

EXTRAORDINARY



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GOVERNMENT NOTICE.

The following Government Notice is published for general information.

H. D. J. BODENSTEIN,
Secretary to the Prime Minister.

Prime Minister's Office,
Cape Town.

No. 645. 17th May, 1935.

It is notified that His Excellency the Governor-General has been pleased to assent to the following Acts which are hereby published for general information:—

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GOEWERMENSKENNISGEWING.

Onderstaande Goewermenskennisgewing word vir algemene informasie gepubliseer.

H. D. J. BODENSTEIN,
Sekretaris van die Eerste Minister.

Kantoor van die Eerste Minister,
Kaapstad.

No. 645. 17 Mei 1935.

Hierby word bekendgemaak dat dit Sy Eksellensie die Goewerneur-generaal behaag het om sy goedkeuring te heg aan onderstaande Wette wat hiermee vir algemene informasie gepubliseer word:—

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No. 47, 1935.]

ACT

To amend the law relating to land settlement.

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Interpretation of terms.

1. In this Act the expression "principal Act" means the Land Settlement Act, 1912 (Act No. 12 of 1912), as amended from time to time; and any expression to which in the principal Act a meaning has been assigned bears, when used in this Act, the same meaning.

Amendment of section 24 of Act 12 of 1912, as amended by section 4 of Act 23 of 1917.

2. (1) Section *twenty-four* of the principal Act is hereby amended by the substitution in sub-section (3) for the word "four" of the words "three and one-half".

(2) This section shall be deemed to have come into operation on the first day of January, 1935.

Amendment of section 46 of Act 12 of 1912, as amended by section 20 of Act 57 of 1934.

3. Section *forty-six* of the principal Act is hereby amended by the deletion in paragraph (d) of sub-section (1) of the words "the depasturing of stock on", and the insertion in that paragraph after the words "as to" of the words "such matters as are referred to in paragraph (g) of this sub-section and".

Amendment and application of section 17 of Act 26 of 1925.

4. (1) Section *seventeen* of the Land Settlement Laws Further Amendment Act, 1925 (Act No. 26 of 1925), is hereby amended by the insertion in sub-section (1) after the words "principal Act" where they occur for the second time, of the following proviso:

"Provided that, notwithstanding anything contained in section *twenty-four* of the principal Act, the Minister may, in respect of the new allotment, require the lessee to pay a rental in excess of that prescribed in the said section, for the first, second and third years of the lease, but not exceeding three and one-half per cent. per annum of the purchase price of the holding."

(2) Notwithstanding anything contained in sub-section (3) of section *seventeen* of Act No. 26 of 1925, the Minister may issue to any lessee of a holding on the Hartebeestpoort Settlement, situate in the district of Brits, to whose lease the provisions of the aforesaid sub-section have been or are applied either before or after the commencement of this Act, a new lease of the holding as redefined, subject to the conditions which would have been applicable to the holding if, on redefinition of the boundaries thereof, it had been offered for allotment in terms of section *sixteen* of the principal Act and allotted to such lessee. Such lease shall commence from a date to be determined by the Minister and shall contain such other conditions as he may deem necessary to give effect to the alteration and redefinition of the boundaries effected in terms of the aforesaid sub-section.

Amendment of section 5 of Act 25 of 1931, as amended by section 32 of Act 57 of 1934.

5. Section *five* of the Land Settlement Relief Act, 1931 (Act No. 25 of 1931), as amended, is hereby further amended by the substitution, in paragraph (g) of sub-section (3), for the word "four" of the words "three and one-half".

Replacement of section 7 of Act 25 of 1931.

6. (1) Section *seven* of the Land Settlement Relief Act, 1931 (Act No. 25 of 1931), is hereby repealed and the following section is substituted therefor:

7. (1) Notwithstanding anything contained in section *forty-two* of the principal Act, whenever any lessee fails to pay all instalments of rent, interest or purchase price in respect of four successive years, the Minister shall forthwith cancel his lease.

(2) The provisions of this section shall apply to every lease, whether or not any of the provisions of this Act have been applied to it."

(2) This section shall come into operation on the second day of July, 1935.

Amendment of section 3 of Act 38 of 1924.

7. Sub-section (1) of section *three* of the Land Settlement Acts Further Amendment Act, 1924 (Act No. 38 of 1924), is amended by the substitution for the words "more than three members" of the words "less than three members and not more than five members".

Remissions of rent, interest and water rates.

8. (1) The Minister shall, in respect of every lease entered into under the principal Act and in force at the commencement of this Act, remit—

(a) the amount of rent, interest and water rates which

No. 47, 1935.]

WET

Tot wysiging van die wetsbepalings op nedersetting.

DIT WORD BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

1. In hierdie Wet beteken die uitdrukking „Hoofwet” die „Kroongrond Nederzettings Wet, 1912” (Wet No. 12 van 1912), soas van tyd tot tyd gewysig, en ’n uitdrukking waaraan in die Hoofwet ’n betekenis toegeskrywe is, het, waar dit in hierdie Wet gebesig word, dieselfde betekenis.

Woordbepaling.

2. (1) Artikel *vier-en-twintig* van die Hoofwet word hiermee gewysig deur in sub-artikel (3) die woord „vier” te vervang deur die woorde „drie en een half”.

Wysiging van artikel 24 van Wet 12 van 1912, soas gewysig deur artikel 4 van Wet 23 van 1917.

(2) Hierdie artikel word geag in werking te getree het op die eerste dag van Januarie 1935.

3. Artikel *ses-en-veertig* van die Hoofwet word hiermee gewysig deur in paragraaf (d) van sub-artikel (1) die woorde „het weiden van vee op” te skrap, en deur in daardie paragraaf na die woord „aangaande” die woorde „de zaken vermeld in paragraaf (g) van dit sub-artikel en” in te voeg.

Wysiging van artikel 46 van Wet 12 van 1912, soas gewysig deur artikel 20 van Wet 57 van 1934.

4. (1) Artikel *sewentien* van die „Kroongrond Nederzettingen-wetten Verdere Wijzigings Wet, 1925” (Wet No. 26 van 1925), word hiermee gewysig deur in sub-artikel (1) na die woord „wijze” die volgende voorbehoudsbepaling in te voeg:

Wysiging en toepassing van artikel 17 van Wet 26 van 1925.

„Met dien verstande dat, ondanks de bepalingen van artikel *vier en twintig* van de Hoofwet, de Minister, met betrekking tot de nieuwe toewijzing van de huurder betaling kan verlangen van een huurprijs voor de eerste, tweede en derde jaren van de huur, die de in genoemde artikel voorgeschreven huurprijs te boven gaat, maar drie en een half percent van de koopprijs van de hoeve niet te boven gaande”.

(2) Ondanks die bepaling van sub-artikel (3) van artikel *sewentien* van Wet No. 26 van 1925, kan die Minister aan ’n huurder van ’n hoewe op die Hartebeestpoort-Nedersetting, geleë in die distrik Brits, op die huur van wie die bepaling van voormelde sub-artikel toegepas is of toegepas word, hetsy voor of na die inwerkingtreding van hierdie Wet, ’n nuwe huurkontrak van die hoewe soas opnuut bepaal uitreik, op die voorwaardes wat op die hoewe toepaslik sou gewees het ingeval, toe die grense daarvan weer bepaal was, die hoewe volgens artikel *sestien* van die Hoofwet ter uitgifte aangebied was en aan bedoelde huurder toegewys was. So ’n huurkontrak tree in werking vanaf ’n datum deur die Minister vas te stel en bevat sulke ander voorwaardes as wat hy nodig ag om gevolg te gee aan die verandering en wederbepaling van die grense wat ingevolge voormelde sub-artikel plaasgevind het.

5. Artikel *vyf* van die Nedersettings Noodlenigingswet, 1931 (Wet No. 25 van 1931), soas gewysig, word hiermee verder gewysig deur in paragraaf (g) van sub-artikel (3) die woord „vier” te vervang deur die woorde „drie en ’n half”.

Wysiging van artikel 5 van Wet 25 van 1931, soas gewysig deur artikel 32 van Wet 57 van 1934.

6. (1) Artikel *sewe* van die Nedersettings Noodlenigingswet, 1931 (Wet No. 25 van 1931), word hiermee herroep en vervang deur die volgende artikel:

Vervanging van artikel 7 van Wet 25 van 1931.

7. (1) By wanbetaling deur ’n huurder van alle „Vernietiging van huurkontrak by wanbetaling van paaie-menten van koopprys, huurgeld of rente.” paaie-menten ten opsigte van huurgeld, rente of koopprys vir vier agtereenvolgende jare, moet die Minister, ondanks die bepaling van artikel *twee-en-veertig* van die Hoofwet, dadelik sy huurkontrak vernietig.

(2) Die bepaling van hierdie artikel is op elke huurkontrak van toepassing, hetsy een of ander van die bepaling van hierdie Wet daarop al dan nie toegepas is”.

(2) Hierdie artikel tree in werking op die tweede dag van Julie 1935.

7. Sub-artikel (1) van artikel *drie* van die „Kroongrond Nederzettingen Wetten Verdere Wijzigings Wet, 1924” (Wet No. 38 van 1924), word hiermee gewysig deur die woorde „meer dan drie leden” te vervang deur die woorde „minder dan drie leden en niet meer dan vijf leden”.

Wysiging van artikel 3 van Wet 38 van 1924.

8. (1) Met betrekking tot elke huurkontrak wat ingevolge die Hoofwet aangegaan is, en wat by die inwerkingtreding van hierdie Wet van krag is, skeld die Minister kwyts—

Kwytskelding van huurgeld, rente en watergelde.

(a) die bedrag wat ten opsigte van huurgeld, rente en

has been added or which was capable of being added to the purchase price of any holding in terms of section *eighteen* of Act No. 26 of 1925, including any amount of rent, interest and water rates so added which may have been revived in terms of sub-section (4) of the said section *eighteen*, whether such revival took place before or after the amendment of that sub-section by section *thirty-one* of Act No. 57 of 1934, for the payment of which the lessee is liable in terms of sub-section (4) of section *seventeen* of Act No. 26 of 1925, whether he became liable before or after the amendment of that sub-section by section *thirty* of Act No. 57 of 1934, or for the payment of which the remaining lessee or lessees are liable in terms of sub-section (2) of section *twenty* of Act No. 23 of 1917, and such remission shall be effective from the date on which such amount was added to the purchase price of the holding in terms of the said section *eighteen*, or if such amount was not so added, from the date on which it would have been lawful so to add it in terms of that section :

(b) any amount (subject to any reduction resulting from any remission in terms of paragraph (a) of this sub-section) representing—

- (i) rent ;
- (ii) interest on the purchase price or on advances made in terms of section *forty-four* of the principal Act, or in terms of section *three* of Act No. 28 of 1920 ;
- (iii) water rates payable in terms of the lease to the Secretary for Lands, in respect of any Government irrigation scheme,

which a lessee of a holding was required to pay in respect of any portion of the period covered by the calendar years 1931, 1932, 1933, and 1934 : Provided that no amount so remitted shall exceed an amount equivalent to four yearly or eight half-yearly instalments of rent, interest or water rates :

and if the lessee has paid any amount in respect of such rent or interest or water rates as aforesaid, which, in terms of this section, is to be remitted, the amount so paid in respect of rent, interest or water rates shall, with effect from the first day of January, 1935, be set off by the Minister, at the option of the lessee, either against the purchase price of the holding or against the capital amount of any advance which has been made to the lessee in respect of the holding ; and any rent, or instalments of purchase price, or interest on purchase price, or interest on an advance, or instalments payable in redemption of an advance shall be calculated from the aforesaid date on the purchase price or capital amount of the advance (as the case may be) as reduced in terms of this section : Provided that if the lessee has discharged all his obligations to the Government, the Minister may, out of moneys appropriated for the purpose by Parliament, refund to the lessee the amount of rent, interest and water rates which the Minister is by this section required to remit, and which has been paid by the lessee : Provided further that if the amount of the moneys still owing by the lessee to the Government is less than the amount to be remitted as aforesaid, the Minister may likewise refund the difference between the amount of such moneys and the amount to be remitted.

(2) Any amount remitted in respect of rent or interest on purchase price, in terms of this section, shall, for the purposes of sub-section (4) of section *twenty-four*, sub-section (3) of section *thirty-five bis*, sub-section (4) of section *thirty-six* and sub-section (5) of section *forty-two* of the principal Act and of section *seven* of Act No. 25 of 1931, be deemed to have been paid in respect of rent or interest on purchase price.

(3) The Minister may in his discretion apply the provisions of this section, *mutatis mutandis*, to any lease *ad longum tempus*, or any lease containing a right of purchase in favour of the lessee, or any certificate of allotment, or any agreement of sale and purchase, granted or entered into under any law relating to land settlement other than the principal Act, if the land in respect of which such lease, certificate or agreement was so granted or entered into is being used *bona fide* for farming purposes : Provided that, in the case of a lease not containing a right of purchase, any amount so remitted shall be credited against the capital amount of any advance or any interest due by the lessee, and, if there be no amount due by the lessee in respect of any advance or interest, or if

watergelde by die koopprys van 'n hoewe ingevolge artikel *agtien* van Wet No. 26 van 1925 gevoeg is, of wat aldus kon bygevoeg gewees het, tesame met enige aldus ten opsigte van huurgeld, rente of watergelde toegevoegde bedrag wat ingevolge sub-artikel (4) van vermelde artikel *agtien* mog herleef het, hetsy bedoelde herlewing plaasgevind het voor of na die wysiging van daardie sub-artikel deur artikel *een-en-dertig* van Wet No. 57 van 1934, vir betaling waarvan die huurder volgens sub-artikel (4) van artikel *seventien* van Wet No. 26 van 1925 aanspreeklik is, hetsy hy voor of na die wysiging van daardie sub-artikel deur artikel *dertig* van Wet No. 57 van 1934 aanspreeklik geword het, of vir betaling waarvan die orige huurder of huurders volgens sub-artikel (2) van artikel *twintig* van Wet No. 23 van 1917 aanspreeklik is, watter kwytskelding uitwerking het vanaf die datum waarop ingevolge vermelde artikel *agtien* bedoelde bedrag by die koopprys van die hoewe gevoeg is, of indien bedoelde bedrag nie aldus toegevoeg is nie, dan vanaf die datum waarop dit ingevolge daardie artikel wettiglik aldus toegevoeg kon gewees het;

- (b) enige bedrag (na vermindering as gevolg van 'n kwytskelding ingevolge paragraaf (a) van hierdie sub-artikel) wat bestaan uit—

- (i) huurgeld;
- (ii) rente op die koopprys of op voorskotte verstrekt kragtens artikel *vier-en-veertig* van die Hoofwet, of kragtens artikel *drie* van Wet No. 28 van 1920;
- (iii) watergelde wat volgens die huurkontrak aan die Sekretaris van Lande ten aansien van 'n Regeringsbesproeiingskema betaalbaar is, wat 'n huurder van 'n hoewe volgens sy huurkontrak moes betaal ten opsigte van die kalenderjare 1931, 1932, 1933 en 1934: Met die verstande dat geen aldus kwytsgekelde bedrag 'n bedrag mag oorskry nie wat gelyk is aan vier jaarlikse of agt half-jaarlikse paalemente van huurgeld, rente of watergelde;

en indien die huurder 'n bedrag betaal het ten opsigte van sulke huurgeld of rente of watergelde wat volgens hierdie artikel kwytsgeskel moet word, dan moet die aldus ten opsigte van huurgeld, rente of watergelde betaalde bedrag, met uitwerking vanaf die eerste dag van Januarie 1935, deur die Minister, na keuse van die huurder of teen die koopprys van die hoewe, of teen die kapitaalbedrag van 'n voorskot wat aan die huurder verstrekt is in verband met die hoewe, verreken word; en enige huurgeld, of paalemente van koopprys, of rente op koopprys, of rente op 'n voorskot, of paalemente betaalbaar tot delging van 'n voorskot, word vanaf voormelde datum bereken op die koopprys of op die kapitaalbedrag van die voorskot (al na die geval), soas verminder in ooreenstemming met hierdie artikel: Met die verstande dat as die huurder al sy verpligtings teenoor die Regering nagekom het, die Minister, uit gelde daartoe deur die Parlement beskikbaar gestel, aan die huurder die bedrag van huurgeld, rente en watergelde wat die Minister volgens hierdie artikel moet kwytskel, en wat deur die huurder betaal is, kan terugbetaal: Met die verstande, voorts, dat as die geldbedrae wat nog deur die huurder aan die Regering verskuldig is, minder is as die bedrag wat soas voormeld moet kwytsgeskel word, die Minister die verskil tussen daardie geldbedrae en die bedrag wat moet kwytsgeskel word, gelykerwys kan terugbetaal.

(2) By toepassing van sub-artikel (4) van artikel *vier-en-twintig*, sub-artikel (3) van artikel *vyf-en-dertig bis*, sub-artikel (4) van artikel *ses-en-dertig* en sub-artikel (5) van artikel *twee-en-veertig* van die Hoofwet en van artikel *sewe* van Wet No. 25 van 1931 word 'n bedrag wat ingevolge hierdie artikel ten opsigte van huurgeld of rente op koopprys kwytsgeskel is, geag betaal te gewees het ten opsigte van huurgeld of rente op koopprys.

(3) Die Minister kan, volgens sy goëddunke, die bepalinge van hierdie artikel, *mutatis mutandis*, toepas op enige huur *ad longum tempus*, of enige huur met 'n reg van aankoop ten gunste van die huurder, of enige sertifikaat van toewysing, of enige koopkontrak, verleen of aangegaan kragtens enige wet op nedersetting, behalwe die Hoofwet, as die grond ten aansien waarvan bedoelde huur, sertifikaat of kontrak aldus verleen of aangegaan is, *bona fide* gebruik word vir boerdery: Met die verstande dat, in die geval van 'n huur sonder reg van aankoop, 'n aldus kwytsgekelde bedrag gekrediteer word teen die kapitaalbedrag van enige voorskot of enige rente betaalbaar deur die huurder, en, as daar geen bedrag deur die huurder betaalbaar is nie ten aansien van 'n voorskot of rente,

the amount due by the lessee in respect of any advance or interest is less than the amount remitted, the amount remitted or, as the case may be, the balance of that amount, shall be credited against future instalments of rent as they become due by the lessee: Provided further that if on termination of the lease by effluxion of time, and after the lessee has discharged all his obligations to the Government, there is any amount remitted remaining to the credit of the lessee, the Minister may out of moneys appropriated for the purpose by Parliament refund to him the amount so remaining to his credit. The decision of the Minister on the question whether any land is being used *bona fide* for farming purposes, or the decision thereon of any officer of the Department of Lands to whom he may delegate in writing authority to decide that question, shall be final.

(4) The provisions of paragraph (b) of sub-section (1) of this section and section *nine* shall, *mutatis mutandis*, apply to any amount which became payable in respect of rent, interest or water rates under any lease which prior to the commencement of this Act—

(a) has been cancelled in terms of sub-section (1) of section *twenty* of Act No. 23 of 1917, provided the land affected by such lease has been allotted to the remaining lessee or lessees as provided in sub-section (2) of the said section: Provided that if prior to the date of the cancellation of the lease as aforesaid the lessees, or subsequent to the date of re-allotment of the holding the remaining lessee or lessees, have paid any amount in respect of rent or interest or water rates which is to be remitted, any such amount shall be credited against any moneys due by the remaining lessee or lessees to the Government under the cancelled lease; and if the amount so to be credited exceeds the moneys so due the excess shall at the option of the remaining lessee or lessees be set off as provided in sub-section (1); or

(b) has been cancelled in terms of sub-section (1) of section *seventeen* of Act No. 26 of 1925, provided another holding has been allotted in terms of the said section to the lessee whose lease was so cancelled: Provided that if prior to or subsequent to the date of allotment to him of a new holding the lessee has paid any amount in respect of rent or interest or water rates payable under the cancelled lease, which in terms of this section is to be remitted, such amount shall be credited against any debt owing by him in terms of sub-section (4) of section *seventeen* of Act No. 26 of 1925, as amended by section *thirty* of Act No. 57 of 1934, or if there be no such debt, or if the amount to be so credited exceeds the amount of such debt, the excess shall at the option of the lessee be set off as provided in sub-section (1); or

(c) has been surrendered in terms of section *nine* of Act No. 25 of 1931.

Interest not to be charged on rent, interest and water rates added to purchase price under section 4 of Act 25 of 1931 or Government Notice 1565 of 1934. Remission of fifty per cent. of water rates so added.

9. (1) The Minister shall, in respect of every lease entered into under the principal Act or under Ordinance No. 57 of 1903 (Transvaal) and in force at the commencement of this Act, and with effect from the first day of January, 1935, and subject to any reduction resulting from any remission in terms of paragraph (b) of sub-section (1) of section *eight* or sub-section (2) of this section, place any amount representing rent, interest and water rates which has been added to the purchase price of any holding in terms of section *four* of Act No. 25 of 1931 or in terms of Government Notice No. 1565, dated the twenty-fifth day of September, 1931, to a separate suspense account, to be opened for the lessee, and shall likewise place to such suspense account any such amount which was capable of being added, but which was not added, to the purchase price in terms of the aforesaid section or Government Notice. No interest shall be charged on any amount so placed to such suspense account. The amount so placed to such suspense account shall be paid by the lessee within such period as the full purchase price is required to be paid in terms of his lease: Provided that no grant shall be issued

of as die bedrag wat deur die huurder betaalbaar is ten aansien van 'n voorskot of rente minder is as die kwytskelde bedrag, dan word die kwytskelde bedrag, of, na die geval, die voorskot van daardie bedrag, gekrediteer teen toekomstige paaielemente van huurgeld, na gelang hulle deur die huurder betaalbaar word: Met die verstande voorts, dat indien by beëindiging van die huur deur afloop van tyd, en na die huurder aan al sy verpligtings aan die Regering voldoen het, daar 'n deel van die kwytskelde geld op die krediet van die huurder oorbly, die Minister, uit gelde daartoe deur die Parlement beskikbaar gestel, aan die huurder die bedrag wat aldus op sy krediet oorbly, kan terugbetaal. Die beslissing deur die Minister van die vraag of grond *bona fide* gebruik word vir boerdery, of die beslissing van daardie vraag deur 'n amptenaar van die Departement van Lande aan wie hy skriftelik opdrag verleen om dit te beslis, is finaal.

(4) Die bepalinge van paragraaf (b) van sub-artikel (1) van hierdie artikel en artikel *nege* is *mutatis mutandis*, van toepassing op 'n bedrag wat ten aansien van huurgeld, rente of watergelde betaalbaar geword het ingevolge 'n huurkontrak, wat voor die inwerkingtreding van hierdie Wet—

(a) vernietig was kragtens sub-artikel (1) van artikel *twintig* van Wet No. 23 van 1917, mits die by daardie huurkontrak betrokke grond aan die orige huurder of huurders toegewys is, soas bepaal in sub-artikel (2) van vermelde artikel: Met die verstande dat indien die huurders, voor die vernietiging van die huurkontrak soas voormeld, of die orige huurder of huurders, na die datum van wedertoewysing van die hoewe, 'n bedrag betaal het ten opsigte van huurgeld of rente of watergelde wat moet kwytskel word, dan moet daardie bedrag gekrediteer word teen enige gelde wat deur die orige huurder of huurders aan die Regering ingevolge die vernietigde huurkontrak betaalbaar is; en as die bedrag wat aldus gekrediteer moet word die aldus betaalbare gelde te bowe gaan, dan moet die oorskot na keuse van die orige huurder of huurders verreken word, soas bepaal in sub-artikel (1); of

(b) vernietig was kragtens sub-artikel (1) van artikel *sewentien* van Wet No. 26 van 1925, mits 'n ander hoewe volgens die vermelde artikel aan die huurder van wie die huurkontrak aldus vernietig is, toegewys is: Met die verstande dat indien die huurder, voor of na die datum van toewysing aan hom van 'n nuwe hoewe, 'n bedrag betaal het ten opsigte van huurgeld of rente of watergelde wat betaalbaar is ingevolge die vernietigde huurkontrak, en wat volgens hierdie artikel kwytskel moet word, dan moet daardie bedrag gekrediteer word teen enige skuld wat deur hom ingevolge sub-artikel (4) van artikel *sewentien* van Wet No. 26 van 1925, soas gewysig deur artikel *dertig* van Wet No. 57 van 1934, of as so 'n skuld nie bestaan nie, of as die bedrag wat aldus gekrediteer moet word die bedrag van daardie skuld te bowe gaan, dan moet die oorskot na keuse van die huurder verreken word, soas bepaal in sub-artikel (1); of

(c) opgelewer was kragtens artikel *nege* van Wet No. 25 van 1931.

9. (1) Met betrekking tot elke huurkontrak wat ingevolge die Hoofwet of Ordonnansie No. 57 van 1903 (Transvaal) aangegaan is, en wat by die inwerkingtreding van hierdie Wet van krag is, moet die Minister, met uitwerking vanaf die eerste dag van Januarie 1935, en met inagneming van enige vermindering wat gevolg is van 'n kwytskelding kragtens paragraaf (b) van sub-artikel (1) van artikel *agt* of sub-artikel (2) van hierdie artikel, enige bedrag wat bestaan uit huurgeld, rente en watergelde wat ingevolge artikel *vier* van Wet No. 25 van 1931 of ingevolge Regeringskennisgewing No. 1565, gedagteken die vyf-en-twintigste dag van September 1931 by die koopprys van 'n hoewe gereken is, in 'n afsonderlike hangende-poste-rekening wat vir die huurder geopen word, boek, en moet gelykerwys in bedoelde hangende-poste-rekening enige sodanige bedrag boek wat ingevolge voormelde artikel of Regeringskennisgewing by die koopprys kon gereken gewees het maar nie gereken was nie. Rente word nie op enige bedrag wat aldus in so 'n hangende-poste-rekening geboek is, gevorder nie. Die bedrag wat aldus in so 'n hangende-poste-rekening geboek is, moet deur die huurder betaal word binne die tydperk waarin die volle koopprys volgens sy huur-

Rente word nie gevorder nie op huurgeld, rente en watergelde wat ingevolge artikel 4 van Wet 25 van 1931 of Regeringskennisgewing 1565 van 1931 by koopprys gevoeg is. Vyftig persent van aldus bygevoegde watergelde kwytskel.

to the lessee in terms of section *forty-three* of the principal Act or in terms of section *eight* of Act No. 21 of 1922, as amended by section *twenty-eight* of Act No. 57 of 1934, until the amount so placed to such suspense account has been paid : Provided further that if the lease is cancelled or terminated in terms of the principal Act any amount placed to such suspense account shall forthwith become payable by the lessee.

(2) The Minister shall remit fifty per cent. of the amount which has been added or which was capable of being added to the purchase price of any holding in respect of water rates in terms of section *four* of Act No. 25 of 1931, or in terms of Government Notice No. 1565, dated the twenty-fifth day of September, 1931 : Provided that if the lessee has paid any amount in respect of water rates, which, in terms of this sub-section is to be remitted, the amount so paid shall, with effect from the first day of January, 1935, be set off against the purchase price of the holding or the capital amount of any advance which has been made to the lessee in respect of the holding, subject, *mutatis mutandis*, to the provisions of sub-section (1) of section *eight*.

Reduction of rate of interest on advances.

10. (1) Notwithstanding anything contained in any law relating to land settlement the rate of interest payable on any advance made thereunder (whether made before or after the commencement of this Act) shall be three and one-half per cent. per annum.

(2) This section shall be deemed to have come into operation on the first day of January, 1935.

Reduction of rate of interest on purchase price of holdings and on amounts due under existing mortgage bonds.

11. (1) Notwithstanding anything contained in the principal Act, the rate of interest payable on the purchase price of any holding allotted after the commencement of this Act shall, except in the case of a holding to which section *five* of Act No. 25 of 1931 applies, be three and one-half per cent. per annum.

(2) The Minister may in his discretion apply the provisions of this section as from the first day of January, 1935, to—

(a) the purchase price (including such amounts as have been lawfully added to the purchase price) of any holding allotted under the principal Act before the commencement of this Act ; and

(b) the capital sum secured under any mortgage bond registered over a holding before the commencement of this Act in favour of the Government under the principal Act or any other law relating to land settlement : Provided that the holding is being used *bona fide* for farming purposes. The decision of the Minister on the question whether any holding is being used *bona fide* for farming purposes, or the decision thereon of any officer of the Department of Lands to whom he may delegate in writing authority to decide that question, shall be final.

Reduction of rental of land and of interest on purchases price of land to be allotted.

12. (1) Notwithstanding anything contained in any law relating to land settlement, other than the principal Act, the Minister may when offering for lease any land which is intended to be used for farming purposes, fix the yearly rental required to be paid at an amount which is equivalent to three and one-half per cent. of the estimated value of such land and when offering any such land for sale, he may fix the rate of interest required to be paid on the purchase price of such land at three and one-half per cent. per annum.

(2) The provisions of this section may, *mutatis mutandis*, be applied by the Minister to any lease, certificate of allotment or agreement of sale and purchase issued or entered into before the commencement of this Act under any law relating to land settlement : Provided that the land held under such lease, certificate or agreement as aforesaid is being used *bona fide* for farming purposes. The decision of the Minister on the question whether any land is being used *bona fide* for farming purposes, or the decision thereon of any officer of the Department of Lands to whom he may delegate in writing authority to decide that question, shall be final.

(3) The provisions of this section shall be deemed to have come into operation on the first day of January, 1935.

Purchase of land for extension of holding.

13. Whenever the land board certifies that it is necessary to extend the boundaries of a holding in order that such holding may afford a reasonably adequate subsistence to the lessee, the Minister may, subject to the provisions of section *eleven* of the principal Act, purchase land which he deems suitable for addition to the holding. The purchase price as determined in terms of paragraphs (a), (b) and (c) of sub-section (9) of section *eleven* of the principal Act, less the amount contributed by the

kontrak betaal moet word: Met die verstande dat, totdat die bedrag betaal is wat aldus in bedoelde hangende-poste-rekening geboek is, geen grondbrief aan die huurder, kragtens artikel drie-en-veertig van die Hoofwet, of kragtens artikel agt van Wet No. 21 van 1922, soas gewysig deur artikel agt-en-twintig van Wet No. 57 van 1934, uitgereik word nie: Met die verstande, voorts, dat as die huurkontrak kragtens die Hoofwet beëindig of vernietig word, enige bedrag wat aldus in so 'n hangende-poste-rekening geboek is, meteens deur die huurder betaalbaar word.

