be paid to him—

(a) before the expiration of 150 days from the date of the notice forwarded to him in terms of regulation 8 (3);

(b) if an application in terms of regulation 10 is made to the Secretary before expiration of the period referred to in paragraph (a); in which case the security of that commission agent shall be dealt with in the appropriate manner.

Applications for payment of claims out of security

10. (1) Any person towards whom a commission agent has an obligation as contemplated in section 26 of the Act, may apply to the Secretary for Agricultural Economics and Marketing, Private Bag X250, Dirk Uys Buildings, Hamilton Street, Pretoria, to make that commission agent's security available for the payment of claims as contemplated in the said section.

(2) An application in terms of subregulation (1) shall contain the following particulars and be accompanied by documentary proof as contemplated in regulation 13 (2), of the applicant's claim against the commission agent concerned:

(a) Applicant's full name and address;

(b) full name and address of the commission agent concerned;

(c) the kind and quantity of products to which the claim relates;

(d) the date on which the said products were consigned to the commission agent; and

(e) the amount claimed.

No notice to be taken of certain applications

11. (1) The Secretary shall not take any notice of an application submitted to him under regulation 10—

(a) if such application is based upon a cause of action which—

(i) arose after the date of relief, in the case of security in the form of a fidelity guarantee and in respect of which the guarantor has relieved himself from liability under regulation 16;

(ii) arose after the date of exemption, in the case of security given prior to the date of his exemption by a commission agent who under section 26 (3) of the Act [or by virtue of the suspension of the said section under section 65 (2) (a) of the Act], has been exempted from the obligation to give security;

(iii) arose after the date on which substitute security was given, in the case of security which has been substituted by other security under regulation 17 (2);

(b) if such application is received by him after termination of any one of the following periods:

(i) 150 days from the date of discontinuance of business, in the case of an application relating to the security of a commission agent who has ceased to carry on business;

(ii) 120 days from the date of relief, in the case of an application relating to security which is in the form of a fidelity guarantee and in respect of which the guarantor has in terms of regulation 16 relieved himself from liability;

(iii) 150 dae vanaf datum van vrystelling, in die geval van 'n aansoek wat betrekking het op 'n kommissie-agent wat kragtens artikel 26 (3) van die Wet, of uit hoofde van 'n opskorting van genoemde artikel kragtens artikel 65 (2) (a) van die Wet, van die verpligting om sekuriteit te verstrek, vrygestel is; of

(iv) 150 dae vanaf datum van verstrekking van vervangende sekuriteit kragtens regulasie 17 (2), in die geval van 'n aansoek wat betrekking het op die sekuriteit wat vervang is.

(2) 'n Aansoek kragtens regulasie 10 tot die Sekretaris gerig onbewus daarvan dat 'n kennisgewing reeds ten opsigte van die betrokke sekuriteit kragtens regulasie 12 gepubliseer is, word behoudens paragraaf (a) van subregulasie (1) en ondanks paragraaf (b) van daardie subregulasie geag 'n eis te wees waarvan uit hoofde van sodanige kennisgewing kennis aan die Sekretaris gegee is.

Openbare uitnodiging om verdere eise te bewys

12. (1) Tensy 'n kommissie-agent 'n eis wat die onderwerp van 'n in regulasie 10 bedoelde geldige aansoek is, na die wete van die Sekretaris betaal het binne 7 dae na ontvangs van sodanige aansoek deur die Sekretaris, moet die Sekretaris vir algemene kennisname in die *Staatskoerant* en in minstens twee nuusblaaië kennis gee van die ontvangs van sodanige aansoek, of indien meer as een geldige aansoek ontvang is, dié aansoek wat die eerste deur hom ontvang is, na gelang van die geval, met vermelding van—

(a) die naam van die betrokke kommissie-agent en die adres van sy vernaamste besigheidsplek, of indien die betrokke kommissie-agent iemand is wat saam met 'n ander kommissie-agent gesamentlike sekuriteit kragtens regulasie 18 verstrek het, die naam van elke sodanige kommissie-agent en die adres van hul vernaamste besigheidsplek of besigheidsplekke;

(b) die naam van die applikant;

(c) die bedrag van die skuld waarvoor vonnis teen die kommissie-agent verkry is (met inbegrip van die getakseerde koste van die betrokke geding), of die bedrag van die skuld wat deur sodanige kommissie-agent erken is, na gelang van die geval;

Met dien verstande dat indien twee of meer geldige aansoeke op dieselfde dag deur die Sekretaris ontvang is, hy van die ontvangs van enigeen van sodanige aansoeke kan kennis gee.

(2) Die kennisgewing in subregulasie (1) vermeld, moet persone teenoor wie die betrokke kommissie-agent, of indien die betrokke kommissie-agent iemand is wat saam met 'n ander kommissie-agent gesamentlike sekuriteit kragtens regulasie 18 verstrek het, enigeen van sodanige kommissie-agent, 'n in artikel 26 van die Wet beoogde verpligting het en wat ter voldoening van hul eise op daardie kommissie-agent of kommissie-agent se sekuriteit aanspraak wil maak, uitnooi om die Sekretaris binne 30 dae na die datum van publikasie van die kennisgewing in die *Staatskoerant*, kennis van hul eise te gee met vermelding van die volgende besonderhede:

(a) Eiser se volle naam en adres;

(b) die volle naam en adres van die betrokke kommissie-agent;

(c) die soort en hoeveelheid produkte waarop eis betrekking het;

(d) die datum waarop bedoelde produkte aan die kommissie-agent versend is; en

(e) die bedrag wat geëis word.

(iii) 150 days from the date of exemption, in the case of an application relating to a commission agent who in terms of section 26 (3) of the Act, or by virtue of the suspension of the said section in terms of section 65 (2) (a) of the Act, has been exempted from the obligation to give security; or

(iv) 150 days from the date on which substitute security is given under regulation 17 (2), in the case of an application relating to security which has been substituted.

(2) An application under regulation 10 submitted to the Secretary without knowledge that a notice has already been published under regulation 12 in respect of the security in question, shall, subject to paragraph (a) of subregulation (1) and notwithstanding paragraph (b) of that subregulation, be deemed to be a claim of which the Secretary was notified by virtue of such notice.

Public invitation to prove further claims

12. (1) Unless a claim which forms the subject of a valid application referred to in regulation 10, has to the knowledge of the Secretary been paid by the commission agent within 7 days after receipt of such application by the Secretary, the Secretary shall give notice for general information in the *Gazette* and in at least two newspapers of the receipt of such application, or if more than one valid application has been received, of that application which he has received first, as the case may be, stating—

(a) the name of the commission agent concerned and the address of his main place of business, or if the commission agent concerned is someone who has given joint security together with any other commission agent under regulation 18, the name of each such commission agent and the address of their main place or places of business;

(b) the name of the applicant;

(c) the amount of the debt for which judgment has been obtained against the commission agent (including the taxed costs of the action concerned), or the amount of the debt which has been acknowledged by such commission agent, as the case may be;

Provided that if two or more valid applications are received by the Secretary on the same day he may give notice of the receipt of any one of such applications.

(2) The notice referred to in subregulation (1), shall invite persons towards whom the commission agent concerned, or if the commission agent concerned is someone who has given joint security together with any other commission agent under regulation 18, any one of such commission agents, has an obligation as contemplated in section 26 of the Act and who desire settlement of their claims from the security of such commission agent or commission agents, to notify the Secretary of their claims within 30 days after the date of publication of the notice in the *Gazette*, stating the following particulars:

(a) Applicant's full name and address;

(b) full name and address of the commission agent concerned;

(c) the kind and quantity of products to which the claim relates;

(d) the date on which the said products were consigned to the commission agent; and

(e) the amount claimed.

Eise wat uit sekuriteit betaal mag word

13. (1) Geen eis teen 'n kommissie-agent word uit sy sekuriteit betaal nie—

(a) tensy 'n kennisgewing in regulasie 12 (1) beoog met betrekking tot daardie sekuriteit gepubliseer is;

(b) tensy so 'n eis op die wyse in subregulasie (2) uiteengesit, bewys is voor, of nie later nie as 150 dae na, die datum van publikasie van bedoelde kennisgewing in die *Staatskoerant*;

(c) tensy die Sekretaris oortuig is dat sodanige eis 'n in artikel 26 van die Wet bedoelde verpligting ten grondslag het; en

(d) indien so 'n eis gebaseer is op 'n skuldoorsaak wat—

(i) na die datum van onttrekking ontstaan het, in die geval van sekuriteit wat in die vorm van 'n getrouheidswaarborg is en ten opsigte waarvan die garant hom kragtens regulasie 16 van aanspreeklikheid onttrek het;

(ii) na die datum van vrystelling ontstaan het, in die geval van sekuriteit wat deur 'n kommissie-agent wat kragtens artikel 26 (3) van die Wet, [of uit hoofde van 'n opskorting van genoemde artikel kragtens artikel 65 (2) (a) van die Wet], vrygestel is van die verpligting om sekuriteit te verstrek, voor die datum van sy vrystelling verstrek is;

(iii) na die datum van verstrekking van vervangende sekuriteit ontstaan het, in die geval van sekuriteit wat kragtens regulasie 17 (2) deur ander sekuriteit vervang is.

(2) 'n Eis word vir doeleindes van subregulasie (1) bewys by wyse van voorlegging aan die Sekretaris van die oorspronklike of 'n gewaarmerkte afskrif van—

(a) 'n vonnis van 'n geregshof ter stawing van sy eis; of

(b) 'n skriftelike erkenning van die geldigheid en bedrag van die eis deur die betrokke kommissie-agent, of indien die kommissie-agent oorlede, insolvent of om enige ander rede nie self sy sake behartig nie, deur die eksekuteur of trustee van sy boedel of deur sy kurator of ander gevolmagtigde:

Met dien verstande dat die Sekretaris enige of al die inskrywings vervat in 'n skriftelike staat wat deur die betrokke kommissie-agent kragtens regulasie 37 aan hom voorgelê is, as erkenning of erkennings van skuld ingevolge paragraaf (b) kan aanvaar.

Voorkeure en verdeling van sekuriteit

14. (1) 'n Eis wat die onderwerp van 'n geldige aansoek kragtens regulasie 10 is of waarvan behoorlik en binne die in regulasie 12 (2) vermelde tydperk kennis gegee is, geniet ten opsigte van die betrokke sekuriteit voorrang bo ander eise ten opsigte waarvan nie behoorlik en tydlig aldus kennis gegee is nie.

(2) (a) Indien die bedrag waarvoor 'n kommissie-agent sekuriteit verstrek het, nie voldoende is om alle eise wat kragtens subregulasie (1) voorrang geniet, te betaal nie, word sodanige sekuriteit tussen die betrokke voorkeur-skuldeisers verdeel in verhouding tot die onderskeie bedrae deur hulle geëis.

(b) Indien sodanige sekuriteit na betaling van alle sodanige eise wat voorrang geniet, 'n balans laat wat nie voldoende is om alle ander eise te betaal nie, word sodanige balans tussen die betrokke ander skuldeisers verdeel insgelyks in verhouding tot die onderskeie bedrae deur hulle geëis.

Tydstip waarop eise betaal word

15. Eise teen 'n kommissie-agent word behoudens regulasie 13 so spoedig moontlik na verloop van 150 dae vanaf die datum van publikasie in die *Staatskoerant* van die in regulasie 12 (1) bedoelde kennisgewing uit

Claims which may be paid out of security

13. (1) No claim against a commission agent shall be paid from his security—

(a) unless a notice contemplated in regulation 12 (1) was published in respect of that security;

(b) unless such claim was proved in the manner set out in subregulation (2), before, or not later than 150 days after, the date of publication of the said notice in the *Gazette*;

(c) unless the Secretary is convinced that such claim is based upon an obligation as contemplated in section 26 of the Act; and

(d) if such claim is based upon a cause of action which—

(i) arose after the date of relief, in the case of security in the form of a fidelity guarantee and in respect of which the guarantor has relieved himself from liability under regulation 16;

(ii) arose after the date of exemption, in the case of security given prior to the date of his exemption by a commission agent who under section 26 (3) of the Act [or by virtue of the suspension of the said section under section 65 (2) (a) of the Act], has been exempted from the obligation to give security;

(iii) arose after the date on which substitute security was given, in the case of security which has been substituted by other security under regulation 17 (2).

(2) A claim shall for the purposes of subregulation (1) be proved by means of the submission to the Secretary of the original or a certified copy of—

(a) a judgment of a court of law to substantiate his claim; or

(b) a written acknowledgement by the commission agent concerned of the validity and amount of the claim, or if the commission agent is deceased or insolvent or for any other reason not managing his affairs personally, by the executor or trustee of his estate or by his curator or other duly authorised representative:

Provided that the Secretary may accept any or all of the entries contained in a written statement submitted to him by the commission agent concerned in terms of regulation 37, as acknowledgement or acknowledgements of debt in terms of paragraph (b).

Preferences and distribution of security

14. (1) A claim which is the subject of a valid application in terms of regulation 10 or in respect of which notice has been given properly and within the period referred to in regulation 12 (2), has preference in respect of the security concerned to other claims in respect of which notice was not so properly and timeously given.

(2) (a) If the amount for which a commission agent has given security, is not sufficient to pay all claims which have preference in terms of subregulation (1), such security shall be distributed among the preferential creditors concerned in proportion to the respective amounts claimed by them.

(b) If such security, after payment of all such claims which have preference, leaves a balance which is not sufficient to pay all other claims, such balance shall be distributed among the other creditors concerned likewise in proportion to the respective amounts claimed by them.

Time of payment of claims

15. Claims against a commission agent shall subject to regulation 13 be paid out of that commission agent's security as soon as may be after the expiration of 150 days after the date of publication in the *Gazette* of the

daardie kommissie-agent se sekuriteit betaal: Met dien verstande dat eise wat kragtens regulasie 14 (1) voorrang geniet na verloop van 90 dae na datum van publikasie in die *Staatskoerant* van sodanige kennisgewing, betaal kan word mits die bedrag van al sodanige eise minder is as die bedrag waarvoor die betrokke kommissie-agent sekuriteit verskaf het.

Garant kan hom van aanspreeklikheid onttrek

16. (1) Iemand wat as garant optree in terme van 'n getrouheidswaARBorg wat kragtens regulasie 7 as sekuriteit deur 'n kommissie-agent verstrekk is, kan hom van sy aanspreeklikheid ingevolge die getrouheidswaARBorg in die geheel of tot 'n bepaalde bedrag onttrek deur die Sekretaris minstens 30 dae vooraf skriftelike kennis per aangetekende pos te gee van sy voorneme om hom aldus te onttrek.

(2) 'n Kennisgewing kragtens subregulasie (1) onthef nie 'n garant van sy aanspreeklikheid ingevolge die getrouheidswaARBorg ten opsigte van eise teen 'n kommissie-agent waarvan die skuldoorsaak voor die datum van onttrekking ontstaan het nie.

Teruggee, kansellering of vervanging van sekuriteit

17. (1) Die Sekretaris moet, behoudens die bepalings van subregulasie (3), kontant wat deur 'n kommissie-agent as sekuriteit verstrekk is, terugbetaal, of 'n getrouheidswaARBorg wat ten behoeve van 'n kommissie-agent as sekuriteit verstrekk is, niteenstaande die bepalings van regulasie 16 kanselleer indien bedoelde kommissie-agent of in die geval van twee of meer kommissie-agenten wat gesamentlike sekuriteit verstrekk het, almal van sodanige kommissie-agenten—

(a) besigheid gestaak het; of

(b) kragtens artikel 26 (3) van die Wet of uit hoofde van 'n opskorting van genoemde artikel kragtens artikel 65 (2) (a) van die Wet, vrygestel is van die verpligting om sekuriteit te verstrekk.