(2) Die Minister moet vyftig persent van die bedrag wat ingevolge artikel vier van Wet No. 25 van 1931 of ingevolge Regeringskennissgewing No. 1565, gedagteken die vyf-en-twintigste dag van September 1931 by die koopprys van 'n hoeve ten opsigte van watergelde gereken is, of kon gereken gewees het, kwytskel: Met die verstande dat indien die huurder 'n bedrag betaal het ten opsigte van watergelde wat volgens hierdie sub-artikel kwytskel moet word, die aldus betaalde bedrag, met uitwerking vanaf die eerste dag van Januarie 1935, teen die koopprys van die hoeve of die kapitaalbedrag van 'n voorskot wat aan die huurder verstrekt is in verband met die hoeve verreken moet word, met inagneming, *mutatis mutandis*, van die bepalinge van sub-artikel (1) van artikel agt.

10. (1) Ondanks die bepalinge van enige wet op nedersetting, is die rentekoers wat op enige voorskot betaalbaar is wat uit kragte daarvan verstrekt is (hetsy dit voor of na die inwerking-treding van hierdie Wet verstrekt is), 'n jaarlikse koers van drie en 'n half persent. Vermindering van rentekoers op voorskotte.

(2) Hierdie artikel word geag in werking te getree het op die eerste dag van Januarie 1935.

11. (1) Ondanks die bepalinge van die Hoofwet is die rentekoers wat op die koopprys van 'n hoeve (behalwe 'n hoeve waarop artikel vyf van Wet No. 25 van 1931 van toepassing is) wat na die inwerking-treding van hierdie Wet toegewys word, 'n jaarlikse koers van drie en 'n half persent. Vermindering van rentekoers op koopprys van hoeves en op bedrae verskuldig ingevolge bestaande verbande.

(2) Die Minister kan na eie goedvinde die bepalinge van hierdie artikel vanaf die eerste dag van Januarie 1935 toepas op—

(a) die koopprys (met inbegrip van bedrae wat wettiglik by die koopprys toegevoeg is) van 'n hoeve wat voor die inwerking-treding van hierdie Wet ingevolge die Hoofwet toegewys is; en

(b) die kapitaalbedrag verseker deur 'n verband wat voor die inwerking-treding van hierdie Wet kragtens die Hoofwet of 'n ander wet op nedersetting op 'n hoeve ten gunste van die Regering geregistreer is: Met die verstande dat die hoeve *bona fide* gebruik word vir boerdery. Die beslissing deur die Minister van die vraag of 'n hoeve *bona fide* gebruik word vir boerdery, of die beslissing van daardie vraag deur 'n amptenaar van die Departement van Lande aan wie hy skriftelik opdrag verleen het om dit te beslis, is finaal.

12. (1) Ondanks die bepalinge van enige wet op nedersetting (behalwe die Hoofwet) kan die Minister, wanneer hy grond te huur aanbied wat bestem is vir gebruik vir boerdery, die jaarlikse huurgeld wat betaal moet word, vasstel op 'n bedrag wat gelyk is aan drie en 'n half persent van die getakseerde waarde van daardie grond, en wanneer hy sulke grond te koop aanbied, kan hy die rentekoers wat op die koopprys van daardie grond moet betaal word, vasstel op 'n jaarlikse koers van drie en 'n half persent. Vermindering van huurprys van grond en van rente op koopprys van grond wat toegewys word.

(2) Die bepalinge van hierdie artikel kan, *mutatis mutandis*, deur die Minister toegepas word op enige huurkontrak, sertifikaat van toewysing of koopkontrak wat voor die inwerking-treding van hierdie Wet kragtens 'n wet op nedersetting uitgereik of aangegaan is, mits die grond wat kragtens bedoelde huurkontrak, sertifikaat of koopkontrak besit word, *bona fide* gebruik word vir boerdery. Die beslissing deur die Minister van die vraag of grond *bona fide* gebruik word vir boerdery, of die beslissing van daardie vraag deur 'n amptenaar van die Departement van Lande aan wie hy skriftelik opdrag verleen het om dit te beslis, is finaal.

(3) Die bepalinge van hierdie artikel word geag in werking te getree het op die eerste dag van Januarie 1935.

13. Wanneer die landraad getuig dat, om 'n hoeve 'n redelik genoegsame bestaan aan die huurder te laat inbring, dit nodig is om die grense van daardie hoeve uit te brei, kan die Minister, met inagneming van die bepalinge van artikel elf van die Hoofwet, grond koop wat hy geskik ag vir toevoeging by die hoeve. Die koopprys soas vasgestel volgens paragrawe (a), (b) en (c) van sub-artikel (9) van artikel elf van die Hoofwet, min die bedrag deur die huurder tot daardie koopprys bygedra, word Aankoop van grond om hoeve uit te brei.

lessee towards such purchase price, shall be added to the purchase price of the holding in respect of which the additional land was purchased, as from the date of the transfer of such land in favour of the Government, and the instalments of purchase price or the instalments of interest (as the case may be) payable in respect of the purchase price of the original holding shall be increased accordingly as from the date of such addition. Any land acquired in terms of this section shall be deemed to be included in the lease of the original holding, and the lease shall be endorsed accordingly as provided in section *twenty-five* of Act No. 26 of 1925, as amended by section *eleven* of Act No. 6 of 1928.

Short title.

14. This Act shall be known as the Land Settlement (Amendment) Act, 1935.

by die koopprys van die hoewe ten aansien waarvan die addisionele grond aangekoop was, toegevoeg, met uitwerking vanaf die datum waarop daardie grond aan die Regering oorgedra word, en die paalemente van koopprys of die paalemente van rente (na die geval mag wees) wat ten opsigte van die koopprys van die oorspronklike hoewe betaalbaar is, word vanaf die datum van bedoelde toevoeging dienoooreenkomstig vermeerder. Grond wat ingevolge hierdie artikel verkry word, word geag onder die huurkontrak van die oorspronklike hoewe begrepe te wees, en die huurkontrak word dienoooreenkomstig geëndosseer volgens bepaling van artikel *vyf-en-twintig* van Wet No. 26 van 1925, soas gewysig deur artikel *elf* van Wet No. 6 van 1928.

14. Hierdie Wet heet die Nedersettings Wysigingswet, 1935. Kort titel.

No. 48, 1935.]

ACT

To provide for the establishment of a board with powers to advance moneys from public funds to certain farmers, or their dependants, to acquire assets belonging to such farmers, to let or re-sell such assets, to effect a compromise between such farmers and their creditors, to provide for the suspension or cancellation of certain claims against such farmers, for the election or appointment of liquidators or trustees to wind up the affairs of such farmers and for various matters incidental to the aforesaid provisions.

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Definitions.

1. In this Act unless inconsistent with the context—

- “applicant” means, according to the context, a person—
 - (a) who has applied for assistance under this Act; or
 - (b) to whom the board has granted such assistance; or
 - (c) on whose behalf the board has effected a compromise; or
 - (d) whose property has been acquired by the board;
- “board” means the board appointed in terms of section *two*;
- “child” includes a stepchild, an adopted child, a son-in-law and a daughter-in-law, and “parent” has a corresponding meaning;
- “compromise” means a proposal mentioned in sub-section (4) of section *twelve* which has been accepted by the creditors of the applicant in question or is deemed to have been accepted by them in terms of sub-section (5) of that section;
- “farmer” means a European who in the opinion of the board normally derives his sole or principal means of livelihood from farming carried on by him within the Union;
- “Insolvency Act” means the Insolvency Act, 1916 (Act No. 32 of 1916), as amended;
- “liquidator” means the person elected or appointed as such in terms of section *fifteen*;
- “magistrate” includes an additional magistrate and an assistant magistrate;
- “Master” in relation to any act to be performed at any place, means the Master of the Supreme Court within whose area of jurisdiction that place is situate, and includes any officer in his office to whom he has delegated any of his functions under this Act;
- “Minister” means the Minister of Finance or any other Minister of State acting in his stead;
- “presiding officer” in relation to any meeting means the Master or a magistrate or special justice of the peace before whom such meeting is held;
- “trustee” means the person elected or appointed as such in terms of section *sixteen*.

Farmers' Assistance Board.

2. (1) As soon as may be after the commencement of this Act the Minister shall appoint at such remuneration and allowances and on such conditions of service as he may determine, not less than three persons, to form a board to be known as the Farmers' Assistance Board.

(2) The Minister shall designate one member as chairman and one member as deputy-chairman of the board.

(3) The board shall meet when summoned by the chairman or the Minister.

(4) A decision of the majority of the members of the board or of the majority of the members present at a meeting of the

No. 48, 1935.

WET

Om voorsiening te maak vir die instelling van 'n raad met bevoegdheide om uit staatsgelde aan sekere boere of aan persone wat van hulle afhanklik is geld voor te skiet, om bate van sulke boere oor te neem, om sodanige bate te verhuur of weer te verkoop, om 'n skikking tussen sulke boere en hulle skuldeisers teweeg te bring, om voorsiening te maak vir die opskorting of vernietiging van sekere vorderings teen sulke boere, vir die verkiesing of aanstelling van beredderaars of kuratore om die sake van sulke boere te vereffen en vir verskeie sake wat op die voorafgaande bepalinge betrekking het.

DIT WORD BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

1. Tensy uit die samehang anders blyk, beteken in hierdie Wet— Woordomskriving.

„applikant”, al na die samehang, 'n persoon—

(a) wat by die raad aansoek gedoen het om hulp onder hierdie Wet; of

(b) aan wie die raad sodanige hulp verleen het of

(c) ten behoeve van wie die raad 'n skikking teweeg gebring het; of

(d) wie se goedere deur die raad oorgeneem is;

„raad”, die raad, wat ingevolge artikel twee aangestel is;

„kind”, ook 'n stiefkind, 'n aangenome kind, 'n skoonseun en 'n skoondogter en „ouer” het 'n daarmee ooreenstemmende betekenis;

„skikking”, 'n voorstel bedoel in sub-artikel (4) van artikel twaalf wat deur die skuldeisers van die betrokke applikant aangeneem is of wat volgens sub-artikel (5) van daardie artikel beskou word as deur hulle aangeneem te wees;

„boer”, 'n blanke wat, volgens die raad se oordeel, onder gewone omstandighede sy enigste of vernaamste lewensonderhoud maak uit boerdery wat hy in die Unie beoefen;

„Insolvensiewet”, die „Insolventiewet, 1916”, (Wet No. 32 van 1916), soas gewysig;

„beredderaar”, die persoon wat kragtens artikel vyftien as sulks gekies of aangestel is;

„magistraat”, ook 'n addisionele magistraat en 'n assistent-magistraat;

„Meester”, in verband met 'n handeling wat op een of ander plek verrig moet word, die Meester van die Hooggeregshof in wie se gebied daardie plek geleë is en ook een of ander amptenaar in sy kantoor aan wie hy van sy werksaamhede kragtens hierdie Wet opgedra het;

„Minister”, die Minister van Finansies of enige ander Staatsminister wat namens hom optree;

„voorsittende amptenaar”, in verband met een of ander vergadering, die Meester of 'n magistraat of spesiale vrederegter voor wie daardie vergadering gehou word;

„kurator” die persoon wat kragtens artikel sestien as sulks gekies of aangestel is.

2. (1) So gou as doenlik na die inwerkingtreding van hierdie Wet stel die Minister nie minder as drie persone aan, met die besoldiging en toelaes en op die diensvoorwaardes wat hy mag bepaal, as 'n raad, met die benaming van die Boere-Bystandsraad. Boere-Bystandsraad.

(2) Die Minister benoem een lid as voorsitter en een lid as onder-voorsitter van die raad.

(3) Die raad vergader wanneer hy deur die voorsitter of die Minister byeengeroep word.

(4) 'n Beslissing van die meerderheid van die lede van die raad of van die meerderheid van die lede wat teenwoordig

board attended by two or more members, shall be a decision of the board.

(5) The board shall perform the duties imposed and exercise the powers conferred upon it by this Act, and shall perform such other duties as the Minister may from time to time assign to it.

(6) A document purporting to have been signed by the chairman or deputy-chairman of the board, which contains an allegation that the board arrived at any decision mentioned in that document, shall in the absence of proof to the contrary, be proof that the board arrived at such decision.

Funds of board.

3. All expenditure which the board incurs under this Act shall be defrayed from moneys appropriated by Parliament for the purpose.

State Advances Recoveries Office to be executive organ of board.

4. All administrative work, including all payments of money, in connection with the functions of the board shall, except where otherwise provided in this Act, be performed by the State Advances Recoveries Office, established by section one of the State Advances Recoveries Act, 1935 : Provided that the said office shall not carry out any work in connection with any act to be performed in a deeds registry which must in terms of the Deeds Registries Act, 1918 (Act No. 13 of 1918), or the regulations made thereunder, be carried out by a conveyancer.

Who may apply for assistance under this Act.

5. Any farmer—

- (a) whose liabilities exceed the reasonable value of his assets ; or
- (b) against whom one or more of his creditors have taken or threatened to take action which has made or will make it impracticable for him to continue farming with a reasonable prospect of success ; or
- (c) by reason of the extent or nature of his obligations or owing to lack of stock or the means of properly working his land, is unable to continue farming operations with a reasonable prospect of success ; or
- (d) whose estate has been placed under provisional or final sequestration under the Insolvency Act ; or
- (e) who has assigned his estate under the said Act ;

may make application to the board for assistance under this Act, and the widow, widower or child of a deceased farmer who, if he were alive, would be entitled to make such an application, may also make such an application.

Form of application for assistance.

6. Every application for assistance under this Act shall be in the form of an affidavit prescribed by the board, which shall set forth fully the reasons for the application and disclose every asset and every right to an asset, whether accrued or contingent of the applicant and his valuation thereof ; every liability, of whatsoever kind whether already due or contingent of the applicant, the name and address of the person to whom it is owing, the manner in which and the time when it was incurred and such further information as the board may require.

Stay of legal proceedings by application for assistance.

7. (1) Any proceedings instituted in any court against a farmer for the recovery of any debt due by him or for the attachment or sale of any assets belonging to him, in execution of a judgment of such court shall be stayed, by the filing in such court, of a certificate signed by the chairman or deputy-chairman of the board to the effect that the said farmer has applied to the board for assistance under this Act and that it appears to the chairman or deputy-chairman, *prima facie*, that there is a reasonable prospect that the board will grant the applicant assistance.

(2) When a certificate mentioned in sub-section (1) has been filed in any court, no civil proceedings shall be instituted in such court for the purpose of enforcing payment of any debt owing by the applicant in question or for the sequestration of his estate, until the certificate lapses in terms of sub-section (3).

(3) If the board refuses the application or if the proceedings taken under this Act in regard to the applicant fall away, as hereinafter provided, the said certificate shall lapse and the proceedings mentioned in sub-section (1) may thereupon be continued.

Board's discretion to grant or refuse assistance.

8. On the receipt of an application mentioned in section six the board may after such enquiry as it may deem necessary, within the provisions of this Act assist the applicant or his or her spouse or child in such manner and to such extent as it may deem fit, if it is satisfied that by so doing the person to be assisted will be able to carry on farming operations with a

is op 'n vergadering van die raad waarop twee of meer lede aanwesig is, maak 'n beslissing van die raad uit.

(5) Die raad verrig die werksaamhede wat hierdie Wet aan hom opdra en oefen die bevoegdhede uit wat hierdie Wet aan hom verleen, en verrig sodanige ander werksaamhede as wat die Minister van tyd tot tyd aan hom mag opdra.

(6) 'n Dokument wat voorgee dat dit deur die voorsitter of onder-voorsitter van die raad geteken is en wat 'n bewering bevat dat die Raad 'n daarin vermelde beslissing geneem het, strek, behoudens teëbewys tot bewys dat die raad so 'n beslissing geneem het.

3. Alle uitgawes wat die raad ingevolge hierdie Wet maak, word gedek uit gelde wat die Parlement vir daardie doel beskikbaar gestel het. Gelde van raad.

4. Alle administratiewe werk met inbegrip van alle uitbataling van geld, in verband met die werksaamhede van die raad, word, tensy hierdie Wet anders bepaal, verrig deur die Kantoor tot Invordering van Staatsvoorskotte, gestig deur artikel een van die Wet tot Invordering van Staatsvoorskotte, 1935: Met die verstande dat bedoelde kantoor geen werk mag verrig nie in verband met een of ander handeling, in 'n registrasiekantoor uit te voer, wat volgens voorskrif van die „Wet op Registratiekantoren van Akten, 1918” (Wet No. 13 van 1918) of van die uit kragte daarvan uitgevaardigde regulasies, deur 'n transportbesorger verrig moet word. Kantoor tot Invordering van Staatsvoorskotte word uitvoerende orgaan van raad.

5. Enige boer—

- (a) wie se skulde groter is as die redelike waarde van sy bate; of
- (b) teen wie een of meer van sy skuldeisers stappe gedoen of gedreig het om te doen wat dit vir hom ondoenlik sal maak om sy boerdery voort te sit met 'n redelike vooruitsig op sukses; of
- (c) wat weens die omvang of die aard van sy verpligtings of weens gebrek aan vee of die middele om sy grond behoorlik te bewerk nie in staat is nie om die boerdery voort te sit met 'n redelike vooruitsig op sukses nie; of
- (d) wie se boedel voorlopig of finaal gesekwestreer is onder die Insolvensiewet; of
- (e) wat van sy boedel afstand gedoen het onder gemelde Wet;

Wie aansoek mag doen om hulp onder hierdie Wet.

mag by die raad aansoek doen om bystand onder hierdie Wet, en die weduwee, wewenaar of kind van 'n oorlede boer wat, as hy nog in lewe was, so 'n aansoek kon gedoen het, kan eweneens so 'n aansoek doen.

6. Elke aansoek om bystand onder hierdie Wet moet gedaan word in die vorm van 'n beëdigde verklaring, soos deur die raad voorgeskryf, waarin die redes vir die aansoek volledig vermeld moet word en waarin aangegee moet word alle bate en alle regte op bate, hetsy reeds verkrege of voorwaardelik, van die applikant en sy waardering daarvan, elke skuld hetsy reeds invorderbaar of voorwaardelik van die applikant, van watter aard ook al en die naam en adres van die persoon aan wie dit verskuldig is, die wyse waarop en die tyd wanneer die skuld aangegaan is en sodanige verdere inligting as wat die raad mag vereis.

Vorm van aansoek om bystand.

7. (1) Alle prosedures wat in 'n hof teen 'n boer ingestel is tot verhaal van 'n bedrag deur hom verskuldig of tot beslaglegging op, of verkoop van bate wat aan hom behoort, om gevolg te gee aan 'n vonnis van daardie hof, word opgeskort deur indiening, by daardie hof, van 'n sertifikaat, geteken deur die voorsitter of onder-voorsitter van die raad, waaruit blyk dat die betrokke boer by die raad aansoek gedoen het om bystand onder hierdie Wet en dat dit aan die voorsitter of onder-voorsitter, *prima facie*, voorkom dat daar 'n redelike vooruitsig bestaan dat die raad aan die applikant bystand sal verleen.

Opskorting van geregtelike prosedures deur aansoek om bystand.

(2) Wanneer 'n sertifikaat soos in sub-artikel (1) vermeld by 'n hof ingedien is, kan geen siviele prosedure in daardie hof ingestel word nie om die betrokke applikant te dwing tot betaling van 'n bedrag wat hy skuld of om sy boedel te sekwestreer tot dat die sertifikaat volgens sub-artikel (3) verval.

(3) As die raad die aansoek van die hand wys of as die verrigtings ingevolge hierdie Wet met betrekking tot die applikant gedaan, tot niet word, soos hieronder bepaal, verval gemelde sertifikaat en die prosedures in sub-artikel (1) vermeld, kan daarop voortgeset word.

8. Na ontvangs van 'n aansoek soos in artikel ses vermeld, mag die raad, na so 'n ondersoek as wat hy mag nodig ag, binne die bepalinge van hierdie Wet, op 'n wyse en tot die mate wat hy wenslik ag, aan die applikant of aan sy eggenote of haar eggenoot of kind bystand verleen, as die raad oortuig is dat die betrokke persoon daardeur in staat gestel sal word om te hoor

Raad is vry om bystand te verleen of te weier.

reasonable prospect of success, or it may refuse the application without stating any reason for such refusal.

Methods of assistance to farmers.

9. For the purpose of carrying out the provisions of this Act the board may perform any one or more of the following acts :

- (a) on such terms as it may deem fit, lend money to an applicant on a mortgage of the whole or any part of his immovable property ;
- (b) acquire the whole or any part of the movable or immovable property belonging to an applicant or to his insolvent or assigned estate, or to the estate of the deceased spouse, child or parent of the applicant ;
- (c) upon such terms as it may deem fit, let or sell any property so acquired, to the applicant in question or to his or her spouse, child or parent or to any other person ;
- (d) acquire any livestock or other farming requisites and let or sell them, on such terms as it may deem fit, to the applicant or to any person to whom the board has let or sold any property in terms of paragraph (c), if the board is of the opinion that the applicant or such other person is in need of such livestock or other farming requisites and that he will be able to carry on farming operations with a reasonable prospect of success if furnished with such livestock or other farming requisites :

Provided that no property shall be sold under paragraph (c) or (d) to an applicant who is an unrehabilitated insolvent and provided further that no property shall be let under either such paragraph to such an applicant without the consent of the trustee in his insolvent estate.

Convening of meeting of creditors for purpose of compromise.

10. (1) If the board is of the opinion that in order to enable an applicant (other than an applicant whose estate is under sequestration or has been assigned under the Insolvency Act) to carry on farming with a reasonable prospect of success, it is desirable that an arrangement be effected with his creditors, whereunder they relieve him of part of his liabilities or grant him an extension of time for payment of his liabilities, the board may, after consultation with the applicant, by notice in the *Gazette* and in a newspaper circulating in the area in which the applicant ordinarily resides, call a meeting of the applicant and his creditors for the purpose of proving their claims against him and of considering any suggestions for such an arrangement as aforesaid.

(2) Such notice shall state the place where and the time when the meeting is to be held and shall be published as aforesaid not later than six weeks before the date on which the meeting is to be held.

(3) If the applicant resides in a district wherein there is an office of a Master, or in the district of Wynberg, Simonstown or Bellville in the Province of the Cape of Good Hope, the said meeting shall be convened at the office of the Master, and if the applicant resides in any other district the meeting shall be convened at the office of the magistrate of that district, or at the office of any special justice of the peace in that district.

(4) The board shall forward a copy of the said notice to the officer in whose office the meeting is to be held and to every Registrar of Deeds in whose office is registered any property mentioned as an asset in the application of the applicant.

(5) The board shall forward to the officer in whose office the said meeting is to be held a statement of the assets and liabilities of the applicant as disclosed in his application, which statement shall during a period of not less than fourteen days immediately prior to the said meeting be available for inspection, free of charge, during office hours, to any creditor or debtor of the applicant.

(6) As soon as may be after the publication of the said notice the board shall deliver or send by post to the applicant and to each creditor disclosed in his application at the address therein mentioned, a copy of the said notice, but a failure to deliver or send any such notice shall not invalidate the proceedings under this Act.

Effect of convening of meeting of creditors.

11. (1) After the publication of a notice mentioned in subsection (1) of section ten—

- (a) no person shall sell any property of the applicant which was attached in execution of the judgment of any court, unless he does not know and cannot reasonably have known of the publication ;

met 'n redelike vooruitsig dat hy sal slaag of hy mag die aansoek van die hand wys sonder om enige rede daarvoor aan te gee.

9. Om uitvoering te gee aan die bepalings van hierdie Wet, mag die raad een of meer van die volgende doen :

Wyse waarop
boere gehelp
kan word.

- (a) aan 'n applikant teen 'n verband op al sy onroerende goed of enige gedeelte daarvan geld leen op die voorwaardes wat die raad wenslik ag ;
- (b) al die roerende of onroerende goed, of enige gedeelte daarvan, wat aan 'n applikant of aan sy insolvente of afgestane boedel of aan die boedel van die oorlede eggenoot of eggenote, kind of ouer van die applikant behoort, oorneem ;
- (c) enige goed wat hy aldus oorgeneem het, aan die betrokke applikant of aan sy of haar eggenote of eggenoot, kind of ouer of aan 'n ander persoon verhuur of verkoop en wel op die voorwaardes wat die raad wenslik ag ;
- (d) vee of ander boerderybenodigdhede aanskaf en dit op voorwaardes wat hy wenslik ag, verhuur of verkoop aan die applikant of aan iemand aan wie die raad ingevolge paragraaf (c) goed verhuur of verkoop het, as die raad van oordeel is dat die applikant of daardie ander persoon daardie vee of ander boerderybenodigdhede nodig het en dat hy sal kan boer met 'n redelike vooruitsig dat hy sal slaag as daardie vee of ander boerderybenodigdhede aan hom verstrekk word :

Met die verstande dat geen goed ingevolge paragraaf (c) of (d) verkoop mag word aan 'n applikant wat 'n ongerehabiliteerde insolvente persoon is nie, en met die verstande verder dat geen goed ingevolge een van gemelde paragrawe aan so 'n applikant verhuur mag word nie sonder toestemming van die kurator in sy insolvente boedel.

10. (1) As die raad van oordeel is dat dit wenslik is ten einde 'n applikant (behalwe 'n applikant wie se boedel onder die Insolvensiewet gesekwestreer of afgestaan is) in staat te stel om met 'n redelike vooruitsig op sukses te boer, dat met sy skuldeisers 'n reëling getref word waarmee hulle hom van 'n gedeelte van sy skulde ontslaan of hom uitstel van betaling van sy skulde toestaan, dan kan die raad, na beraadslaging met die applikant, deur kennisgewing in die *Staatskoerant* en in 'n nuusblad in omloop in die gebied waarin die applikant gewoonlik woon, 'n vergadering van die applikant en van sy skuldeisers belê met die doel om hulle vorderings teen hom te bewys en om 'n voorstel tot 'n reëling soos voormeld, te oorweeg.

Belegging van
vergadering van
skuldeisers om
te skik.

(2) So 'n kennisgewing moet die plek waar en die tyd wanneer die vergadering gehou sal word aangee en moet soos voormeld gepubliseer word nie later as ses weke voor die datum waarop die vergadering gehou sal word.

(3) As die applikant woonagtig is in 'n distrik waarin daar 'n meesterskantoor is of in die distrik Wynberg, Simonstad of Bellville in die Provinsie Kaap die Goeie Hoop dan word gemelde vergadering op die kantoor van die Meester belê, en as die applikant in 'n ander distrik woonagtig is, word die vergadering op die kantoor van die magistraat van daardie distrik of op die kantoor van 'n spesiale vrederegter in daardie distrik belê.

(4) Die raad stuur 'n kopie van voormelde kennisgewing aan die amptenaar in wie se kantoor die vergadering gehou sal word en aan elke Registrateur van aktes in wie se kantoor enige goed wat in die aansoek van die applikant as bate aangegee is geregistreer is.

(5) Die raad stuur aan die amptenaar in wie se kantoor voormelde vergadering gehou sal word 'n staat van die bates en skulde van die applikant soos aangegee in sy aansoek, en daardie staat moet gedurende 'n termyn van nie minder as veertien dae gedurende kantoorure kosteloos ter insage beskikbaar wees aan elke skuldeiser of skuldenaar van die applikant.

(6) So spoedig as doenlik na publikasie van voormelde kennisgewing moet die raad 'n kopie daarvan aan die applikant en aan elke skuldeiser wat in sy aansoek vermeld word, oorhandig of per pos stuur na die adres wat in die kennisgewing aangegee word maar versuim om so 'n kennisgewing te oorhandig of te stuur maak die verrigtings ingevolge hierdie Wet nie ongeldig nie.

11. (1) Na publikasie van 'n kennisgewing bedoel in sub-artikel (1) van artikel tien—

Uitwerking van
belegging van
vergadering van
skuldeisers.

- (a) mag niemand goedere van die applikant waarop beslag gelê is tot uitvoering van die vonnis van 'n hof, verkoop nie tensy hy van die publikasie onbewus is en redelikerwys nie daarvan kan weet nie ;

- (b) the applicant shall not pay any of his debts or dispose of or encumber any of his assets, except with the consent in writing of the board ;
- (c) no creditor of the applicant shall institute proceedings in any court for the sequestration of the applicant's estate or to enforce payment of any debt owing by him, unless the proceedings under this Act have fallen away as hereinafter provided.

(2) After the publication of a notice mentioned in sub-section (1) of section *ten*, a person charged with the execution of a judgment of any court given against the applicant to whom such notice relates, for the payment of any debt owing by him, shall pay the proceeds of any sale in such execution, which were in his possession on the date of such publication or which came into his possession at any time after such date, to the liquidator or trustee of the said applicant or, if the proceedings under this Act fall away as hereinafter provided, to the person entitled thereto under the judgment: Provided that the said person shall not be liable for his failure to pay over such proceeds to the liquidator or trustee, if he paid them over to the person who would have been entitled thereto if the said notice had not been published, and he did not know and could not reasonably have known of the said publication at the time when he made such payment.

Procedure at meeting of creditors and compromise with them.

12. (1) At a meeting of an applicant and his creditors convened under section *ten*, the Master, magistrate or special justice of the peace at whose office the meeting was convened, shall preside and he may from time to time adjourn such meeting.

(2) Any creditor of the applicant may, at such meeting prove his claim against that applicant in the same manner as a creditor in an insolvent estate may prove his claim against the estate under the Insolvency Law, and all the provisions of the Insolvency Law relating to a person who has proved or who intends to prove a claim against an insolvent estate under the Insolvency Law and to matters incidental to such claim, shall, *mutatis mutandis* and in so far as they can be applied, apply to a person who has proved or who intends to prove a claim against the applicant, and to matters incidental to such claim.

(3) All the provisions of sub-section (2) of section *fifty-four* and of section *fifty-five* of the Insolvency Act shall apply in connection with any such meeting as if the applicant were an insolvent in terms of that Act and as if the meeting in question were a meeting mentioned in those sections.

(4) At such meeting any person appointed by the board for the purpose may, on behalf of the board propose to the creditors of the applicant who have proved their claims against him, any arrangement whereunder any asset of the applicant is to be disposed of in a specified manner or whereunder the applicant is to be relieved wholly or in part of any of his obligations towards his creditors or is to be granted an extension of time for the fulfilment of those obligations, and any such proposal may at such meeting be altered in such manner as the person so appointed may, within the scope of the authority given to him by the board, deem fit.

(5) The said proposal shall be deemed to have been accepted by all the creditors of the applicant and shall (subject to the provisions of section *fourteen*) bind them and him, whether they have or have not proved any claim against the applicant, unless—

- (a) the majority of those creditors whose claims are, in terms of that arrangement not to be paid in full and whose claims against the applicant (irrespective of the amount of the claim of any such creditor) amount, in the aggregate, to more than half of the aggregate of all claims which are not to be paid in full; or
- (b) any creditor whose claim against the applicant is secured by a mortgage, pledge or right of retention and is, in terms of the said proposal, not to be paid in full or to an amount equal to the value which, he placed upon the said security when proving his claim, reject or rejects the said proposal.

- (b) mag die applikant geen van sy skulde betaal en geen van sy bate van die hand sit of beswaar nie, behalwe met die skriftelike toestemming van die raad ;
- (c) mag geen skuldeiser van die applikant in 'n hof 'n geding instel nie om die applikant se boedel te sekwestreer of om hom tot betaling van 'n skuld te dwing nie,

tensy die verrigtinge ingevolgs hierdie Wet tot niet geword het, soos hieronder bepaal.

(2) Na publikasie van 'n kennisgewing bedoel in sub-artikel (1) van artikel *tien*, moet iemand wat belas is met die tenuitvoerlegging van die vonnis van 'n hof wat gewys is teen die applikant op wie daardie kennisgewing betrekking het, tot betaling van 'n bedrag deur hom verskuldig, die opbrings van 'n eksekutoriale verkoping wat op datum van daardie publikasie in sy besit was of wat te eniger tyd na daardie datum in sy besit gekom het, betaal aan die beredderaar of kurator van voormelde applikant of as die verrigtings ingevolge hierdie Wet tot niet geword het, soos hieronder bepaal, aan die persoon wat kragtens die vonnis daarop geregtig is : Met die verstande dat bedoelde persoon nie aanspreeklik is nie weens versuim om daardie opbrings aan die beredderaar of kurator te betaal, as hy dit betaal het aan die persoon wat daarop geregtig sou gewees het as bedoelde kennisgewing nie gepubliseer was nie, en hy van bedoelde publikasie onbewus was en redelikerwys nie daarvan kon weet nie toe hy daardie betaling gedaan het.

12. (1) Op 'n vergadering van 'n applikant en sy skuldeisers wat volgens artikel *tien* belê is, is die Meester, magistraat of spesiale vrederegter op wie se kantoor die vergadering belê is, voorzitter en hy kan van tyd tot tyd daardie vergadering hulle verdaag.

Prosedure op vergadering van skuldeisers en skikking met hulle.

(2) Elke skuldeiser van die applikant mag op so 'n vergadering sy vordering teen die applikant op dieselfde wyse bewys as 'n skuldeiser in 'n insolvente boedel sy vordering teen die boedel onder die Insolvensiewet mag bewys, en al die bepalings van die Insolvensiewet wat betrekking het op 'n persoon wat 'n vordering teen 'n insolvente boedel onder die Insolvensiewet bewys het of van voorneme is om te bewys en op sake wat met daardie vordering in verband staan, is *mutatis mutandis*, van toepassing, vir sover as wat hulle toegepas kan word, op 'n persoon wat 'n vordering teen die applikant bewys het of voornemens is om te bewys, en op sake wat met daardie vordering in verband staan.

(3) Al die bepalings van sub-artikel (2) van artikel *vier-en-vyftig* en van artikel *vyf-en-vyftig* van die Insolvensiewet is van toepassing in verband met so 'n vergadering asof die applikant volgens daardie wet insolvent was en asof die betrokke vergadering 'n vergadering was wat in daardie artikels vermeld word.

(4) Op daardie vergadering kan iemand wat deur die raad daartoe aangestel is, namens die raad aan die skuldeisers van die applikant wat hulle vorderings teen hom bewys het, enige reëling voorstel waaronder oor bate van die applikant op 'n bepaalde wyse beskik sal word of waaronder die applikant van verpligtings teenoor sy skuldeisers geheel of gedeeltelik bevry sal word of aan hom uitstel gegee sal word van nakoming van daardie verpligtings. Daardie voorstel kan op daardie vergadering sodanig gewysig word as wat die aldus aangestelde persoon binne die opdrag wat die raad aan hom gegee het, mog wenslik ag.

(5) Voormelde voorstel word beskou as aangeneem deur al die skuldeisers van die applikant en verbind (behoudens die bepalings van artikel *veertien*) hulle sowel as hom, hetsy hulle al dan die 'n vordering teen die applikant bewys het nie, tensy—

- (a) die meerderheid van daardie skuldeisers, wie se vorderings ooreenkomstig daardie reëling nie ten volle betaal sal word nie en wie se vorderings teen die applikant (afgesien van die bedrag van die vordering van so 'n skuldeiser) gesamentlik meer as die helfte bedra van die totaal van alle vorderings wat nie ten volle betaal sal word nie ; of
- (b) een of ander skuldeiser wie se vordering teen die applikant deur 'n verband, pand of retensiereg verseker is en volgens voormelde voorstel nie ten volle of tot 'n bedrag gelyk aan die som waarop hy daardie sekuriteit gewaardeer het, toe hy sy vordering bewys het, uitbetaal sal word nie,

die voorstel verwerp.

Falling away of proceedings under this Act.

13. (1) If an applicant fails, without reasonable excuse, to attend a meeting convened under section *ten* or without the permission of the presiding officer absents himself from such meeting, or if during the course of such meeting the presiding officer upon reasonable grounds suspects that the applicant has with intent to defraud or to prefer any creditor over any other creditor, given false or incomplete information in his application or at such meeting or has contravened paragraph (b) of sub-section (1) of section *eleven*, the presiding officer shall close the meeting and report the matter to the board.

(2) If a meeting is closed in terms of sub-section (1) any proceedings taken under this Act in regard to the applicant shall fall away.

(3) If any proceedings taken under this Act fall away in terms of any provision of this Act, all rights and liabilities of the applicant shall revive as if no such proceedings had been taken: Provided that the applicant shall not thereby be relieved of any criminal liability which he may have incurred in the course of those proceedings.

Compromise relieves applicant of liabilities and divests him of assets.

14. (1) When a compromise has been effected—

- (a) the applicant shall be relieved of every liability disclosed in his application, except in so far as the said compromise may otherwise provide;
- (b) every asset which is in terms of the said compromise to pass from him to the board or to any creditor of the applicant, shall cease to be vested in him and shall be vested in the board or such creditor;
- (c) the applicant shall not dispose of or encumber any land which, in terms of such compromise remains his property, but is to be mortgaged or made subject to any condition or restriction, until the said mortgage has been passed and registered or until the said condition or restriction has been registered against the title deed to such land in terms of section *twenty-two*.

(2) A creditor of an applicant whose claim was not disclosed in the application of the applicant and who was not informed of the meeting of the applicant and his creditors, convened under section *ten* in sufficient time to enable him to prove his claim at such meeting, shall retain his right of action in respect of such claim against the applicant, but he shall not be entitled to disturb the said compromise in so far as it provides for the passing of any asset from the applicant to the board or to any other creditor of the applicant or for the passing of any mortgage bond.

(3) If a creditor of an applicant whose claim was disclosed in the application of the applicant or who was at the meeting convened under section *ten*, or at any subsequent meeting of creditors, afforded an opportunity to prove his claim, failed to prove his claim, it shall lapse, except in so far as it is secured and is to be paid in terms of a compromise effected at such first-mentioned meeting.

Election or appointment and functions of liquidator.

15. (1) When a compromise has been effected, the creditors whose claims are not to be paid in full in terms of the said compromise may at the meeting at which the compromise was effected, elect, *mutatis mutandis*, in accordance with the provisions of the Insolvency Act relating to the election of a trustee, a liquidator.

(2) If the creditors fail at the said meeting to elect a liquidator the Master shall as soon as may be after such meeting appoint a liquidator.

(3) Subject to the provisions of section *seventeen* all assets of the applicant which are under the said compromise not to vest in the board or in any creditor and not to remain vested in the applicant, shall on the election or appointment of a liquidator vest in the liquidator, who shall assist in giving effect to the said compromise.

Election or appointment of trustee on rejection of proposed compromise.

16. (1) If a proposal mentioned in sub-section (4) of section *twelve* has been submitted at a meeting of the applicant and his creditors and has been rejected in terms of sub-section (5) of section *twelve*, the presiding officer concerned shall ask the applicant whether he desires that his estate be dealt with in terms of this section.

(2) If the applicant fails to reply in the affirmative to such question, all proceedings taken under this Act in regard to him shall fall away.

(3) If the applicant replies in the affirmative to such question, the creditors of the applicant who proved their claims against him at the said meeting may at such meeting elect a

13. (1) As 'n applikant sonder redelike verontskuldiging versuim om 'n volgens artikel *tien* belegde vergadering by te woon of sonder verlof van die voorsittende amptenaar so 'n vergadering verlaat, of as die voorsittende amptenaar op so 'n vergadering gegronde vermoede het dat die applikant met bedrieglike oogmerk of met die doel om een skuldeiser bo 'n ander te bevoordeel, in sy aansoek of op daardie vergadering valse of onvolledige gegewens verstrek het of dat hy paragraaf (b) van sub-artikel (1) van artikel *elf* oortree het, dan sluit die voorsittende amptenaar die vergadering en rapporteer die saak aan die raad.

Wanneer verrigtings ingevolge hierdie Wet tot niet word.

(2) As 'n vergadering ingevolge sub-artikel (1) gesluit word, dan word alle ingevolge hierdie Wet met betrekking tot die applikant gedane verrigtings tot niet.

(3) As verrigtings ingevolge hierdie Wet volgens een of ander bepaling van hierdie Wet tot niet word, dan herleef alle regte en verpligtings van die applikant asof geen sodanige verrigtings gedaan was nie, dog die applikant word daardeur nie vrygestel nie van een of ander strafregtelike aanspreeklikheid wat in die loop van daardie verrigtings op hom mag geval het.

14. (1) Wanneer 'n skikking aangegaan is—

- (a) word die applikant van alle skulde wat in sy aansoek vermeld word, bevry, behalwe vir so ver as wat daardie skikking anders bepaal;
- (b) word alle bate wat ooreenkomstig bedoelde skikking van hom op die raad of op 'n skuldeiser van die applikant oorgaan aan hom onttrek en behoort aan die raad of aan daardie skuldeiser;
- (c) mag die applikant geen grond vervreemd of beswaar nie wat ooreenkomstig bedoelde skikking sy eiendom bly maar met verband beswaar moet word of onderhewig gemaak moet word aan enige voorwaarde of beperking totdat daardie verband gepasseer en geregistreer is of totdat daardie voorwaarde of beperking teen die titelbewys van daardie grond geregistreer is volgens artikel *twee-en-twintig*.

Skikking bevry applikant van skulde en ontnem hom sy bate.

(2) 'n Skuldeiser van 'n applikant wie se vordering nie in die aansoek van die applikant aangegee is nie en wat nie betyds van die vergadering van die applikant en sy skuldeisers, volgens artikel *tien* belê, in kennis gestel was om hom in staat te stel om sy vordering op daardie vergadering te bewys nie, behou sy vorderingsreg teenoor die applikant maar is nie geregtig om op daardie skikking inbreuk te maak nie vir so ver as wat dit voorsiening maak vir die oorgang van bate van die applikant op die raad of op enige ander skuldeiser van die applikant of vir die passeer van 'n verbandakte.

(3) As 'n skuldeiser van 'n applikant wie se eis in die aansoek van die applikant aangegee is of wat op die vergadering wat volgens artikel *tien* belê is of op enige latere vergadering van skuldeisers die geleentheid had om sy vordering te bewys, in gebreke gebly het om sy vordering te bewys, dan verval dit behalwe vir so ver dit verseker is en betaal moet word volgens 'n skikking wat op die eersgenoemde vergadering aangegaan is.

15. (1) Wanneer 'n skikking aangegaan is, mag die skuldeisers wie se vorderings ooreenkomstig gemelde skikking nie ten volle betaal sal word nie, op die vergadering waarop die skikking aangegaan is, 'n beredderaar kies, *mutatis mutandis* ooreenkomstig die bepalings van die Insolvensiewet wat betrekking het op die verkiesing van 'n kurator.

Verkiesing of aanstelling en werkkring van beredderaar.

(2) As die skuldeisers versuim om op gemelde vergadering 'n beredderaar te kies, moet die Meester so gou as moontlik na daardie vergadering 'n beredderaar aanstel.

(3) Behoudens die bepalings van artikel *seventien*, gaan alle bate van die applikant wat onder gemelde skikking nie op die raad of op 'n skuldeiser oorgaan nie, en nie aan die applikant bly behoort nie, by verkiesing of aanstelling van 'n beredderaar oor op die beredderaar, wat moet meehelp om aan die skikking gevolg te gee.

16. (1) As 'n voorstel bedoel in sub-artikel (4) van artikel *twaalf* op 'n vergadering van die applikant en sy skuldeisers voorgelê en volgens sub-artikel (5) van artikel *twaalf*, verwerp is, moet die betrokke voorsittende amptenaar die applikant vra of hy verlang dat met sy boedel volgens hierdie artikel gehandel word.

Verkiesing of aanstelling van kurator na verwerping van voorgestelde skikking.

(2) As die applikant op daardie vraag nie bevestigend antwoord nie, dan word alle verrigtings ingevolge hierdie Wet met betrekking tot hom gedaan, tot niet.

(3) As die applikant op daardie vraag bevestigend antwoord, dan kan die skuldeisers van die applikant wat hulle vorderings teen hom op bedoelde vergadering bewys het, op daardie ver-

trustee and if they fail to do so, the Master shall, as soon as may be after such meeting, appoint a trustee.

(4) For the purposes of the election of a trustee under sub-section (3) the provisions of the Insolvency Act shall *mutatis mutandis* apply as if the applicant in question were an insolvent, and the meeting in question were a meeting of creditors under the Insolvency Act.

(5) On the election or appointment of a trustee, all assets belonging to the applicant on the date of such election or appointment shall cease to be vested in him and shall, subject to the provisions of section *seventeen*, be vested in the trustee, although they may not have been delivered to the trustee and the applicant shall be freed from all liabilities which he incurred prior to the said date, but the applicant shall not be deemed to be an insolvent and his estate shall not be deemed to be under sequestration for the purposes of any other law.

Application of
relevant provi-
sions of
Insolvency Act.

17. (1) A liquidator or trustee shall not act as such before he has given security to the satisfaction of the Master for the proper performance of his duties as liquidator or trustee and has received from the Master a certificate stating that he was elected or appointed as such and has given the security prescribed by this sub-section.

(2) When a liquidator or trustee has received the certificate mentioned in sub-section (1) he shall, in relation to any matter which falls within his purview have all the rights and powers and be subject to all the obligations which are under the Insolvency Act conferred or imposed upon a trustee, and generally all the provisions of the Insolvency Act shall *mutatis mutandis* apply in so far as they can be applied, as if the assets vesting in the liquidator or trustee were an insolvent estate, except in so far as this Act otherwise provides: Provided that if a special justice of the peace presided at the meeting of the applicant and his creditors convened under section *ten*, any subsequent meeting of creditors may be convened at the office of such special justice of the peace, and may be presided over by him.

Report of meeting
to Board and
Master.

18. The presiding officer shall report to the board the result of any meeting convened under section *ten*, and if he is not the Master he shall also report such result to the Master.

Giving effect to
compromise or
cancellation of
compromise.

19. (1) When a compromise has been effected in terms whereof any immovable property is to be transferred or mortgaged, or any mortgage bond is to be cancelled, the board shall, as soon as may be, authorize the Registrar of Deeds concerned to pass such transfer or to pass or cancel such mortgage bond, and the said registrar shall act upon any such authorisation in writing signed by the chairman or deputy-chairman of the board, notwithstanding that no power of attorney, consent or other authorisation to effect such transfer, hypothecation or cancellation is submitted to him.

(2) If the board is for any reason unable to give effect to a compromise or if after the effecting of a compromise but before any immovable property has been transferred or any mortgage bond has been passed or cancelled in terms of such compromise, the board is of the opinion that the applicant has with intent to defraud or to prefer any creditor over any other creditor given false or incomplete information in his application or at a meeting under this Act or to the board, or that he has contravened paragraph (b) of sub-section (1) of section *eleven*, or that he has, whether before or after the effecting of the compromise, otherwise conducted himself in a manner which makes it undesirable to assist him under this Act, or that as a result of the happening of any event after the effecting of the compromise it is undesirable to give effect to the compromise, the board may cancel the compromise and the proceedings under this Act in regard to the applicant shall thereupon fall away.

Payment of
money to
liquidator in
terms of
compromise.

20. As soon as every transfer or hypothecation of immovable property or cancellation of a mortgage bond in terms of a compromise, has been effected, the board shall pay to the liquidator concerned for disposal in terms of the compromise the amount which it undertook to pay in terms of the compromise in respect of the liabilities of the applicant concerned.

Land Bank may
lend money under
a compromise in
lieu of Board.

21. (1) If the board has in terms of a compromise undertaken to lend any sum of money upon the security of a mortgage bond on immovable property, the central board of the Land and Agricultural Bank of South Africa may if it thinks fit, out of the moneys mentioned in sub-section (1) of section

gadering 'n kurator kies en as hulle dit nie doen nie, moet die Meester so gou as doenlik na daardie vergadering 'n kurator aanstel.

(4) Vir die verkiesing van 'n kurator volgens sub-artikel (3) is die bepalings van die Insolvensiewet *mutatis mutandis*, van toepassing asof die betrokke applikant insolvent was en die betrokke vergadering 'n vergadering van skuldeisers ingevolge die Insolvensiewet was.

(5) Na verkiesing of aanstelling van 'n kurator hou alle bate van die applikant wat op die dag van daardie verkiesing of aanstelling aan hom behoort, op om aan hom te behoort en gaan (behoudens die bepalings van artikel *sewentien* op die kurator oor, alhoewel hulle nie aan die kurator afgelewer mag wees nie, en die applikant word van alle skulde wat hy voor daardie datum aangegaan het, bevry, maar die applikant word nie as 'n insolvente persoon en sy boedel word nie as gesekwestreer beskou nie vir die toepassing van enige ander wet nie.

17. (1) 'n Beredderaar of kurator mag nie as sulks optree nie alvorens hy tot tevredenheid van die Meester sekuriteit gestel het vir die behoorlike verrigting van sy werksaamhede as beredderaar of kurator, en van die Meester 'n sertifikaat ontvang het waaruit blyk dat hy as sulks gekies of aangestel is en die sekuriteit wat hierdie sub-artikel voorskryf, gestel het.

Toepassing van
betrekking-
hebbende
bepalings van
Insolvensiewet.

(2) Wanneer 'n beredderaar of kurator die sertifikaat in sub-artikel (1) vermeld, ontvang het, het hy met betrekking tot enige saak wat binne sy werkkring val, al die regte en bevoegdhede en is hy onderhewig aan al die verpligtings wat onder die Insolvensiewet aan 'n kurator opgelê of verleen word, en in die algemeen is die bepalings van die Insolvensiewet *mutatis mutandis* van toepassing vir so ver as wat hulle toegepas kan word, asof die bate wat op die beredderaar of kurator oorgegaan het, 'n insolvente boedel was, behalwe vir so ver as wat hierdie Wet anders bepaal: Met die verstande dat as 'n spesiale vrederegter voorsitter was op die vergadering van die applikant en sy skuldeisers wat volgens artikel *tien* belê was, elke latere vergadering van skuldeisers op die kantoor van daardie spesiale vrederegter belê en onder sy voorsitterskap gehou kan word.

18. Die voorsittende amptenaar moet aan die raad verslag doen van die uitslag van 'n volgens artikel *tien* belegde vergadering en as hy nie die Meester is nie, moet hy van daardie uitslag ook verslag doen aan die Meester.

Verslag van
vergadering aan
raad en Meester.

19. (1) Wanneer 'n skikking aangegaan is wat bepaal dat onroerende goed getransporteer of met verband belas of 'n verband gerojeer moet word, dan moet die raad so spoedig doenlik die betrokke registrateur van Aktes magtig om daardie transport te passeer of om daardie verband te passeer of te rojeer en daardie registrateur moet aan so 'n skriftelike magtiging wat deur die voorsitter of onder-voorsitter van die raad geteken is, gevolg gee alhoewel geen prokurasie, toestemming of ander magtiging aan hom voorgelê word nie om daardie transport te passeer of om daardie verband te passeer of te rojeer.

Uitvoering of
intrekking van
'n skikking.

(2) As die raad om enige rede nie in staat is om aan 'n skikking gevolg te gee nie of as die raad na die aangaan van 'n skikking, maar voordat enige onroerende goed getransporteer of enige verband gepasseer of gerojeer is ooreenkomstig daardie skikking, van oordeel is dat die applikant, met bedrieglike oogmerk of met die doel om een skuldeiser bo 'n ander voor te trek, in sy aansoek of op 'n vergadering ingevolge hierdie Wet of aan die raad valse of onvolledige gegewens verstrek het, of dat hy paragraaf (b) van sub-artikel (1) van artikel *elf* oortree het, of dat hy òf voor òf na aangaan van die skikking hom andersins op 'n wyse gedra het wat dit onwenslik maak om hom onder hierdie Wet te help, of dat as gevolg van enige gebeurtenis na aangaan van die skikking dit onwenslik is om aan die skikking gevolg te gee, dan kan die raad die skikking intrek en die verrigtings ingevolge hierdie Wet met betrekking tot die applikant word daarop tot niet.

20. Sodra alle onroerende goedere getransporteer of met verband beswaar is, of alle verbande gerojeer is ooreenkomstig 'n skikking betaal die raad aan die betrokke beredderaar vir besteding ooreenkomstig die skikking, die bedrag wat die raad volgens die skikking onderneem het om te betaal ten opsigte van die skulde van die betrokke applikant.

Betaling van
gelde aan die
beredderaar
ooreenkomstig 'n
skikking.

21. (1) As die raad onderneem het om ooreenkomstig 'n skikking 'n bepaalde som geld op sekuriteit van 'n verband op onroerende goed uit te leen, dan mag die sentrale raad van die Land-en Landboubank van Suid-Afrika, as hy dit wenslik ag, daardie som geld in plaas van die raad, ooreenkomstig

Landbank mag
onder 'n skikking
in plaas van die
raad geld
uitleen.

twenty of the Financial Adjustments Act, 1933 (Act No. 29 of 1933) lend that sum of money in lieu of the board, in accordance with the board's undertaking.

(2) For the purposes of the said section *twenty* such loan shall be deemed to be an advance under that section and shall be secured by mortgage bond as if it had been advanced by the said central board under that section.

Registration of special conditions against title.

22. (1) If—

- (a) the board has sold any immovable property under this Act; or
- (b) an applicant in terms of a compromise or any agreement with the board is to retain any immovable property belonging to him but subject to a mortgage bond in favour of the board,

the board may under the hand of its chairman or deputy chairman authorize the Registrar of Deeds concerned to register against the title deed of that property any one or more of the following conditions or restrictions, that is to say:

- (i) that the property may not be mortgaged or otherwise encumbered except with the consent of the board;
- (ii) that it may not without the consent of the board, be attached or sold in execution, except at the instance of the holder of a mortgage bond on such property;
- (iii) that if the owner of the property becomes insolvent or assigns his estate under the Insolvency Act, the property shall not, without the consent of the board, form part of the insolvent or assigned estate but shall become the property of the board and may be dealt with by the board as it may deem fit, subject to the rights of the holder of any mortgage bond thereon.

(2) The Registrar of Deeds shall give effect to such authorisation in such manner as may to him appear to be most practicable and convenient, and any such condition or restriction shall thereupon be valid and effective against all persons until the property is transferred to another person.

Board may sell movable property under State Advances Recoveries Act.

23. When the board sells any movable property in terms of this Act, it may, notwithstanding the provisions of paragraph (b) of section *five* of the State Advances Recoveries Act, 1935, in the agreement with the purchaser of that property declare that the agreement is entered into under the provisions of that section and thereupon the provisions of that section and of the Schedule to that Act shall apply in respect of such sale and in respect of such property.

Sureties of applicant not affected by action under this Act.

24. No action taken under this Act in connection with an applicant shall affect the liability of a surety for any liability of the applicant, except in so far as that liability was reduced as a result of that action.

Exemption from duties and fees.

25. No duty tax or fee shall be payable to the State on any document required, or in connection with any act or transaction performed under this Act.

Short title.

26. This Act shall be known as the Farmers' Assistance Act, 1935, and shall come into operation upon a date to be fixed by the Governor-General by proclamation in the *Gazette*.

die raad se onderneming uitleen uit die gelde bedoel in sub-artikel (1) van artikel *twintig* van die Finansiële Reëlingswet, 1933 (Wet No. 29 van 1933).

(2) Vir die toepassing van daardie artikel *twintig* word so 'n lening beskou as 'n voorskot kragtens daardie artikel, en moet deur 'n verband verseker word asof dit deur genoemde sentrale raad kragtens daardie artikel voorgeskiet was.

22. (1) Indien—

(a) die raad roerende goed ingevolge hierdie Wet verkoop het; of

(b) 'n applikant ooreenkomstig 'n skikking of 'n ooreenkoms met die raad in besit bly van onroerende goed wat aan hom behoort maar onderhewig aan 'n verband ten gunste van die raad,

Registrasie van spesiale voorwaardes op die grondbrief.

dan mag die raad onder die handtekening van sy voorsitter of onder-voorsitter die betrokke Registrateur van Aktes magtig om op die titelbewys van daardie goed een of meer van die volgende voorwaardes of beperkings te registreer, naamlik—

(i) dat die goed nie met verband of andersins beswaar mag word sonder toestemming van die raad nie;

(ii) dat daar nie sonder die toestemming van die raad beslag op gelê mag word nie, of dat dit nie in eksekusie verkoop mag word nie, behalwe ten behoeve van 'n verbandhouer op die goed;

(iii) dat as die eienaar van die goed insolvent gaan, of van sy boedel afstand doen onder die Insolvensiewet, die goed nie, sonder toestemming van die raad, deel sal uitmaak van die insolvente of afgestane boedel nie, maar die eiendom sal word van die raad, en dat die raad na sy goeddunke daarvoor mag beskik, behoudens die regte van 'n verbandhouer op die goed.

(2) Die Registrateur van Aktes moet aan daardie magtiging gevolg gee op 'n wyse wat hy as die mees uitvoerbare en gerieflike beskou, en elke sodanige voorwaarde of beperking is daarna geldig en van krag teen alle persone totdat die goed aan 'n ander eienaar getranspoteer word.

23. As die raad roerende goed ooreenkomstig hierdie Wet verkoop, mag hy nieteenstaande die bepalings van paragraaf (b) van artikel *vyf* van die Wet tot Invordering van Staatsvoorskotte, 1935, in die ooreenkoms met die koper van daardie goed verklaar dat die ooreenkoms aangegaan word ingevolge die bepalings van daardie artikel en daarop is die bepalings van daardie artikel en van die Bylae tot daardie wet van toepassing op daardie verkoop en op daardie goed.

Die raad mag roerende goed onder die Wet tot Invordering van Staatsvoorskotte verkoop.

24. Geen handeling ingevolge hierdie Wet in verband met 'n applikant maak inbreuk op die aanspreeklikheid van 'n applikant word borg vir enige skuld van die applikant, behalwe vir so ver as wat daardie skuld as gevolg van daardie handeling verminder is.

Borge van applikant word nie van borgtog onthef nie.

25. Geen reg, belasting of fooi is aan die Staat verskuldig nie op enige dokument wat hierdie Wet voorskryf of in verband met enige handeling of verrigting wat ingevolge hierdie Wet plaasvind.

Vrystelling van regte en fooie.

26. Hierdie Wet heet die Boere-Bystandswet, 1935, en tree in werking op 'n datum deur die Goewerneur-generaal by proklamasie in die *Staatskoerant* vas te stel.

Kort titel.

No. 49, 1935.]

ACT

To appropriate certain surplus State revenues ; to make provision for guaranteeing against loss banks which have assisted farmers in certain respects ; for the subsidizing of minor irrigation works ; and to amend Acts Nos. 21 and 30 of 1911, No. 24 of 1913, Nos. 32 and 41 of 1925, Nos. 19 and 46 of 1926, No. 21 of 1929, No. 34 of 1930, No. 49 of 1931 and No. 54 of 1934.

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows :—

Disposal of
surplus State
revenues.

1. From the surplus State revenues in respect of the financial year ended on the thirty-first day of March, 1935, the following sums are hereby appropriated as hereunder provided :—

- (a) five hundred thousand pounds shall be utilized to reduce the deficits on pension funds established prior to the constitution of the Union ;
- (b) five hundred thousand pounds shall be paid into the National Road Fund established by the National Roads Act, 1935 ;
- (c) one million pounds shall be transferred to the credit of the loan account ;
- (d) five hundred thousand pounds shall be utilized towards the redemption of debt and shall be applied as provided in sub-section (1) of section *four* of the Public Debt Commissioners (Amendment) Act, 1926.

Guarantees to
banks partici-
pating in the
Government wool
and mohair
credit scheme.

2. Notwithstanding anything contained in any law, the Government is hereby authorized to give the necessary guarantees to the banks participating in the Government wool and mohair credit scheme to meet the need of short-term credit facilities by farmers, under which scheme such banks are guaranteed against loss in respect of the principal sums advanced by them to any approved brokers who may obtain advances for farmers, together with any interest thereon and costs.