(2) Die Sekretaris kan, behoudens die bepalings van subregulasie (3), kontant wat deur 'n kommissie-agent as sekuriteit verstrekk is, terugbetaal, of 'n getrouheidswaARBorg wat ten behoeve van 'n kommissie-agent as sekuriteit verstrekk is, niteenstaande die bepalings van regulasie 16 kanselleer, indien bedoelde kommissie-agent (hetsy alleen of gesamentlik met 'n ander kommissie-agent) ander sekuriteit ter vervanging van genoemde sekuriteit verstrekk het.

(3) Geen sekuriteit word kragtens subregulasie (1) of (2) terugbetaal of gekanselleer nie—

(a) voor verstryking van die tydperk waarbinne 'n geldige aansoek kragtens regulasie 10 met betrekking tot sodanige sekuriteit by die Sekretaris gedoen kan word;

(b) indien so 'n aansoek by die Sekretaris binne die in paragraaf (a) vermelde tydperk gedoen word, in welke geval daar met die betrokke sekuriteit op die toepaslike wyse gehandel word.

(4) Sekuriteit deur twee of meer kommissie-agenten gesamentlik verstrekk, word behalwe ingevolge subregulasie (2), nie by staking van besigheid deur, of by vrystelling van die verpligting om sekuriteit te verstrekk van, een of meer maar nie almal van hulle nie, deur die Sekretaris terugbetaal of gekanselleer nie, en word sodanige sekuriteit teruggehou as sekuriteit ten aansien van die kommissie-agent of kommissie-agenten wat met besigheid voortgaan of wat nie aldus vrygestel is nie, na gelang van die geval.

(5) (a) In hierdie regulasie beteken "kanselleer", met betrekking tot 'n getrouheidswaARBorg, die kwytsteking van die garant van sy verpligting ingevolge die getrouheidswaARBorg.

notice referred to in regulation 12 (1): Provided that claims which have preference in terms of regulation 14 (1) may be paid after expiration of 90 days after the date of publication of such notice in the *Gazette*, if the amount of all such claims is less than the amount for which the commission agent concerned has furnished security.

Guarantor may relieve himself from liability

16. (1) Any person who acts as guarantor in terms of a fidelity guarantee given by a commission agent as security in terms of regulation 7, may relieve himself from liability under the fidelity guarantee wholly or to a particular amount, by giving the Secretary at least 30 days prior written notice by registered post of his intention so to relieve himself.

(2) A notice under subregulation (1) shall not relieve a guarantor from his liability under the fidelity guarantee in respect of claims against a commission agent of which the cause of action originated before the date of relief.

Refund, cancellation or substitution of security

17. (1) The Secretary shall, subject to the provisions of subregulation (3), refund any cash given by a commission agent as security, or notwithstanding the provisions of regulation 16 cancel any fidelity guarantee given on behalf of a commission agent as security, if the said commission agent, or in the case of two or more commission agents who have given joint security, all of such commission agents, have—

(a) discontinued business; or

(b) under section 26 (3) of the Act or by virtue of any suspension of the said section under section 65 (2) (a) of the Act, been exempted from the obligation to give security.

(2) The Secretary may, subject to the provisions of subregulation (3), refund any cash given by a commission agent as security, or notwithstanding the provisions of regulation 16 cancel any fidelity guarantee given on behalf of a commission agent as security, if the said commission agent (either alone or jointly with any other commission agent) has given other security as a substitute for the said security.

(3) No security shall be refunded or cancelled under subregulation (1) or (2)—

(a) before expiration of the period during which a valid application relating to such security may under regulation 10 be made to the Secretary;

(b) if such an application is made to the Secretary within the period referred to in paragraph (a), in which case the security in question shall be dealt with in the appropriate manner.

(4) Security given by two or more commission agents jointly, shall, save as provided for in subregulation (2), not be refunded or cancelled upon discontinuance of business by, or upon exemption from the obligation to give security of, any one or more but not all of them, and such security shall be retained as security in respect of the commission agent or commission agents remaining in business or who have not been so exempted, as the case may be.

(5) (a) In this regulation "cancel", in relation to a fidelity guarantee, means to absolve the guarantor of his obligations under such fidelity guarantee.

(b) Hierdie regulasie word nie uitgelê op 'n wyse wat 'n garant se regte om hom kragtens regulasie 16 van aanspreeklikheid ingevolge 'n getrouheidswaARBORG te onttrek, beperk nie.

Gesamentlike sekuriteit deur verskillende kommissie-agente

18. (1) Twee of meer kommissie-agente wat hetsy in vennootskap of afsonderlik van mekaar besigheid dryf, kan met die Sekretaris se toestemming gesamentlik sekuriteit verstrek: Met dien verstande dat toestemming om sekuriteit gesamentlik te verstrek geag word aan kommissie-agente in artikel 2 (3) van die Wet bedoel wat voor die inwerkingtreding van die Wet gesamentlik sekuriteit verstrek het, verleen te gewees het op die datum waarop hul gesamentlike sekuriteit laas voor sodanige inwerkingtreding deur die Sekretaris hersien was.

(2) Sodanige gesamentlike sekuriteit word aangewend om 'n verpligting in artikel 26 van die Wet beoog wat by enigen van die betrokke kommissie-agente mag ontstaan, na te kom afgesien van daardie kommissie-agent se aandeel in die gesamentlike sekuriteit.

(3) Die Sekretaris kan te eniger tyd vereis dat twee of meer kommissie-agente wat kragtens subregulasie (1) gesamentlike sekuriteit verstrek het, vanaf 'n datum deur hom bepaal elkeen afsonderlik sekuriteit moet verstrek.

Aanvulling van sekuriteit na publikasie van regulasie 12 (1) bedoelde kennisgewing

19. (1) Wanneer 'n kommissie-agent se sekuriteit na verwagting nie voldoende sal wees om 'n eis kragtens hierdie regulasies te betaal nie of as gevolg van die betaling van so 'n eis minder sal wees as die bedrag waarvoor hy kragtens regulasie 8 sekuriteit moet verstrek, en hy voortgaan om besigheid te dryf, kan die Sekretaris te eniger tyd na verstryking van die in regulasie 12 (2) bedoelde tydperk van hom vereis om binne sewe dae nuwe of aanvullende sekuriteit, na gelang van die geval, te verstrek.

(2) Sodanige nuwe of aanvullende sekuriteit word nie aangewend om eise teen daardie kommissie-agent waarvan die skuldoorsaak voor die datum van publikasie in die *Staatskoerant* van die betrokke in regulasie 12 (2) bedoelde kennisgewing ontstaan het, te betaal nie.

DEEL 3

GETROUHEIDSWAARBORGFONDSE

Bydraes tot waarborgfonds vir markagente

20. (1) Elke markagent wat op 30 Junie van enige jaar lid is van 'n getrouheidswaARBORGFONDSE beoog in artikel 27 van die Wet, moet binne 30 dae na bedoelde datum die toepaslike bydrae in subregulasie (2) vermeld tot sodanige fonds maak.

(2) (a) Die bydrae wat 'n markagent kragtens subregulasie (1) moet maak, is soos volg:

(i) R50 vir markagente met 'n besigheidsomset van R100 000 of minder;

(ii) R100 vir markagente met 'n besigheidsomset van meer as R100 000 maar nie meer as R500 000; en

(iii) R200 vir markagente met 'n besigheidsomset van meer as R500 000.

(b) By die toepassing van paragraaf (a) beteken "besigheidsomset", met betrekking tot 'n markagent, die besigheidsomset van 'n markagent wat vir die doeleindes van regulasie 8 bepaal is om daardie markagent se sekuriteit in die Sekretaris se besit op 30 Junie van die jaar waarin die bydrae gemaak word, te bereken.

(3) 'n In subregulasie (1) vermelde bydrae word aan die Sekretaris betaal.

(b) This regulation shall not be construed in any manner limiting a guarantor's right to relieve himself from liability under a fidelity guarantee in terms of regulation 16.

Joint security by different commission agents

18. (1) Two or more commission agents, whether conducting business in partnership or separately from each other, may with the Secretary's consent give joint security: Provided that consent to give security jointly shall be deemed to have been given to commission agents referred to in section 2 (3) of the Act who have prior to the commencement of the Act given security jointly, on the date on which their joint security was last reviewed by the Secretary prior to such commencement.

(2) Any such joint security shall be used to fulfill any obligation contemplated in section 26 of the Act arising with any of the commission agents concerned, irrespective of the extent of that commission agent's share in the joint security.

(3) The Secretary may at any time require two or more commission agents who have given joint security under subregulation (1), to give separate security from a date determined by him.

Supplementation of security after publication of notice referred to in regulation 12 (1)

19. (1) Whenever a commission agent's security is expected to be insufficient to pay a claim in terms of these regulations or as a result of the payment of any such claim to be less than the amount for which he has to give security in terms of regulation 8, and he continues to carry on business, the Secretary may at any time after expiration of the period referred to in regulation 12 (2) require him to give within seven days new or supplementary security, as the case may be.

(2) Such new or supplementary security shall not be used to pay claims against that commission agent of which the cause of action originated before the date of publication in the *Gazette* of the relative notice referred to in regulation 12 (2).

PART 3

FIDELITY GUARANTEE FUNDS

Contributions to guarantee fund by market agents

20. (1) Every market agent who on 30 June of any year is a member of a fidelity guarantee fund contemplated in section 27 of the Act, shall within 30 days after the said date make the appropriate contribution referred to in subregulation (2) to such fund.

(2) (a) The contribution which a market agent has to make under subregulation (1), shall be as follows:

(i) R50 for market agents with a business turnover of R100 000 or less;

(ii) R100 for market agents with a business turnover of more than R100 000 but not more than R500 000; and

(iii) R200 for market agents with a business turnover of more than R500 000.

(b) For the purposes of paragraph (a) "business turnover", in relation to a market agent, means the business turnover of a market agent as determined for the purposes of regulation 8 to calculate that market agent's security in possession of the Secretary on 30 June of the year in which the contribution is made.

(3) A contribution referred to in subregulation (1) shall be paid to the Secretary.

DEEL 4

TRUSTREKENINGS

Opening van tjekrekening by bankinstelling

21. (1) 'n Kommissie-agent moet vir doeleindes van behoorlike administrasie van sy trustrekening 'n tjekrekening open en hou by 'n bankinstelling wat ingevolge die Bankwet, 1965 (No. 23 van 1965), geregistreer is.

(2) By opening van 'n rekening kragtens subregulasie (1), moet die betrokke kommissie-agent die bankinstelling waar die rekening geopen word, skriftelik meedeel dat die rekening uitsluitlik vir doeleindes van sy trustrekening ingevolge die Wet geopen word.

(3) (a) 'n Kommissie-agent moet binne sewe dae nadat hy 'n rekening kragtens subregulasie (1) geopen het, die Sekretaris skriftelik in kennis stel van die naam van die betrokke bankinstelling en die verwysingsnommer wat deur die bankinstelling aan die betrokke rekening toegeken is; en hy moet terselfdertyd bevestig dat uitvoering aan die bepalinge van subregulasie (2) en regulasie 22 gegee is.

(b) 'n Kommissie-agent moet die Sekretaris aldus in kennis stel van enige wysiging van bedoelde verwysingsnommer binne sewe dae na datum van sodanige wysiging.

(4) 'n Kommissie-agent moet sorg dra dat elke inlegstrokie, tjek en tjekboekomsag wat op 'n trustrekening betrekking het, die in subregulasie (3) bedoelde verwysingsnommer van die tjekrekening wat vir doeleindes van daardie trustrekening geopen is, aantoon.

Bankdokumente in verband met trust-tjekrekening moet na trustrekening verwys

22. 'n Kommissie-agent moet die betrokke bankinstelling skriftelik versoek om nie 'n bankstaat, tjekvorm, sertifikaat of ander dokument in verband met 'n trust-tjekrekening waarop die naam van daardie kommissie-agent verskyn, uit te reik nie, tensy die woorde "Trustrekening" of "Trust account" bygevoeg is.

Inkomende tjeks moet na trustrekening verwys

23. (1) Indien betaling van die opbrengs van produkte deur 'n kommissie-agent verkoop, per tjek aan hom gemaak word, moet daardie tjek gekruis, nie verhandelbaar gemaak en betaalbaar gemaak word aan daardie kommissie-agent en verder direk na die naam van die kommissie-agent die woorde "(vir krediet trustrekening)" of "(for credit trust account)" bevat.

(2) 'n Kommissie-agent moet sorg dra dat so 'n tjek wat in sy besit is, gekruis en aldus gemaak moet wees.

Tydperk waarin opbrengs in trustrekening gestort moet word

24. Die opbrengs van die verkoop van produkte deur 'n kommissie-agent, met inbegrip van die gedeelte van sodanige opbrengs wat die kommissie-agent geregtig is om te behou, moet deur hom binne twee besigheidsdae na die dag waarop die produkte verkoop is, by sy trust-tjekrekening inbetaal word.

Betalings aan prinsipale

25. Die opbrengs van die verkoop van produkte word nie deur 'n kommissie-agent aan sy prinsipaal betaal op 'n ander wyse as per tjek getrek op sy trust-tjekrekening en betaalbaar aan sodanige prinsipaal nie.

Onttrekkings deur kommissie-agente

26. (1) Geld in 'n trustrekening waarop 'n kommissie-agent geregtig is, (hetsy op grond van regswerking, kragtens magtiging van 'n prinsipaal of voortspruitende uit 'n ander geldige oorsaak) word nie deur hom onttrek op 'n ander wyse as per tjek getrek op sy trust-tjekrekening en betaalbaar aan homself nie.

PART 4

TRUST ACCOUNTS

Opening of trust account at banking institution

21. (1) A commission agent shall for purposes of proper administration of his trust account open and keep a cheque account at a banking institution registered under the Banks Act, 1965 (No. 23 of 1965).

(2) When opening an account in terms of subregulation (1) the commission agent concerned shall notify the banking institution where the account is being opened, in writing that the account is opened solely for purposes of his trust account in terms of the Act.

(3) (a) A commission agent shall within seven days after having opened an account in terms of subregulation (1), notify the Secretary in writing of the name of the banking institution concerned and the reference number allocated by the banking institution to the account concerned, and he shall at the same time confirm that effect has been given to subregulation (2) and regulation 22.

(b) A commission agent shall likewise notify the Secretary of any change of the said reference number within seven days after the date of such change.

(4) A commission agent shall ensure that every deposit slip, cheque and cheque book cover relating to a trust account, indicate the reference number referred to in subregulation (3) of the cheque account opened for purposes of that trust account.

Bank documents in connection with trust cheque account shall refer to trust account

22. A commission agent shall request the banking institution concerned in writing not to issue a bank statement, cheque form, certificate or other document in connection with a trust cheque account on which the name of that commission agent appears, unless the words "Trust account" or "Trustrekening" are added.

Incoming cheques shall refer to trust account

23. (1) If payment of the proceeds of products sold by a commission agent is made to him by cheque such cheque shall be crossed, marked not negotiable and made payable to that commission agent and shall further contain the words "(for credit trust account)" or "(vir krediet trustrekening)" directly after the name of the commission agent.

(2) A commission agent shall ensure that any such cheque in his possession is crossed and so marked.

Period within which proceeds shall be deposited in trust account

24. The proceeds of the sale of products by a commission agent, including the portion of such proceeds which the commission agent is entitled to retain, shall be paid by him into his trust account within two business days after the day on which the products were sold.

Payments to principals

25. The proceeds of the sale of products shall not be paid to his principal by a commission agent in any manner other than per cheque drawn on his trust cheque account and payable to such principal.

Withdrawals by commission agents

26. (1) Money in a trust account to which a commission agent is entitled (whether by operation of law, under any authority of a principal or arising from any other lawful cause) shall not be withdrawn by him in a manner other than by cheque drawn on his trust cheque account and made payable to himself.