Guarantee to
South African
Reserve Bank
under the wool
purchase scheme
with Germany.

3. Any loss suffered by the South African Reserve Bank as a result of the discounting by that bank of bills under the scheme for the purchase of South African wool in terms of the agreement entered into between the Union and Germany on the thirty-first day of December, 1934, shall be defrayed out of the Consolidated Revenue Fund.

Subsidizing of
minor irrigation
works.

4. (1) The Minister to whom the Governor-General has assigned the administration of the Irrigation and Conservation of Waters Act, 1912, may, out of moneys appropriated by Parliament for the purpose, and on such conditions as he may deem fit to impose, grant to any person a subsidy (hereinafter referred to as an irrigation subsidy) towards the cost of constructing a minor irrigation work.

(2) No irrigation subsidy shall be granted under this section in respect of an irrigation work to be constructed by or on behalf of an irrigation board the total cost of which is more than thirty thousand pounds.

(3) No irrigation subsidy shall be granted under this section in respect of an irrigation work to be constructed by or on behalf of a person other than an irrigation board unless the total cost of that work exceeds two hundred and fifty pounds.

(4) The amount of an irrigation subsidy shall be determined by the said Minister but shall not exceed twenty-five per cent. of the cost of the irrigation work in respect of which it is granted : Provided that the amount of the subsidy to be granted to a person other than an irrigation board in respect of any work shall not exceed one hundred and twenty-five pounds.

(5) No part of an irrigation subsidy shall be expended for any purpose other than the carrying out of the irrigation work in respect of which it is granted.

No. 49, 1935.]

WET

Tot besteding van die oorskot van sekere staatsinkomste ; om voorsiening te maak om banke wat aan boere in sekere opsigte hulp verleen het, teen verlies te waarborg ; om klein besproeiingswerke te subsidieer ; en tot wysiging van Wette Nos. 21 en 30 van 1911, No. 24 van 1913, Nos. 32 en 41 van 1925, Nos. 19 en 46 van 1926, No. 21 van 1929, No. 34 van 1930, No. 49 van 1931 en No. 54 van 1934.

DIT WORD BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg :—

1. Uit die oorskot van die staatsinkomste oor die finansiële jaar wat geëindig het op die een-en-dertigste dag van Maart 1935, word die volgende bedrae hiermee bestee soas hieronder bepaal : Besteding van oorskot van staatsinkomste.

- (a) vyfhonderdduisend pond word aangewend tot vermindering van die tekort van pensioenfondse opgerig voor die totstandkoming van Unie ;
- (b) vyfhonderdduisend pond word gestort in die Nasionale Padfonds ingestel deur die Wet op Nasionale Paaie, 1935 ;
- (c) eenmiljoen pond word op krediet van die leningsrekening oorgedra ;
- (d) vyfhonderdduisend pond word aangewend vir skuldaflossing en word bestee volgens voorskrif van subartikel (1) van artikel vier van die Openbare Skuldkommissarisse Wysigingswet, 1926.

2. Ondanks andere regsbepalings, word die Regering hierby gemagtig om die nodige waarborge te gee aan die banke wat deelneem aan die kredietskema van die Regering in verband met wol en bokhaar, waarvan die doel is om te voldoen aan die behoefte van boere aan krediet oor korte termyne, volgens watter skema daardie banke gewaarborg word teen verlies ten aansien van die hoofsomme deur hulle aan goedgekeurde make-laars wat voorskotte vir boere mog verkry, voorgeskiet, tesame met rente daarop en koste. Waarborge vir banke wat deelneem in die Regeringskema vir verlening van krediet in verband met wol en bokhaar.

3. Enige verlies wat die Suid-Afrikaanse Reserwebank gely het deurdat hy wissels verdiskonteer het in verband met die skema vir die aankoop van Suid-Afrikaanse wol ingevolge die ooreenkoms aangegaan op die een-en-dertigste dag van Desember 1934 tussen die Unie en Duitsland, word uit die Gekonsolideerde Inkomstefonds vergoed. Waarborg aan Suid-Afrikaanse Reserwebank in verband met reëlins met Duitsland vir aankoop van wol.

4. (1) Die Minister aan wie die Goewerneur-generaal die uitvoering van die Besproeiings- en Waterbewarings Wet, 1912, opgedra het, kan uit deur die Parlement daartoe beskikbaar gestelde gelde, en op voorwaardes wat hy mog vasstel, aan enigeen 'n subsidie (hieronder 'n besproeiingssubsidie genoem) tot die boukoste van 'n klein besproeiingswerk toestaan. Subsidiëring van klein besproeiingswerke.

(2) Geen besproeiingssubsidie word kragtens hierdie artikel toegestaan ten opsigte van 'n besproeiingswerk wat deur of ten behoeve van 'n besproeiingsraad gebou sal word, waarvan die gehele boukoste meer as dertigduisend pond bedra.

(3) Geen besproeiingssubsidie word kragtens hierdie artikel toegestaan ten opsigte van 'n besproeiingswerk wat deur of ten behoeve van 'n ander persoon as 'n besproeiingsraad gebou sal word, tensy die gehele boukoste van daardie werk meer bedra as tweehonderd-en-veertig pond.

(4) Die bedrag van 'n besproeiingssubsidie word deur vermeldde Minister vasgestel, maar mag nie vyf-en-twintig persent van die boukoste van die besproeiingswerk ten opsigte waarvan dit toegestaan is, te bowe gaan nie : Met die verstande dat die subsidie wat aan 'n ander persoon as 'n besproeiingsraad ten opsigte van enige werk toegestaan word, nie honderd-vyf-en-twintig pond mag te bowe gaan nie.

(5) Geen deel van 'n besproeiingssubsidie mag uitgegee word vir 'n ander doel as om die besproeiingswerk ten opsigte waarvan dit toegestaan is, te bou.

(6) The person to whom an irrigation subsidy is granted shall not be required to repay any portion thereof.

Amendment of section 26 of Act 21 of 1911, as amended by section 8 of Act 31 of 1916.

Amendment of section 24 of Act 30 of 1911.

Amendment of Item 19 of Second Schedule to Act 30 of 1911, as amended by section 2 of Act 31 of 1921.

5. Paragraph (4) of the proviso to section *twenty-six* of the Exchequer and Audit Act, 1911, as amended, is hereby further amended by the deletion of the words "upon any work or building".

6. Section *twenty-four* of the Stamp Duties and Fees Act, 1911, is hereby amended by the insertion in sub-section (2) thereof, after the word "banker", of the words "or any employee or agent of any banker or of any insurance company".

7. The Second Schedule to the Stamp Duties and Fees Act, 1911, as amended, is hereby further amended by the deletion of Item 19 thereof and the substitution therefor of the following item :—

No.	Description of Instrument.	Amount of Duty.		
		£	s.	d.
19	<i>Policies of Insurance :</i>			
	(1) Policy of life insurance, including funeral policy :			
	If the sum assured does not exceed £50	0	0	1
	If the sum assured exceeds £50—for every £100 or part thereof	0	1	0
	(2) Policy of insurance or renewal thereof in respect of any motor vehicle, including incidental insurance against accidents to persons, damage done to or suffered by such vehicle or injuries suffered by third parties and any other risk ordinarily covered by such policies :			
	in respect of each vehicle the subject of such a policy or renewal	0	2	6
	(3) Policy of insurance against accident to a person or in respect of injury, incapacity, sickness or the like, other than insurance included in a policy chargeable under paragraph (2)—every policy	0	1	0
	Every renewal thereof	0	1	0
	(4) Policy of insurance under which a sum is payable to cover any compensation or damage due under a law relating to workmen's compensation or employers' liability or the common law, in respect of the death, or illness of, or injury to, an employee, or any third party insurance, other than insurance included in a policy chargeable under paragraph (2)—every policy	0	1	0
	Every renewal thereof	0	1	0
	(5) Policy of insurance or renewal thereof of any other kind, including marine insurance, fidelity insurance, plate-glass insurance, insurance against burglary, fire or any other risk, loss or damage or any combined or other insurance, other than insurance ordinarily included in a policy chargeable under paragraph (1), (2), (3) or (4)—for every £100 or part thereof of the sum assured	0	0	1
	Subject to a minimum duty of 6d. and a maximum duty of £5.			
	(6) Any policy or renewal thereof where the sum assured is not a specific sum	0	1	0
	(7) Cession of any policy of insurance or of any interest under a policy of insurance	0	2	0
	Provided that the duty on any cession shall not exceed the duty to which the policy which is ceded or under which an interest is ceded would be liable under the foregoing provisions.			
	(8) In respect of any tickets, coupons, notices, bills, or other documents purporting to be or to entitle to an insurance in the event of death, accident, sickness, or the like.	A duty of two and a half per cent. on the annual receipts from the sale or issue for valuable consideration of any such document.		
	(9) Any interim policy of insurance, the currency of which does not exceed four calendar months	0	1	0

(6) Geen deel van 'n besproeiingssubsidie word van die persoon aan wie dit toegestaan is, teruggevorder nie.

5. Paragraaf (4) van die voorbehoudsbepaling op artikel *ses-en-twintig* van die „Financiewet, 1911”, soas gewysig word hiermee verder gewysig deur die woorde „op enig werk of gebou” te skrap.

Wysiging van artikel 26 van Wet 21 van 1911, soas gewysig deur artikel 8 van Wet 31 van 1916.

6. Artikel *vier-en-twintig* van die „Zegelwet, 1911”, word hiermee gewysig deur in sub-artikel (2) daarvan na die woord „bankier” die woorde „of ieder dienaar of agent van een bankier of van een verzekeringsmaatschappij” in te voeg.

Wysiging van artikel 24 van Wet 30 van 1911.

7. Die Tweede Bylae tot die „Zegelwet, 1911”, soas gewysig, word hiermee verder gewysig deur Item 19 daarvan te skrap en te vervang deur die volgende Item:—

Wysiging van Item 19 van Tweede Bylae tot Wet 30 van 1911, soas gewysig deur artikel 2 van Wet 31 van 1921.

No.	Soort van Instrument.	Bedrag van Recht.
		£ s. d.
19	<i>Polissen van Verzekering:</i>	
	(1) Levensverzekeringspolis, met inbegrip van begrafenispolis:	
	Indien de verzekerde som £50 niet te boven gaat	0 0 1
	Indien de verzekerde som £50 te boven gaat—voor elke £100 of gedeelte daarvan	0 1 0
	(2) Verzekeringspolis of vernieuwing daarvan ten opzichte van een motorvoertuig, met inbegrip van bijkomende verzekering van personen tegen ongevallen, van bedoeld voertuig tegen schade aangedaan of geleden, of van derden tegen letsel, en enig ander gevaar dat gewoonlijk door zulke polissen gedekt wordt:	
	ten opzichte van elk voertuig dat onderwerp is van bedoelde polis of vernieuwing	0 2 6
	(3) Een polis van verzekering van een persoon tegen ongevallen of tegen letsel, ongeschiktheid voor werk, ziekte of dergelijke, behalve verzekering die inbegrepen is in een krachtens paragraaf (2) belastbare polis—op iedere polis	0 1 0
	Elke vernieuwing daarvan	0 1 0
	(4) Verzekeringspolis volgens welke een bedrag betaald moet worden om een vergoeding of schadeloosstelling te dekken, die verschuldigd is uit hoofde van een wet op de schadeloosstelling van werklieden of de aansprakelijkheid van werkgevers of uit hoofde van het gemene recht, ter zake van de dood of ziekte van, of letsel opgelopen door, een dienaar of een verzekering tegenover derden, behalve verzekering die inbegrepen is in een krachtens paragraaf (2) belastbare polis—op iedere polis	0 1 0
	Elke vernieuwing daarvan	0 1 0
	(5) Elke andere soort van verzekeringspolis of vernieuwing daarvan, met inbegrip van zeeverzekering, verzekering tegen oneerlikheid, spiegelglasverzekering, verzekering tegen inbraak, brand of andere gevaren, verliezen of schade of elke gekombineerde of andere verzekering, behalve verzekering die gewoonlijk inbegrepen is in een krachtens paragraaf (1), (2), (3) of (4) belastbare polis—voor elke £100 of gedeelte daarvan van de verzekerde som	0 0 1
	Met een minimum recht van 6d. en een maximum recht van £5	
	(6) Elke polis of vernieuwing daarvan, wanneer de verzekerde som niet bepaaldelijk aangegeven is	0 1 0
	(7) Cessie van een verzekeringspolis of van een belang bij een verzekeringspolis	0 2 0
	Met dien verstande dat het zegelrecht op een cessie niet meer zal bedragen dan het zegelrecht waaraan de polis die overgemaakt wordt, of waarbij een belang overgemaakt wordt, onderhevig zou zijn krachtens voormelde bepalingen.	
	(8) Ten opzichte van kaartjes, koepons, kennisgevingen, biljetten, of andere dokumenten, die heten een verzekeringsovereenkomst te zijn of recht te geven op een verzekering in geval van dood, ongeluk, ziekte of dergelijke.	Een recht van twee en een half percent op de jaarlijkse ontvangsten door de verkoop of uitgifte tegen vergoeding van zodanige dokumenten.
	(9) Een interim verzekeringspolis, waarvan de duur niet langer is dan vier kalendermaanden	0 1 0

No.	Description of Instrument.	Amount of Duty.
19	<i>Policies of Insurance—Continued.</i> Provided that the duty on any such interim policy shall not exceed that payable upon a final policy covering a like risk. Where a policy or renewal of a policy to which paragraph (2), (3), (4), (5) or (6) applies is for a period of less than a year, a <i>pro rata</i> duty only shall be payable, for example, for a half-yearly policy or renewal—one-half of the duty. Subject to a minimum duty of 3d. <i>Exemptions :</i> (a) Interim cover note, when issued in respect of a policy of insurance to be issued within the Union. (b) Policy solely for the purpose of effecting re-insurance by one insurance company or association in another insurance company or association to cover general risks.	£ s. d.

Amendment of section 93 of Act 24 of 1913, as amended by section 3 of Act 44 of 1926 and section 4 of Act 45 of 1931.

8. Section *ninety-three* of the Administration of Estates Act, 1913, as amended, is hereby further amended by the substitution for the words "four and one-half" of the word "four".

Amendment of section 2 of Act 32 of 1925.

9. Section *two* of the Licences Consolidation Act, 1925, is hereby amended by the substitution in sub-section (1) thereof for the words "first day of July" of the words "thirtieth day of June".

Amendment of section 8 of Act 32 of 1925.

10. Section *eight* of the Licences Consolidation Act, 1925, is hereby amended by the deletion in sub-section (1) thereof of the word "yearly".

Amendment of First Schedule to Act 32 of 1925.

11. Item 3 of the First Schedule to the Licences Consolidation Act, 1925, headed "Commercial Traveller", is hereby amended—

- (a) by the substitution in paragraph (1) thereof for the figures "£15" of the figures "£10"; and
- (b) by the substitution in paragraph (2) thereof for the figures "£7 10 0" of the figures "£5".

Amendment of Second Schedule to Act 32 of 1925.

12. Item 7 of Part III of the Second Schedule to the Licences Consolidation Act, 1925, headed "Broker or Agent", is hereby amended by the substitution for paragraph (2) of the exemptions under the said item of the following paragraph:—

- "(2) Agents of foreign firms and commercial travellers in respect of any activities carried on by them as such and referred to in Item 1 or Item 3, as the case may be, of the First Schedule to this Act."

Amendment of section 4 of Act 41 of 1925, as amended by section 2 of Act 28 of 1926.

13. Section *four* of the Natives Taxation and Development Act, 1925, as amended, is hereby further amended—

- (a) by the insertion after sub-section (1) thereof of the following new sub-section:—
 "(1)*bis*. Every native who satisfies the receiver that he has attained the age of sixty-five years shall be exempted from payment of the general tax and the local tax. For the purposes of this sub-section the receiver may estimate the age of any native by his appearance or from any information which may be available";
- (b) by the insertion in sub-section (3) thereof, after the figure "(1)", of the words and figure "or sub-section (1)*bis*"; and
- (c) by the insertion in sub-section (4) thereof, after the word "exemption", of the words "other than a certificate issued under sub-section (1)*bis*, which shall be of permanent duration".

Amendment of section 12 of Act 41 of 1925.

14. (1) Section *twelve* of the Natives Taxation and Development Act, 1925, is hereby amended by the substitution in paragraph (a) thereof for the words "one-fifth" of the words "two-fifths".

(2) Notwithstanding anything contained in the said section, seven-twentieths of the amount of the general tax collected

No.	Soort van Instrument.	Bedrag van Recht.
		£ s. d.
19	<i>Polissen van Verzekering—Vervolg.</i> Met dien verstande dat het zegelrecht op een zodanige interim polis niet meer zal bedragen dan het recht dat betaalbaar is op een werkelijke polis die een dergelijke risiko dekt. Wanneer de termijn van een polis of een vernieuwing van een polis waarop paragraaf (2), (3), (4), (5) of (6) van toepassing is, minder is dan een jaar, is slechts een <i>pro rata</i> recht verschuldigd, bijvoorbeeld voor een halfjaarlijkse polis of vernieuwing—de helft van het recht. Met een minimum recht van 3d. <i>Vrijstellingen :</i> (a) Een dekkingsbrief, wanneer uitgereikt ten opzichte van een verzekeringspolis die binnen de Unie zal uitgereikt worden. (b) Een polis die alleen herverzekering van algemene risiko's door één verzekeringsmaatschappij of vereniging bij een andere verzekeringsmaatschappij of vereniging beoogt.	

8. Artikel *drie-en-negentig* van die Boedelwet, 1913, soas gewysig, word hiermee verder gewysig deur die woorde „vier en een half” te vervang deur die woord „vier”. Wysiging van artikel 93 van Wet 24 van 1913, soas gewysig deur artikel 3 van Wet 44 van 1926 en artikel 4 van Wet 45 van 1931.

9. Artikel *twee* van die „Licenties Konsolidatie Wet, 1925”, word hiermee gewysig deur in sub-artikel (1) daarvan die woorde „eerste dag van Julie” te vervang deur die woorde „dertigste dag van Junie”. Wysiging van artikel 2 van Wet 32 van 1925.

10. Artikel *agt* van die „Licenties Konsolidatie Wet, 1925”, word hiermee gewysig deur in sub-artikel (1) daarvan die woord „jaarlikse” te skrap. Wysiging van artikel 8 van Wet 32 van 1925.

11. Item 3 van die Eerste Bylae tot die „Licenties Konsolidatie Wet, 1925”, getitel „Handelsreiziger”, word hiermee gewysig— Wysiging van Eerste Bylae tot Wet 32 van 1925.

(a) deur in paragraaf (1) daarvan die syfers „£15” te vervang deur die syfers „£10”; en

(b) deur in paragraaf (2) daarvan die syfers „£7 10s. Od.” te vervang deur die syfers „£5”.

12. Item 7 van Deel III van die Tweede Bylae tot die „Licenties Konsolidatie Wet, 1925”, getitel „Makelaar of Agent”, word hiermee gewysig deur paragraaf (2) van die vrystellings volgens vermelde item te vervang deur die volgende paragraaf :— Wysiging van Tweede Bylae tot Wet 32 van 1925.

„(2) Agenten van buitenlandse firmas en handelsreizigers ten opzichte van bezigheid die zij als zodanig mogen drijven en die in Item 1 of Item 3, na gelang van het geval, van de Eerste Bijlage van deze Wet vermeld worden”.

13. Artikel *vier* van die Naturelle Belasting en Ontwikkeling Wet, 1925, soas gewysig, word hiermee verder gewysig— Wysiging van artikel 4 van Wet 41 van 1925, soas gewysig deur artikel 2 van Wet 28 van 1926.

(a) deur na sub-artikel (1) daarvan die volgende nuwe sub-artikel in te voeg :

„(1)*bis*. Elke naturel die de ontvanger oortuigt dat hij de ouderdom van vijf en zestig jaren bereikt heeft, wordt van de betaling van de algemene belasting en van de plaatselijke belasting vrijgesteld. Bij toepassing van dit sub-artikel kan de ontvanger de ouderdom van een naturel schatten naar zijn voorkomen of op grond van alle andere beschikbare gegevens” ;

(b) deur in sub-artikel (3) daarvan na die syfer „(1),” die woorde en syfer „of sub-artikel (1)*bis*” in te voeg ; en

(c) deur in sub-artikel (4) daarvan na die woord „vrijstellingscertifikaat”, die woorde „behalve een certifikaat uitgereikt krachtens sub-artikel (1)*bis*, dat altyddurend zijn zal” in te voeg.

14. (1) Artikel *twaalf* van die Naturelle Belasting en Ontwikkeling Wet, 1925, word hiermee gewysig deur in paragraaf (a) daarvan die woorde „één-vijfde” te vervang deur die woorde „twee-vijfdes”. Wysiging van artikel 12 van Wet 41 van 1925.

(2) Nieteenstaande die bepaling van vermelde artikel, word sewe-twintigstes van die bedrag van die algemene be-

during the year ending on the thirty-first day of March, 1936, shall be paid into the native development account.

Amendment of
Act 19 of 1926.

15. The Local Loans Act, 1926, is hereby amended by the insertion of the following new section after section *six* :—

“Disposal
of surplus.

6*bis*. When, in the opinion of the Commissioners, the amount of the capital account of the local loans fund is greater than is required for the purposes of this Act, the Commissioners may pay the amount of the excess to the Treasury for credit of the Loan Account”.

Amendment of
section 228 of Act
46 of 1926, as
replaced by sec-
tion 14 of Act 64
of 1934.

16. Section *two hundred and twenty-eight* of the Companies Act, 1926, as amended, is hereby further amended—

- (a) by the addition at the end of sub-section (1) thereof of the words “and every such company shall on or before the thirty-first day of January of each succeeding year take out, as hereinafter provided, a licence for such succeeding year. The liability for the duty in respect of any such licence shall commence on the first day of January of the year for which the licence is required to be taken out”;
- (b) by the substitution in sub-section (2) thereof for the words “thirty days” of the words “one month”;
- (c) by the addition at the end of sub-section (2) thereof of the words “The liability for the duty in respect of any such licence shall commence on the date on which the company commences business or establishes a place of business in the Union, as the case may be”;
- (d) by the substitution in paragraph (b) of the proviso to sub-section (5) thereof for the words “first day of July” of the words “thirtieth day of June”.

Amendment of
section 7 of Act
21 of 1929.

17. Section *seven* of the Irrigation Loans Adjustments Act, 1929, is hereby amended—

- (a) by the deletion of paragraph (d) of sub-section (2) thereof and the substitution therefor of the following paragraphs :—
 - “(d) The half-yearly instalments which shall be payable by the board in respect of the debt due to the Minister of Finance shall be computed at the following rate, namely, eighty half-yearly instalments of two hundred and twenty-eight pounds each, on a scheduled area to be determined by the Minister, the first instalment becoming due on the first day of January, 1937.
 - (e) The Irrigation Board of the said district shall be discharged from all liability for any interest due prior to the first day of July, 1936, on any debt owing to the Government and for the difference between the whole of the capital debt of the board to the Government and its capital debt fixed in terms of paragraph (d)”;
- (b) by the repeal of sub-sections (3) and (4) thereof.

Amendment of
section 4 of Act
34 of 1930.

18. Section *four* of the Financial Adjustments Act, 1930, is hereby amended by the deletion of the word “and” occurring at the end of paragraph (d) in sub-section (4) thereof, and by the addition at the end of that sub-section of the word “and” and the following new paragraph :

- “(f) to meet expenditure incurred in assisting those of the Angola farmers who, in the opinion of the Administrator, are not likely to succeed as settlers on the land, in ways other than settling them on the land, including expenditure incurred in assisting them to leave the said territory”.

Amendment of
section 6 of Act 49
of 1931, as
amended by
section 15 of Act
25 of 1932,
section 6 of Act
29 of 1933 and
section 1 of Act
8 of 1934.

19. Section *six* of the Exports Subsidies Act, 1931, as amended, is hereby further amended by the substitution in sub-section (1) thereof for the words “four years” of the words “five years”.

Amendment of
section 1 of Act
54 of 1934.

20. Section *one* of the Abolition of Quitrent Act, 1934, is hereby amended—

- (a) by the substitution in the definition of the expression “prescribed date” for the symbols “(i), (ii), (iii), (iv) or (vi)” of the symbol “(iv)” and for the word “forty”, in both places where that word occurs, of the word “twenty”;

lasting wat gedurende die jaar eindigende op die een-en-dertigste dag van Maart 1936 gein word, in die naturelle-ontwikkelingsrekening gestort.

15. Die Plaaslike Leningswet, 1926, word hiermee gewysig deur na artikel ses die volgende nuwe artikel in te voeg: Wysiging van Wet 19 van 1926.

Besteding 6bis. Wanneer, volgens oordeel van die kommissaris, die bedrag van die kapitaalrekening van die plaaslike leningsfonds groter is as wat vereis word vir die uitvoering van hierdie Wet, moet die kommissaris die bedrag van die oorskot aan die Tesourie oorbetal op krediet van die Leningsrekening."

16. Artikel tweehonderd-agt-en-twintig van die Maatskappywet 1926, soas gewysig, word hiermee verder gewysig— Wysiging van artikel 228 van Wet 46 van 1926, soas vervang deur artikel 14 van Wet 64 van 1934.

(a) deur aan die end van sub-artikel (1) daarvan by te voeg die woorde „en elke sodanige maatskappy moet op of voor die een-en-dertigste dag van Januarie van elke volgende jaar, volgens onderstaande voorskrifte 'n lisensie vir daardie volgende jaar uitneem. Die aanspreeklikheid vir die belasting ten opsigte van elke sodanige lisensie begin op die eerste dag van Januarie van die jaar waarvoor die lisensie uitgeneem moet word";

(b) deur in sub-artikel (2) daarvan die woorde „dertig dae" te vervang deur die woorde „een maand";

(c) deur aan die end van sub-artikel (2) daarvan by te voeg die woorde „Die aanspreeklikheid vir die belasting ten opsigte van elke sodanige lisensie begin op die dag waarop die maatskappy besigheid begin of 'n besigheidsplek in die Unie oprig, al na die geval";

(d) deur in paragraaf (b) van die voorbehoudsbepaling op sub-artikel (5) daarvan, die woorde „eerste dag van Julie" te vervang deur die woorde „dertigste dag van Junie".

17. Artikel sewe van die Wet tot Reëling van Besproeiingslenings, 1929, word hiermee gewysig— Wysiging van artikel 7 van Wet 21 van 1929.

(a) deur paragraaf (d) van sub-artikel (2) daarvan te skrap en te vervang deur die volgende paragrawe:

(d) Die halfjaarlikse paaielemente wat deur die raad betaalbaar is ten opsigte van die bedrag aan die Minister van Finansies verskuldig, word op die volgende skaal bereken, naamlik tagtig halfjaarlikse paaielemente, van tweehonderd agt-en-twintig pond elk, oor ingelyste gronde vasgestel te word deur die Minister, waarvan die eerste paaielement op die eerste dag van Januarie 1937 verval.

(e) Die besproeiingsraad van genoemde distrik word van alle aanspreeklikheid vir rente wat voor die eerste dag van Julie 1936 verval, op 'n skuld aan die Regering verskuldig, en vir die verskil tussen die gehele kapitaalskuld van die raad aan die Regering en sy kapitaalskuld soas in paragraaf (d) vasgestel, kwyteskeld"; en

(b) deur sub-artikels (3) en (4) daarvan te herroep.

18. Artikel vier van die Finansiële Reëlingswet, 1930, word hiermee gewysig deur die woord „en" wat voorkom aan die end van paragraaf (d) van sub-artikel (4) daarvan, te skrap, en deur aan die end van daardie artikel by te voeg die woord „en" en die volgende nuwe paragraaf:

„(f) tot dekking van koste gemaak deur aan daardie Angola-boere wat, volgens oordeel van die Administrateur, waarskynlik nie as setlaars sal slaag nie, hulp te verleen op 'n ander manier as om hulle op die platteland te vestig, met inbegrip van koste gemaak deur hulle te help om genoemde gebied te verlaat".

19. Artikel ses van die Uitvoersubsidies-Wet, 1931, soas gewysig, word hiermee verder gewysig deur in sub-artikel (1) daarvan die woorde „vier jaar" te vervang deur die woorde „vyf jaar". Wysiging van artikel 6 van Wet 49 van 1931, soas gewysig deur artikel 15 van Wet 25 van 1932, artikel 6 van Wet 29 van 1933 en artikel 1 van Wet 8 van 1934.

20. Artikel een van die Wet tot Opheffing van Rekognisie, 1934, word hiermee gewysig— Wysiging van artikel 1 van Wet 54 van 1934.

(a) deur in die omskrywing van die uitdrukking „bepaalde datum" die tekens „(i), (ii), (iii), (iv) of (vi)" te vervang deur die tekens „(iv)", en deur die woord „veertig", in albei plekke waar daardie woord voorkom, te vervang deur die woord „twintig";

(b) by the substitution in paragraph (i) of the definition of the expression "quitrent" for the word "April" of the word "August";

(c) by the deletion of paragraph (iv) of the definition of the expression "quitrent" and the substitution therefor of the following paragraph:—

"(iv) the outstanding balance of the debt and any interest secured by—

(a) any mortgage bond passed under Act No. 15 of 1887, including any such bond which has been endorsed under sections *four* and *six* of Act No. 16 of 1890 or section *one* of Act No. 30 of 1893, and any bond accepted under section *one* of Act No. 23 of 1892 or section *three* of Act No. 3 of 1905;

(b) any bond securing the unpaid balance of the purchase price of any land disposed of under section *six* of Act No. 26 of 1891 or section *one* of Act No. 8 of 1922;

(c) any bond passed in terms of paragraph (5) of Schedule B to Act No. 23 of 1893,

whereby land now situate within the boundaries of the Province of the Cape of Good Hope and granted before the first day of April, 1934, is hypothecated in favour of the State";

(d) by the addition at the end of the definition of the expression "quitrent" of the following new paragraph:—

"(x) any periodical payment for the benefit of the revenues of the State in respect of any land now situate within the boundaries of the province of the Cape of Good Hope, where the liability to make the payment is an incident of the ownership of such land, provided the Commissioner for Inland Revenue is satisfied that such payment is in the nature of a quitrent."