(2) Sodanige geld moet deur 'n kommissie-agent binne 60 dae na die einde van die kalendermaand waarin daardie geld in sy trust-tjekrekening inbetaal is, onttrek word.

(3) 'n Kommissie-agent moet van elke onttrekking kragtens hierdie regulasie rekord hou van—

- (a) die datum van die betrokke tjek;
- (b) die nommer van die tjek;
- (c) die nommers van die betrokke afrekeningstate;
- (d) die bedrag van die onttrekking;
- (e) besonderhede van die skuldoorsaak waarop die onttrekking gebaseer is.

Slegs sekere betalings uit trustrekening toelaatbaar

27. Geen kommissie-agent mag enige betalings of onttrekkings uit sy trustrekening maak nie anders as dié waarvoor voorsiening in die Wet en die regulasies gemaak is: Met dien verstande dat hierdie regulasie nie uitgelê word op 'n wyse wat die tenuitvoerlegging van 'n vonnis van 'n geregshof ten gunste van—

(a) 'n skuldeiser van 'n kommissie-agent vir sover sodanige tenuitvoerlegging betrekking het op geld in die trustrekening waarop die kommissie-agent geregtig is; of

(b) 'n skuldeiser van 'n prinsipaal van 'n kommissie-agent vir sover sodanige tenuitvoerlegging betrekking het op geld in die trustrekening waarop die prinsipaal geregtig is, verhinder nie.

Maandelikse rekonsiliëring van rekeningboeke

28. 'n Kommissie-agent moet binne 21 besigheidsdae na die laaste dag van elke kalendermaand die rekeningboeke wat op sy trustrekening betrekking het, op die wyse in Aanhangsel G hiervan uiteengesit rekonsiliëer om die stand van sake in daardie trustrekening soos by sluiting van sake op bedoelde dag weer te gee.

Ouditering van trustrekening

29. (1) 'n Kommissie-agent moet die boeke wat op sy trustrekening betrekking het kragtens artikel 18 van die Wet binne 90 dae na die datum wat hy vir die afsluiting van sy trustrekening kragtens genoemde artikel bepaal het, laat ouditeer.

(2) Die in artikel 18 (3) van die Wet bedoelde sertifikaat word uitgereik op die vorm in Aanhangsel H hiervan uiteengesit.

Belegging van afwagsaldo

30. (1) 'n Kommissie-agent belê die in artikel 22 (1) van die Wet bedoelde deel van die afwagsaldo van sy trustrekening by dieselfde bankinstelling waar sy trust-tjekrekening gehou word op so 'n wyse dat die gelde wat belê word te alle tyd op aanvraag beskikbaar is vir aanwending in die trust-tjekrekening indien nodig.

(2) By die belegging van geld kragtens subregulasie (1), moet die betrokke kommissie-agent die bankinstelling waar die belegging gemaak word, skriftelik meedeel dat die belegging uitsluitlik ten behoeve van sy trustrekening gemaak word.

(3) (a) 'n Kommissie-agent moet binne sewe dae nadat hy 'n in subregulasie (1) bedoelde belegging gemaak het, die Sekretaris skriftelik in kennis stel van die bedrag van sodanige belegging, die voorwaardes daarvan (met inbegrip van die rentekoers waarteen die geld belê is) en die verwysingsnommer wat deur die bankinstelling aan die betrokke belegging toegeken is, en hy moet terselfdertyd bevestig dat uitvoering aan die bepalings van subregulasie (2) gegee is.

(b) 'n Kommissie-agent moet die Sekretaris aldus in kennis stel van enige wysiging van bedoelde voorwaardes of bedoelde verwysingsnommer of enige te gelde making van sodanige belegging of deel daarvan, binne sewe dae na datum van sodanige wysiging of te gelde making, na gelang van die geval.

(2) Such money shall be withdrawn by the commission agent within 60 days after the end of the calendar month in which that money was paid into his trust cheque account.

(3) A commission agent shall in respect of each withdrawal in terms of this regulation keep record of—

- (a) the date of the cheque concerned;
- (b) the number of the cheque;
- (c) the numbers of the statements of settlement concerned;
- (d) the amount of the withdrawal;
- (e) particulars of the cause of action on which the withdrawal is based.

Only certain payments permitted from trust account

27. No commission agent shall make any payments or withdrawals from his trust account other than those for which provision is made in the Act or these regulations: Provided that this regulation shall not be construed so as to obstruct the execution of a judgment of a court of law in favour of—

(a) a creditor of a commission agent, in so far as such execution relates to money in the trust account to which the commission agent is entitled; or

(b) a creditor of a principal of a commission agent, in so far as such execution relates to money in the trust account to which the principal is entitled.

Monthly reconciliation of account books

28. A commission agent shall within 21 business days after the last day of each calendar month reconcile the account-books relating to his trust account in the manner set out in Annexure G hereto to reflect the state of affairs in such trust account as at close of business on the said day.

Auditing of trust account

29. (1) A commission agent shall have the books relating to his trust account audited in terms of section 18 of the Act within 90 days after the date determined by him for the balancing of his trust account in terms of the said section.

(2) The certificate referred to in section 18 (3) of the Act shall be issued on the form set out in Annexure H hereto.

Investment of suspense balance

30. (1) A commission agent shall invest the portion of the suspense balance of his trust account referred to in section 22 (1) of the Act at the same banking institution where his trust cheque account is kept, in such a manner that the monies invested shall at all times be available on application for utilization in the trust cheque account if necessary.

(2) When investing money in terms of subregulation (1), the commission agent concerned shall notify the banking institution where the investment is made in writing that the investment is made exclusively for the benefit of his trust account.

(3) (a) A commission agent shall within seven days after having made an investment referred to in subregulation (1), notify the Secretary in writing of the amount of such investment, the conditions thereof (including the rate of interest at which the money has been invested) and the reference number allocated by the banking institution to the investment concerned, and he shall at the same time confirm that effect has been given to the provisions of subregulation (2).

(b) A commission agent shall likewise notify the Secretary of any change in the said conditions or said reference number or any liquidation of such investment or part thereof within seven days after date of such change or liquidation, as the case may be.

Bankdokumente i.v.m. belegging moet na trustrekening verwys

31. 'n Kommissie-agent moet die betrokke bankinstelling skriftelik versoek om nie 'n bewys, sertifikaat of ander dokument in verband met 'n in regulasie 30 (1) bedoelde belegging waarop die naam van daardie kommissie-agent verskyn, uit te reik nie, tensy die woorde "Trustrekening" of "Trust account" bygevoeg is.

Inkomste op belegging word in trust-tjekrekening inbetaal

32. Alvorens oor die inkomste op 'n in regulasie 30 (1) bedoelde belegging ooreenkomstig artikel 22 (2) van die Wet beskik word, moet sodanige inkomste in die betrokke kommissie-agent se trust-tjekrekening inbetaal word.

Afsluiting van trustrekening by beëindiging van besigheid

33. (1) Wanneer 'n kommissie-agent se registrasie kragtens artikel 6 van die Wet opgeskort of ingetrek is of hy om 'n ander rede voornemens of verplig is om met sy besigheid op te hou, moet hy onverwyld en nieteenstaande andersluidende bepalinge in hierdie regulasies—

(a) tot die datum van berekening van die netto verskuldigde bedrag kragtens regulasie 34, die trek van tjeks op sy trust-tjekrekening staak—

(i) in die geval van intrekking of opskorting van sy registrasie, vanaf die oomblik waarop hy van sodanige intrekking of opskorting vir die eerste maal verneem het;

(ii) in die geval van beëindiging van sy besigheid om 'n ander rede, vanaf sluiting van sake op die laaste dag waarop hy produkte in die loop van sy besigheid verkoop het;

(b) alle bedrae invorder wat aan hom vir krediet van sy trust-rekening verskuldig is en dit in sy trust-tjekrekening deponeer;

(c) 'n belegging van trustgeld vermeld in artikel 22 (1) van die Wet te gelde maak en die opbrengs daarvan in sy trust-tjekrekening deponeer;

(d) die rekeningboeke wat op sy trustrekening betrekking het, rekonsilieer om die stand van sake in daardie trustrekening soos by sluiting van sake op die dag waarop hy die trek van tjeks ooreenkomstig paragraaf (a) moet staak, weer te gee met betrekking tot—

(i) die bedrag wat in krediet van sy trustrekening staan soos saamgestel uit die volgende bedrae:

(aa) Die saldo van sy trust-tjekrekening;

(bb) die kapitaalbedrag van 'n belegging kragtens artikel 22 (1) van die Wet;

(cc) die bedrag van die opbrengs van die verkoop van produkte reeds deur hom ontvang maar nog nie in sy trust-tjekrekening gedeponeer nie;

(dd) die bedrag van die opbrengs van produkte nog nie deur hom ingevorder nie;

(ii) die totale bedrag van tjeks getrek op sy trust-tjekrekening maar nog nie gewissel nie;

(iii) die totale bedrag waarvoor afrekeningstate opgestel is, maar waarvoor geen tjeks by sluiting van sake op bedoelde dag uitgeskryf was nie, saamgestel uit—

(aa) die bedrag betaalbaar aan prinsipale;

(bb) die bedrag betaalbaar aan homself;

(iv) die totale bedrag waarvoor afrekeningstate by sodanige sluiting van sake nog nie opgestel is nie.

(2) 'n Rekonsiliëring van rekeningboeke kragtens paragraaf (d) van subregulasie (1) moet op die eerste dag na die dag waarop hy die trek van tjeks ooreenkomstig paragraaf (a) van daardie subregulasie moet staak, 'n aanvang

Bank documents in connection with investment shall refer to trust account

31. A commission agent shall request the banking institution concerned in writing not to issue a voucher, certificate or other document in connection with an investment referred to in regulation 30 (1) on which the name of that commission agent appears, unless the words "Trust account" or "Trustrekening" are added.

Income from investment to be paid into trust cheque account

32. Before disposing of the income on an investment referred to in regulation 30 (1) in accordance with section 22 (2) of the Act, such income shall be deposited in the trust cheque account of the commission agent concerned.

Winding up of trust account at termination of business

33. (1) Whenever the registration of a commission agent is suspended or cancelled in terms of section 6 of the Act or if he intends or is compelled to terminate his business for any other reason, he shall forthwith and notwithstanding any provisions to the contrary contained in these regulations—

(a) until the date of calculation of the nett amount due in terms of regulation 34, discontinue the drawing of cheques on his trust cheque account—

(i) in the case of cancellation or suspension of his registration, as from the moment that he learns of such cancellation or suspension for the first time;

(ii) in the case of termination of his business for any other reason, as from the close of business on the last day on which he has sold products in the course of his business;

(b) collect all amounts due to him for credit of his trust cheque account and pay such amounts into his trust cheque account;

(c) liquidate any investment of trust money referred to in section 22 (1) of the Act and pay the proceeds thereof into his trust cheque account;

(d) reconcile the account books relating to his trust account to reflect the state of affairs in that trust account as at close of business on the day on which the drawing of cheques is required to be discontinued in accordance with paragraph (a), with reference to—

(i) the amount standing to the credit of his trust account as made up of the following amounts:

(aa) The balance of his trust cheque account;

(bb) the capital amount of an investment in terms of section 22 (1) of the Act;

(cc) the amount of the proceeds of products already received by him but not yet deposited into his trust cheque account;

(dd) the amount of the proceeds of products not yet collected by him;

(ii) the total amount of cheques drawn on his trust cheque account but not yet paid;

(iii) the total amount for which statements of settlement have been drawn up but for which no cheques have been made out at close of business on the said day, composed of—

(aa) the amount payable to principals;

(bb) the amount payable to himself;

(iv) the total amount for which statements of settlement have not yet been drawn up at such close of business.

(2) Any reconciliation of books of account in terms of paragraph (d) of subregulation (1) shall commence on the first day after the day on which he is required to discontinue the drawing of cheques in terms of paragraph

neem en daarna elke dag voortgesit word totdat dit afgehandel is: Met dien verstande dat sodanige rekonsiliëring nie later nie as die vyftiende dag gereken vanaf die dag waarop die rekonsiliëring kragtens hierdie subregulasie 'n aanvang moet neem, of sodanige latere dag as wat die Sekretaris mag bepaal, afgehandel moet wees.

Berekening van netto verskuldigde bedrag

34. (1) 'n Kommissie-agent moet binne sewe dae na die dag waarop die rekonsiliëring van sy rekeningboeke kragtens regulasie 33 afgehandel is, alle uitstaande afrekeningstate opstel en die netto verskuldigde bedrag bereken deur van die totale bedrag wat uit daardie trustrekening betaalbaar is af te trek alle in regulasie 26 vermelde bedrae in bedoelde trustrekening waarop hy geregtig is.

(2) By die toepassing van subregulasie (1)—

(a) word bedrae waarvoor tjeks op daardie kommissie-agent se trust-tjekrekening getrek is voor die opskorting kragtens regulasie 33 (1) (a) van sy bevoegdheid om sodanige tjeks te trek en wat nog nie gewissel is nie, by die bepaling van die bedrag wat uit die trustrekening betaalbaar is, buite rekening gelaat;

(b) word bedrae betaalbaar uit 'n trustrekening, in die geval van 'n kommissie-agent wat 'n maatskappy is, aan 'n direkteur van sodanige maatskappy, geag bedrae te wees waarop die kommissie-agent geregtig is.

Voorkeure en verdeling van krediet in trustrekening

35. (1) Die in regulasie 34 bedoelde netto verskuldigde bedrag geniet ten opsigte van die bedrag in krediet van die trustrekening [soos bereken volgens subparagraaf (1) van regulasie 33 (1) (d) ná aftrekking van die bedrag van ongewisselde tjeks beoog in subparagraaf (ii) van bedoelde regulasie] voorrang bo die bedrag van die in regulasie 34 vermelde aftrekking.

(2) Indien die bedrag in krediet van die trustrekening op die in subregulasie (1) bedoelde wyse bereken, nie voldoende is om die bedrag wat voorrang geniet, te betaal nie, word die bedrag in krediet van die trustrekening tussen die persone aan wie die bedrag wat voorrang geniet, verskuldig is, verdeel in verhouding tot die onderskeie bedrae aan hulle verskuldig.

Finale betaling uit trustrekening

36. (1) Betalings uit 'n trustrekening op die grondslag in regulasie 35 uiteengesit, moet binne drie besigheidsdae na die datum van berekening van die netto verskuldigde bedrag kragtens regulasie 34, gedoen word.

(2) Geen kommissie-agent maak ingevolge subregulasie (1) enige betaling uit sy trustrekening aan homself, of indien daardie kommissie-agent 'n maatskappy is of aan homself of aan 'n direkteur nie, tensy die bedrag in krediet van sy trustrekening [ooreenkomstig subparagraaf (i) van regulasie 33 (1) (d)] ná sodanige betaling aan homself of 'n direkteur, meer is as die som van 'n bedrag wat kragtens regulasie 35 (1) voorrang geniet en die bedrag van ongewisselde tjeks ooreenkomstig subparagraaf (ii) van regulasie 33 (1) (d).

Sekere inligting moet aan Sekretaris verstrek word

37. 'n In subregulasie (1) van regulasie 33 bedoelde kommissie-agent moet die Sekretaris nie later nie as 14 dae na die dag waarop hy die rekonsiliëring van sy rekeningboeke kragtens subregulasie (2) van daardie regulasie afgehandel het, van skriftelike state voorsien waarop volledig en korrek die volgende gegewens uiteengesit is:

(a) Die in regulasie 33 (1) (d) bedoelde bedrae;

(b) die netto verskuldigde bedrag wat hy kragtens regulasie 34 moet bepaal;

(a) of that subregulation and shall be proceeded with each day thereafter until it is completed: Provided that such reconciliation shall be completed not later than the fifteenth day calculated from the day on which the reconciliation is required to commence under this subregulation, or such later day as the Secretary may determine.

Calculation of nett amount due

34. (1) A commission agent shall within seven days after the day on which the reconciliation of his record books is completed in terms of regulation 33, make out all outstanding statements of settlement and calculate the nett amount due by deducting from the total amount payable from that trust account all amounts referred to in regulation 26 in the said trust account to which he is entitled.

(2) For the purposes of subregulation (1)—

(a) amounts for which cheques were drawn on that commission agent's trust cheque account before the suspension under regulation 33 (1) (a) of his authority to draw such cheques, and which have not yet been paid, shall not be taken into account in calculating the amount payable out of the trust account;

(b) amounts payable out of a trust account, in the case of a commission agent who is a company, to a director of such company, shall be deemed to be amounts to which the commission agent is entitled.

Preferences and distribution of credit in trust account

35. (1) The nett amount due referred to in regulation 34 shall have preference with reference to the amount standing to the credit of the trust account [as calculated according to subparagraph (i) of regulation 33 (1) (d) after deduction of the amount of unpaid cheques as contemplated in subparagraph (ii) of the said regulation], to the amount of the deduction referred to in regulation 34.

(2) If the amount standing to the credit of the trust account as calculated in the manner referred to in subregulation (1) is not sufficient to pay the amount which has preference, the amount standing to the credit of the trust account shall be divided among the persons to whom the amount which has preference is due, in proportion to the respective amounts due to them.

Final payment out of trust account

36. (1) Payments from a trust account on the basis as set out in regulation 35 shall be made within three business days after the date of calculation of the nett amount due under regulation 34.

(2) No commission agent shall under subregulation (1) make any payment from his trust account to himself, or if that commission agent is a company, either to himself or to a director, unless the amount standing to the credit of his trust account [in accordance with subparagraph (i) of regulation 33 (1) (d)] after such payment to himself or a director, is more than the total of the amount which has preference in terms of regulation 35 (1) and the amount of unpaid cheques in accordance with subparagraph (ii) of regulation 33 (1) (d).

Certain information to be furnished to Secretary

37. A commission agent referred to in subregulation (1) of regulation 33 shall furnish the Secretary not later than 14 days after the day on which he has completed the reconciliation of his account-books in terms of subregulation (2) of that regulation, with written statements in which the following particulars are set out fully and correctly:

(a) The amounts referred to in regulation 33 (1) (d);

(b) the nett amount due to be determined by him in terms of regulation 34;

(c) die bedrag van 'n tekort vermeld in regulasie 35 (2) (indien enige) en die name en adresse van die persone aan wie die bedrag van sodanige tekort verskuldig is en die bedrag aan elkeen verskuldig.

DEEL 5

AANTEKENINGE, VERKOOPNOTAS EN AFREKENING

Markagente

38. (1) 'n Markagent moet ten opsigte van produkte deur hom vir verkoop ontvang, duidelik en leesbaar aantekening in Afrikaans of Engels hou in 'n rekordboek of -boeke wat op sy besigheidsperseel vir die doel gehou moet word en waarin hy in chronologiese volgorde moet opteken—

(a) binne een besigheidsdag na ontvangs van die produkte—

(i) die datum van ontvangs;

(ii) die naam en adres van die eienaar van die produkte;

(iii) die nommer van die aflewingsbrief onder dekking waarvan die produkte aan hom gelewer is;

(iv) die soort produkte betrokke en die graad daarvan (as daar is);

(v) die hoeveelheid van elke soort produk; en

(b) binne 15 besigheidsdae na die verkoop van die produkte, die nommer van die afrekeningstaat wat op die verkoop van daardie produkte betrekking het:

Met dien verstande dat indien meer as een rekordboek gelyktydig in gebruik is, die betrokke markagent die Sekretaris skriftelik in kennis moet stel van die getal rekordboeke in gebruik.

(2) 'n Verkoopnota wat 'n markagent kragtens artikel 41 (1) van die Wet moet uitreik, moet die volgende besonderhede aantoon:

(a) 'n Volgnommer;

(b) die naam of kodemerk van die betrokke markagent;

(c) die naam van die betrokke prinsipaal;

(d) in die geval van kredietverkope die naam of kodemerk van die koper van die produkte;

(e) die hoeveelheid of massa en beskrywing van die soort verkoopte produkte en die graad en groottegroep daarvan (as daar is);

(f) die pryse waarteen en die datum waarop daardie produkte verkoop is; en

(g) 'n beskrywing van die mark of ander perseel waar die produkte verkoop is.

(3) 'n Markagent moet binne 15 besigheidsdae nadat hy oor 'n produk beskik het, kragtens artikel 16 van die Wet aan sy prinsipaal op die wyse in subregulasie (4) uiteengesit, vir die opbrengs van daardie produk rekening gee en die saldo daarvan, soos in gemelde artikel beoog, aan sy prinsipaal betaal.

(4) (a) Rekenskap word aan 'n prinsipaal gegee deur die uitreiking aan hom van 'n staat waarop die volgende besonderhede duidelik en leesbaar aangeteken is:

(i) 'n Volgnommer;

(ii) die naam van die betrokke markagent;

(iii) die naam en adres van die prinsipaal;

(iv) die datum van ontvangs van die produkte;

(v) die nommer van die aflewingsbrief onder dekking waarvan daardie produkte aan die betrokke markagent gelewer is;

(vi) die soort produkte verkoop, die hoeveelheid daarvan en of die verkoopprijs of die totale bedrag van elke opsommende staat bedoel in artikel 41 (1) van die Wet;

(vii) of die nommers van die verkoopnotas wat ten opsigte van die betrokke produkte uitgereik is, of die nommers van die genoemde opsommende state in volgorde

(c) the amount of a deficit referred to in regulation 35 (2) (if any) and the names and addresses of the persons to whom the amount of such deficit is due and the amount due to each of them.

PART 5

RECORDS, SALES NOTES AND SETTLEMENT

Market agents

38. (1) A market agent shall in respect of products received by him for sale, keep clearly and legibly record in English or Afrikaans in a record book or books kept at his business premises for this purpose and in which he shall enter in chronological order—

(a) within one business day after receipt of the products—

(i) the date of receipt;

(ii) the name and address of the owner of the products;

(iii) the number of the delivery note under cover of which the products were delivered to him;

(iv) the kind of products and the grade thereof (if any);

(v) the quantity of each kind of product; and

(b) within 15 business days after the sale of the products, the number of the statement of settlement relating to the sale of those products:

Provided that if more than one record book is in use simultaneously, the commission agent concerned shall advise the Secretary in writing of the number of record books in use.

(2) A sales note which a market agent has to issue in terms of section 41 (1) of the Act, shall reflect the following particulars:

(a) A serial number;

(b) the name or code mark of the market agent concerned;

(c) the name of the principal concerned;

(d) in the case of credit sales the name or code mark of the purchaser of the products;

(e) the quantity or mass and description of the kind of products sold, and the grade and size group thereof (if any);

(f) the prices at which and the date on which those products were sold; and

(g) a description of the market or other premises where the products were sold.

(3) A market agent shall within 15 business days after having disposed of a product, account in terms of section 16 of the Act to his principal in the manner set out in subregulation (4) for the proceeds of that product and pay the balance thereof, as contemplated in the said section, to his principal.

(4) (a) Account shall be given to a principal by issuing to him a statement on which the following particulars are recorded clearly and legibly:

(i) A serial number;

(ii) the name of the market agent concerned;

(iii) the name and address of the principal;

(iv) the date of receipt of the products;

(v) the number of the delivery note under cover of which those products were delivered to the market agent concerned;

(vi) the kind of products sold, the quantity thereof and either the selling prices or the total amount of each summary statement referred to in section 41 (1) of the Act;

(vii) either the numbers of the sales notes issued in respect of the products concerned, or the numbers of the said summary statements in sequence according to the

van die datum van verkoop, of in die geval van produkte op 'n varsproduktemark onder beheer van 'n markmeester verkoop waar 'n verwysingsnommer aan elke besending produkte wat op die mark aankom deur die markmeester toegeken word in die loop van 'n beheerstelsel wat na die mening van die Sekretaris doeltreffend uitgevoer word, die verwysingsnommer van die besending waartoe daardie produkte behoort het;

(viii) die bedrag en die aard van elke aftrekking wat die markagent gemaak het ten opsigte van die produkte waarop die staat betrekking het; en

(ix) besonderhede van produkte (indien enige) wat ooreenkomstig 'n in artikel 46 van die Wet bedoelde toestemming vernietig is.

(b) Die bepalinge van paragraaf (a) is nie van toepassing op 'n markagent wat besigheid dryf op 'n varsproduktemark onder beheer van 'n markmeester en wat rekenskap aan sy prinsipaal gee deur middel van 'n rekenoutomaatstaat wat deur 'n plaaslike bestuur uitgereik word nie, mits die besonderhede wat op die staat aangetoon word, na die oordeel van die Sekretaris voldoende is om 'n prinsipaal wesentlik in te lig betreffende die beskikking oor sy produkte en die opbrengs daarvan.

(c) 'n In paragraaf (a) of (b) bedoelde staat moet vergesel gaan van 'n afskrif van 'n in artikel 46 van die Wet beoogde skriftelike toestemming, in die geval van produkte wat kragtens daardie artikel vernietig is.

(5) Die rekordboek of -boeke in subregulasie (1) vermeld, afskrifte van die verkoopnotas in subregulasie (2) vermeld en afskrifte van die afrekeningstate in subregulasie (4) vermeld, moet vir 'n tydperk van minstens drie jaar nadat die jongste inskrywing in sodanige boek gemaak is of nadat sodanige nota of staat uitgereik is, na gelang van die geval, deur 'n markagent behou word: Met dien verstande dat 'n markagent wat besigheid dryf op 'n varsproduktemark onder beheer van 'n markmeester nie afskrifte van verkoopnotas hoef te behou nie.

Blomagent

39. (1) 'n Blomagent moet ten opsigte van produkte deur hom vir verkoop ontvang, duidelik en leesbaar aantekening in Afrikaans of Engels hou in 'n rekordboek of -boeke wat op sy besigheidsperseel vir die doel gehou moet word en waarin hy in chronologiese volgorde moet opteken—

(a) binne een besigheidsdag na ontvangs van die produkte—

(i) die datum van ontvangs;

(ii) die naam en adres van die eienaar van die produkte;

(iii) die nommer van die afleweringsbrief onder dekking waarvan die produkte aan hom gelewer is;

(iv) die soort produkte;

(v) die hoeveelheid van elke soort produkte; en

(b) binne 15 besigheidsdae na die verkoop van die produkte, die nommer van die afrekeningstaat wat op die verkoop van daardie produkte betrekking het:

Met dien verstande dat indien meer as een rekordboek gelyktydig in gebruik is, die betrokke blomagent die Sekretaris skriftelik in kennis moet stel van die getal rekordboeke in gebruik.

(2) 'n Verkoopnota wat 'n blomagent kragtens artikel 41 (1) van die Wet moet uitreik, moet die volgende besonderhede aantoon:

(a) 'n Volgnommer;

(b) die naam of kodemerk van die betrokke blomagent;

(c) die naam van die betrokke prinsipaal;

(d) in die geval van kredietverkope die naam of kodemerk van die koper van die produkte;

date of sale or, in the case of products sold on a fresh produce market under the control of a market master where each consignment of products arriving at the market is allotted a reference number by the market master in the course of a system of control which is in the opinion of the Secretary effectively operated, the reference number of the consignment to which the said products belonged;

(viii) the amount and the nature of every deduction made by the market agent in respect of the products to which the statement relates; and

(ix) particulars of products (if any) destroyed in accordance with a permission referred to in section 46 of the Act.

(b) The provisions of paragraph (a) shall not apply to a market agent who carries on business on a fresh produce market under the control of a market master and who accounts to his principal by means of a computer statement issued by a local authority, provided the particulars reflected on the statement are, in the opinion of the Secretary, sufficient to inform a principal to a material extent of the disposal of his products and the proceeds thereof.

(c) A statement referred to in paragraph (a) or (b) shall be accompanied by a copy of any written permission contemplated in section 46 of the Act, in the case of products which have been destroyed in terms of that section.

(5) The record book or record books referred to in subregulation (1) copies of the sales notes referred to in subregulation (2) and copies of the statements of settlement referred to in subregulation (4) shall be kept by a market agent for a period of at least three years after the last entry has been made in such book or after such note or statement has been issued, as the case may be: Provided that a market agent who carries on business on a fresh produce market under control of a market master need not keep copies of sales notes.

Flower agents

39. (1) A flower agent shall in respect of products received by him for sale, keep clearly and legibly record in English or Afrikaans in a record book or books kept at his business premises for this purpose and in which he shall enter in chronological order—

(a) within one business day after receipt of the products—

(i) the date of receipt;

(ii) the name and address of the owner of the products;

(iii) the number of the delivery note under cover of which the products were delivered to him;

(iv) the kind of products;

(v) the quantity of each kind of product; and

(b) within 15 business days after the sale of the products, the number of the statement of settlement relating to the sale of those products:

Provided that if more than one record book is in use simultaneously, the flower agent concerned shall advise the Secretary in writing of the number of record books in use.

(2) A sales note which a flower agent shall issue in terms of section 41 (1) of the Act, shall reflect the following particulars:

(a) A serial number;

(b) the name or code mark of the flower agent concerned;

(c) the name of the principal concerned;

(d) in the case of credit sales the name or code mark of the purchaser of the products;

(e) die hoeveelheid en beskrywing van die soort verkoopte produkte;

(f) die pryse waarteen en die datum waarop daardie produkte verkoop is; en

(g) 'n beskrywing van die perseel waar die produkte verkoop is.

(3) 'n Blomagent moet binne 15 besigheidsdae nadat hy oor 'n produk beskik het, kragtens artikel 16 van die Wet aan sy prinsipaal op die wyse in subregulasie (4) uiteengesit, vir die opbrengs van daardie produk rekening gee en die saldo daarvan soos in gemelde artikel beoog, aan sy prinsipaal betaal.

(4) (a) Rekenskap word aan 'n prinsipaal gegee deur die uitreiking aan hom van 'n staat waarop die volgende besonderhede duidelik en leesbaar aangeteken is:

(i) 'n Volgnommer;

(ii) die naam van die betrokke blomagent;

(iii) die naam en adres van die prinsipaal en die datum van ontvangs van die produkte;

(iv) die nommer van die afleweringsbrief onder dekking waarvan daardie produkte aan die betrokke blomagent gelewer is;

(v) die soort produkte verkoop, die hoeveelheid daarvan en óf die verkoopprijs óf die totale bedrag van elke opsommende staat bedoel in artikel 41 (1) van die Wet;

(vi) die nommers van die verkoopnotas wat ten opsigte van die betrokke produkte uitgereik is, of die nommers van die genoemde opsommende state, in volgorde van die datum van verkoop;

(vii) die bedrag en die aard van elke aftrekking wat die blomagent gemaak het ten opsigte van die produkte waarop die staat betrekking het; en

(viii) besonderhede van produkte (indien enige) wat ooreenkomstig 'n in artikel 46 van die Wet bedoelde toestemming vernietig is.

(b) 'n In paragraaf (a) bedoelde staat moet vergesel gaan van 'n afskrif van 'n in artikel 46 van die Wet beoogde skriftelike toestemming, in die geval van produkte wat kragtens daardie artikel vernietig is.

(5) Die rekordboek of -boeke in subregulasie (1) vermeld, afskrifte van die verkoopnotas in subregulasie (2) vermeld en afskrifte van die afrekeningstate in subregulasie (4) vermeld, moet vir 'n tydperk van minstens drie jaar nadat die jongste inskrywing in sodanige boek gemaak is of nadat sodanige nota of staat uitgereik is, na gelang van die geval, deur 'n blomagent behou word.