Amendment of section 2 of Act 54 of 1934.

21. Section *two* of the Abolition of Quitrent Act, 1934, is hereby amended—

(a) by the substitution in sub-section (2) thereof for the symbols "(iii) or (iv)" of the symbols "(iii), (iv) or (x)", and by the addition at the end of that sub-section of the words "or unless, where the land in question is, at the prescribed date, situate in a town or village, such land is at that date, in the opinion of the Commissioner for Inland Revenue, a farm";

(b) by the addition, at the end of the section, of the following new sub-section:—

"(4) The provisions of sub-section (1) shall not apply to quitrent in respect of any land referred to in paragraph (x) of the said definition, unless the Commissioner for Inland Revenue is satisfied that the land in question is, at the prescribed date, not a trading site."

Amendment of section 3 of Act 54 of 1934.

22. Section *three* of the Abolition of Quitrent Act, 1934, is hereby amended by the substitution for the word "forty" of the word "twenty" and by the substitution in the English version for the word "mortgagee" of the word "mortgagor".

Amendment of section 4 of Act 54 of 1934.

23. Section *four* of the Abolition of Quitrent Act, 1934, is hereby amended by the deletion of paragraph (f) and the substitution therefor of the following paragraph:—

"(f) affect the liability of any person to pay such portion of the quitrent in respect of any land as must, in accordance with any law or the deed of grant of such land or any agreement relating to the title to such land, be applied to a purpose other than the benefit of the revenues of the State."

Commencement of certain sections.

24. (1) Section *eighteen* shall be deemed to have come into operation on the fourth day of June, 1930.

(2) Section *nineteen* shall be deemed to have come into operation on the thirtieth day of November, 1933.

(3) Sections *twenty*, *twenty-one*, *twenty-two* and *twenty-three* shall be deemed to have come into operation on the eleventh day of June, 1934: Provided that nothing in the said sections shall affect the validity of anything done before the commencement of this Act by virtue of the Abolition of Quitrent Act,

- (b) deur in paragraaf (i) van die omskrywing van die uitdrukking „rekognisie” die woord „April” te vervang deur die woord „Augustus”;
- (c) deur paragraaf (iv) van die omskrywing van die uitdrukking „rekognisie” te skrap en te vervang deur die volgende paragraaf:

„(iv) die onbetaalde balans van die skuld en rente verseker deur—

(a) ’n verband wat ingevolge Wet No. 15 van 1887 gepasseer is, benewens so ’n verband wat ingevolge artikels vier en ses van Wet No. 16 van 1890 of artikel een van Wet No. 30 van 1893 geëndosseer is, en ’n verband wat ingevolge artikel een van Wet No. 23 van 1892 of artikel drie van Wet No. 3 van 1905 aangeneem is;

(b) ’n verband wat die onbetaalde balans verseker van grond wat kragtens artikel ses van Wet No. 26 van 1891 of artikel een van Wet No. 8 van 1922 vervreem is;

(c) ’n verband wat ingevolge paragraaf (5) van Bylae B tot Wet No. 23 van 1893 gepasseer is,

en waardeur grond wat tans binne die grense van die provinsie Kaap die Goeie Hoop val, en wat voor die eerste dag van April 1934 toegeken is, ten gunste van die Staat verhipotekeer is”;

- (d) deur aan die end van die omskrywing van die uitdrukking „rekognisie” die volgende nuwe paragraaf by te voeg:

„(x) ’n periodieke betaling tot stywing van die staatsinkomste, ten opsigte van grond wat tans binne die grense van die Provinsie Kaap die Goeie Hoop val, as die verpligting tot betaling gepaard gaan met die eiendom van daardie grond, mits die Kommissaris van Binnelandse Staatsinkomste daarvan oortuig is dat die betaling uit sy aard ’n soort rekognisie is.”

21. Artikel twee van die Wet tot Opheffing van Rekognisie, 1934, word hiermee gewysig—

Wysiging van artikel 2 van Wet 54 van 1934.

- (a) deur in sub-artikel (2) daarvan die tekens „(iii) of (iv)” te vervang deur die tekens „(iii), (iv) of (x)”, en deur aan die end van daardie sub-artikel by te voeg die woorde „of tensy, ingeval die betrokke grond op die bepaalde datum wel in ’n stad of dorp geleë is, daardie grond, na oordeel van die Kommissaris van Binnelandse Staatsinkomste, op daardie datum ’n plaas is”; en

- (b) deur toevoeging aan die end van die artikel van die volgende nuwe sub-artikel:

„(4) Die bepaling van sub-artikel (1) is nie van toepassing op rekognisie ten opsigte van grond bedoel in paragraaf (x) van vermeldde omskrywing nie, tensy die Kommissaris van Binnelandse Staatsinkomste daarvan oortuig is dat die betrokke grond op die bepaalde datum nie ’n handelsterrein is nie”.

22. Artikel drie van die Wet tot Opheffing van Rekognisie, 1934, word hiermee gewysig deur die woord „veertig” te vervang deur die woord „twintig”, en deur in die Engelse teks die woord „mortgagee” te vervang deur die woord „mortgagor”.

Wysiging van artikel 3 van Wet 54 van 1934.

23. Artikel vier van die Wet tot Opheffing van Rekognisie, 1934, word hiermee gewysig deur paragraaf (f) te skrap en te vervang deur die volgende paragraaf:

Wysiging van artikel 4 van Wet 54 van 1934.

„(f) maak geen inbreuk op enigeen se verpligting om soveel van die rekognisie ten opsigte van ’n stuk grond te betaal, as wat, volgens een of ander regs-bepaling of die grondbrief van daardie grond of ’n ooreenkoms met betrekking tot die titel tot daardie grond, bestee moet word vir ’n ander doel as tot stywing van die staatsinkomste”.

24. (1) Artikel agtien word geag op die vierde dag van Junie 1930 in werking te getree het.

Inwerkingtreding van sekere artikels.

(2) Artikel negentien word geag op die dertigste dag van November 1933 in werking te getree het.

(3) Artikels twintig, een-en-twintig, twee-en-twintig en drie-en-twintig word geag op die elfde dag van Junie 1934 in werking te getree het: Met die verstande dat die bepaling van vermeldde artikels geen inbreuk maak op die geldigheid van enigiets wat voor die inwerkingtreding van hierdie Wet gedoen is kragtens die Wet tot Opheffing van Rekognisie,

1934, or entitle any person to a refund of any moneys paid under that Act before the commencement of this Act.

(4) Section *thirteen* shall be deemed to have come into operation on the first day of January, 1935.

(5) Section *eight* shall be deemed to have come into operation on the first day of April, 1935.

(6) Sections *six* and *seven* shall come into operation on the first day of July, 1935.

(7) Section *eleven* shall come into operation on the first day of January, 1936.

(8) Sub-section (1) of section *fourteen* shall come into operation on the first day of April, 1936.

Short title.

25. This Act shall be known as the Finance Act, 1935.

1934, of enigeen gerechtig om terugbetaling te eis van gelde wat ingevolge daardie Wet voor die inwerkingtreding van hierdie Wet betaal is.

(4) Artikel *dertien* word geag op die eerste dag van Januarie 1935 in werking te getree het.

(5) Artikel *agt* word geag op die eerste dag van April 1935 in werking te getree het.

(6) Artikels *ses* en *sewe* tree in werking op die eerste dag van Julie 1935.

(7) Artikel *elf* tree in werking op die eerste dag van Januarie 1936.

(8) Sub-artikel (1) van artikel *veertien* tree in werking op die eerste dag van April, 1936.

25. Hierdie Wet heet die Finansiewet, 1935.

Kort titel.

No. 55, 1935.]

ACT

To amend the Wine, Spirits and Vinegar Act, 1913.

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Definition of term.

1. In this Act "principal Act" means the Wine, Spirits and Vinegar Act, 1913 (Act No. 15 of 1913), as amended by the Wine, Spirits and Vinegar Act, 1913, Amendment Act, 1926 (Act No. 7 of 1926), and by the Wine, Spirits and Vinegar Act, 1913, Amendment Act, 1930 (Act No. 37 of 1930); and any expression to which in the principal Act a meaning has been assigned bears, when used in this Act, the same meaning.

Substitution of section 2 of Act 15 of 1913, as amended by section 1 of Act 37 of 1930.

2. Section *two* of the principal Act is hereby repealed and the following section substituted therefor:

2. Subject to the provisions of this Act, it shall be lawful to add to wine any substance which the Governor-General may from time to time by regulation declare to be a lawful substance for the purposes of this section.

Substitution of section 3 of Act 15 of 1913, as amended by section 2 of Act 37 of 1930.

3. Section *three* of the principal Act is hereby repealed and the following section substituted therefor:

3. (1) No wine containing 20 grammes or more of sugar per litre shall be sold unless it contains not less than 16.6 per cent. of alcohol by volume: Provided that this sub-section shall not apply to sparkling wine, vermouth and to any wine produced from grapes grown on land owned or lawfully occupied by the seller and sold by him to any person who lawfully carries on the business of selling wine.

(2) No person shall sell wine for consumption in the Union, whether manufactured in the Union or imported into the Union, of an alcoholic strength exceeding sixteen per cent. of alcohol by volume in the case of dry wines (excluding sherries) or twenty per cent. of alcohol by volume in the case of sherries, ports and sweet wines, alcohol in either case being absolute alcohol of specific gravity 0.7938 and measured at a temperature of sixty degrees by Fahrenheit's thermometer.

(3) No person shall manufacture or sell under the name of vermouth or as a wine of the vermouth type, wine having an alcoholic content of less than 14.5 per cent. of alcohol by volume or more than 23 per cent. of alcohol by volume, alcohol in either case being absolute alcohol of specific gravity 0.7938 and measured at a temperature of sixty degrees by Fahrenheit's thermometer.

(4) No person shall sell for consumption in the form of wine, any wine containing a volatile acidity of more than 1.2 per mille calculated as acetic acid.

Prohibition of certain names or descriptions of wines.

4. (1) As from a date to be fixed by the Minister by notice in the *Gazette*, no type of wine, whether manufactured in the Union or imported into the Union shall be sold in the Union or exported therefrom under any name or description, the use of which in respect of wine of that type is prohibited by the Minister in the aforesaid notice: Provided that the Minister may in his discretion withdraw or amend any notice issued in terms of this sub-section.

(2) Notwithstanding anything contained in sub-section (1), the Minister may by notice in the *Gazette* permit the use of certain names or descriptions subject to conditions and limitations specified by him in the said notice: Provided that if any wine is sold under any such name or description in contravention of any condition or limitation so specified, such sale shall be deemed to have been prohibited in terms of sub-section (1).

No. 55, 1935.]

WET

Om die "Wijn, Spiritualien en Azijn Wet, 1913" te wysig.

DIT WORD BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

1. In hierdie Wet beteken „Hoofwet” die „Wijn, Spiritualien en Azijn Wet, 1913” (Wet No. 15 van 1913), soos gewysig deur die „Wijn, Spiritualien en Azijn Wet, 1913, Wijzigingswet, 1926” (Wet No. 7 van 1926), en deur die Wyn, Spiritualieë en Asyn Wet, 1913, Wysigingswet, 1930 (Wet No. 37 van 1930), en elke uitdrukking waaraan in die Hoofwet ’n betekenis gegee is, het in hierdie Wet dieselfde betekenis.

2. Artikel twee van die Hoofwet word hiermee herroep en deur die volgende artikel vervang:

2. Behoudens de bepalingen van deze Wet, mogen aan wijn zodanige stoffen worden toegevoegd, als de Goeverneur-generaal van tijd tot tijd bij regulatie verklaart geoorloofde stoffen te zijn voor de doeleinden van dit artikel.

Woordbepaling.

Vervanging van artikel 2 van Wet 15 van 1913, soos gewysig deur artikel 1 van Wet 37 van 1930.

3. Artikel drie van die Hoofwet word hiermee herroep en deur die volgende artikel vervang:

3. (1) Geen wijn die 20 gram of meer suiker per liter bevat mag verkocht worden, tenzij hij niet minder dan 16.6 percent alkohol volgens volume bevat: Met dien verstande dat dit sub-artikel niet van toepassing is op schuimwijn, vermouthe en op wijn die vervaardigd is uit druiven, verbouwd op grond die het eigendom of in het wettige bezit van de verkoper is, en die door hem verkocht wordt aan iemand die wettig als een bezigheid wijn verkoopt.

(2) Niemand mag wijn, hetzij bereid in de Unie of ingevoerd, verkopen voor verbruik in de Unie van een alkoholgehalte zestien percent alkohol volgens volume in het geval van droge wijnen (met uitzondering van sherries) te boven gaande, of twintig percent alkohol volgens volume in het geval van sherries, port en zoete wijnen, te boven gaande, zijnde de alkohol in beide gevallen absolute alkohol van een specifiek gewicht van 0.7938, gemeten bij een temperatuur van zestig graden Fahrenheit.

(3) Niemand mag onder de naam van vermouthe of als wijn van het vermouthe type, wijn bereiden of verkopen van een alkoholgehalte beneden 14.5 percent alkohol volgens volume of boven 23 percent alkohol volgens volume zijnde de alkohol in beide gevallen absolute alkohol van een specifiek gewicht van 0.7938, gemeten bij een temperatuur van zestig graden Fahrenheit.

(4) Niemand mag voor verbruik in de vorm van wijn, wijn van een vluchtig zuurgehalte boven 1.2 per mille, berekend als azijnzuur, verkopen.

4. (1) Vanaf en na ’n datum deur die Minister by kennisgewing in die *Staatskoerant* vasgestel te word mag geen tipe wyn, hetsy in die Unie berei of ingevoer, in die Unie verkoop of daaruit uitgevoer word nie onder ’n naam of beskrywing, die gebruik waarvan ten opsigte van daardie tipe wyn deur die Minister in die voormelde kennisgewing belet word: Met die verstande dat die Minister na goëddunke ’n kennisgewing wat volgens hierdie sub-artikel uitgevaardig is mag herroep of wysig.

(2) Ondanks die bepalingen van sub-artikel (1) kan die Minister by kennisgewing in die *Staatskoerant* die gebruik van sekere name of beskrywings, onderworpe aan voorwaardes en beperkings deur hom in voormelde kennisgewing uiteengesit, toelaat: Met die verstande dat indien wyn verkoop word onder enige sodanige naam of beskrywing in stryd met ’n voorwaarde of beperking wat aldus uiteengesit is, sodanige verkoop geag word ingevolge sub-artikel (1) belet te gewees het.

Vervanging van artikel 3 van Wet 15 van 1913, soos gewysig deur artikel 2 van Wet 37 van 1930.

Verbod van sekere name of beskrywings van wyne.

Amendment of section 6 of Act 15 of 1913, as amended by section 3 of Act 37 of 1930.

5. Section *six* of the principal Act is hereby amended—

- (a) by the addition at the end of the definition of “ wine,” of the words “ and shall include the beverage known as vermouth”.
- (b) by the addition, at the end of the said section, of the following new definition—
“ vermouth ” means wine to which herbs or their extracts have been added.

Amendment of section 7 of Act 15 of 1913.

6. Section *seven* of the principal Act is hereby amended by—

- (a) the deletion of paragraph (j) ;
- (b) the deletion, wherever they occur after paragraph (j), of the words “ gin and compounded gin ” and the substitution therefor of the words “ and gin ”.

Substitution of section 12 of Act 15 of 1913, as amended by section 4 of Act 37 of 1930.

7. Section *twelve* of the principal Act is hereby repealed and the following section substituted therefor :

Prohibition 12. No person shall manufacture or sell compounded gin or any mixture of gin with compounded gin.

Prohibition of certain names or descriptions of brandies.

8. (1) As from a date to be fixed by the Minister by notice in the *Gazette*, no type of brandy, whether produced in the Union or imported into the Union, shall be sold in the Union or exported therefrom, under any name or description, the use of which in respect of brandy of that type is prohibited by the Minister in the aforesaid notice : Provided that the Minister may in his discretion by notice in the *Gazette* withdraw or amend any notice issued in terms of this sub-section.

(2) Notwithstanding anything contained in sub-section (1) the Minister may by notice in the *Gazette* permit the use of certain names or descriptions subject to conditions and limitations specified by him in such notice : Provided that if any brandy is sold under any such name or description in contravention of any condition or limitation so specified, such sale shall be deemed to have been prohibited in terms of sub-section (1).

Amendment of section 14 of Act 15 of 1913, as amended by section 6 of Act 37 of 1930.

9. Section *fourteen* of the principal Act is hereby amended by the deletion of the definition of “ brandy ” and the substitution therefor of the following new definition :

“ brandy ” means the distillate resulting from the distillation solely of wine : Provided the alcoholic strength of such distillate is not less than forty-three per cent. of alcohol by volume, or lower than twenty-five degrees under proof.

Amendment of section 37 of Act 15 of 1913 as amended by section 16 of Act 37 of 1930.

10. Section *thirty-seven* of the principal Act is hereby amended by the insertion, after the definition of “ manufacture ”, of the following new definition :

“ Minister ” shall mean the Minister of Agriculture and Forestry or any other Minister acting in his stead.

Short title and commencement.

11. This Act shall be known as the Wine, Spirits and Vinegar Act, 1913, Amendment Act, 1935, and shall commence on a date to be fixed by the Governor-General by proclamation in the *Gazette*.

5. Artikel *ses* van die Hoofwet word hiermee gewysig—
 - (a) deur aan die end van die omskrywing van „wijn” die woorde „en daarbij is inbegrepen de drank bekend als vermouth” by te voeg;
 - (b) deur die volgende nuwe woordbepaling aan die end van genoemde artikel by te voeg:
„vermouth” beteken wijn waarby kruiden of aftreksels daarvan gevoegd zijn.

Wysiging van artikel 6 van Wet 15 van 1913, soos gewysig deur artikel 3 van Wet 37 van 1930.
6. Artikel *sewe* van die Hoofwet word hiermee gewysig—
 - (a) deur paragraaf (*j*) te skrap;
 - (b) deur die woorde „jenever en saamgestelde jenever” waar hulle voorkom na paragraaf (*j*) te skrap en te vervang deur die woorde „en jenever”.

Wysiging van artikel 7 van Wet 15 van 1913.
7. Artikel *twaalf* van die Hoofwet word hiermee herroep en deur die volgende artikel vervang:
Verbod van verkoop van saamgestelde jenever.
12. Niemand mag saamgestelde jenever of enig mengsel van jenever met saamgestelde jenever bereiden of verkopen.
Vervanging van artikel 12 van Wet 15 van 1913, soos gewysig deur artikel 4 van Wet 37 van 1930.
8. (1) Vanaf en na 'n datum deur die Minister by kennisgewing in die *Staatskoerant* vasgestel te word mag geen tipe brandewyn, hetsy in die Unie berei of ingevoer, in die Unie verkoop of daaruit uitgevoer word nie onder enige naam of beskrywing, die gebruik waarvan ten opsigte van daardie tipe brandewyn deur die Minister in die voormelde kennisgewing belet word: Met die verstande dat die Minister na goeëddunke 'n kennisgewing wat volgens hierdie sub-artikel uitgevaardig is by kennisgewing in die *Staatskoerant* mag herroep of wysig.
(2) Ondanks die bepaling van sub-artikel (1) kan die Minister by kennisgewing in die *Staatskoerant* die gebruik van sekere name of beskrywings, onderworpe aan voorwaardes en beperkings deur hom in sodanige kennisgewing uiteengesit, toelaat: Met die verstande dat indien brandewyn verkoop word onder enige sodanige naam of beskrywing in stryd met 'n voorwaarde of beperking wat aldus uiteengesit is, sodanige verkoop geag word ingevolge sub-artikel (1) belet te gewees het.
Verbod van sekere name of beskrywings van brandewyne.
9. Artikel *veertien* van die Hoofwet word hiermee gewysig deur die omskrywing van „brandewijn” te skrap en dit te vervang deur die volgende nuwe omskrywing:
„brandewijn” beteken het distillaat verkregen door distillatie uitsluitend van wijn: Met dien verstande dat het alkoholgehalte van zodanig distillaat niet minder is dan drie en veertig percent alkohol volgens volume of niet lager is dan vijf en twintig graad beneden proef.
Wysiging van artikel 14 van Wet 15 van 1913, soos gewysig deur artikel 6 van Wet 37 van 1930.
10. Artikel *sewen-en-dertig* van die Hoofwet word hiermee gewysig deur na die omskrywing van „bereiden” die volgende nuwe woordbepaling by te voeg:
„Minister” beteken de Minister van Landbouw en Bosbouw of een ander Minister die namens hem optreedt.
Wysiging van artikel 37 van Wet 15 van 1913, soos gewysig deur artikel 16 van Wet 37 van 1930.
11. Hierdie Wet heet die Wyn, Spiritualieë en Asyn Wet, 1913, Wysigingswet, 1935, en tree in werking op 'n datum wat deur die Goewerneur-generaal by proklamasie in die *Staatskoerant* vasgestel word.
Kort titel en inwerkingtreding.

No. 56, 1935.]

ACT

To apply a sum not exceeding fifty-four million seven hundred and forty thousand one hundred and ninety-seven pounds towards the service of the Union, for the financial year ending on the thirty-first day of March, 1936.

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Exchequer Account charged with £36,832,197 on revenue account.

1. The Exchequer Account of the Union is hereby charged with such sums of money as may be required for the service of the Union for the financial year ending on the thirty-first day of March, 1936, not exceeding in the aggregate the sum of thirty-six million eight hundred and thirty-two thousand one hundred and ninety-seven pounds on revenue account as shown in column 1 of the First Schedule hereto.

Exchequer Account charged with £17,908,000 on loan account.

2. The Exchequer Account of the Union is further charged with such sums of money as may be required for the service of the Union for the financial year ending on the thirty-first day of March, 1936, not exceeding in the aggregate the sum of seventeen million nine hundred and eight thousand pounds on loan account as shown in column 1 of the Second Schedule hereto.

How money to be applied.

3. The money appropriated by this Act shall be applied to the services detailed in the Schedules hereto, and more particularly specified in the Estimates of Expenditure from Revenue Funds [U.G. 1—1935 and U.G. 24—1935], and in the Estimates of Expenditure from Loan Funds [U.G. 28—1935], as approved by Parliament, and to no other purpose: Provided that in the case of the sum of one million seven hundred and fifty thousand pounds for capital expenditure of railways and harbours, shown under Loan Vote „A” in the Second Schedule, the authority granted by this Act shall be deemed to apply only to the transfer of that sum from the Consolidated Revenue Fund to the Railway and Harbour Fund, and the expenditure of the said sum shall be in accordance with any appropriation made by Parliament in that behalf.

Minister may authorize variation.

4. With the approval of the Minister of Finance, a saving on any sub-head of a vote may be made available to meet excess expenditure on any other sub-head, or expenditure on a new sub-head of the same vote: Provided that no excess shall be incurred on the sums appearing in column 2 of the Schedules hereto, nor shall savings thereon be available for any purpose other than that for which the money is hereby granted as indicated in the said Schedules.

Short title.

5. This Act shall be known as the Appropriation Act, 1935.

First Schedule.

(CHARGEABLE TO REVENUE ACCOUNT.)

No.	Vote.	Column 1.	Column 2.
	Designation.		
		£	£
1	His Excellency the Governor-General ..	24,359	
2	Senate	39,252	
3	House of Assembly	136,133	
4	Prime Minister and External Affairs ..	136,989	
5	Justice	99,734	
6	Superior Courts	253,391	
7	Magistrates and District Administration ..	609,786	
8	Prisons and Gaols	640,313	
	Including contributions to Discharged Prisoners' Aid Associations		3,000

No. 56, 1935.]

WET

Tot aanwending van 'n som van nie meer as vier-en-vyftig-miljoen sewe-honderd en veertig-duisend een honderd sewen-en-negentig pond ten behoewe van die diens van die Unie vir die finansiële jaar wat eindig op die een-en-dertigste dag van Maart 1936.

DIT WORD BEPAAL deur Sy Majesteit die Koning die, Senaat en die Volksraad van die Unie van Suid-Afrika, as volg :—

1. Die Skatkisrekening van die Unie word hiermee belas met sodanige somme geld as wat nodig mag wees vir die diens van die Unie vir die finansiële jaar wat eindig op die een-en-dertigste dag van Maart 1936 maar gesamentlik nie meer as ses-en-dertig-miljoen agt-honderd twee-en-dertig-duisend een-honderd-sewen-en-negentig pond op die inkomsterekening soas uiteengesit in kolom 1 van die Eerste Bylae tot hierdie Wet.

Skatkisrekening
belas met
£36,832,197 op
inkomsterekening.

2. Die Skatkisrekening van die Unie word verder belas met sodanige somme geld as wat nodig mag wees vir die diens van die Unie vir die finansiële jaar wat eindig op die een-en-dertigste dag van Maart 1936, maar gesamentlik nie meer as sewentien-miljoen nege-honderd en agt-duisend pond op die leningsrekening, soas uiteengesit in kolom 1 van die Tweede Bylae tot hierdie Wet.

Skatkisrekening
belas met
£17,908,000 op
leningsrekening.

3. Die geld wat deur hierdie Wet beskikbaar gestel word moet aangewend word vir die dienste, in besonderhede vermeld in die Bylaes tot hierdie Wet en omstandiger uiteengesit in die Begroting van Uitgawes uit Inkomstefondse [U.G. 1—1935 en U.G. 24—1935], en in die Begroting van Uitgawes uit Leningsfondse [U.G. 28—1935], soas deur die Parlement goedgekeur, en vir geen ander doel : Met die verstande dat, in die geval van die som van een-miljoen sewe-honderd en vyftig-duisend pond vir kapitaaluitgawe van spoorweë en hawens, wat voorkom onder Leningsbegrotingspos „A” in die Tweede Bylae, die magtiging by hierdie Wet verleen geag word alleen van toepassing te wees op die oordrag van die som van die Gekonsolideerde Inkomstefonds na die Spoorweg- en Hawefonds, en die besteding van gemelde som moet plaasvind ooreenkomstig 'n bewilling van die Parlement wat daarop betrekking het.

Hoe die geld moet
aangewend word.

4. Met die goedkeuring van die Minister van Finansies mag 'n besparing onder die een sub-hoof van 'n begrotingspos aangewend word tot dekking van te grote uitgawe onder 'n ander sub-hoof of van uitgawe onder 'n nuwe sub-hoof van dieselfde begrotingspos : Met die verstande dat die somme wat voorkom in kolom 2 van die Bylaes tot hierdie Wet nie oorskry mag word nie en daarop gemaakte besparings ewemin aangewend mag word vir enige andere doel as waarvoor die geld hierby toegestaan word soas aangedui in die gemelde Bylaes.

Die Minister kan
'n afwyking
outoriseer.

5. Hierdie Wet heet die Begrotingswet, 1935.

Kort titel.

Eerste Bylae.

(TEN LASTE VAN INKOMSTEREKENING).

No.	Begrotingspos. Benaming.	Kolom 1	Kolom 2
		£	£
1	Sy Eksellensie die Goewerneur-generaal ..	24,359	
2	Senaat	39,252	
3	Volksraad	136,133	
4	Eerste Minister en Buitelandse Sake ..	136,989	
5	Justisie	99,734	
6	Hoër Howe	253,391	
7	Magistrate en Distriksadministrasie ..	609,786	
8	Gevangenis	640,313	
	Met inbegrip van bydraes tot Hulpver- enigings vir Vrygestelde Gevangenes ..		3,000

No.	Vote.	Column 1.	Column 2.
	Designation.		
		£	£
9	Police	2,500,000	
10	Treasury	40,700	
11	Public Debt	5,709,413	
12	Pensions	3,438,000	
13	Provincial Administrations	6,412,144	
14	Miscellaneous Services	201,883	
	Including Compensation to Colonial Capit- tals		2,563
15	High Commissioner in London	71,476	
16	Inland Revenue	172,650	
17	Customs and Excise	247,090	
18	Audit	68,170	
19	State Advances Recoveries Office	28,593	
20	Assistance to Farmers	2,880,000	
21	Mines	512,505	
	Including Miners' Phthisis Expenditure		67,950
22	Native Affairs	448,548	
	Including— Relief of Distress		25,000
	Grant to Native Development Account		4,700
23	Defence	1,330,830	
	Including subsidy to Transcontinental Imperial Airways Service		54,000
24	Lands	250,777	
	Including Contribution to National Parks Board		13,000
25	Deeds	51,491	
26	Surveys	109,912	
27	Labour	775,227	
	Including Grants to Coloured Labour Exchanges		150
28	Commerce and Industries	270,235	
	Including— Subsidy to Italian Shipping Lines		150,000
	Grants-in-Aid		1,500
	Fuel Research Institute		6,700
29	Agriculture	1,547,678	
	Including— Onderstepoort Research Institute		7,800
	Grants to Agricultural Societies		2,300
	Imperial College of Tropical Agriculture		250
	International Institute of Agriculture (Rome)		530
	Imperial Mycological Institute		300
	Imperial Institute of Entomology		1,050
	Imperial Agricultural Bureaux		1,563
	British Research Association for Woollen and Worsted Industries		400
	Imperial Economic Committee		1,920
	Special Grants		3,075
	Training of Rural Unemployed—Training Farm		22,958
30	Agriculture (Education)	167,472	
	Including— Agricultural Scholarships and Bursaries		3,650
	Faculty of Agriculture, University of Pretoria		20,252
31	Agriculture (Forestry)	210,901	
	Including contribution to Imperial For- estry Institute		200
	Grant to Faculty of Forestry, University of Stellenbosch		1,640
32	Irrigation	242,801	
33	Interior	276,385	
	Including— Grants to Museums, Libraries, Art Gal- leries and Kindred Institutions		36,065
	Natural and Historical Monuments Com- mission		500
	Magnetic Survey		600
34	Public Service Commission	28,223	
35	Mental Hospitals and Institutions for Feeble- minded	581,953	
	Including Grant to National Society of Mental Hygiene		500
36	Printing and Stationery	253,601	
37	Public Health	550,456	
	Including— Contributions under section one hundred and thirty-five of Act No. 36 of 1919		19,363
	Refunds and Advances to Local Authori- ties for capital expenditure		40,593
38	Union Education	925,938	
	Including— Administration		46,260
	Grants to Universities, Colleges, Declared Institutions and Courses of Instruction Contributions and Grants under Pension and Provident Schemes		581,100
	Departmental Vocational Schools		25,000
	State-aided Schools		174,844
	Grants-in-aid		40,554
	Miscellaneous Grants and Services		5,800
			52,380

No. 60, 1935.]