Abattoiragente

40. (1) 'n Abattoiragent moet ten opsigte van slagvee deur hom vir verkoop ontvang, duidelik en leesbaar aantekening in Afrikaans of Engels hou in 'n rekordboek of -boeke wat op sy besigheidsperseel vir die doel gehou moet word en waarin hy in chronologiese volgorde moet opteken—

(a) binne een besigheidsdag na ontvangs van die slagvee—

(i) die datum van ontvangs;

(ii) die naam en adres van die eienaar van die slagvee;

(iii) die nommer van die afleweringsbrief onder dekking waarvan die slagvee aan hom gelewer is;

(iv) besonderhede van die identifikasiemerk wat kragtens regulasie 44 op die betrokke slagvee aangebring is;

(v) die vesoorte en getal van elke vesoort aldus ontvang;

(vi) in die geval van beeste, die geslag van die diere en getal van elke geslag aldus ontvang;

(e) the quantity and description of the kind of products sold;

(f) the prices at which and the date on which those products were sold; and

(g) a description of the premises where the products were sold.

(3) A flower agent shall within 15 business days after having disposed of a product, account in terms of section 16 of the Act to his principal in the manner set out in subregulation (4) for the proceeds of that product and pay the balance thereof, as contemplated in the said section, to his principal.

(4) (a) Account shall be given to a principal by issuing to him a statement on which the following particulars are recorded clearly and legibly:

(i) A serial number;

(ii) the name of the flower agent concerned;

(iii) the name and address of the principal and the date of receipt of the products;

(iv) the number of the delivery note under cover of which those products were delivered to the flower agent concerned;

(v) the kind of products sold, the quantity thereof and either the selling prices or the total amount of each summary statement referred to in section 41 (1) of the Act;

(vi) the numbers of the sales notes issued in respect of the products concerned, or the numbers of the said summary statements, in sequence according to the date of sale;

(vii) the amount and the nature of every deduction made by the flower agent in respect of the products to which the statement relates; and

(viii) particulars of products (if any) destroyed in accordance with a permission referred to in section 46 of the Act.

(b) A statement referred to in paragraph (a) shall be accompanied by a copy of any written permission contemplated in section 46 of the Act, in the case of products which have been destroyed in terms of that section.

(5) The record book or record books referred to in subregulation (1), copies of the sales notes referred to in subregulation (2) and copies of the statements of settlement referred to in subregulation (4), shall be kept by a flower agent for a period of at least three years after the last entry has been made in such book or after such note or statement has been issued, as the case may be.

Abattoir agents

40. (1) An abattoir agent shall in respect of slaughter animals received by him for sale, keep clearly and legibly record in English or Afrikaans in a record book or books kept at his business premises for this purpose and in which he shall enter in chronological order—

(a) within one business day after receipt of the slaughter animals—

(i) the date of receipt;

(ii) the name and address of the owner of the slaughter animals;

(iii) the number of the delivery note under cover of which the slaughter animals were delivered to him;

(iv) particulars of the identification mark affixed to the slaughter animals concerned in terms of regulation 44;

(v) the kinds of animals and number of animals of each kind so received;

(vi) in the case of cattle, the sex of the animals and the number of each sex so received;

(b) binne een besigheidsdag nadat die slagvee geslag is—

(i) die vesoorte en die getal van elke vesoort aldus geslag;

(ii) in die geval van beeste die geslag van die beeste en die getal van elke geslag;

(iii) die massa van elke karkas of in die geval van skape, lammers en bokke, die gesamentlike massa van 'n groep karkasse;

(iv) in die geval van slagvee wat geslag is by 'n abattoir waar 'n skema toegepas word, die klas en graad van elke karkas;

(c) binne drie besigheidsdae na die verkoop van die karkasse, die nommer van die afrekeningstaat wat op die verkoop van die vleis en neweprodukte betrekking het;

Met dien verstande dat indien meer as een rekordboek gelyktydig in gebruik is, die abattoiragent die Sekretaris skriftelik in kennis moet stel van die getal rekordboeke in gebruik.

(2) 'n Verkoopnota wat 'n abattoiragent kragtens artikel 41 (1) van die Wet moet uitreik, moet die volgende besonderhede aantoon:

(a) 'n Volgnommer;

(b) die naam of kodemerk van die betrokke abattoiragent;

(c) die naam van die betrokke prinsipaal;

(d) in die geval van kredietverkope die naam of kodemerk van die koper;

(e) besonderhede van die indentifikasiemerk wat kragtens regulasie 44 op die betrokke slagvee aangebring is;

(f) 'n beskrywing van die abattoir of ander perseel waar die vleis of neweprodukte verkoop is;

(g) die datum van verkoop;

(h) die datum waarop die betrokke slagvee geslag is;

(i) in die geval van die verkoop van karkasse—

(i) die vesoorte en die getal karkasse van elke vesoort verkoop;

(ii) die verkoopprijs van elke karkas;

(iii) die massa van elke karkas of in die geval van skape, lammers en bokke, die gesamentlike massa van 'n groep karkasse;

(iv) die klas en graad van elke karkas, indien verkry by 'n abattoir waar 'n skema toegepas word;

(j) in die geval van die verkoop van onbereide huide en velle—

(i) die soorte huide en velle en die getal van elke soort verkoop;

(ii) die verkoopprijs daarvan;

(iii) die massa daarvan indien verkope op massa-grondslag geskied;

(iv) die klas en graad daarvan, indien verkry by 'n abattoir waar 'n skema toegepas word; en

(k) in die geval van die verkoop van ander vleis en neweprodukte (behalwe karkasse en huide en velle)—

(i) beskrywing en hoeveelheid van sodanige produkte;

(ii) die verkoopprijs daarvan.

(3) 'n Abattoiragent moet binne drie besigheidsdae nadat hy oor vleis of neweprodukte beskik het, kragtens artikel 16 van die Wet aan sy prinsipaal op die wyse in subregulasie (4) uiteengesit, vir die opbrengs van daardie vleis en neweprodukte rekenskap gee en die saldo daarvan, soos in gemelde artikel beoog, aan sy prinsipaal betaal.

(4) (a) Rekenskap word aan 'n prinsipaal gegee deur die uitreiking aan hom van 'n staat waarop die volgende besonderhede duidelik en leesbaar aangeteken is:

(i) 'n Volgnommer;

(ii) die naam van die betrokke abattoiragent;

(b) within one business day after the slaughter animals were slaughtered—

(i) the kinds of animals and the number of animals of each kind so slaughtered;

(ii) in the case of cattle, the sex of the animals and the number of each sex slaughtered;

(iii) the mass of each carcass, or in the case of sheep, lambs and goats, the joint mass of a group of carcasses;

(iv) in the case of slaughter animals slaughtered at an abattoir where a scheme is applied, the class and grade of each carcass;

(c) within three business days after the sale of the carcasses, the number of the statement of settlement relating to the sale of the meat and by-products:

Provided that if more than one record book is in use simultaneously, the abattoir agent shall advise the Secretary in writing of the number of record books in use.

(2) A sales note which an abattoir agent has to issue in terms of section 41 (1) of the Act, shall reflect the following particulars:

(a) A serial number;

(b) the name or code mark of the abattoir agent concerned;

(c) the name of the principal concerned;

(d) in the case of credit sales, the name or code mark of the purchaser;

(e) particulars of the identification mark affixed to the slaughter animals concerned in terms of regulation 44;

(f) a description of the abattoir or other premises where the meat or by-products were sold;

(g) the date of sale;

(h) the date on which the slaughter animals concerned were slaughtered;

(i) in the case of the sale of carcasses—

(i) the kind of animal and the number of carcasses of each kind of animal sold;

(ii) the selling price of each carcass;

(iii) the mass of each carcass, or in the case of sheep, lambs and goats, the joint mass of a group of carcasses;

(iv) the class and grade of each carcass, if obtained at an abattoir where a scheme is applied;

(j) in the case of the sale of uncured hides and skins—

(i) the types of hides and skins and the number of hides and skins of each type sold;

(ii) the selling prices thereof;

(iii) the mass thereof if sales are effected on a mass basis;

(iv) the class or grade thereof, if obtained at an abattoir where a scheme is applied; and

(k) in the case of the sale of other meat and by-products (except carcasses and hides and skins)—

(i) description and quantity of such products;

(ii) the selling prices thereof.

(3) An abattoir agent shall within three business days after having disposed of meat or by-products, account in terms of section 16 of the Act to his principal in the manner set out in subregulation (4), for the proceeds of such meat and by-products and pay the balance thereof, as contemplated in the said section, to his principal.

(4) (a) Account shall be given to a principal by issuing to him a statement on which the following particulars are recorded clearly and legibly:

(i) A serial number;

(ii) the name of the abattoir agent concerned;

(iii) die naam en adres van die prinsipaal;
 (iv) die datum van ontvangs van die slagvee;
 (v) die nommer van die afleveringsbrief onder dekking waarvan die slagvee aan die betrokke abattoiragent gelewer is;

(vi) besonderhede van die identifikasiemerk wat kragtens regulasie 44 op die betrokke slagvee aangebring is;

(vii) die vesoorte en die getal van elke vesoort ontvang;

(viii) met betrekking tot karkasse van die betrokke slagvee verkry:

(aa) Die vesoort en die getal karkasse van elke vesoort verkoop;

(bb) die verkooppryse daarvan;

(cc) die massa van elke karkas of in die geval van skape, lammers en bokke, die gesamentlike massa van 'n groep karkasse;

(dd) die klas en graad van elke karkas, indien verkry by 'n abattoir waar 'n skema toegepas word;

(ix) met betrekking tot onbereide huide en velle van die betrokke slagvee verkry:

(aa) Die soort huide en velle en die getal van elke soort verkoop;

(bb) die verkooppryse daarvan;

(cc) die massa daarvan indien verkope op 'n massa-grondslag geskied;

(dd) die klas en graad daarvan, indien verkry by 'n abattoir waar 'n skema toegepas word;

(x) met betrekking tot ander vleis en neweprodukte (behalwe karkasse en huide en velle) van die betrokke slagvee verkry:

(aa) beskrywing en hoeveelheid van sodanige produkte;

(bb) die verkooppryse daarvan;

(xi) die nommers van die verkoopnotas wat ten opsigte van die betrokke vleis en neweprodukte uitgereik is;

(xii) die bedrag en aard van elke aftrekking wat die abattoiragent gemaak het ten opsigte van die vleis en neweprodukte waarop die staat betrekking het; en

(xiii) besonderhede van vleis en neweprodukte (indien enige) wat ooreenkomstig 'n artikel 46 van die Wet bedoelde toestemming vernietig is of voor die verkoop daarvan weens openbare gesondheidsvereistes behandel moes word.

(b) 'n In paragraaf (a) bedoelde staat moet vergesel gaan van 'n afskrif van 'n in artikel 46 van die Wet beoogde skriftelike toestemming, in die geval van vleis en neweprodukte wat kragtens daardie artikel vernietig is.

(5) Die rekordboek of -boeke in subregulasie (1) vermeld, afskrifte van die verkoopnotas in subregulasie (2) vermeld en afskrifte van die afrekeningstate in subregulasie (4) vermeld, moet vir 'n tydperk van minstens drie jaar nadat die jongste inskrywing in sodanige boek gemaak is of nadat sodanige nota of staat uitgereik is, na gelang van die geval, deur die betrokke abattoiragent behou word.

Huide-en-vellemakelaar

41. (1) 'n Huide-en-vellemakelaar moet ten opsigte van bereide huide en velle deur hom vir verkoop ontvang, duidelik en leesbaar aantekening in Afrikaans of Engels hou in 'n rekordboek of -boeke wat op sy besigheidsperseel vir die doel gehou moet word en waarin hy in chronologiese volgorde moet opteken—

(a) te eniger tyd voor die verkoop daarvan—

(i) die datum van ontvangs;

(ii) die naam en adres van die eienaar van die huide en velle;

(iii) die nommer van die afleveringsbrief onder dekking waarvan die huide en velle aan hom gelewer is;

(iv) die getal en massa van elke soort huide en velle ontvang, soos ten tye van ontvangs bepaal;

(iii) the name and address of the principal;

(iv) the date of receipt of the slaughter animals;

(v) the number of the delivery note under cover of which the slaughter animals were delivered to the abattoir agent concerned;

(vi) particulars of the identification mark affixed to the slaughter animals concerned in terms of regulation 44;

(vii) the kinds of animals and number of animals of each kind received;

(viii) with reference to carcasses derived from the slaughter animals concerned:

(aa) The kind of animal and the number of carcasses of each kind of animal sold;

(bb) the selling price thereof;

(cc) the mass of each carcass, or in the case of sheep, lambs and goats, the joint mass of a group of carcasses;

(dd) the class and grade of each carcass, if obtained at an abattoir where a scheme is applied;

(ix) with reference to uncured hides and skins derived from the slaughter animals concerned:

(aa) The types of hides and skins and the number of each type sold;

(bb) the selling prices thereof;

(cc) the mass thereof if sales are effected on a mass basis;

(dd) the class and grade thereof, if obtained at an abattoir where a scheme is applied;

(x) with reference to other meat and by-products (except carcasses and hides and skins) derived from the slaughter animals concerned:

(aa) description and quantity of such products;

(bb) the selling prices thereof;

(xi) the numbers of the sales notes issued in respect of the meat and by-products concerned;

(xii) the amount and nature of every deduction made by the abattoir agent in respect of the meat and by-products to which the statement relates; and

(xiii) particulars of meat and by-products (if any) destroyed in accordance with any permission referred to in section 46 of the Act, or which were treated before the sale thereof on account of public health requirements.

(b) A statement referred to in paragraph (a) shall be accompanied by a copy of any written permission contemplated in section 46 of the Act, in the case of meat and by-products which have been destroyed in terms of that section.

(5) The record book or record books referred to in subregulation (1), copies of the sales notes referred to in subregulation (2) and copies of the statements of settlement referred to in subregulation (4), shall be kept by the abattoir agent concerned for a period of at least three years after the last entry has been made in such book or after such note or statement has been issued, as the case may be.

Hides and skins brokers

41. (1) A hides and skins broker shall in respect of cured hides and skins received by him for sale, keep clearly and legibly record in English or Afrikaans in a record book or books kept at his business premises for this purpose and in which he shall enter in chronological order—

(a) at any time prior to the sale thereof—

(i) the date of receipt;

(ii) the name and address of the owner of the hides and skins;

(iii) the number of the delivery note under cover of which the hides and skins were delivered to him;

(iv) the number of mass of each type of hides and skins received, as determined at the time of receipt;

(v) die getal en massa van elke soort, klas en graad huide en velle ontvang, soos ten tye van sortering bepaal;

(vi) die verskil (as daar is) tussen die massa van die huide en velle by ontvangs en die massa daarvan by sortering;

(vii) die nommer van die katalogus waarkragtens, of die datum waarop, die huide en velle vir die eerste maal te koop aangebied is of sal word; en

(b) binne 15 besigheidsdae na verkoop van die huide en velle, die nommer van die afrekeningstaat wat op die verkoop van daardie huide en velle betrekking het;

Met dien verstande dat indien meer as een rekordboek gelyktydig in gebruik is, die betrokke huide-en-vellemakelaar die Sekretaris skriftelik in kennis moet stel van die getal rekordboeke in gebruik.

(2) 'n Verkoopnota wat 'n huide-en-vellemakelaar kragtens artikel 41 (1) van die Wet moet uitreik, moet die volgende besonderhede aantoon:

(a) 'n Volgnommer;

(b) die naam of kodemerk van die betrokke huide-en-vellemakelaar;

(c) in die geval van kredietverkope, die naam of kodemerk van die koper van die huide en velle;

(d) die lotnommer en die nommer of datum van die katalogus waaronder die huide en velle verkoop is;

(e) die getal en massa van elke soort, klas en graad huide en velle verkoop;

(f) die prys en datum van verkoop; en

(g) die naam van die perseel waar die huide en velle verkoop is.