ACT

To amend the Dairy Industry Control Act, 1930.

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Amendment of section 13 of Act 35 of 1930 as amended by section 1 of Act 7 of 1932 and section 1 of Act 51 of 1934.

1. Sub-section (1) of section *thirteen* of the Dairy Industry Control Act, 1930, is hereby amended—

(1) by the addition of the following further provisos to paragraph (e):

“ Provided further that any such bounty may differ in amount in respect of different places to which such butter or cheese is exported :

Provided further that any such bounty shall only be paid on butter or cheese exported with the permission or by direction of the board ” ;

(2) by the insertion of the following new paragraphs after paragraph (e):

“(e)*bis* to pay out of its funds, on such conditions as, with the approval of the Minister, it may impose, such a subsidy as it may from time to time determine on butter or cheese sold in the Union for any purpose or to any class of consumer approved of by the Minister : Provided that the amount of such subsidy may vary in respect of the different grades of butter or cheese and in respect of the purpose for which, or the class of consumer to whom, such butter or cheese is sold ;

(e)*ter* to prescribe the procedure to be followed in claiming the payment of the subsidy referred to in paragraph (e)*bis* on any butter or cheese sold in the Union ” ;

(3) by the deletion of paragraph (g) and the substitution therefor of the following paragraphs :

“(g) to utilize levy funds—

(i) to stabilize prices of dairy produce in the Union ;

(ii) to reduce the cost of producing, manufacturing or marketing dairy produce ;

(iii) to encourage the greater consumption of dairy produce ;

(iv) generally to assist the development and betterment of the dairy industry ;

(g)*bis* to receive and administer any moneys placed at its disposal, to expend those moneys for the purpose for which and in accordance with the conditions on which they were placed at its disposal, to defray from the general fund mentioned in section *twenty-five* the cost or any part of the cost of such administration and expenditure and, if it thinks fit, to augment those moneys by contributions from the said general fund.”

Amendment of section 14 of Act 35 of 1930.

2. Section *fourteen* of the Dairy Industry Control Act, 1930, is hereby amended by the addition thereto of the following provision as sub-section (2) and by designating the existing section as sub-section (1):

“(2) The board may exercise any power under section *thirteen* and perform any function under sub-section (1) of this section without having obtained any licence prescribed by any law in connection with any business, trade or occupation ”.

Short title.

3. This Act shall be known as the Dairy Industry Control Amendment Act, 1935.

van 'n produsent, vir uitvoer beskikbaar te hou of uit te voer, en dit bewys word dat hy wel daardie mielies of mielieprodukte aldus gekoop of andersins verkry het en dit wel ontvang het, dan word dit, tensy die teendeel bewys word, veronderstel dat hy die hoeveelheid mielies of mielieprodukte, ten opsigte waarvan hy aangekla word weens versuim om dit vir uitvoer beskikbaar te hou of uit te voer, nie vir uitvoer beskikbaar gehou het nie, of, na gelang van die geval, nie uitgevoer het nie.

(1) *ter.* Wanneer iemand veroordeel word weens 'n oortreding van paragraaf (d) van sub-artikel (1), moet die hof wat hom veroordeel ondersoek instel betreffende die wins wat hy behaal het as gevolg van sy versuim om te voldoen aan 'n bepaling van artikel vyf en die bedrag van daardie wins skat, en moet die hof, benewens die vonnis wat hy kragtens sub-artikel (1) mog oplê, op die aldus veroordeelde persoon 'n boete lê gelyk aan die bedrag van die wins wat hy volgens daardie skatting van die hof behaal het as gevolg van sy versuim om aan bedoelde bepaling te voldoen.

36. Artikel *sewe* van die Mielie-Reëlings Wysigingswet, 1932 (Wet No. 23 van 1932) word hierby herroep. Herroeping van artikel 7 van Wet 23 van 1932.

37. Ondanks andersluidende bepalings van enige wet hoegenaamd, hetsy van krag in die gehele Unie of in 'n provinsie daarvan, of van een of ander verordening of regulasie van krag binne die gebied van 'n plaaslike bestuur, is die raad nie verplig om 'n lisensie uit te neem om te handel of om sake te doen nie. Lisensie om te handel of sake te doen.

38. Tensy in stryd met die samehang, beteken in hierdie Wet— Woordomskrywing.

„makelaar”, iemand aan wie 'n lopende makelaarslisensie uitgereik is volgens die „Licenties Konsolidatie Wet, 1925”;

„mielie-uitvoerder”, iemand van wie die besigheid vir 'n belangrike deel bestaan uit die uitvoer van mielies of mielieprodukte, maar 'n koöperatiewe vereniging of maatskappy of 'n meulenaar soos bedoel in artikel vier of *nege*, is nie daaronder inbegrepe nie;

„mieliekoopman”, 'n mieliehandelaar, maar 'n koöperatiewe vereniging of maatskappy, 'n makelaar, 'n mielie-uitvoerder of 'n meulenaar soos bedoel in artikel vier, *sewe*, *agt* of *nege*, is nie daaronder inbegrepe nie;

„meulenaar”, iemand aan wie 'n lopende meulenaarslisensie uitgereik is volgens die „Licenties Konsolidatie Wet, 1925”;

„Hoofwet”, die Mielie-Reëlingswet, 1931 (Wet No. 39 van 1931) soos gewysig deur die Mielie-Reëlings Wysigingswet, 1932 (Wet No. 23 van 1932);

„vee”, beeste en enige ander soort lewende hawe wat die Goewerneur-generaal by proklamasie in die *Staatskoerant* vir die toepassing van hierdie Wet tot vee mag verklaar;

„veevoerder”, iemand wat hom toelê op die vetmes van vee sodat die vee of die vleis daarvan verkry vir uitvoer geskik mag wees,

en elke uitdrukking waaraan in die Hoofwet 'n betekenis geheg is, het dieselfde betekenis wanneer dit in hierdie Wet gebesig word.

39. Hierdie Wet heet die Mielie-Reëlings Wysigingswet, 1935. Kort titel.

him in the course of trade from a producer, and it is proved that he did so purchase or otherwise acquire such mealies or mealie products and did receive them, it shall be presumed, unless the contrary is proved, that he did not hold available for export or, as the case may be, did not export, the quantity of mealies or mealie products which he is charged with having failed to hold available for export or to export.

(1) *ter.* Whenever any person is convicted of an offence under paragraph (d) of sub-section (1), the court convicting him shall enquire into and estimate the amount of the profit made by him in consequence of his having failed to comply with any provision of section *five*, and shall, in addition to any sentence which it may impose under sub-section (1), impose on the person so convicted a fine equal to the amount of the profit which the court so estimates he made in consequence of his having failed to comply with any such provision.

Repeal of section
7 of Act 23 of
1932.

36. Section *seven* of the Mealie Control (Amendment) Act, 1932 (Act No. 23 of 1932), is hereby repealed.

Licence to trade
or carry on busi-
ness.

37. Notwithstanding anything to the contrary contained in any law whatsoever whether in force throughout the Union or in any province thereof or contained in any by-law or regulation in force within a local authority's area of jurisdiction, it shall not be obligatory upon the board to obtain a licence to trade or carry on business.

Interpretation.

38. In this Act, unless inconsistent with the context—

“broker” means a person to whom a current broker's licence has been issued under the Licences Consolidation Act, 1925 ;

“exporter of mealies” means any person a substantial part of whose business consists of the exporting of mealies or mealie products, but does not include a co-operative society or company or miller such as is referred to in section *four* or *nine* ;

“mealie merchant” means a mealie trader but does not include a co-operative society or company, a broker, an exporter of mealies or a miller such as is referred to in section *four*, *seven* *eight* or *nine* ;

“miller” means a person to whom a current miller's licence has been issued under the Licences Consolidation Act, 1925 ;

“principal Act” means the Mealie Control Act, 1931 (Act No. 39 of 1931), as amended by the Mealie Control (Amendment) Act, 1932 (Act No. 23 of 1932) ;

“stock” means cattle and any other class of livestock which the Governor-General may by proclamation in the *Gazette* declare to be stock for the purposes of this Act ;

“stock feeder” means any person who carries on the business of fattening stock in order that it or the meat derived therefrom may be fit for export,

and any expression to which a meaning is ascribed in the principal Act shall, when used in this Act, bear the same meaning.

Short title.

39. This Act shall be known as the Mealie Control Amendment Act, 1935.

(3) Iedereen wat ophou om die eienaar van 'n dorsmasjien te wees, moet die raad skriftelik van daardie feit in kennis stel binne dertig dae na die datum waarop hy opgehou het om die eienaar van daardie dorsmasjien te wees.

(4) Iedereen wat die eienaar is van 'n dorsmasjien moet binne dertig dae na verloop van elke kalendermaand aan die raad 'n opgawe in die by regulasie voorgeskrewe vorm stuur wat aantoon die aantal sakke mielies wat met daardie masjien gedors is in die loop van die betrokke kalendermaand, en moet, indien gedurende 'n kalendermaand geen mielies met daardie masjien gedors is nie, binne dertig dae na verloop van daardie kalendermaand 'n nul-opgawe in 'n by regulasie voorgeskrewe vorm aan die raad stuur.

(5) Iedereen wat 'n bepaling van hierdie artikel oortree of in gebreke bly om daaraan te voldoen, of wat wetens in so 'n opgawe 'n valse verklaring maak of laat maak, is aan 'n misdryf skuldig.

(6) Die bepalings van hierdie artikel is nie ten opsigte van dorsmasjiene wat nie gebruik kan word om mielies te dors van toepassing nie.

30. (1) Iemand wat veroordeel word weens 'n oortreding van hierdie Wet waarvoor geen spesiale straf voorgeskryf is nie, is strafbaar met 'n boete van hoogstens honderd pond. Strafbepalings.

(2) Die bepalings van sub-artikel (2) van artikel *agt* van die Hoofwet is *mutatis mutandis* van toepassing op strawwe voorgeskryf in hierdie Wet.

31. (1) By die verhoor van iemand wat aangekla is weens 'n oortreding van hierdie Wet of die Hoofwet, is 'n verklaring wat bevat is in 'n opgawe verstrek deur of namens die beskuldigde ingevolge die Hoofwet of 'n regulasie daaronder uitgevaardig of ingevolge hierdie Wet of 'n regulasie daaronder uitgevaardig, en 'n verklaring of rekord wat bevat is in 'n boek, rekening of dokument wat deur die beskuldigde of 'n werknemer of agent van die beskuldigde gehou word, of wat gevind word op die perseel of op grond of 'n plek in okkupasie van die beskuldigde, toelaatbaar by wyse van getuienis teen die beskuldigde as 'n erkenning van die feite uiteengesit in daardie verklaring of rekord. Erkennings en vermoedens.

(2) Wanneer iemand ingevolge die Hoofwet of enige regulasie daaronder uitgevaardig, of ingevolge hierdie Wet of enige regulasie daaronder uitgevaardig, aangekla word weens die maak of laat maak van 'n valse verklaring en dit bewys word dat 'n valse verklaring voorkom in die sertifikaat geteken of die opgawe verstrek deur of namens hom, word hy, tensy die teendeel bewys word, geag bedoelde valse verklaring wetens te gemaak het of te laat maak het.

32. Die Minister kan die regulasies uitvaardig wat hy nodig of wenslik ag— Regulasies.

- (a) betreffende die nominasie van persone vir aanstelling op die raad;
- (b) ter bepaling van die rekords wat deur die raad of 'n komitee van die raad gehou moet word betreffende sy verrigtings;
- (c) ter bepaling van die wyse waarop en die vorms waarin die raad sy rekenings moet hou;
- (d) betreffende die aankoop en verkoop van mielies en mielieprodukte ingevolge artikels *drie-en-twintig* en *vier-en-twintig*;
- (e) ter bepaling van die vorm van enige rekord, boek of dokument hoegenaamd by die toepassing van hierdie Wet gehou of gebruik te word.

33. Artikel *drie* van die Hoofwet word hiermee gewysig deur aan die end van sub-artikel (2) daarvan by te voeg die woorde „en van die gehele hoeveelheid mielies en mielieprodukte wat hy gedurende die voorafgaande kalendermaand uit die Unie uitgevoer het, en van die hoeveelhede waarmee, die plekke waarna, die roetes waarlangs en die wyses waarop bedoelde uitvoer bewerkstellig was”. Wysiging van artikel 3 van Wet 39 van 1931, soos gewysig deur artikel 3 van Wet 23 van 1932.

34. Artikel *sewe* van die Hoofwet word hierby herroep. Herroeping van artikel *sewe* van Wet 39 van 1931.

35. Artikel *agt* van die Hoofwet word hierby gewysig—

- (a) deur al die woorde na die woorde „vyfhonderd pond” in sub-artikel (1) te skrap; en
 - (b) deur onderstaande nuwe sub-artikels na sub-artikel (1) in te voeg:
 - (1) *bis*. Wanneer iemand aangekla word ingevolge paragraaf (d) van sub-artikel (1) weens versuim om ter voldoening aan 'n bepaling van artikel *vyf* 'n hoeveelheid mielies of mielieprodukte, deur hom as 'n handelstransaksie gekoop of andersins verkry
- Wysiging van artikel 8 van Wet 39 van 1931, soos gewysig deur artikel 8 van Wet 23 van 1932.

(3) Every person who ceases to be the owner of a threshing machine shall notify the board of that fact within thirty days after the date on which he ceased to be the owner of such machine.

(4) Every person who is the owner of a threshing machine shall within thirty days after the close of every calendar month transmit to the board a return, in a form prescribed by regulation, showing the number of bags of mealies which were threshed by means of that machine during the course of the calendar month concerned; and if during any calendar month no mealies were threshed by means of that machine, he shall, within thirty days after the close of that month, transmit to the board a nil return, in a form prescribed by regulation.

(5) Every person who contravenes or fails to comply with any provision of this section, or who knowingly makes or causes to be made a false statement in any such return, shall be guilty of an offence.

(6) The provisions of this section shall not apply in respect of threshing machines which are not capable of being used for threshing mealies.

Penalties.

30. (1) Any person convicted of any offence under this Act for which no special penalty is provided shall be liable to a fine not exceeding one hundred pounds.

(2) The provisions of sub-section (2) of section *eight* of the principal Act shall, *mutatis mutandis*, apply to penalties prescribed under this Act.

Admissions and presumptions.

31. (1) At the trial of any person charged with the commission of any offence under this Act or the principal Act, any statement contained in any return furnished by or on behalf of the accused in terms of the principal Act or any regulation made thereunder, or in terms of this Act or any regulation made thereunder, and any statement or record contained in any book, account or document kept by the accused or by any employee or agent of the accused, or found upon the premises of or any land or place occupied by the accused, shall be admissible in evidence against the accused as an admission of the facts set forth in that statement or record.

(2) Whenever any person is charged under the principal Act or any regulation made thereunder, or under this Act or any regulation made thereunder, with having made or caused to be made a false statement and it is proved that a false statement appears in the certificate signed or the return furnished by him or on his behalf, he shall be deemed, unless the contrary is proved, knowingly to have made such false statement or caused it to be made.

Regulations.

32. The Minister may make all such regulations as he deems necessary or expedient—

- (a) concerning the nomination of persons for appointment to the board;
- (b) prescribing the records to be kept by the board and any committee of the board of its proceedings;
- (c) prescribing the methods by and the forms in which the board shall keep its accounts;
- (d) concerning the purchase and sale of mealies and mealie products under sections *twenty-three* and *twenty-four*;
- (e) prescribing the form of any record, book or document whatever to be kept or used for the purposes of this Act.

Amendment of section 3 of Act 39 of 1931, as amended by section 3 of Act 23 of 1932.

33. Section *three* of the principal Act is hereby amended by the addition at the end of sub-section (2) thereof of the words "and as to the total quantity of mealies and mealie products which, during the preceding calendar month, he has exported from the Union, and as to the quantities in which, the places to which and the routes and the methods by which such export was effected".

Repeal of section 7 of Act 39 of 1931.

34. Section *seven* of the principal Act is hereby repealed.

Amendment of section 8 of Act 39 of 1931, as amended by section 8 of Act 23 of 1932.

35. Section *eight* of the principal Act is hereby amended—

- (a) by the deletion in sub-section (1) of all words after the words "five hundred pounds"; and
- (b) by the insertion after sub-section (1) of the following new sub-sections:

(1) *bis*. Whenever any person is charged under paragraph (d) of sub-section (1) with having failed to hold available for export, or to export, in compliance with any provision of section *five*, any quantity of mealies or mealie products in respect of mealies or mealie products purchased or otherwise acquired by

- (a) die naam en adres van elke persoon van wie hy gedurende daardie dag mielies of mielieprodukte gekoop of andersins verkry of ontvang het;
- (b) of daardie persoon al dan nie 'n produsent is;
- (c) die hoeveelheid mielies en die hoeveelheid van elke soort mielieproduk wat hy gedurende daardie dag van elke persoon gekoop of andersins verkry of ontvang het;
- (d) die naam en adres van elke persoon aan wie hy gedurende daardie dag mielies of mielieprodukte afgestaan het;
- (e) die hoeveelheid mielies en die hoeveelheid van elke soort mielieproduk wat hy gedurende daardie dag aan elke persoon afgestaan het:

Met dien verstande dat, indien die hoeveelheid mielies of die hoeveelheid van 'n soort mielieproduk wat gedurende 'n bepaalde dag deur 'n mieliehandelaar verkry is van of afgestaan is aan 'n besondere persoon nie meer bedra nie as een sak in die geval van mielies, of, in die geval van mielieprodukte, daardie hoeveelheid mielieprodukte wat, volgens die regulasies uitgevaardig kragtens artikel *nege* van die Hoofwet, vir die toepassing van daardie wet geag word gelyk te wees aan een sak mielies, hy in genoegsame mate aan die vereistes van hierdie artikel voldoen, vir sover dit sy transaksies met daardie persoon gedurende daardie dag betref, indien hy in bedoelde boek aanteken—

- (i) die gehele hoeveelheid mielies en die gehele hoeveelheid van elke soort mielieproduk wat hy gedurende daardie dag gekoop of andersins verkry of ontvang het, van diegene van daardie persone wat produsente is;
- (ii) die gehele hoeveelheid mielies en die gehele hoeveelheid van elke soort mielieproduk wat hy gedurende daardie dag gekoop of andersins verkry of ontvang het van diegene van daardie persone wat nie produsente is nie;
- (iii) die gehele hoeveelheid mielies en die gehele hoeveelheid van elke soort mielieproduk wat hy gedurende daardie dag aan daardie persone afgestaan het.

28. (1) Iemand wat algemeen of spesiaal daartoe gemagtig is deur die Minister, die Sekretaris van Landbou en Bosbou of die raad, kan op alle redelike tye 'n perseel of grond of 'n plek betree wat in okkupasie is van 'n mieliehandelaar of van iemand wat verdink word 'n mieliehandelaar te wees of van 'n meulenaar of van iemand wat verdink word 'n meulenaar te wees of van iemand aan wie mielies of mielieprodukte deur die raad verkoop is ingevolge artikel *drie-en-twintig* of aan wie 'n permit uitgereik is ingevolge artikel *vier-en-twintig*, of 'n perseel of plek of grond betree waarin of waarop mielies of mielieprodukte deur so iemand gehou word, en kan alle mielies en mielieprodukte aldaar inspekteer en alle boeke, rekenings en dokumente aldaar insien en 'n uiteensetting eis van die geskiedenis en 'n uitleg eis van die aanwesigheid van daardie mielies of mielieprodukte en 'n uitleg eis van inskrywings of dokumente wat betrekking het of verdink word betrekking te hê op mielies of mielieprodukte en beslag lê op boeke, rekenings en dokumente wat bewys mag oplewer van 'n oortreding van of versuim om te voldoen aan die bepalings van hierdie Wet of die Hoofwet, en kan uittreksels uit en afskrifte van alle inskrywings of dokumente maak wat bewys mag oplewer van so 'n oortreding.

Insage van boeke en inspeksie van mielies in voorraad.

(2) Enigeen wat iemand by die verrigting van 'n werksaamheid of die uitoefening van 'n bevoegdheid, kragtens hierdie artikel, belemmer of wat opsetlik versuim of weier om 'n verklaring te maak of uitleg te verstrek wat daaronder geëis word, of wat wetens 'n valse verklaring maak of laat maak of 'n valse uitleg verstrek of laat verstrek betreffende 'n aangeleentheid bedoel in sub-artikel (1), is aan 'n misdryf skuldig.

(3) Iemand wat, behalwe vir die doeleindes van hierdie Wet of van die Hoofwet, of op las van 'n geregshof, inligting bekend maak wat hy verkry het deur of as gevolg van 'n inspeksie of insage uitgevoer kragtens hierdie artikel, is aan 'n misdryf skuldig.

29. (1) Iedereen wat by die inwerkingtreding van hierdie Wet die eienaar van 'n dorsmasjien is, moet die raad skriftelik van daardie feit in kennis stel binne dertig dae na bedoelde inwerkingtreding.

Inligting deur eienaars van dorsmasjiene verstrek te word.

(2) Iedereen wat na die inwerkingtreding van hierdie Wet die eienaar van 'n dorsmasjien word, moet die raad skriftelik van daardie feit in kennis stel binne dertig dae na die datum waarop hy die eienaar van daardie dorsmasjien geword het.

- (a) the name and address of every person from whom he has during that day purchased or otherwise acquired or received any mealies or mealie products ;
- (b) the fact whether any such person is or is not a producer ;
- (c) the quantity of mealies and the quantity of each kind of mealie products purchased or otherwise acquired or received by him during that day from every such person ;
- (d) the name and address of every person to whom he has during that day disposed of any mealies or mealie products ;
- (e) the quantity of mealies and the quantity of each kind of mealie products disposed of by him during that day to every such person :

Provided that if the quantity of mealies or the quantity of mealie products acquired from or disposed of to any person by the mealie trader during any one day does not exceed, in the case of mealies, one bag, or, in the case of mealie products, that quantity of mealie products which in terms of the regulations made under paragraph (d) of section *nine* of the principal Act, is, for the purposes of that Act, deemed to be the equivalent of one bag of mealies, he shall sufficiently comply with the requirements of this section, in so far as his transactions with that person during that day are concerned, if he records in such book—

- (i) the total quantity of mealies and the total quantity of each kind of mealie products purchased or otherwise acquired or received by him during that day from such persons who are producers ;
- (ii) the total quantity of mealies and the total quantity of each kind of mealie products purchased or otherwise acquired or received by him during that day from such persons who are not producers ; and
- (iii) the total quantity of mealies and the total quantity of each kind of mealie products disposed of by him during that day to such persons.

Examination of books and inspection of mealies in stock.

28. (1) Any person generally or specially authorized thereto by the Minister, the Secretary for Agriculture and Forestry or the board, may at all reasonable hours enter upon the premises of, or any land or place occupied by, any mealie trader or any person who is suspected of being a mealie trader or any miller, or any person who is suspected of being a miller, or any person to whom any mealies or mealie products have been sold by the board under section *twenty-three* or to whom any permit has been issued under section *twenty-four*, or upon any premises, land or place in or on which any mealies or mealie products are kept by any such person, and may inspect all mealies and mealie products and examine all books, accounts and documents there being, and may require a statement of the history and an explanation of the presence of any such mealies and mealie products, and an explanation of any entries or documents referring or suspected to refer to mealies or mealie products, and seize any such books, accounts and documents as may afford evidence of any contravention of, or failure to comply with, the provisions of this Act or of the principal Act, and may make extracts from and copies of all such entries or documents as may afford evidence of any such contravention.

(2) Any person who obstructs any person in the performance of any duty or the exercise of any power under this section, or who wilfully fails or refuses to make any statement or give any explanation demanded thereunder, or who knowingly makes or causes to be made a false statement or explanation of any matter referred to in sub-section (1), shall be guilty of an offence.

(3) Any person who, except for the purposes of this Act or of the principal Act, or upon the order of any court, discloses any information obtained by him through, or in consequence of, any inspection or examination made under this section shall be guilty of an offence.

Information to be furnished by owners of threshing machines.

29. (1) Every person who is the owner of a threshing machine at the commencement of this Act shall notify the board in writing of that fact within thirty days after such commencement.

(2) Every person who becomes the owner of a threshing machine after the commencement of this Act shall notify the board in writing of that fact within thirty days after the date on which he became the owner of such machine.

en die raad kan daardie mielies of mielieprodukte aan so 'n boer verkoop teen pryse en onder voorwaardes wat die raad mag bepaal om aldus deur hom gebruik te word.

(2) Indien die Minister van oordeel is dat spesiale omstandighede bestaan wat die aankoop regverdig, kan die raad mielies of mielieprodukte, wat vir uitvoer beskikbaar gehou word ingevolge artikel *vyf* of *vyf A* van die Hoofwet, koop—

(a) met die doel om dit te verkoop aan—

- (i) enige veevoerder vir gebruik as voer vir vee wat vir uitvoer in lewende toestand bestem is of waarvan die vleis vir uitvoer bestem is;
- (ii) enig iemand anders vir 'n doel wat die Goewerneur-generaal by proklamasie in die *Staatskoerant* verklaar tot 'n doel waarvoor sodanige mielies of mielieprodukte deur die raad verkoop mag word; of

(b) sodat daardie mielies of mielieprodukte deur die raad uitgevoer kan word,

en die raad kan bedoelde mielies of mielieprodukte verkoop teen pryse en op voorwaardes wat die raad mag bepaal aan so 'n veevoerder om aldus gebruik te word of aan enig iemand anders vir sodanige doel of kan bedoelde mielies of mielieprodukte uitvoer.

24. Die raad kan by permit magtiging verleen vir die aankoop van mielies of mielieprodukte, wat vir uitvoer beskikbaar gehou word ingevolge artikel *vyf* of *vyf A* van die Hoofwet, in hoeveelhede, teen die pryse en op die voorwaardes wat in so 'n permit uiteengesit mag word, deur—

- (a) 'n veevoerder vir gebruik as voer vir vee wat vir uitvoer in lewende toestand bestem is, of waarvan die vleis vir uitvoer bestem is;
- (b) enig iemand anders vir 'n doel wat die Goewerneur-generaal by proklamasie in die *Staatskoerant* verklaar tot 'n doel waarvoor sodanige mielies of mielieprodukte op gesag van so 'n permit gekoop mag word.

25. Mielies of mielieprodukte wat gekoop word ingevolge artikel *drie-en-twintig* of op gesag van 'n permit uitgereik volgens artikel *vier-en-twintig* word geag uitgevoer te gewees het ooreenkomstig artikel *vyf* of, na gelang van die geval, artikel *vyf A* van die Hoofwet.

26. (1) Iemand aan wie mielies of mielieprodukte deur die raad verkoop is ingevolge artikel *drie-en-twintig*, of deur wie mielies of mielieprodukte gekoop is op gesag van 'n permit uitgereik ingevolge artikel *vier-en-twintig*, en wat versuim om aan 'n voorwaarde waarop daardie mielies of mielieprodukte aldus verkoop is of aan 'n voorwaarde in so 'n permit te voldoen, of wat daardie mielies of mielieprodukte gebruik vir 'n ander doel as die doel waarvoor dit aan hom verkoop is ingevolge artikel *drie-en-twintig*, of, na gelang van die geval, 'n ander doel as die doel waarvoor, volgens 'n proklamasie bedoel in paragraaf (b) van artikel *vier-en-twintig*, mielies of mielieprodukte op gesag van so 'n permit gekoop mag word, is aan 'n misdryf skuldig en by veroordeling strafbaar met 'n boete van hoogstens vyfhonderd pond.

(2) Wanneer iemand aangekla word ingevolge sub-artikel (1) dat hy mielies of mielieprodukte, wat aan hom deur die raad verkoop is ingevolge artikel *drie-en-twintig*, of wat deur hom gekoop is op gesag van 'n permit uitgereik ingevolge artikel *vier-en-twintig*, vir 'n doel vermeld in die aanklag gebruik het, en dit bewys word dat mielies of mielieprodukte aldus deur hom verkoop is of, na gelang van die geval, dat so 'n permit aan hom uitgereik is, en dat hy mielies of mielieprodukte vir 'n doel vermeld in die aanklag gebruik het, dan word dit, tensy die teendeel bewys word, veronderstel dat die mielies of mielieprodukte wat hy aldus gebruik het, die mielies of mielieprodukte was wat aldus aan hom verkoop is, of, na gelang van die geval, die mielies of mielieprodukte was wat hy op gesag van bedoelde permit gekoop het.

(3) Wanneer iemand veroordeel word weens 'n oortreding ingevolge sub-artikel (1), moet die hof wat hom veroordeel ondersoek doen betreffende die wins deur hom behaal as gevolg van die versuim of die handeling wat daardie oortreding uitmaak en die bedrag van bedoelde wins skat, en moet die hof, benewens die vonnis wat hy mag opleë kragtens sub-artikel (1), op die aldus veroordeelde persoon 'n boete lê gelyk aan die bedrag van die wins wat hy volgens skatting van die hof as gevolg van daardie versuim of handeling behaal het.

27. Elke mieliehandelaar moet elke dag in 'n boek wat in 'n voorgeskrewe vorm gehou word, in die Afrikaanse of die Engelse taal aanteken—

Uitreiking van permitte deur raad vir aankoop vir sekere doeleindes van mielies gehou vir uitvoer ingevolge Wet 39 van 1931.

Mielies gekoop kragtens artikel 23 of 24 geag uitgevoer te gewees het.