(3) 'n Huide-en-vellemakelaar moet binne 15 besigheidsdae nadat hy oor huide en velle beskik het, kragtens artikel 16 van die Wet aan sy prinsipaal op die wyse in subregulasie (4) uiteengesit, vir die opbrengs van daardie huide en velle rekenskap gee en die saldo daarvan, soos in gemelde artikel beoog, aan sy prinsipaal betaal.

(4) (a) Rekenskap word aan 'n prinsipaal gegee deur die uitreiking aan hom van 'n staat waarop die volgende besonderhede duidelik en leesbaar aangeteken is:

(i) 'n Volgnommer;

(ii) die naam van die betrokke huide-en-vellemakelaar;

(iii) die naam en adres van die prinsipaal;

(iv) die datum van ontvangs van die huide en velle;

(v) die nommer van die afleweringsbrief onder dekking waarvan die huide en velle aan die betrokke huide-en-vellemakelaar gelewer is;

(vi) die getal bondels (waarin die huide en velle opge-
maak was) deur die huide-en-vellemakelaar ontvang en die massa daarvan by ontvangs;

(vii) die klasse en grade daaraan toegeken en die getal en massa van elke sodanige klas en graad;

(viii) die lotnommers daaraan toegeken en die nommer of datum van die katalogus waaronder dit verkoop is;

(ix) die verkoopprijs van elke hoeveelheid van elke sodanige klas en graad;

(x) die nommers van die verkoopnotas wat ten opsigte van die betrokke huide en velle uitgereik is;

(xi) die bedrag en aard van elke aftrekking wat die huide-en-vellemakelaar gemaak het ten opsigte van die huide en velle waarop die staat betrekking het; en

(xii) besonderhede van huide en velle (indien enige) wat ooreenkomstig 'n in artikel 46 van die Wet bedoelde toestemming venietig is.

(b) 'n In paragraaf (a) bedoelde staat moet vergesel gaan van 'n afskrif van 'n in artikel 46 van die Wet beoogde skriftelike toestemming, in die geval van huide en velle wat kragtens daardie artikel vernietig is.

(v) the number and mass of each type, class and grade or hides and skins received as determined at the time of sorting;

(vi) the difference (if any) between the mass of the hides and skins at the time of receipt and the mass thereof at the time of sorting;

(vii) the number of the catalogue under which, or the date on which, the hides and skins have been or will be offered for sale for the first time; and

(b) within 15 business days after the sale of the hides and skins, the number of the statement of settlement relating to the sale of those hides and skins:

Provided that if more than one record book is in use simultaneously, the hides and skins broker concerned shall advise the Secretary in writing of the number of record books in use.

(2) A sales note which a hides and skins broker has to issue in terms of section 41 (1) of the Act, shall reflect the following particulars:

(a) A serial number;

(b) the name or code mark of the hides and skins broker concerned;

(c) in the case of credit sales, the name or code mark of the purchaser of the hides and skins;

(d) the lot number and the number or date of the catalogue under which the hides and skins were sold;

(e) the number and mass of each type, class and grade of hides and skins sold;

(f) the price and date of sale; and

(g) the name of the premises where the hides and skins were sold.

(3) A hides and skins broker shall within 15 business days after having disposed of hides and skins, account in terms of section 16 of the Act to his principal in the manner set out in subregulation (4), for the proceeds of such hides and skins and pay the balance thereof, as contemplated in the said section, to his principal.

(4) (a) Account shall be given to a principal by issuing to him a statement on which the following particulars are recorded clearly and legibly:

(i) A serial number;

(ii) the name of the hides and skins broker concerned;

(iii) the name and address of the principal;

(iv) the date of receipt of the hides and skins;

(v) the number of the delivery note under cover of which the hides and skins were delivered to the hides and skins broker concerned;

(vi) the number of bundles (in which the hides and skins were made up) received by the hides and skins broker and the mass thereof at the time of receipt;

(vii) the classes and grades allocated thereto and the number and mass of each class and grade;

(viii) the lot numbers allocated thereto and the number or date of the catalogue under which they were sold;

(ix) the selling prices of each quantity of each such class and grade;

(x) the numbers of the sales notes issued in respect of the hides and skins concerned;

(xi) the amount and nature of every deduction made by the hides and skins broker in respect of the hides and skins to which the statement relates; and

(xii) particulars of hides and skins (if any) destroyed in accordance with a permission referred to in section 46 of the Act.

(b) A statement referred to in paragraph (a) shall be accompanied by a copy of any written permission contemplated in section 46 of the Act, in the case of hides and skins which have been destroyed in terms of that section.

(5) Die rekordboek of -boeke in subregulasie (1) vermeld, afskrifte van die verkoopnotas in subregulasie (2) vermeld en afskrifte van die afrekeningstate in subregulasie (4) vermeld, moet vir 'n tydperk van minstens drie jaar nadat die jongste inskrywing in sodanige boek gemaak is of nadat sodanige nota of staat uitgereik is, na gelang van die geval, deur die betrokke huide-en-vellemakelaar behou word.

Lewende hawe-afslaers

42. 'n Verkoopnota wat 'n lewende hawe-afslaer kragtens artikel 41 (1), saamgelees met artikel 50 van die Wet, moet uitreik, moet die volgende besonderhede aantoon:

- (a) 'n Volgnommer;
- (b) die naam of kodemerk van die betrokke lewende hawe-afslaer;
- (c) die naam van die betrokke prinsipaal;
- (d) in die geval van kredietverkope, die naam of kodemerk van die koper;
- (e) die datum van verkoop;
- (f) die soorte lewende hawe en die getal van elke soort lewende hawe verkoop; en
- (g) die verkoopprijs van elke dier, of in die geval van die verkoop van lewende hawe in groepe, die verkoopprijs van elke groep.

DEEL 6

MERK VAN PRODUKTE

Markagente

43. (1) 'n Markagent moet verpakte produkte aan hom vir verkoop toevertrou, voor die aanbidding daarvan vir verkoop duidelik en leesbaar op die houer daarvan of op 'n etiket wat stewig aan die houer geheg moet wees, met die volgende besonderhede merk, indien die produkte nie alreeds aldus gemerk is nie:

- (a) Sy naam en adres;
- (b) die naam en adres van die prinsipaal:

Met dien verstande dat 'n markagent wat besigheid dryf op 'n ander plek as 'n varsproduktemark onder beheer van 'n markmeester, verpakte produkte deur hom vir verkoop ontvang, slegs met die naam van die prinsipaal aldus moet merk.

(2) 'n Markagent moet toesien dat sodanige produkte op die in subregulasie (1) bedoelde wyse gemerk bly tot lewering daarvan aan 'n koper.

Abattoiragente

44. 'n Abattoiragent moet aan elke besending slagvee aan hom vir bemarking toevertrou, 'n identifikasiemerk toeken en sodanige merk op elke dier in die besending op 'n ooglopende plek voor die slag daarvan aanbring.

DEEL 7

DIVERSE BEPALINGS

Jaarlikse opgawes

45. 'n Kommissie-agent van wie daar by artikel 26 van die Wet vereis word om sekuriteit aan die Sekretaris te verstrek, moet jaarliks ooreenkomstig artikel 38 van die Wet en binne 30 dae na sy vasgestelde datum 'n skriftelike opgawe op die vorm in Aanhangsel I hiervan uiteengesit aan die Sekretaris verstrek: Met dien verstande dat kommissie-agente wat gesamentlike sekuriteit kragtens regulasie 18 verstrek het, afsonderlike opgawes moet verstrek, tensy sodanige kommissie-agente in vennootskap besigheid dryf.

(5) The record book or record books referred to in subregulation (1), copies of the sales notes referred to in subregulation (2) and copies of the statements of settlement referred to in subregulation (4), shall be kept by the hides and skins broker concerned for a period of at least three years after the last entry has been made in such book or after such note or statement has been issued, as the case may be.

Livestock auctioneers

42. A sales note which a livestock auctioneer has to issue in terms of section 41 (1), read with section 50 of the Act, shall reflect the following particulars:

- (a) A serial number;
- (b) the name or code mark of the livestock auctioneer concerned;
- (c) the name of the principal concerned;
- (d) in the case of credit sales, the name or code mark of the purchaser of the livestock;
- (e) the date of sale;
- (f) the kinds of livestock and the number of each kind of livestock sold; and
- (g) the selling price of each animal, or in the case of the sale of livestock in groups, the selling price of each group.

PART 6

MARKING OF PRODUCTS

Market agents

43. (1) A market agent shall mark packed products entrusted to him for sale, before offering such products for sale, on the container thereof or on a label securely affixed to the container, clearly and legibly with the following particulars, if the products have not already been so marked:

- (a) His name and address;
- (b) the name and address of the principal:

Provided that a market agent who carries on business elsewhere than on a fresh produce market under control of a market master shall so mark packed products received by him for sale with the name of the principal only.

(2) A market agent shall ensure that such products remain marked in the manner specified in subregulation (1) until delivery thereof to a purchaser.

Abattoir agents

44. An abattoir agent shall allocate to each consignment of slaughter animals entrusted to him for marketing an identification mark and affix such mark in a prominent place to each animal in the consignment before the slaughter thereof.

PART 7

MISCELLANEOUS PROVISIONS

Annual returns

45. A commission agent who under section 26 of the Act is required to give security to the Secretary shall annually in accordance with section 38 of the Act and within 30 days after his fixed date, furnish a written return to the Secretary on the form set out in Annexure I hereto: Provided that commission agents who have given joint security under regulation 18, shall furnish separate returns, unless such commission agents conduct business in partnership.

Sekere veroordelings van kommissie-agente en verkoopsmanne by Sekretaris aanmeldbaar

46. Wanneer 'n kommissie-agent of verkoopsman gedurende sy tydperk van registrasie skuldig bevind word aan 'n misdryf waarby bedrog of oneerlikheid betrokke is, moet sodanige kommissie-agent of verkoopsman die Sekretaris per geregistreerde pos binne sewe dae na sy skuldigbevinding in kennis stel van die datum van die vonnis, die aard van die misdryf, die straf wat hom opgelê is en deur watter hof.

Maksimum kommissie en ander gelde

47. Die maksimum geld wat 'n kommissie-agent mag vorder as vergoeding vir die dienste deur hom gelewer in verband met die verkoop van die soort produkte in die eerste kolom van die tabel hieronder vermeld, is die persentasie vordering bereken op die bruto opbrengs soos in die tweede kolom van genoemde tabel teenoor die betrokke produkte aangegee:

Soort produkte	Maksimum persentasie vordering, bereken op bruto opbrengs
(a) Aartappels, uie en knoffel.....	5
(b) Pampoene en meloeene (in houers).....	6½
(c) Pampoene en meloeene (los) en alle ander groente- en vrugtesoorte, en diverse markprodukte (uitgenome blomme, potplante en sierplante).....	7½
(d) Blomme, potplante en sierplante.....	10
(e) Vleis, neweprodukte behalwe bereide huide en bereide velle.....	4
(f) Bereide huide en bereide velle.....	3
(g) Lewende hawe behalwe stamboekvee....	6½
(h) Stamboekvee.....	7½

Oorbetaling van onopgeëiste gelde aan Sekretaris

48. 'n Betaling wat kragtens artikel 23 (1) van die Wet deur 'n kommissie-agent aan die Sekretaris gemaak word, moet vergesel gaan van die volgende besonderhede:

- Die naam van die persoon wat op die oorbetaalde opbrengs geregtig is;
- sy adres ten tye van die versending van die betrokke produkte (indien bekend);
- sy jongs bekende adres;
- die soort produkte wat verkoop is;
- die hoeveelheid betrokke;
- die nommer en datum van die betrokke afleweringsbrief; en
- die bedrag wat oorbetaal word.

Opeis van geld aan Sekretaris oorbetaal

49. (1) Iemand wat geld wil opeis ten opsigte waarvan kragtens artikel 25 van die Wet in die Staatskoerant kennis gegee is, moet die Sekretaris binne 90 dae na die datum van die betrokke kennisgewing skriftelik van sy eis meedeel met vermelding van die volgende besonderhede:

- Sy volle naam;
- sy adres ten tye van die versending van die betrokke produkte;
- sy huidige adres;
- die soort produkte;
- die hoeveelheid produkte;
- die datum van versending van sodanige produkte; en
- die bedrag wat hy opeis.

(2) Die in subregulasie (1) bedoelde kennisgewing moet 'n verklaring deur die eiser bevat, wat onder eed gemaak of anders bevestig is voor 'n vrederegter of kommissaris van ede, dat die geld wat hy eis waar en wettig deur die betrokke kommissie-agent aan hom verskuldig en betaalbaar is.

Certain convictions of commission agents and salesmen to be reported to the Secretary

46. Whenever any commission agent or salesman is at any time during the period of his registration, convicted of any offence involving fraud or dishonesty, such commission agent or salesman shall notify the Secretary by registered post within seven days after the date of his conviction of the date of sentence, the nature of the offence, the punishment imposed on him and by which court.

Maximum commission and other moneys

47. The maximum fee which a commission agent may charge as a consideration for the services rendered by him in connection with the sale of the kind of products set out in the first column of the table below shall be the percentage charge calculated on the gross proceeds shown in the second column of the said table opposite the products concerned:

Kind of products	Maximum percentage charge, calculated on gross proceeds
(a) Potatoes, onions and garlic.....	5
(b) Pumpkins and melons (in containers)...	6½
(c) Pumpkins and melons (loose) and all other kinds of vegetables and fruit, and miscellaneous market products (except flowers, potplants and ornamental plants)	7½
(d) Flowers, potplants and ornamental plants	10
(e) Meat, by-products excluding cured hides and cured skins.....	4
(f) Cured hides and cured skins.....	3
(g) Livestock other than pedigree livestock..	6½
(h) Pedigree livestock.....	7½

Payment of unclaimed moneys to Secretary

48. Any payment made to the Secretary by a commission agent under section 23 (1) of the Act, shall be accompanied by the following particulars:

- The name of the person who is entitled to the proceeds paid over;
- his address at the time of consignment of the products concerned (if known);
- his last known address;
- the kind of products sold;
- the quantity concerned;
- the number and date of the delivery note concerned; and
- the amount being paid over.

Claiming of money paid over to Secretary

49. (1) Any person intending to claim money in respect of which notice was given in the Gazette in terms of section 25 of the Act, shall notify the Secretary in writing of his claim within 90 days after the date of the notice concerned stating the following particulars:

- His full name;
- his address at the time of consignment of the products concerned;
- his present address;
- the kind of products;
- the quantity of products;
- the date of consignment of such products; and
- the amount claimed by him.

(2) The notice referred to in subregulation (1) shall contain a declaration by the claimant, made under oath or otherwise confirmed before a justice of the peace or commissioner of oaths, that the money claimed by him is truly and lawfully due and payable to him by the commission agent concerned.

DEEL 8

MISDRYWE EN STRAWWE

50. Iemand wat regulasie 21, 22, 23, 24, 25, 26, 27, 28, 30, 31, 32, 33, 34, 36, 37, 38 (1) of (5), 39 (1) of (5), 40 (1) of (5), 41 (1) of (5), 43, 44 of 46 oortree het of versuim het om daaraan te voldoen is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R200 of met gevangenisstraf vir 'n tydperk van hoogstens ses maande.

AANHANGSEL A

Sekretaris van Landbou-ekonomie en -bemaking
Privaatsak X250
Dirk Uysgebou
Hamiltonstraat
Pretoria
0001

WET OP AGENTSCHAPSVERKOPING VAN LANDBOUPRODUKTE, 1975 (No. 12 VAN 1975)

AANSOEK OM REGISTRASIE AS KOMMISSIE-AGENT

Naam en adres van applikant (blokletters).....