Gebruik van mielies vir ander doel as die doel waarvoor dit verkoop is.

Rekord van transaksies deur mieliehandelaar gehou te word.

such mealies or mealie products at such prices and under such conditions as may be imposed by the board to any such farmer for such use by him.

(2) If the Minister is of opinion that special circumstances exist justifying the purchase, the board may purchase mealies or mealie products held available for export in terms of section *five* or *five A* of the principal Act—

(a) for the purpose of sale to—

- (i) any stock feeder for use as feed for stock which is intended to be exported on the hoof, or the meat of which is intended for export;
- (ii) any other person for any purpose which the Governor-General by proclamation in the *Gazette* declares to be a purpose for which such mealies or mealie products may be sold by the board;

or

(b) in order that such mealies or mealie products may be exported by the board,

and the board may sell such mealies or mealie products at such prices and under such conditions as may be imposed by the board to any such stock feeder for such use or to any other person for any such purpose, or may export any such mealies or mealie products.

Issue of permits by board for purchase for certain purposes of mealies held for export under Act 39 of 1931.

24. The board may by permit authorize the purchase of mealies or mealie products held available for export in terms of section *five* or *five A* of the principal Act, in such quantities, at such prices and on such conditions as may be set forth in such permit by—

- (a) any stock feeder for use as feed for stock which is intended to be exported on the hoof, or the meat of which is intended for export;
- (b) any other person for any purpose which the Governor-General by proclamation in the *Gazette* declares to be a purpose for which such mealies or mealie products may be purchased under the authority of such a permit.

Mealies purchased under section 23 or 24 deemed to have been exported.

25. Any mealies or mealie products purchased in terms of section *twenty-three* or under the authority of a permit issued in terms of section *twenty-four* shall be deemed to have been exported in terms of section *five* or section *five A* (as the case may be) of the principal Act.

Use of mealies for purpose other than the purpose for which they were sold.

26. (1) Any person to whom mealies or mealie products have been sold by the board in terms of section *twenty-three*, or by whom any mealies or mealie products have been purchased under the authority of a permit issued in terms of section *twenty-four*, who fails to fulfill any condition on which such mealies or mealie products were so sold or any condition of such permit, or who uses any such mealies or mealie products for any purpose other than the purpose for which they were sold to him under section *twenty-three*, or, as the case may be, other than a purpose for which, in terms of a proclamation referred to in paragraph (b) of section *twenty-four*, mealies or mealie products may be purchased under the authority of such a permit, shall be guilty of an offence and on conviction be liable to a fine not exceeding five hundred pounds.

(2) Whenever any person is charged under sub-section (1) with having used for any purpose stated in the charge any mealies or mealie products which were sold to him by the board in terms of section *twenty-three*, or which were purchased by him under the authority of a permit issued in terms of section *twenty-four*, and it is proved that any mealies or mealie products were so sold to him or, as the case may be, that such a permit was issued to him, and that he used any mealies or mealie products for the purpose stated in the charge, it shall be presumed, unless the contrary is proved, that the mealies or mealie products so used by him were the mealies or mealie products so sold to him or, as the case may be, the mealies or mealie products purchased by him under the authority of such a permit.

(3) Whenever any person is convicted of an offence under sub-section (1), the court convicting him shall inquire into and estimate the amount of the profit made by him in consequence of the failure or the act constituting such offence, and shall, in addition to any sentence which it may impose on him under sub-section (1), impose on the person so convicted a fine equal to the amount of the profit which the court so estimates he made in consequence of such failure or act.

Record of dealings to be kept by mealie trader.

27. Every mealie trader shall record in the English or Afrikaans language each day in a book kept in a prescribed form—

Met dien verstande dat die vrystelling deur hierdie sub-artikel verleen van toepassing is alleen op mielies ten opsigte waarvan deur die meulenaar, tesaam met die opgawe vermeld in sub-artikel (5), 'n deur die produsent daarvan ondertekende sertifikaat aan die raad toegesend word waarin bedoelde produsent verklaar dat hy die produsent daarvan is en dat hy voornemens is om daardie gemaalde, gebreekte, tot gruis gemaakte of andersins verwerkte mielies te gebruik vir sy eie verbruik en vir die verbruik van sy huisgesin en om vee wat aan hom behoort te voer.

(3) Iemand wat opsetlik 'n valse verklaring maak in 'n sertifikaat bedoel in sub-artikel (1) is aan 'n misdryf skuldig.

(4) Elke meulenaar kan op die persoon vir wie hy mielies gemaal, gebreek, tot gruis gemaak of andersins verwerk het, die bedrag verhaal wat deur hom betaal is by wyse van heffing op sodanige mielies wat aldus gemaal, gebreek, tot gruis gemaak of andersins verwerk is.

(5) Die juistheid van die ingevolge sub-artikel (1) betaalde bedrag word deur die meulenaar gestaaf deur toesending aan die raad op dieselfde tyd waarop betaling geskied van 'n opgawe, in 'n by regulasie voorgeskrewe vorm, aantonende die gehele gewig van mielies wat hy in die loop van die betrokke kalendermaand gemaal, gebreek, tot gruis gemaak of andersins verwerk het; en indien hy gedurende een of ander kalendermaand geen mielies gemaal, gebreek, tot gruis gemaak of andersins verwerk het nie, moet hy binne sewe dae na verloop van daardie maand 'n nul-opgawe, in 'n by regulasie voorgeskrewe vorm, aan die raad toesend.

(6) 'n Meulenaar wat—

(a) opsetlik versuim om die volle bedrag, wat ten opsigte van heffing ingevolge sub-artikel (1) deur hom verskuldig is, binne die bepaalde tyd aan die raad te betaal; of

(b) versuim om die in sub-artikel (5) bedoelde opgawe binne die bepaalde tyd aan die raad te stuur of wat wetens in bedoelde opgawe 'n valse verklaring maak of laat maak,

is aan 'n misdryf skuldig en by veroordeling strafbaar met 'n boete van hoogstens tweehonderd pond.

(7) Wanneer iemand veroordeel word weens 'n misdryf volgens paragraaf (a) van sub-artikel (6) en dit bewys word dat hy nie die volle deur hom ten opsigte van heffing verskuldigde bedrag aan die raad betaal het nie, moet die hof wat hom skuldig vind onverwyld 'n vonnis teen hom en ten gunste van die raad gee vir die bedrag wat na bevinding van die hof nog deur hom verskuldig is, en so 'n vonnis kan ten uitvoer gelê word op dieselfde wyse asof dit in die loop van 'n siviele geding uitgespreek is.

(8) Wanneer iemand veroordeel word weens 'n misdryf volgens paragraaf (b) van sub-artikel (6) op grond dat hy in 'n opgawe bedoel in daardie paragraaf wetens 'n valse verklaring gemaak of laat maak het, moet die hof wat hom skuldig vind die verskil vasstel tussen die bedrag werklik deur hom verskuldig ten opsigte van heffing en die bedrag wat volgens bedoelde opgawe deur hom verskuldig is ten opsigte van heffing, en die hof moet, benewens enige straf wat daardie of 'n ander hof aan hom mog oplê of mog opgelê het ingevolge sub-artikel (6), en benewens enige vonnis wat daardie of 'n ander hof ingevolge sub-artikel (7) teen hom mog uitspreek of mog uitgespreek het, op die aldus veroordeelde persoon 'n boete gelyk aan bedoelde verskil oplê.

(9) Wanneer iemand ingevolge sub-artikel (6) aangekla word weens versuim om die volle bedrag ten opsigte van heffing deur hom verskuldig aan die raad te betaal, en dit bewys word dat minder as die volle deur hom verskuldigde bedrag deur of namens hom betaal is, word hy, tensy die teendeel bewys word, geag opsetlik minder as die volle deur hom verskuldigde bedrag te betaal het.

23. (1) Die raad kan mielies en mielieprodukte, wat vir Aankoop deur raad van mielies gehou word ingevolge artikel *vyf* of *vyf A* gehou vir uitvoer ingevolge Wet 39 van 1931 vir *bona fide* boere wat boerdery dryf in streke waar daar volgens die Minister se oordeel behoefte bestaan weens droogte, vir gebruik vir sekere doel-eindes of vir uitvoer deur raad, deur bedoelde boere as voer vir hul vee in daardie streke;

ferred by this sub-section shall apply only to mealies in respect of which there is transmitted to the board by the miller, together with the return referred to in sub-section (5), a certificate signed by the producer thereof and declaring that he is the producer thereof and that he intends to use such ground, crushed, gristed, or processed mealies for consumption by himself and his household and the feeding of stock belonging to him.

(3) Any person who wilfully makes a false statement in any such certificate as is referred to in sub-section (1) shall be guilty of an offence.

(4) Every miller may recover from any person for whom he has ground, crushed, gristed or otherwise processed mealies any amount paid by him in levy in respect of such mealies so ground, crushed, gristed or otherwise processed.

(5) The correctness of the amount paid in accordance with sub-section (1) shall be supported by the miller by his transmitting to the board at the same time as payment is made a return, in a form prescribed by regulation, showing the total weight of mealies which, during the course of the calendar month concerned, he has ground, crushed, gristed or otherwise processed; and if during any calendar month he has not ground, crushed, gristed or otherwise processed any mealies, he shall within seven days after the close of that month, transmit to the board a nil return, in a form prescribed by regulation.

(6) Any miller who—

(a) wilfully fails to pay to the board within the time provided the full amount due by him in respect of levy in terms of sub-section (1); or

(b) fails to transmit to the board within the time provided the return referred to in sub-section (5), or who knowingly makes or causes to be made a false statement in such return,

shall be guilty of an offence and on conviction be liable to a fine not exceeding two hundred pounds.

(7) Whenever any person is convicted of an offence under paragraph (a) of sub-section (6), and it is proved that he has not paid to the board the full amount due by him in respect of levy, the court convicting him shall forthwith give judgment against him and in favour of the board for the amount which the court finds is still owing by him, and any such judgment may be executed in the same manner as if it had been pronounced in the course of civil proceedings.

(8) Whenever any person is convicted of an offence under paragraph (b) of sub-section (6), in that he knowingly made or caused to be made a false statement in any return referred to in that paragraph, the court convicting him shall determine the difference between the amount actually owing by him in respect of levy, and the amount which according to such return is owing by him in respect of levy, and the court shall, in addition to any sentence which it or any other court may impose or may have imposed on him under sub-section (6), and in addition to any judgment which it or any other court may pronounce or may have pronounced against him under sub-section (7), impose on the person so convicted a fine equal to the said difference.

(9) Whenever any person is charged under sub-section (6) with having failed to pay the board the full amount owing by him in respect of levy, and it is proved that less than the full amount owing by him was paid by him or on his behalf, he shall be deemed, unless the contrary is proved, wilfully to have paid less than the full amount owing by him.

Purchase by board of mealies held for export under Act 39 of 1931 for sale by board for certain purposes or for export by board.

23. (1) The board may purchase mealies and mealie products held available for export in terms of section five or five A of the principal Act for the purpose of establishing a stock of mealies and mealie products to be sold to *bona fide* farmers carrying on farming in any areas in which, in the opinion of the Minister, distress caused by drought exists, for use by such farmers as feed for their stock in those areas, and the board may sell any

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

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

19. Die raad is bevoeg—

- (a) om die persone aan te stel wat hy nodig ag ten einde hom in staat te stel om sy werksaamhede te verrig, en wel teen die besoldiging en op voorwaardes wat hy mog vasstel; Bevoegdhede van raad.
- (b) om enige goed aan te skaf of te huur wat hy nodig ag vir die verrigting van sy werksaamhede en om enige aangeskafte goed van die hand te sit of te verhuur;
- (c) om uit sy gelde alle uitgawes te dek wat die raad moet beloop en wat hy wettiglik mag beloop kragtens hierdie Wet by die verrigting van sy werksaamhede;
- (d) om 'n reserwefonds daar te stel waarin orige gelde, wat nie vir onmiddellike gebruik benodig is nie, gestort moet word;
- (e) om die Minister van advies te dien in verband met die vasstelling van die mielie-uitvoer-kwota-persentasie volgens artikel vier van die Hoofwet;
- (f) om die Minister van advies te dien in verband met die uitvoer van mielies of mielieprodukte volgens artikel vyf van die Hoofwet;
- (g) om die Minister van advies te dien betreffende die vasstelling van grade en standaarde van mielies en mielieprodukte vir uitvoer;
- (h) om die Minister van advies te dien betreffende verbod op, beheer oor en reëling van die uitvoer van mielies of mielieprodukte volgens artikel een van die Hoofwet;
- (i) om uit sy gelde die kweking, by wyse van proef-neming, van teen droogte bestande mieliesoorte en mieliesoorte geskik vir bepaalde distrikte te subsidieer;
- (j) oor die algemeen om die Minister van advies te dien oor alle aangeleenthede betreffende die bemarking van mielies en mielieprodukte en die ontwikkeling van die mielierywerheid, en om aan die Minister die stappe aan te beveel wat volgens die raad se oordeel bereken is om die welvaart van daardie nywerheid te bevorder.

20. (1) Die gelde van die raad word verkry uit die opbrings van die heffing op mielies gelê kragtens artikel een-en-twintig en uit sodanige gelde as die Regering tot sy beskikking mag stel. Gelde van raad.

(2) Gelde ontvang uit so 'n heffing of aldus ontvang van die Regering word in 'n spesiale fonds gestort, en die raad het volle beheer oor bedoelde gelde en bedoelde fonds.

21. (1) Die raad kan, met inagneming van die bepalinge van hierdie artikel, 'n heffing lê op alle mielies deur enige meule- naar gemaal, gebreek, tot gruis gemaak of andersins verwerk, en die heffing van tyd tot tyd wysig. Heffing op mielies gemaal deur meulenaars.

(2) So 'n heffing word nie opgelê nie, dan alleen met skriftelike toestemming van die Minister.

(3) Die heffing mag een pennie op elke sak mielies aldus gemaal, gebreek, tot gruis gemaak of andersins verwerk, nie te bowe gaan nie.

(4) Elke heffing opgelê uit kragte van sub-artikel (1) en elke wysiging van 'n heffing moet deur die Minister by kennisgewing in die *Staatskoerant* bekend gemaak word en tree in werking op 'n dag in daardie kennisgewing vasgestel te word.

(5) Die heffing moet betaal word ooreenkomstig die bepalinge van artikel twee-en-twintig.

22. (1) Behoudens die bepalinge van sub-artikel (2), moet elke meulenaar binne dertig dae na verloop van elke kalender-maand aan die raad 'n bedrag betaal gelyk aan die heffing kragtens artikel een-en-twintig gelê op die gehele hoeveelheid mielies wat hy in die loop van die voorafgaande kalendermaand gemaal, gebreek, tot gruis gemaak of andersins verwerk het. Betalings van heffing.

(2) Die heffing is nie betaalbaar nie ten opsigte van mielies wat vir die produsent daarvan (hetsy daardie produsent die meulenaar self of iemand anders is) gemaal, gebreek, tot gruis gemaak of andersins verwerk word en wat deur daardie produsent bestem is vir sy eie verbruik en vir die verbruik van sy huisgesin en om vee wat aan hom behoort te voer:

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

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

Powers of the board. 19. The board shall have power—

- (a) to appoint such persons as it considers necessary to enable it to exercise its functions, at such remuneration and on such conditions as it may determine;
- (b) to acquire or hire any property which it considers necessary for the purpose of exercising its functions, and to dispose of or let any property which it has acquired;
- (c) to make out of its funds all payments which the board is required to incur and which it may lawfully incur under this Act in the exercise of its functions;
- (d) to create a reserve fund into which any surplus funds not required for immediate use shall be paid;
- (e) to advise the Minister in connection with the determination of the mealie export quota percentage in accordance with section *four* of the principal Act;
- (f) to advise the Minister in connection with the export of mealies or mealie products in terms of section *five* of the principal Act;
- (g) to advise the Minister on the fixing of grades and standards of mealies and mealie products for export;
- (h) to advise the Minister on the prohibition, control and regulation of the importation of mealies in terms of section *one* of the principal Act;
- (i) to subsidise out of its funds the experimental breeding of varieties of drought-resistant mealies and mealies suitable for particular districts;
- (j) generally to advise the Minister on all matters relating to the marketing of mealies and mealie products and development of the mealie industry and to recommend to the Minister any steps which, in the opinion of the board, are calculated to promote the welfare of that industry.

Funds of the board. 20. (1) The funds of the board shall be derived from the proceeds of the levy imposed on mealies under section *twenty-one* and from such moneys as the Government may place at its disposal.

(2) Moneys received under such levy or so received from the Government shall be paid into a special fund, and the board shall have full control over such moneys and such fund.

Levy on mealies ground by millers.

21. (1) The board may, subject to the provisions of this section, impose a levy on all mealies ground, crushed, gristed or otherwise processed by any miller, and may from time to time vary the levy.

(2) No such levy shall be imposed except with the written consent of the Minister.

(3) The levy shall not exceed one penny for every bag of mealies so ground, crushed, gristed or otherwise processed.

(4) Any levy imposed by virtue of sub-section (1) and every alteration of the levy shall be made known by the Minister by notice in the *Gazette*, and shall become operative upon the date stated in such notice.

(5) The levy shall be paid in accordance with the provisions of section *twenty-two*.

Payment of levy.

22. (1) Every miller shall, within thirty days after the close of every calendar month and subject to the provisions of sub-section (2), pay to the board a sum equal to the levy imposed under section *twenty-one* on the total quantity of mealies, ground, crushed, gristed or otherwise processed by him during the course of the preceding calendar month.

(2) The levy shall not be payable in respect of any mealies ground, crushed, gristed or otherwise processed for the producer thereof (whether such producer is the miller himself or any other person) and intended by such producer for consumption by himself and his household and the feeding of stock belonging to him: Provided that the exemption con

13. Indien die Minister oortuig is dat daar nie 'n organisasie, vereniging of raad soos bedoel in artikel vier, vyf, ses, sewe, agt of nege bestaan nie, kan die Minister self 'n persoon of persone nomineer vir aanstelling op die raad om die betrokke belange te verteenwoordig.

Indien geen organisasie, vereniging of raad bestaan nie, kan Minister nomineer.

14. (1) Met uitsondering van die voorsitter, wat sy amp beklee solank dit die Goewerneur-generaal behaag, word, behoudens die bepalings van sub-artikel (2), lede van die raad aangestel vir 'n tydperk van twee jaar.

Ampsduur van raadslede.

(2) Na verloop van een jaar vanaf die eerste aanstelling van lede van die raad, tree twee van die vier lede aangestel kragtens paragraaf (b) van sub-artikel (1) van artikel twee, twee van die vier lede aangestel kragtens paragraaf (c) van bedoelde sub-artikel, en ook die drie lede aangestel kragtens paragraaf (d), (e) en (i) van bedoelde sub-artikel af, en die vakatures wat aldus ontstaan, word gevul.

(3) Watter twee van die lede aangestel kragtens paragraaf (b) van sub-artikel (1) van artikel twee, en watter twee van die lede aangestel kragtens paragraaf (c) van bedoelde sub-artikel, moet aftree ingevolge sub-artikel (2) van hierdie artikel, moet deur die lot beslis word.

(4) By verstryking van die tydperk waarvoor hulle aangestel is, bly lede hul amp beklee totdat hul opvolgers aangestel is, maar in geen geval vir 'n verder tydperk van meer as drie maande nie.

(5) Aftredende lede kan weer aangestel word.

(6) Wanneer die setel van 'n lid van die raad om een of ander rede vakant word voor verloop van die tydperk waarvoor hy aangestel is, kan die Minister, op aanbeveling van die Raad van Beheer oor die Mielienywerheid of van die betrokke organisasie, vereniging of raad, iemand anders wat hy geskik ag, aanstel om die vakature te vul totdat die tydperk waarvoor die uitgetrede lid aangestel was, verstryk is.

(7) Wanneer die Minister bevind dat 'n lid van die raad weens siekte, afwesigheid of om 'n ander rede verhinder word om sy ampswerkzaamhede te verrig, kan die Minister iemand anders wat hy geskik ag, aanstel om as plaasvervanger van daardie lid op te tree solank hy aldus verhinder word, en die plaasvervanger moet gedurende die tydperk wat hy as sulks optree die werkzaamhede verrig van die lid van wie hy as plaasvervanger aangestel is.

(8) Wanneer 'n raadslid sonder die raad se verlof versuim het om drie agtereenvolgende raadsvergaderings by te woon en niemand volgens sub-artikel (7) aangestel is om as sy plaasvervanger op te tree nie, hou hy op om lid van die raad te wees.

(9) Wanneer daar soveel vakatures op die raad bestaan dat geen kworum tot stand kan kom nie, kan die Minister al die werkzaamhede van die raad verrig tot tyd en wyl soveel van bedoelde vakatures gevul is dat 'n kworum van die raad tot stand kan kom.

15. (1) Die eerste vergadering van die raad word gehou op 'n dag en plek deur die Minister vasgestel te word.

Vergaderings van die raad

(2) Alle daaropvolgende vergaderings van die raad word gehou op die tye en plekke wat die raad van tyd tot tyd vasstel.

(3) Die voorsitter van die raad kan self te eniger tyd 'n spesiale vergadering van die raad byeenroep, gehou te word op 'n dag en plek wat die voorsitter vasstel.

(4) Die vergaderings van die raad word byeengeroep by kennisgewing van die voorsitter van die raad.

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

Kworum, meerderheidsbeslissing en beslissende stem van voorsitter.

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

17. (1) Die lede van die raad (behalwe die wat uit staatsgelde salaris trek) ontvang sodanige toelaes tot dekking van die redelike onkoste deur hulle beloop in verband met die sake van die raad, as wat die Minister mog bepaal.

Toelaes van lede van die raad.

(2) Sodanige toelaes word uit die gelde van die raad betaal.

18. (1) Die raad kan met die Minister se toestemming een of meer komitees uit sy lede aanstel, en so 'n komitee is beklee met sodanige bevoegdhede van die raad as wat met die Minister se toestemming deur die raad by kennisgewing in die *Staatskoerant* aan die komitee opgedra mog word.

Komitees van raad.

(2) Die lede van 'n komitee ontvang toelaes op dieselfde skaal as lede van die raad.

If no organisation, association or board exists, Minister may nominate.

Tenure of office of members of the board.

Meetings of the board.

Quorum, majority decision and chairman's casting vote.

Allowances of members of the board.

Committees of board.

13. If the Minister is satisfied that an organization, association or board such as is referred to in section *four, five, six, seven, eight or nine* is not in existence, the Minister may himself nominate a person or persons for appointment to the board to represent the interests concerned.

14. (1) With the exception of the chairman, who shall hold office at the Governor-General's pleasure, members of the board shall, subject to the provisions of sub-section (2), be appointed for a period of two years.

(2) After the expiration of one year from the first appointment of members of the board, two of the four members appointed in terms of paragraph (b) of sub-section (1) of section *two*, two of the four members appointed in terms of paragraph (c) of the said sub-section and also the three members appointed in terms of paragraph (d), (e) and (i) of the said sub-section, shall retire, and the vacancies so arising shall be filled.

(3) Which two of the members appointed in terms of paragraph (b) of sub-section (1) of section *two*, and which two of the members appointed in terms of paragraph (c) of the said sub-section shall retire in accordance with sub-section (2) of this section, shall be decided by lot.

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

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

(6) Whenever for any reason the office of any member of the board becomes vacant before the expiration of the period for which he was appointed, the Minister may, on the recommendation of the Mealie Industry Control Board or of the organization, association or board concerned, appoint any other person whom he considers suitable to fill the vacancy until the expiration of the period for which the vacating member was appointed.

(7) Whenever the Minister is satisfied that any member of the board is prevented by illness, absence or any other cause from performing the duties of his office, the Minister may appoint any other person whom he considers suitable to act as the deputy of that member while he is so prevented, and during the period during which the deputy so acts, he shall perform the functions of the member as whose deputy he has been appointed to act.

(8) Whenever a member of the board, without its leave, has failed to attend three consecutive meetings of the board, and no one has been appointed to act as his deputy in terms of sub-section (7), he shall cease to be a member of the board.

(9) Whenever there are so many vacancies on the board that no quorum can be formed, the Minister may perform all the functions of the board until such time as sufficient of the said vacancies have been filled to enable a quorum of the board to be formed.

15. (1) The first meeting of the board shall be held on a day and at a place to be appointed by the Minister.

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

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

(4) The meetings of the board shall be convened by notice given by the chairman of the board.

16. (1) Nine members of the board shall form a quorum at any meeting of the board.

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

17. (1) The members of the board (other than those in receipt of salaries from public funds) shall receive such allowances to meet the reasonable expenses to which they are put in connection with the business of the board as the Minister may determine.

(2) Such allowances shall be paid out of the funds of the board.

18. (1) The board may, with the consent of the Minister, appoint one or more committees from its members, and any such committee shall be invested with such of the board's powers as may, with the consent of the Minister, be delegated by the board by notice in the *Gazette*.

(2) The members of a committee shall receive allowances on the same scale as the members of the board.

en-dertigste dag van Desember voorafgaande aan die nominasie hoofsaaklik bestaan het uit transaksies in mielies en mielieprodukte het die reg om na onderlinge raadpleging die vier lede vir koöperatiewe mielieprodusente vir aanstelling op die raad te nomineer.

5. (1) Van die lede vir nie-koöperatiewe mielieprodusente word een genomineer deur 'n vereniging van mielieprodusente in elkeen van die vier provinsies van die Unie, wat volgens oordeel van die Minister verteenwoordigend is van mielieprodusente wat nie lede van 'n koöperatiewe vereniging of maatskappy, soos bedoel in artikel vier, is nie.

Nominasie van lede vir nie-koöperatiewe mielieprodusente.

(2) Alleen mielieprodusente wat mielieproduksie as enigste of vernaamste lewensonderhoud beoefen het gedurende die jaar wat geëindig het op die een-en-dertigste dag van Desember voorafgaande aan die nominasie, kan kragtens hierdie artikel genomineer word.

6. Indien daar in die Unie 'n vereniging bestaan wat volgens oordeel van die Minister verteenwoordigend is van mieliekoopliede dan het daardie vereniging die reg om die koopmanslid vir aanstelling op die raad te nomineer, of, indien daar nie so 'n vereniging bestaan nie, dan het die verenigings van mieliekoopliede wat in die Unie bestaan die reg om na onderlinge raadpleging die koopmanslid vir aanstelling op die raad te nomineer.

Nominasie van koopmanslid.

7. Indien daar in die Unie 'n vereniging bestaan wat volgens oordeel van die Minister verteenwoordigend is van makelaars wat in die loop van die jaar wat geëindig het op die een-en-dertigste dag van Desember voorafgaande aan die nominasie, koop- en verkoopkontrakte in mielies of mielieprodukte tussen ander persone bewerkstellig het, dan het daardie vereniging die reg om die makelaarslid vir aanstelling op die raad te nomineer, of, indien daar nie so 'n vereniging bestaan nie, dan het die verenigings van sulke makelaars wat wel in die Unie bestaan die reg om na onderlinge raadpleging die makelaarslid vir aanstelling op die raad te nomineer.

Nominasie van makelaarslid.

8. Indien daar in die Unie 'n vereniging bestaan wat volgens oordeel van die Minister verteenwoordigend is van uitvoerders wat in die loop van die jaar wat geëindig het op die een-en-dertigste dag van Desember voorafgaande aan die nominasie mielies of mielieprodukte uitgevoer het, dan het daardie vereniging die reg om die uitvoerderslid vir aanstelling op die raad te nomineer, of, indien daar nie so 'n vereniging bestaan nie, dan het die verenigings van sulke uitvoerders wat wel in die Unie bestaan die reg na onderlinge raadpleging om die uitvoerderslid vir aanstelling op die raad te nomineer.

Nominasie van uitvoerderslid.

9. Indien daar in die Unie 'n vereniging bestaan wat volgens oordeel van die Minister verteenwoordigend is van meulenaars wat in die loop van die jaar wat geëindig het op die een-en-dertigste dag van Desember voorafgaande aan die nominasie mielies gemaal, gebreek, tot gruis gemaak of andersins verwerk het, dan het daardie vereniging die reg om die meulenaarslid vir aanstelling op die raad te nomineer, of, indien daar nie so 'n vereniging bestaan nie, dan het die verenigings van sulke meulenaars wat wel in die Unie bestaan die reg om na onderlinge raadpleging die meulenaarslid vir aanstelling op die raad te nomineer.

Nominasie van meulenaarslid.

10. Die veevoerderslid word vir aanstelling op die raad genomineer deur die Raad van Beheer oor die Vee- en Vleisnywerhede ingestel deur die Wet op die Vee- en Vleisnywerhede, 1934 (Wet No. 48 van 1934).

Nominasie van veevoerderslid.

11. Wanneer 'n nominasie volgens artikel vier, vyf, ses, sewe, agt, nege of tien nodig word, moet die Minister die betrokke organisasie, vereniging of raad by skriftelike kennisgewing aansê of laat aansê om binne 'n tydperk in die aansegging vasgestel die persoon of persone te nomineer wat hy volgens een of ander van bedoelde artikels geregtig is om vir aanstelling op die raad te nomineer.

Kennisgewing aan organisasies of verenigings om verteenwoordigers te nomineer.

12. Indien iemand wat soos voormeld genomineer is, volgens die Minister se oordeel nie geskik is om as lid van die raad aangestel te word nie, of, in die geval van 'n nominasie kragtens artikel vyf, onbevoeg is om lid van die raad te wees in die hoedanigheid van 'n lid vir nie-koöperatiewe mielieprodusente, kan die Minister daardie nominasie terug verwys na die betrokke organisasie, vereniging of raad en daardie organisasie, vereniging of raad aansê om iemand anders vir aanstelling op die raad te nomineer, en indien die organisasie, vereniging of raad daarop weer iemand nomineer wat volgens die Minister se oordeel ongeskik of onbevoeg is, soos voormeld, of wanneer die organisasie, vereniging of raad in gebreke bly om iemand te nomineer, kan die Minister self, met inagneming van die bepalings van artikel vyf, iemand nomineer wat hy geskik ag om lid van die raad te wees.