Persoonsnommer..... Geboortedatum.....

Handelsnaam van besigheid.....

Adres waar vernaamste besigheidsplek geleë is.....

Name en adresse van alle ander takbesighede.....

Die name en adresse van al die vennote of direkteure in die geval van 'n vennootskap of maatskappy onderskeidelik.....

Besigheidsomset as kommissie-agent

Verwagte omset vir eerste 12 maande vanaf datum van registrasie R.....

In die geval van abattoiragents vertrek name van abattoirs waar besigheid gedryf sal word.....

In die geval van 'n maatskappy, die datum van registrasie as 'n maatskappy.....

Is u 'n ongerehabiliteerde insolvent?.....

Het u of u vrou, vennoot of werknemer enige belang in enige ander besigheid wat produkte koop of verkoop?.....

Indien wel, verstrek besonderhede.....

Was u, of in die geval van 'n maatskappy, enige van die direkteure daarvan, te eniger tyd skuldig bevind aan 'n misdryf waarby bedrog of oneerlikheid betrokke was?.....

Indien wel, verstrek besonderhede.....

Ek,..... VIR AMPTELIKE GEBRUIK
verklaar hiermee dat die inligting Kwit.-no..... Datum.....
in die bostaande aansoek om regi- Bedrag.....
strasie na my beste wete waar en Verw.-no.....
korrek is. Registrasie-no.....
Datum van registrasie.....
Nagesien..... Datum.....

Handtekening van applikant..... Goedgekeur..... Datum.....
Aangeteken..... Datum.....

AANHANGSEL B

Sekretaris van Landbou-ekonomie en -bemaking
Privaatsak X250
Dirk Uysgebou
Hamiltonstraat
Pretoria
0001

WET OP AGENTSCHAPSVERKOPING VAN LANDBOUPRODUKTE, 1975 (No. 12 VAN 1975)

AANSOEK OM REGISTRASIE AS VERKOOPSMAN

Naam en adres van verkoopsman (blokletters).....

Persoonsnommer..... Geboortedatum.....

Handelsnaam en adres van kommissie-agent wat die verkoopsman in sy diens neem of in sy diens het.....

Naam en adres van kommissie-agent by wie verkoopsman laas in diens was.....

PART 8

OFFENCES AND PENALTIES

50. Any person who has contravened or has failed to comply with regulations 21, 22, 23, 24, 25, 26, 27, 28, 30, 31, 32, 33, 34, 36, 37, 38 (1) or (5), 39 (1) or (5), 40 (1) or (5), 41 (1) or (5), 43, 44 or 46, shall be guilty of an offence and liable on conviction to a fine not exceeding R200 or to imprisonment for a period not exceeding six months.

ANNEXURE A

Secretary for Agricultural Economics and Marketing
Private Bag X250
Dirk Uys Buildings
Hamilton Street
Pretoria
0001

AGRICULTURAL PRODUCE AGENCY SALES ACT, 1975 (No. 12 OF 1975)

APPLICATION FOR REGISTRATION AS COMMISSION AGENT

Name and address of applicant (block letters).....

Identity number..... Date of birth.....

Trade name of business.....

Address where main place of business is situated.....

Names and addresses of all other business branches.....

The names and addresses of all partners or directors in the case of a partnership or company respectively.....

Business turnover as commission agent

Expected turnover for first 12 months from date of registration R.....

In the case of abattoir agents furnish names of abattoirs where business will be conducted.....

In the case of a company, the date of registration as a company.....

Are you an unrehabilitated insolvent?.....

Have you or your wife, partner or employee any interest in any other business which buys or sells products?.....

If so, give details.....

Have you, or in the case of a company, any of the directors thereof, at any time been found guilty of an offence involving fraud or dishonesty?.....

If so, furnish particulars.....

I,..... FOR OFFICIAL USE
do hereby declare that the infor- Rec. No..... Date.....
mation in the above application Amount.....
for registration is to the best of Ref. No.....
my knowledge true and correct. Registration No.....
Date of registration.....

Checked..... Date.....

Approved..... Date.....

Signature of applicant..... Noted..... Date.....

ANNEXURE B

Secretary for Agricultural Economics and Marketing
Private Bag X250
Dirk Uys Buildings
Hamilton Street
Pretoria
0001

AGRICULTURAL PRODUCE AGENCY SALES ACT, 1975 (No. 12 OF 1975)

APPLICATION FOR REGISTRATION AS SALESMAN

Name and address of salesman (block letters).....

Identity number..... Date of birth.....

Trade name and address of commission agent who is employing the salesman or has him in his service.....

Name and address of commission agent by whom salesman was last employed.....

Het die verkoopsman of sy vrou enige belang in enige ander besigheid wat produkte koop of verkoop?.....
Indien wel, verstrek besonderhede.....

Het die verkoopsman, na die beste van u wete, te eniger tyd 'n bepaling van Wet 12 van 1975, of 'n Wet vermeld in Bylae 2 van genoemde Wet, oortree of versuim om daaraan te voldoen, of is hy skuldig bevind aan 'n misdryf waarby bedrog of oneerlikheid betrokke is?.....
Indien wel, verstrek besonderhede.....

Ek, die ondergetekende, doen hierby aansoek om die registrasie van.....
as 'n verkoopsman wat vanaf.....
as sodanig by my in diens is/sal wees en die besonderhede van wie hierbo verstrek is.

VIR AMPTELIKE GEBRUIK
Kwit.-no..... Datum.....
Bedrag.....
Verw.-no.....
Registrasieno.....
Nagesien..... Datum.....
Goedgekeur..... Datum.....
Aangeteken..... Datum.....

Datum..... Handtekening van kommissie-agent

Ek, die ondergetekende verklaar hiermee dat die inligting hierbo verstrek na my beste wete waar en korrek is.

Datum..... Handtekening van verkoopsman

AANHANGSEL C

Sekretaris van Landbou-ekonomie en -bemarking
Privaatsak X250
Dirk Uysgebou
Hamiltonstraat
Pretoria
0001

WET OP AGENTSKAPSVERKOPING VAN LANDBOUPRO- DUKTE, 1975 (No. 12 VAN 1975)

SERTIFIKAAT VAN MARKMEESTER* TEN OPSIGTE VAN 'N PERSOON OM WIE SE REGISTRASIE AS VERKOOPSMAN AANSOEK GEDOEN WORD

Ek sertifiseer hiermee die volgende ten opsigte van (volle naam)
.....
van (adres).....

om wie se registrasie as verkoopsman aansoek gedoen word deur markagent (handelsnaam en adres).....

1. Naam van varsproduktemark.....
2. Besonderhede van dienstydperk(e) by markagent(e) op genoemde varsproduktemark:

Handelsnaam van markagent	Adres	Hoedanig- heid in diens	Tydperk	
			Van	Tot

3. Besonderhede van eie besigheid as markagent op genoemde varsproduktemark:

Handelsnaam	Adres	Tydperk	
		Van	Tot

* Verstrek te word deur die markmeester van die varsproduktemark waar die persoon in enige hoedanigheid in diens is of laas in diens was van 'n markagent of die besigheid van markagent dryf of laas gedryf het, na gelang van die geval.

Has the salesman or his wife any interest in any other business which buys or sells products?.....
If so, give details.....

Has the salesman to the best of your knowledge, at any time contravened or failed to comply with any provision of Act 12 of 1975, or an Act specified in Schedule 2 of the said Act, or been convicted of an offence involving fraud or dishonesty?.....
If so, give details.....

I, the undersigned, apply here-
with for the registration of.....
as a salesman who has been/will
be in my service as such from.....
and details of whom are furnished
above.

FOR OFFICIAL USE

Rec. No..... Date.....
Amount.....
Ref. No.....
Registration No.....
Checked..... Date.....
Approved..... Date.....
Noted..... Date.....

Date..... Signature of commission agent

I, the undersigned, hereby declare that the information furnished above is to the best of my knowledge true and correct

Date..... Signature of salesman

ANNEXURE C

Secretary for Agricultural Economics and Marketing
Private Bag X250
Dirk Uys Buildings
Hamilton Street
Pretoria
0001

AGRICULTURAL PRODUCE AGENCY SALES ACT, 1975 (No. 12 OF 1975)

CERTIFICATE BY MARKET MASTER* IN RESPECT OF A PERSON WHOSE REGISTRATION AS A SALESMAN IS BEING APPLIED FOR

I hereby certify the following in respect of (full name).....
.....
of (address).....

whose registration as a salesman is being applied for by market agent (trade name and address).....

1. Name of fresh produce market.....
2. Particulars of period(s) of service with market agent(s) on the said fresh produce market:

Trade name of market agent	Address	Capacity in which employed	Period	
			From	To

3. Details of own business as market agent on the said fresh produce market:

Trade name	Address	Period	
		From	To

* To be furnished by the market master of the fresh produce market where the person is or was last in the employ of a market agent in any capacity or is carrying on or last carried on the business of market agent, as the case may be.

4. †Na my beste wete—

- (a) (i) het die persoon op wie hierdie sertifikaat betrekking het nie 'n bepaling van bogenoemde Wet, of van 'n Wet in Bylae 2 van genoemde Wet vermeld, of van 'n regulasie kragtens enigeen van genoemde Wette uitgevaardig, oortree of versuim om daaraan te voldoen nie;
- (ii) is bedoelde persoon nie skuldig bevind aan 'n misdryf waarby bedrog of oneerlikheid betrokke was nie;

OF

- (b) (i) het bedoelde persoon die volgende bepalings van bogenoemde Wet, of van 'n Wet in Bylae 2 van genoemde Wet vermeld, of van 'n regulasie kragtens enigeen van genoemde Wette uitgevaardig, oortree of versuim om daaraan te voldoen.....
- (ii) is bedoelde persoon aan die volgende misdryf(we), waarby bedrog of oneerlikheid betrokke was, skuldig bevind.....

Plek.....

Datum..... Markmeester

† Skrap wat nie van toepassing is nie en verstrek volle besonderhede in die geval van (b) (i) en (b) (ii).

AANHANGSEL D

Verw.-no.....

Departement van Landbou-ekonomie en -bemarking
 Privaatsak X250
 Dirk Uysgebou
 Hamiltonstraat
 Pretoria
 0001

WET OP AGENTSKAPSVERKOPING VAN LANDBOUPRODUKTE, 1975 (No. 12 VAN 1975)

SERTIFIKAAT VAN REGISTRASIE No.....

Hierby word gesertifiseer dat.....
 van ooreenkomstig die Wet op Agentskapsverkoop van Landbouprodukte, 1975 (No. 12 van 1975), geregistreer is met ingang van..... en behoudens voorwaardes wat van tyd tot tyd by regulasie kragtens die genoemde Wet voorgeskryf mag word, om die besigheid van kommissie-agent met die volgende produkte te dryf:

Produkte.....

Handelsnaam en besigheidsadres.....

Datum..... Sekretaris van Landbou-
ekonomie en -bemarking

AANHANGSEL E

Verw.-no.....

Departement van Landbou-ekonomie en -bemarking
 Privaatsak X250
 Dirk Uysgebou
 Hamiltonstraat
 Pretoria
 0001

WET OP AGENTSKAPSVERKOPING VAN LANDBOUPRODUKTE, 1975 (No. 12 VAN 1975)

SERTIFIKAAT VAN REGISTRASIE No.....

Hierby word gesertifiseer dat.....

ooreenkomstig die Wet op Agentskapsverkoop van Landbouprodukte, 1975 (No. 12 van 1975) en behoudens voorwaardes wat van tyd tot tyd by regulasie kragtens die genoemde Wet voorgeskryf mag word, as 'n verkoopsman in diens van kommissie-agent..... vir so lank as wat hy daarna sonder onderbreking 'n werknemer van genoemde kommissie-agent bly.

Datum..... Sekretaris van Landbou-
ekonomie en -bemarking

4. †To the best of my knowledge—

- (a) (i) the person to whom this certificate relates has not contravened or failed to comply with any provision of the above-mentioned Act, or of an Act specified in Schedule 2 of the said Act, or of any regulation made under any of the said Acts;
- (ii) the said person has not been convicted of an offence involving fraud or dishonesty;

OR

- (b) (i) the said person has contravened or failed to comply with the following provisions of the said Act, or of an Act specified in Schedule 2 of the said Act, or of any regulation made under any of the said Acts;
- (ii) the said person has been convicted of the following offence(s) involving fraud or dishonesty.....

Place.....

Date..... Market Master

† Delete whichever is not applicable and furnish full particulars the case of (b) (i) and (b) (ii).

ANNEXURE D

Ref. No.....

Department of Agricultural Economics and Marketing
 Private Bag X250
 Dirk Uys Buildings
 Hamilton Street
 Pretoria
 0001

AGRICULTURAL PRODUCE AGENCY SALES ACT, 1975 (No. 12 OF 1975)

CERTIFICATE OF REGISTRATION No.....

It is hereby certified that.....
 of..... has been registered in accordance with the Agricultural Produce Agency Sales Act, 1975 (No. 12 of 1975), with effect from..... and subject to any conditions as may from time to time be prescribed by regulation under the said Act, to conduct the business of a commission agent with the following products:

Products.....

Trade name and business address.....

Date..... Secretary for Agricultural
Economics and Marketing

ANNEXURE E

Ref. No.....

Department of Agricultural Economics and Marketing
 Private Bag X250
 Dirk Uys Buildings
 Hamilton Street
 Pretoria
 0001

AGRICULTURAL PRODUCE AGENCY SALES ACT, 1975 (No. 12 OF 1975)

CERTIFICATE OF REGISTRATION No.....

It is hereby certified that.....

has been registered in accordance with the Agricultural Produce Agency Sales Act, 1975 (No. 12 of 1975) and subject to any conditions as may from time to time be prescribed by regulation under the said Act, as a salesman in the service of commission agent..... with effect from..... for as long as he remains thereafter without a break an employee of the said commission agent.

Date..... Secretary for Agricultural
Economics and Marketing

AANHANGSEL F

WET OP AGENTSKAPSVERKOPING VAN LANDBOUPRODUKTE, 1975 (No. 12 VAN 1975)

GETROUWEDSWAARBORG

Nademaal artikel 26 van die Wet op Agentskapsverkoop van Landbouprodukte, 1975, die dryf van die besigheid van kommissie-agent verbied tensy die voorgeskrewe sekuriteit van die Sekretaris van Landbou-ekonomie en -bemarking verstrek is om enige verpligtings teenoor iemand in daardie artikel bedoel, na te kom;

En nademaal die *kommissie-agent/kommissie-agente** hieronder beskryf, begerig is om vir bogenoemde doeleindes *sekuriteit/gesamentlik sekuriteit** te verstrek;

So is dit dat (naam van garant).....
hierin behoorlik en wettig verteenwoordig deur.....
hierby ooreenkomstig en onderworpe aan die regulasies afgekondig by Goewermentskennisgewing R. van,
of soos hulle van tyd tot tyd gewysig mag word—

(a) aan die Sekretaris van Landbou-ekonomie en -bemarking waarborg dat bedoelde *kommissie-agent/kommissie-agente** enige verpligting sal nakom wat mag ontstaan teenoor iemand ten opsigte van die opbrengs van 'n produk wat so iemand aan *daardie kommissie-agent/enigeen of meer van, of gesamentlik aan, daardie kommissie-agente** vir verkoop toevertrou het, of ten opsigte van skade aan of verlies van sodanige produk, met inbegrip van 'n verpligting om die getakseerde koste van 'n geding vir die verhaal van sodanige opbrengs, of van vergoeding ten opsigte van sodanige skade of verlies, te betaal, maar met uitsluiting van 'n verpligting om rente op sodanige opbrengs of vergoeding te betaal;

(b) onderneem hom om *in solidum* teenoor die genoemde Sekretaris verbind om binne drie dae na ontvangs van 'n skriftelike mededeling van die genoemde Sekretaris dat *bedoelde kommissie-agent/enigeen of meer of almal van bedoelde kommissie-agente** in gebreke gebly het om 'n in paragraaf (a) bedoelde verpligting na te kom en dat 'n kennisgewing in regulasie 12 (1) van genoemde regulasies bedoel, gevolglik ten aansien van sy *sekuriteit/hul gesamentlike sekuriteit** gepubliseer is, 'n bedrag van R..... (.....), of sodanige kleiner bedrag as wat die genoemde Sekretaris in bedoelde skriftelike mededeling mag vereis, aan die genoemde Sekretaris te betaal vir aanwending op die wyse in bedoelde regulasies uiteengesit;

(c) hierby uitdruklik afstand doen van die *beneficium ordinis seu excussionis*, die *beneficium divisionis* en die *beneficium cedendarum actionum*, met die betekenis en uitwerking waarvan hy erken ten volle op hoogte is, en enige ander verweer wat hy andersins regtens kan opwerp en wat die uitwerking mag hê om die nakoming van sy verpligtinge ingevolge hierdie waarborg te verhinder of te vertraag;

En hierdie waarborg word verder verleen op die uitdruklike verstandhouding dat die garant se aanspreeklikheid kragtens paragraaf (a) hiervan, uitsluitlik beperk is tot die betaling aan die genoemde Sekretaris van die bedrag in paragraaf (b) vermeld.

Aldus gedoen en geteken te.....
op die.....dag van.....19.....
Getuies:

1.
2. Garant

Kommissie-agent(e) ten behoeve van wie hierdie getrouheidswaarborg verstrek word:

Naam	Adres	Handelsnaam van besigheid
1.		
2.		
3.		
4.		
5.		

* Skrap gekursiveerde woorde wat nie van toepassing is nie.

ANNEXURE F

AGRICULTURAL PRODUCE AGENCY SALES ACT, 1975 (No. 12 OF 1975)

FIDELITY GUARANTEE

Whereas section 26 of the Agricultural Produce Agency Sales Act, 1975, prohibits the conduct of the business of commission agent, unless the prescribed security has been given to the Secretary for Agricultural Economics and Marketing to fulfil any obligation that may arise towards any person referred to in that section;

And whereas the *commission agent/commission agents** described below *desires/desire** to give *security/security jointly** for the above purposes;

Now, therefore (name of guarantor).....
duly and lawfully represented herein by.....
in accordance with and subject to the regulations published by Government Notice R. of, or as they may from time to time be amended, hereby—

(a) guarantees to the Secretary for Agricultural Economics and Marketing that the said *commission agent/commission agents** shall fulfil any obligation that may arise towards any person in respect of the proceeds of a product which such person has entrusted to that *commission agent/any one or more or jointly to the said commission agents** for sale, or in respect of damage to or loss of such product, including an obligation to pay the taxed costs of an action for the recovery of such proceeds, or of compensation in respect of such damage or loss, but excluding an obligation to pay interest on such proceeds or compensation;

(b) undertakes and binds himself *in solidum* towards the said Secretary to pay to the said Secretary within three days after receipt of a written advice from the said Secretary that the said *commission agent has/any one or more or all of the said commission agents have** failed to fulfil an obligation referred to in paragraph (a) and that consequently a notice contemplated in regulation 12 (1) of the said regulations has been published in respect of *his security/their joint security**, an amount of R..... (.....), or any such smaller amount as the said Secretary may require in the said written advice, for utilization in the manner set out in the said regulations;

(c) expressly renounces the *beneficium ordinis seu excussionis*, the *beneficium divisionis* and the *beneficium cedendarum actionum*, the meaning and effect of which he acknowledges to be fully acquainted with, and any other defence which he may lawfully otherwise raise and which may have the effect of preventing or delaying the fulfilment of his obligations under this guarantee;

And this guarantee is further given on the express understanding that the guarantor's liability under paragraph (a) hereof, shall be strictly limited to the payment to the said Secretary of the amount referred to in paragraph (b).

Thus done and signed at.....
on this.....day of.....19.....

Witnesses:

1.
2. Guarantor

Commission agent(s) on whose behalf this fidelity guarantee is given:

Name	Address	Trade name of business
1.		
2.		
3.		
4.		
5.		

* Delete whichever italicised words are not applicable.

AANHANGSEL G

REKONSILIËRING VAN TRUSTREKENING
EINDE VAN KALENDERMAAND.....

I. Bankrekonsiliësie:

Saldo per bankstaat..... R.....

Plus:

1. Uitstaande deposito's:

Gedeponeer op (datum).....t.o.v. R.....

verkope op [datum(s)]..... R.....

Gedeponeer op (datum).....t.o.v. R.....

verkope op [datum(s)]..... R.....

2. Kapitaalbedrag van belegging kragtens artikel
22 (1) van die Wet..... R.....

Subtotaal..... R.....

Minus:

Ongewisselde tjeks soos per kasboek waarin 'n lys
daarvan verskyn in die orde van datums van uit-
reiking..... R.....

Saldo van trustrekening (insluitende beleggings)* R.....

II. Ontleding van saldo:

1. Onbetaalde opbrengste aan die einde van die
maand (volgens aangehegte lys) waarteen kom-
missie-agent nog nie onttrekkings ten behoeve
van homself gemaak het nie (bruto)..... R.....2. Onbetaalde opbrengste aan die einde van die
maand (volgens aangehegte lys) waarteen kom-
missie-agent reeds onttrekkings ten behoeve
van homself gemaak het (netto)..... R.....3. Sodanige onttrekkings wat nog gemaak moet
word volgens analiseboek..... R.....

Totaal*..... R.....

Lys van tjeks gekanselleer en vervang gedurende.....

Gekanselleer			Vervang deur		
No.	Datum	Bedrag	No.	Datum	Bedrag

* Saldo van trustrekening moet ooreenstem met totaal van II anders moet 'n verduideliking verstrek word. Volledige besonderhede moet van enige regstellings verstrek word.

AANHANGSEL H

WET OP AGENTS KAPSKOPING VAN LANDBOU-
PRODUKTE, 1975 (No. 12 VAN 1975)REKENMEESTER SE SERTIFIKAAT OOREENKOMSTIG
ARTIKEL 18 (3) VAN DIE WET

1. Volle naam van kommissie-agent.....
2. Besigheidsadres van kommissie-agent.....
3. Meld of besigheid 'n eenmansaak, 'n vennootskap of 'n maat-
skappy is.....
4. Boekjaar van besigheid:
Begin..... Eindig.....

SERTIFIKAAT

1. Ek/Ons, synde 'n rekenmeester(s) en ouditeur(s) geregistreer kragtens die Wet op Openbare Rekenmeesters en Ouditeurs, 1951 (No. 51 van 1951), sertifiseer hiermee dat ek/ons die boeke, rekeninge, dokumente en die stelsel van boekhouding met betrekking tot die trustrekening van bogenoemde kommissie-agent vir die bogenoemde boekjaar ondersoek het.

2. Vir sover 'n mening op hierdie beperkte ondersoek gebaseer kan word is ek/ons tevrede dat—

(a) die bedrag in krediet van die trustrekening op.....
(datum) voldoende was om alle bekende verpligtinge soos aangetoon deur die boeke op daardie datum, te betaal;

ANNEXURE G

RECONCILIATION OF TRUST ACCOUNT
END OF CALENDAR MONTH.....

I. Bank reconciliation:

Balance as per bank statement..... R.....

Plus:

1. Outstanding deposits:

Deposited on (date)..... in respect of

sales on [date(s)]..... R.....

Deposited on (date)..... in respect of

sales on [date(s)]..... R.....

2. Capital amount of investment in terms of section
22 (1) of the act..... R.....

Subtotal..... R.....

Minus:

Unpaid cheques as per cash book in which a list
thereof appears in order of dates of issue..... R.....

Balance of trust account (including investments)* R.....

II. Analysis of balance:

1. Unpaid proceeds at the end of the month (as
per attached list) against which commission
agent has not yet made withdrawals for himself
(gross)..... R.....2. Unpaid proceeds at the end of the month (as
per attached list) against which commission
agent has already made withdrawals for
himself (nett)..... R.....3. Such withdrawals still to be made according
to analysis book..... R.....

Total*..... R.....

List of cheques cancelled and replaced during.....

Cancelled			Replaced by		
No.	Date	Amount	No.	Date	Amount

* Balance of trust account must agree with the total in II otherwise an explanation must be furnished. Full details must be given of any adjustments made.

ANNEXURE H

AGRICULTURAL PRODUCE AGENCY SALES ACT, 1975
(No. 12 OF 1975)ACCOUNTANT'S CERTIFICATE IN ACCORDANCE WITH
SECTION 18 (3) OF THE ACT

1. Full name of commission agent.....
2. Business address of commission agent.....
3. State whether business is a one-man business, a partnership or a
company.....
4. Financial year of business:
Commencing..... Terminating.....

CERTIFICATE

1. I/We, being an accountant(s) and auditor(s) registered under the Public Accountants and Auditors Act, 1951 (No. 51 of 1951), hereby certify that I/we have examined the books, accounts, documents and system of bookkeeping relating to the trust account of the above-mentioned commission agent for the above-mentioned financial year.

2. In so far as an opinion can be based on this limited examination I am/we are satisfied that—

(a) the amount standing to the credit of the trust account on.....(date) was sufficient to meet all known liabilities as shown by the books at that date;

(b) die agent gedurende die genoemde jaar voldoen het aan die bepalings van die Wet en regulasies vir sover hulle betrekking het op die trustrekening, behalwe vir—

(i) oortredings of versuime van 'n onbenullige aard wat te wyte is aan skryf- en ander normale administrasiefoute wat almal by die ontdekking daarvan reggestel is en ten opsigte waarvan ek/ons tevrede is dat geen prinsipaal 'n verlies gely het nie;

(ii) die aangeleenthede uiteengesit in paragraaf 3 hiervan ten opsigte waarvan ek myself/ons onself nie tevrede kon stel nie vir die rede soos aangetoon;

(iii) die aangeleenthede uiteengesit in paragraaf 4 hiervan ten opsigte waarvan dit vir my/ons blyk dat die kommissie-agent nie die bepalings van Wet 12 van 1975 of die regulasies met betrekking tot die hou van die trustrekening nagekom het nie.

3. Aangeleenthede ten opsigte waarvan ek myself/ons onself nie tevrede kon stel nie en die redes daarvoor;

4. Aangeleenthede (onbenullige oortredings en versuime uitgesluit) ten opsigte waarvan dit vir my/ons blyk dat die kommissie-agent nie die bepalings van die genoemde Wet en die regulasies vir sover hulle op die trustrekening betrekking het, nagekom het nie:

Datum..... Handtekening(s).....

AANHANGSEL I

Sekretaris van Landbou-ekonomie en -bemaking
Privaatsak X250
Dirk Uysgebou
Hamiltonstraat
Pretoria
0001

WET OP AGENTSKAPSVERKOPING VAN LANDBOUPRODUKTE, 1975 (WET 12 VAN 1975)

JAARLIKSE OPGAWE DEUR KOMMISSIE-AGENT OOREENKOMSTIG ARTIKEL 38 VAN DIE WET

Naam en adres van kommissie-agent.....

Persoonsnommer..... Geboortedatum.....

In die geval van 'n maatskappy, die datum van registrasie as maatskappy.....

Handelsnaam van besigheid.....

Adres waar vernaamste besigheidsplek geleë is.....

Name en adresse van alle ander takbesighede.....

Die name en adresse van al die vennote of direkteure in die geval van 'n vennootskap of maatskappy onderskeidelik.....

Besigheidsomset as kommissie-agent

(a) In die geval van markagente, blomagente en huide-en-velle-makelaars die werklike besigheidsomset vir die 12 maande wat sy vasgestelde datum onmiddellik voorafgegaan het: R..... (Tydperk tot.....)

(b) In die geval van abattoiragente, die totale besigheidsomset vir daardie agt afsonderlike weke waarin die omset gedurende die 12 maande wat sy vasgestelde datum onmiddellik voorafgegaan het, die hoogste was R..... (Tydperk tot.....).

In die geval van abattoiragente verstrek name van abattoirs waar besigheid gedryf word.....

Is u 'n ongerehabiliteerde insolvent?.....

Het u of u vrou, vennoot of werknemer enige belang in enige ander besigheid wat produkte koop of verkoop?.....

Indien wel, verstrek besonderhede.....

Was u, of in die geval van 'n maatskappy enigeen van die direkteure daarvan, te eniger tyd skuldig bevind aan 'n misdryf waarby bedrog of oneerlikheid betrokke was?.....

Indien wel, verstrek besonderhede.....

EK, VIR AMPTELIKE GEBRUIK
verklaar hiermee dat die bostaande inligting na my beste wete waar en korrek is.

Vermeerdering / Vermindering.....

Bereken..... Datum.....
Handtekening van kommissie-agent..... Nagesien..... Datum.....

(b) during the said year the agent complied with the provisions of the Act and regulations in so far as they relate to the trust account, except for—

(i) contraventions or omissions of a trivial nature due to clerical and other normal administration errors, all of which were rectified on discovery thereof and in respect of which I am/we are satisfied that no principal has suffered any loss;

(ii) the matters set out in paragraph 3 hereof in respect of which I/we have not been able to satisfy myself/ourselves for the reasons indicated;

(iii) the matters set out in paragraph 4 hereof in respect of which it appears to me/us that the commission agent has not complied with the provisions of Act 12 of 1975 or the regulations in so far as they relate to the keeping of the trust account.

3. Matters in respect of which I/we have been unable to satisfy myself/ourselves and the reasons for that inability:

4. Matters (trivial contraventions and omissions excluded) in respect of which it appears to me/us that the commission agent has not complied with the provisions of the said Act and regulations in so far as they relate to the trust account:

Date..... Signature(s).....

ANNEXURE I

Secretary for Agricultural Economics and Marketing
Private Bag X250
Dirk Uys Buildings
Hamilton Street
Pretoria
0001

AGRICULTURAL PRODUCE AGENCY SALES ACT, 1975 (ACT 12 OF 1975)

ANNUAL RETURN BY COMMISSION AGENT IN ACCORDANCE WITH SECTION 38 OF THE ACT

Name and address of commission agent.....

Identity number..... Date of birth.....

In the case of a company the date of registration as company.....

Trade name of business.....

Address where main place of business is situated.....

Names and addresses of all other business branches.....

The names and addresses of all partners or directors in the case of a partnership or company respectively.....

Business turnover as commission agent

(a) In the case of market agents, flower agents and hides and skins brokers, the actual business turnover for the 12 months immediately preceding his fixed date: R..... (Period..... to.....).

(b) In the case of abattoir agents, the total business turnover for those eight separate weeks in which the turnover during the 12 months immediately preceding the fixed date, was the highest: R..... (Period..... to.....).

In the case of abattoir agents furnish names of abattoirs where business is carried on.....

Are you an unrehabilitated insolvent?.....

Have you or your wife, partner or employee any interest in any other business which buys or sells products?.....

If so, furnish details.....

Have you, or in the case of a company, any of the directors thereof, at any time been found guilty of an offence involving fraud or dishonesty?.....

If so, furnish details.....

I, FOR OFFICIAL USE

do hereby declare that the above information is to the best of my knowledge true and correct.

Latest turnover.....

Applicable security.....

Existing security.....

Increase/decrease.....

Signature of Commission Agent..... Calculated..... Date.....

Checked..... Date.....

INHOUD

<i>No.</i>	<i>Bladsy No.</i>	<i>Staats- koerant No.</i>
Landbou-ekonomie en -bemarking, Departement van Goewermentskennisgewing		
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