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

preceding the nomination principally of transactions in mealies and mealie products, shall be entitled, after mutual consultation, to nominate the four co-operative mealie producers' members for appointment to the board.

Nomination of non-co-operative mealie producers' members.

5. (1) Of the non-co-operative mealie producers' members, one shall be nominated by an association of mealie producers in each of the four provinces of the Union, which, in the opinion of the Minister, is representative of mealie producers who are not members of a co-operative society or company such as is referred to in section *four*.

(2) Only producers of mealies who, during the year that ended on the thirty-first day of December preceding the nomination, derived their sole or principal means of livelihood from the production of mealies may be nominated under this section.

Nomination of merchants' member.

6. If there is in existence in the Union an association which, in the opinion of the Minister, is representative of mealie merchants, that association shall be entitled to nominate the merchants' member for appointment to the board, or, if there is no such association in existence, the associations of mealie merchants which exist in the Union shall be entitled, after mutual consultation, to nominate the merchants' member for appointment to the board.

Nomination of brokers' member.

7. If there is in existence in the Union an association which, in the opinion of the Minister, is representative of brokers who, in the course of the year that ended on the thirty-first day of December preceding the nomination, negotiated contracts of purchase and sale of mealies or mealie products between other persons, that association shall be entitled to nominate the brokers' member for appointment to the board, or, if there is no such association in existence, the associations of such brokers which exist in the Union shall be entitled, after mutual consultation, to nominate the brokers' member for appointment to the board.

Nomination of exporters' member.

8. If there is in existence in the Union an association which, in the opinion of the Minister, is representative of exporters of mealies who, in the course of the year that ended on the thirty-first day of December preceding the nomination, exported mealies or mealie products, that association shall be entitled to nominate the exporters' member for appointment to the board, or, if there is no such association in existence, the associations of such exporters of mealies which exist in the Union shall be entitled, after mutual consultation, to nominate the exporters' member for appointment to the board.

Nomination of millers' member.

9. If there is in existence in the Union an association which, in the opinion of the Minister, is representative of millers who, in the course of the year that ended on the thirty-first day of December preceding the nomination, ground, crushed, gristed or otherwise processed any mealies, that association shall be entitled to nominate the millers' member for appointment to the board, or, if there is no such association in existence, the associations of such millers which exist in the Union shall be entitled, after mutual consultation, to nominate the millers' member for appointment to the board.

Nomination of stock feeders' member.

10. The stock feeders' member shall be nominated by the Livestock and Meat Industries Control Board established by the Livestock and Meat Industries Act, 1934 (Act No. 48 of 1934), for appointment to the board.

Notice to organisations or associations to nominate members.

11. Whenever a nomination in terms of section *four, five, six, seven, eight, nine* or *ten* becomes necessary the Minister shall call upon the organization, association, or board concerned, or cause it to be called upon, by notice in writing, to nominate within a period fixed by such notice such person or persons as it is entitled, in terms of any of the said sections, to nominate for appointment to the board.

If no suitable persons nominated, Minister may nominate.

12. If any person nominated as aforesaid is, in the opinion of the Minister, not suitable for appointment as a member of the board, or, in the case of a nomination made under section *five*, not qualified to be a member of the board as a non-co-operative mealie producers' member, the Minister may refer that nomination back to the organization, association or board concerned and call upon that organization, association or board to nominate some other person for appointment to the board, and if that organization, association or board thereupon again nominates a person who is, in the opinion of the Minister, not suitable or not qualified, as aforesaid, or whenever the organization, association or board fails to nominate any person, the Minister may himself, subject to the provisions of section *five*, nominate any person whom he considers fit to be a member of the board.

No. 59, 1935.]

WET

Om 'n raad van beheer oor die mielienywerheid in te stel en om sy werksaamhede te bepaal; om voorsiening te maak vir die oplegging van 'n heffing op mielies wat in die Unie gemaak word; om verdere voorsiening te maak vir die reëling in sekere opsigte van die handel in mielies; en om die Mielie-Reëlswet, 1931, verder te wysig.

DIT WORD BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

1. Vanaf 'n dag deur die Goewerneur-generaal by proklamasie in die *Staatskoerant* vasgestel te word, word daar 'n raad ingestel, genoem die Raad van Beheer oor die Mielienywerheid (hieronder die raad genoem), met regs persoonlikheid bekleed, wat as eiser en verweerder in sy naam as regspersoon in regte kan optree en wat, met inagneming van die bepalinge van hierdie Wet, alle handelinge kan verrig wat regspersone regtens kan verrig.

Instelling van 'n Raad van Beheer oor die Mielienywerheid.

2. (1) Die raad bestaan uit vyftien lede, deur die Goewerneur-generaal aangestel te word, van wie—

Samestelling van raad.

- (a) een 'n amptenaar (deur die Minister genomineer) van die Departement van Landbou en Bosbou moet wees, wat voorsitter sal wees van die raad;
- (b) vier verteenwoordigers moet wees van mielieprodusente wat lede is van koöperatiewe landbouverenigings of -maatskappye (hieronder die lede vir koöperatiewe mielieprodusente genoem) genomineer te word volgens die bepalinge van artikel vier;
- (c) vier verteenwoordigers moet wees van mielieprodusente wat nie lede van koöperatiewe landbouverenigings of -maatskappye is nie (hieronder die lede vir nie-koöperatiewe mielieprodusente genoem), genomineer te word volgens die bepalinge van artikel vyf;
- (d) een 'n verteenwoordiger moet wees van mieliekoopliede (hieronder die koopmanslid genoem), genomineer te word volgens die bepalinge van artikel ses;
- (e) een 'n verteenwoordiger moet wees van makelaars (hieronder die makelaarslid genoem), genomineer te word volgens die bepalinge van artikel sewe;
- (f) een 'n verteenwoordiger moet wees van uitvoerders van mielies (hieronder die uitvoerderslid genoem), genomineer te word volgens die bepalinge van artikel agt;
- (g) een 'n verteenwoordiger moet wees van meulenaars (hieronder die meulenaarslid genoem), genomineer te word volgens die bepalinge van artikel nege;
- (h) een 'n verteenwoordiger moet wees van veevoerders (hieronder die veevoerderslid genoem), genomineer te word volgens die bepalinge van artikel tien;
- (i) een 'n verteenwoordiger moet wees van verbruikers van mielies (hieronder die verbruikerslid genoem), genomineer te word deur die Minister.

(2) Elke aanstelling van 'n raadslid en elke verandering in die lidmaatskap van die raad moet in die *Staatskoerant* bekend gemaak word.

3. (1) Die Minister kan een of meer amptenare in die staatsdiens en die Suid-Afrikaanse Spoorweë- en Hawensadministrasie aanstel om in adviserende hoedanigheid alle vergaderings of een of meer van die vergaderings van die raad of van 'n komitee van die raad by te woon. Elke sodanige amptenaar het dieselfde regte as lede van die raad of komitee waartoe hy benoem is, behalwe dat hy geen stem by 'n vergadering daarvan kan uitbring nie.

Adviseurs van die raad.

(2) Met goedkeuring van die Minister kan die koöperatiewe organisasies na onderlinge raadpleging iemand wat kennis het van die mielienywerheid aanstel om in adviserende hoedanigheid alle vergaderings of een of meer van die vergaderings van die raad of van 'n komitee van die raad by te woon.

4. Die ingevolge die „Wet op Koöperatiewe Verenigings, 1922” geregistreerde koöperatiewe landbouverenigings en -maatskappye van wie die besigheid volgens oordeel van die Minister gedurende die jaar wat geëindig het op die een-

Nominasie van lede vir koöperatiewe mielieprodusente.

No. 59, 1935.]

ACT

To establish a mealie industry control board and to define its functions ; to provide for the imposition of a levy on mealies milled in the Union ; to make further provision for the regulation, in certain respects, of the trade in mealies ; and to amend further the Mealie Control Act, 1931.

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows :—

Establishment of
Mealie Industry
Control Board.

1. As from a date to be fixed by the Governor-General by proclamation in the *Gazette* there shall be established a board to be known as the Mealie Industry Control Board (hereinafter referred to as the board), which shall be a body corporate, capable of suing and being sued in its corporate name, and, subject to the provisions of this Act, of performing all such acts as bodies corporate may by law perform.

Constitution of the
board.

2. (1) The board shall consist of fifteen members, to be appointed by the Governor-General, of whom—

- (a) one shall be an officer of the Department of Agriculture and Forestry (nominated by the Minister), who shall be chairman of the board ;
- (b) four shall represent producers of mealies who are members of co-operative agricultural societies or companies (hereinafter referred to as the co-operative mealie producers' members), who shall be nominated in accordance with the provisions of section *four* ;
- (c) four shall represent producers of mealies who are not members of co-operative societies or companies (hereinafter referred to as non-co-operative mealie producers' members), who shall be nominated in accordance with the provisions of section *five* ;
- (d) one shall represent mealie merchants (hereinafter referred to as the merchants' member), who shall be nominated in accordance with the provisions of section *six* ;
- (e) one shall represent brokers (hereinafter referred to as the brokers' member), who shall be nominated in accordance with the provisions of section *seven* ;
- (f) one shall represent the exporters of mealies (hereinafter referred to as the exporters' member), who shall be nominated in accordance with the provisions of section *eight* ;
- (g) one shall represent millers (hereinafter referred to as the millers' member), who shall be nominated in accordance with the provisions of section *nine* ;
- (h) one shall represent stock feeders (hereinafter referred to as the stock feeders' member), who shall be nominated in accordance with the provisions of section *ten* ;
- (i) one shall represent consumers of mealies (hereinafter referred to as the consumers' member), who shall be nominated by the Minister.

(2) Every appointment of a member of the board and every change in the membership of the board shall be notified in the *Gazette*.

Advisers to the
board.

3. (1) The Minister may nominate one or more officers of the public service and the South African Railways and Harbours Administration to attend all or one or more of the meetings of the board or of a committee of the board in an advisory capacity. Every such officer shall have the same rights as the members of the board or committee to which he has been appointed, save that he shall not have the right to vote at any meeting thereof.

(2) With the approval of the Minister, the co-operative organizations may nominate, after mutual consultation, a person who has knowledge of the mealie industry to attend all or one or more meetings of the board or a committee of the board in an advisory capacity.

Nomination of
co-operative
mealie producers'
members.

4. The co-operative agricultural societies and companies registered in terms of the Co-operative Societies Act, 1922, whose business, in the opinion of the Minister, consisted during the year that ended on the thirty-first day of December

gewysig, en wat volgens sy statute bevoeg is om koring te ontvang, te hanteer en te verkoop ;

„meulenaar”, iemand aan wie ’n lopende meulenaars-lisensie uitgereik is kragtens die „Licenties Konsolidatie Wet, 1925” (Wet No. 32 van 1925), soos gewysig ;

„Minister”, die Minister van Landbou en Bosbou of ’n ander Minister wat wettig namens hom optree :

„produsent”, met betrekking tot koring, die persoon deur of ten behoewe van wie daardie koring verbou is, of die persoon aan wie daardie koring gelewer is as vergoeding of as ’n deel van die vergoeding vir die reg om die grond waarop die koring verbou is, te gebruik ;

„sak koring”, tweehonderd pond gewig koring, hetsy al dan nie in ’n sak of ander houer vervat.

25. Hierdie Wet heet die Wet op die Beheer oor die Koring- Kort titel en nywerheid, 1935, en tree in werking op ’n datum deur die inwerkingtreding. Goewerneur-generaal by proklamasie in die *Staatskoerant* vas te stel.

regulations is authorized to receive, handle and sell wheat ;

“ miller ” means a person to whom a current miller’s licence has been issued under the Licences Consolidation Act, 1925 (Act No. 32 of 1925), as amended ;

“ Minister ” means the Minister of Agriculture and Forestry or any other Minister lawfully acting in his stead ;

“ producer ”, in relation to wheat, means the person by whom or on whose behalf such wheat was grown, or the person to whom such wheat was supplied as the consideration or a part of the consideration for the right to use the land on which it was grown ;

“ bag of wheat ” means two hundred pounds weight of wheat, whether or not contained in a sack or other container.

Short title and commencement.

25. This Act shall be known as the Wheat Industry Control Act, 1935, and shall come into operation on a date to be fixed by the Governor-General by proclamation in the *Gazette*.

bedoel in sub-artikel (1), is aan 'n misdryf skuldig en by veroordeling strafbaar met 'n boete van hoogstens tweehonderd pond.

(3) Iemand wat, behalwe vir die doeleindes van hierdie Wet, of op las van 'n geregshof, inligting bekend maak wat hy verkry het deur of as gevolg van 'n inspeksie of insage uitgevoer kragtens hierdie artikel, is aan 'n misdryf skuldig en by veroordeling strafbaar met 'n boete van hoogstens honderd pond.

21. (1) Iedereen wat tydens die inwerkingtreding van hierdie Wet die eienaar van 'n dorsmasjien is, moet die raad skriftelik van daardie feit in kennis stel binne dertig dae na bedoelde inwerkingtreding. Inligting deur eienaars van dorsmasjiene verstrek te word.

(2) Iedereen wat na die inwerkingtreding van hierdie Wet die eienaar van 'n dorsmasjien word, moet die raad skriftelik van daardie feit in kennis stel binne dertig dae na die datum waarop hy die eienaar van daardie dorsmasjien geword het.

(3) Iedereen wat ophou om die eienaar van 'n dorsmasjien te wees, moet die raad skriftelik van daardie feit in kennis stel binne dertig dae na die datum waarop hy opgehou het om die eienaar van daardie dorsmasjien te wees.

(4) Iedereen wat die eienaar van 'n dorsmasjien is, moet binne dertig dae na verloop van elke kalendermaand aan die raad 'n opgawe in die by regulasie voorgeskrewe vorm stuur wat aantoon die aantal sakke koring wat met daardie masjien gedors is in die loop van die betrokke kalendermaand, en moet, indien gedurende 'n kalendermaand geen koring met daardie masjien gedors is nie, binne dertig dae na verloop van daardie kalendermaand 'n nul-opgawe in die by regulasie voorgeskrewe vorm aan die raad stuur.

(5) Iedereen wat 'n bepaling van hierdie artikel oortree of in gebreke bly om daaraan te voldoen, of wat wetens in so'n opgawe 'n valse verklaring maak of laat maak, is aan 'n misdryf skuldig en by veroordeling strafbaar met 'n boete van hoogstens vyftig pond.

(6) Die bepalings van hierdie artikel is nie ten opsigte van dorsmasjiene wat nie gebruik kan word om koring te dors van toepassing nie.

22. (1) By die verhoor van iemand wat aangekla is weens 'n oortreding van hierdie Wet, is 'n verklaring wat bevat is in 'n opgawe verstrek deur of namens die beskuldigde ingevolge hierdie Wet of 'n regulasie daaronder uitgevaardig, en 'n verklaring of rekord wat bevat is in 'n boek, rekening of dokument wat deur die beskuldigde of 'n werknemer of agent van die beskuldigde gehou word, of wat gevind word op die perseel of op grond of 'n plek in okkupasie van die beskuldigde, toelaatbaar by wyse van getuienis teen die beskuldigde as 'n erkenning van die feite uiteengesit in daardie verklaring of rekord. Erkennings en vermoedens.

(2) Wanneer iemand ingevolge sub-artikel (6) van artikel *agtien* aangekla word weens versuim om die volle bedrag ten opsigte van heffing deur hom verskuldig aan die raad te betaal, of ingevolge sub-artikel (3) of (6) van daardie artikel of sub-artikel (3) van artikel *negentien* aangekla word weens die maak of laat maak van 'n valse verklaring, en dit bewys word dat minder as die volle deur hom verskuldigde bedrag deur of namens hom betaal is, of, na gelang van die geval, dat 'n valse verklaring voorkom in die sertifikaat of die opgawe deur of namens hom onderteken of verstrek, word hy, tensy die teenoorgestelde bewys word, geag opsetlik minder as die volle deur hom verskuldigde bedrag te betaal het of, na gelang van die geval, wetens bedoelde valse verklaring te gemaak het of te laat maak het.

23. Die Minister kan die regulasies uitvaardig wat hy nodig of wenslik ag— Regulasies.

- (a) betreffende die nominasie van persone vir aanstelling op die raad;
- (b) ter bepaling van die rekords wat deur die raad of 'n komitee van die raad gehou moet word betreffende sy verrigtings;
- (c) ter bepaling van die wyses waarop en die vorms waarin die raad sy rekenings moet hou;
- (d) ter bepaling van die vorm van enige rekord, boek, opgawe of dokument hoegenaamd by die toepassing van hierdie Wet gebruik te word.

24. Tensy in stryd met die samehang, beteken in hierdie Wet— Woordomskeywing.

„dorsmasjien”, 'n masjien wat gebruik kan word om koring te dors, hetsy dit vir enige ander doel gebruik kan word al dan nie;

„koöperatiewe organisasie”, 'n vereniging of maatskappy wat geregistreer is ingevolge die „Wet op Koöperatiewe Verenigingen, 1922” (Wet No. 28 van 1922), soos

of any matter referred to in sub-section (1), shall be guilty of an offence and on conviction be liable to a fine not exceeding two hundred pounds.

(3) Any person who, except for the purposes of this Act, or upon the order of any court, discloses any information obtained by him through, or in consequence of, any inspection or examination made under this section shall be guilty of an offence, and on conviction be liable to a fine not exceeding one hundred pounds.

Information to be furnished by owners of threshing machines.

21. (1) Every person who is the owner of a threshing machine at the commencement of this Act shall notify the board in writing of that fact within thirty days after such commencement.

(2) Every person who becomes the owner of a threshing machine after the commencement of this Act shall notify the board in writing of that fact within thirty days after the date on which he became the owner of such machine.

(3) Every person who ceases to be the owner of a threshing machine shall notify the board of that fact within thirty days after the date on which he ceased to be the owner of such machine.

(4) Every person who is the owner of a threshing machine shall within thirty days after the close of every calendar month transmit to the board a return, in a form prescribed by regulation, showing the number of bags of wheat which was threshed by means of that machine during the course of the calendar month concerned; and if during any calendar month no wheat was threshed by means of that machine, he shall, within thirty days after the close of that month, transmit to the board a nil return, in a form prescribed by regulation.

(5) Every person who contravenes or fails to comply with any provision of this section, or who knowingly makes or causes to be made a false statement in any such return, shall be guilty of an offence, and liable on conviction to a fine not exceeding fifty pounds.

(6) The provisions of this section shall not apply in respect of threshing machines which are not capable of being used for threshing wheat.

Admissions and presumptions.

22. (1) At the trial of any person charged with the commission of any offence under this Act, any statement contained in any return furnished by or on behalf of the accused in terms of this Act or any regulation made thereunder, and any statement or record contained in any book, account or document kept by the accused or by any employee or agent of the accused, or found upon the premises of or any land or place occupied by the accused, shall be admissible in evidence against the accused as an admission of the facts set forth in that statement or record.

(2) Whenever any person is charged under sub-section (6) of section *eighteen* with having failed to pay to the board the full amount owing by him in respect of levy, or is charged under sub-section (3) or (6) of that section or sub-section (3) of section *nineteen* with having made or caused to be made a false statement, and it is proved that less than the full amount owing by him was paid by him or on his behalf, or, as the case may be, that a false statement appears in the certificate signed or the return furnished by him or on his behalf he shall be deemed, unless the contrary is proved, wilfully to have paid less than the full amount owing by him, or, as the case may be, knowingly to have made such false statement or caused it to be made.

Regulations.

23. The Minister may make all such regulations as he deems necessary or expedient—

- (a) concerning the nomination of persons for appointment to the board;
- (b) prescribing the records to be kept by the board and any committee of the board of its proceedings;
- (c) prescribing the methods by and the forms in which the board shall keep its accounts;
- (d) prescribing the form of any record, book, return or document whatever to be used for the purposes of this Act.

Definitions.

24. In this Act, unless inconsistent with the context—

“threshing machine” means any machine which can be used for threshing wheat, whether or not it can be used for any other purpose;

“co-operative organization” means a society or company registered under the Co-operative Societies Act, 1922 (Act No. 28 of 1922), as amended, which by its

opgawe bedoel in daardie paragraaf wetens 'n valse verklaring gemaak of laat maak het, moet die hof wat hom skuldig vind die verskil tussen die bedrag werklik deur hom verskuldig ten opsigte van heffing en die bedrag wat volgens bedoelde opgawe deur hom verskuldig is ten opsigte van heffing, en die hof moet, benewens enige straf wat daardie of 'n ander hof aan hom mog oplê of mog opgelê het ingevolge sub-artikel (6), en benewens enige vonnis wat daardie of 'n ander hof ingevolge sub-artikel (7) teen hom mog uitspreek of mog uitgespreek het, op die aldus veroordeelde persoon 'n boete gelyk aan bedoelde verskil oplê.

19. (1) Die raad kan met die Minister se goedkeuring uit sy gelde 'n koringprodusent of koöperatiewe organisasie wat in die loop van die tydperk van twaalf maande eindigende op die dertigste dag van September van een of ander jaar koring vir minstens ses maande opgeberg het, geheel of gedeeltelik vergoed vir enige verlies wat daardie produsent of organisasie volgens oordeel van die raad, as gevolg van die opberging van daardie koring gelyk het: Met die verstande dat geen vergoeding betaal word nie aan 'n koringprodusent ten opsigte van ander koring as koring waarvan hy die produsent is, of aan 'n koringprodusent wat minder as eenduisend tweehonderd sak koring waarvan hy die produsent is, aldus opgeberg het: Met die verstande, voorts, dat geen vergoeding betaal word nie ten opsigte van koring tensy die raad daarvan oortuig is dat toe met opberging van daardie koring begin is, dit gesond was en geskik was vir opberging en daarna onder geskikte omstandighede gehou is: Met die verstande, voorts, dat bedoelde verlies bereken word op grondslag van die verskil tussen die prys wat daardie produsent of organisasie vir daardie koring verkry het of, volgens oordeel van die raad, waarskynlik uiteindelik sal kan verkry, en die prys wat hy, volgens oordeel van die raad, sou kan verkry het as hy daardie koring nie opgeberg het nie: Met die verstande, voorts, dat geen vergoeding betaal word nie tensy die raad oortuig is dat die betrokke produsent of organisasie geen beter prys vir daardie koring kon verkry het nie as die prys wat hy, volgens oordeel van die raad, sou kan verkry het as hy daardie koring nie opgeberg het nie: Met die verstande, voorts, dat geen vergoeding betaal word nie ten opsigte van koring wat die produsent of organisasie, volgens oordeel van die raad, te eniger tyd voor of gedurende die opbergingsperiode kon verkoop het teen 'n prys gelyk aan of meer dan die koste (invoerreg inbegrepe) waarvoor koring wat in die Unie van elders ingevoer word aan wal kan gelewer word: Met die verstande, voorts, dat geen heffingsgelde ontvang ten opsigte van koring geproduseer in 'n bepaalde provinsie aangewend mag word nie ter vergoeding van verliese deur koringprodusente of koöperatiewe organisasies gelyk ten opsigte van koring geproduseer in 'n ander provinsie.

Vergoeding vir verlies op opgebergde koring.

(2) Aansoek om die vergoeding bedoel in sub-artikel (1) moet aan die raad gerig word binne 'n tydperk wat die raad by kennisgewing in die *Staatskoerant* voorskryf en moet vergesel gaan van sodanige opgawe as wat deur bedoelde kennisgewing vereis word.

(3) Enigeen wat wetens in 'n in sub-artikel (2) bedoelde opgawe 'n valse verklaring maak of laat maak, is aan 'n misdryf skuldig en by veroordeling strafbaar met 'n boete van hoogstens tweehonderd pond.

20. (1) Iemand wat algemeen of spesiaal daartoe gemagtig is deur die Minister, die Sekretaris van Landbou en Bosbou of die raad, kan op alle redelike tye 'n perseel of grond of plek betree wat in okkupasie is van 'n meulenaar of van iemand wat gemeen word 'n meulenaar te wees, of 'n perseel of plek of grond betree waarin of waarop koring of koringprodukte deur so iemand gehou word, en kan alle koring en koringprodukte aldaar inspekteer en alle boeke, rekenings en dokumente aldaar insien en 'n uiteensetting eis van die geskiedenis en 'n uitleg eis van die aanwesigheid van daardie koring of koringprodukte en 'n uitleg eis van inskrywings of dokumente wat betrekking het of verdink word betrekking te hê op koring of koringprodukte, en beslag lê op boeke, rekenings en dokumente wat bewys mag oplewer van 'n oortreding van of versuim om te voldoen aan die bepalings van hierdie Wet, en kan uittreksels uit en afskrifte van alle inskrywings of dokumente maak wat bewys mag oplewer van so'n oortreding.

Insage van boeke en inspeksie van koring in voorraad.

(2) Enigeen wat iemand by die verrigting van 'n werksaamheid of die uitoefening van 'n bevoegdheid, kragtens hierdie artikel, belemmer of wat opsetlik versuim of weier om 'n verklaring te maak of uitleg te verstrek wat daaronder geëis word, of wat wetens 'n valse verklaring maak of laat maak of 'n valse uitleg verstrek of laat verstrek betreffende 'n aangeleentheid

caused to be made a false statement in any return referred to in that paragraph, the court convicting him shall determine the difference between the amount actually owing by him in respect of levy, and the amount which according to such return is owing by him in respect of levy, and the court shall, in addition to any sentence which it or any other court may impose or may have imposed on him under sub-section (6), and in addition to any judgment which it or any other court may pronounce or may have pronounced against him under sub-section (7), impose on the person so convicted a fine equal to the said difference.

Compensation for loss on storage of wheat.

19. (1) The board may, with the approval of the Minister, out of its funds, wholly or partially compensate any producer of wheat or co-operative organization, who or which has stored wheat for at least six months during the period of twelve months ending on the thirtieth day of September in any year, for any loss which such producer or organization has, in the opinion of the board, suffered in consequence of the storage of such wheat : Provided that no compensation shall be paid to any producer of wheat in respect of any wheat other than wheat of which he is the producer, or to any producer of wheat who has so stored less than one thousand two hundred bags of wheat of which he is the producer : Provided, further, that no compensation shall be paid in respect of any wheat unless the board is satisfied that at the time of being placed in storage such wheat was sound and suitable for storage and was subsequently stored under suitable conditions : Provided, further, that such loss shall be calculated on the basis of the difference between the price which such producer or organization has obtained or, in the opinion of the board, will probably be able to obtain eventually for the wheat in question and the price which, in the opinion of the board, he or it would have been able to obtain if he or it had not stored such wheat : Provided, further, that no compensation shall be paid unless the board is satisfied that such producer or organization could not have obtained a better price for the wheat in question than the price which, in the opinion of the board, he or it would have been able to obtain if he or it had not stored such wheat : Provided, further, that no compensation shall be paid in respect of any wheat which the producer or organization could, in the opinion of the board, have sold at any time before or during the period of storage at a price equal to or in excess of the landed cost (import duty included) at which wheat could be landed in the Union on importation from abroad : Provided, further, that no levy funds received in respect of wheat produced in a particular province shall be devoted to the payment of losses suffered by producers of wheat or co-operative organizations in respect of wheat produced in any other province.

(2) Application for the compensation referred to in sub-section (1) shall be made to the board within a period prescribed by the board by notice in the *Gazette* and shall be accompanied by such return as may be required by such notice.

(3) Any person who knowingly makes or causes to be made a false statement in a return referred to in sub-section (2) shall be guilty of an offence and on conviction be liable to a fine not exceeding two hundred pounds.

Examination of books and inspection of wheat in stock.

20. (1) Any person generally or specially authorized thereto by the Minister, the Secretary for Agriculture and Forestry or the board, may at all reasonable hours enter upon the premises of, or any land or place occupied by, any miller or any person who is believed to be a miller, or upon any premises, land or place in or on which any wheat or wheaten products are kept by any such person, and may inspect all wheat and wheaten products and examine all books, accounts and documents there being, and may require a statement of the history and an explanation of the presence of any such wheat and wheaten products, and an explanation of any entries or documents referring or suspected to refer to wheat or wheaten products, and seize any such books, accounts and documents as may afford evidence of any contravention of, or failure to comply with, the provisions of this Act, and may make extracts from, and copies of all such entries or documents as may afford evidence of any such contravention.

(2) Any person who obstructs any person in the performance of any duty or the exercise of any power under this section, or who wilfully fails or refuses to make any statement or give any explanation demanded thereunder, or who knowingly makes or causes to be made a false statement or explanation

17. (1) Die raad kan, met inagneming van die bepalinge van hierdie artikel, 'n heffing lê op alle koring deur enige meulenaar gemaal of andersins verwerk, en die heffing van tyd tot tyd wysig.

Heffing op koring gemaal deur meulenaars.

(2) So'n heffing word nie opgelê nie, dan alleen met skriftelike toestemming van die Minister.

(3) Die heffing mag een shilling op elke sak koring aldus gemaal of andersins verwerk, nie te bowe gaan nie: Met die verstande dat die raad 'n verskillende heffing kan oplê ten opsigte van koring in verskillende provinsies geproduseer en van koring in die Unie ingevoer.

(4) Enige heffing opgelê uit kragte van sub-artikel (1) en elke wysiging van 'n heffing moet deur die Minister by kennisgewing in die *Staatskoerant* bekend gemaak word en tree in werking op 'n dag in daardie kennisgewing vasgestel.

(5) Die heffing moet betaal word ooreenkomstig die bepalinge van artikel *agtien*.

18. (1) Behoudens die bepalinge van sub-artikel (2), moet elke meulenaar binne dertig dae na verloop van elke kalendermaand aan die raad 'n bedrag betaal gelyk aan die heffing kragtens artikel *seventien* gelê op die gehele hoeveelheid koring wat hy in die loop van die voorafgaande kalendermaand gemaal of andersins verwerk het.

Betaling van heffing.

(2) Die heffing is nie betaalbaar nie ten opsigte van koring wat vir die produsent daarvan (hetsy daardie produsent die meulenaar self of iemand anders is) gemaal, of andersins verwerk word en wat deur daardie produsent bestem is vir sy eie verbruik en vir die verbruik van sy huisgesin: Met die verstande dat die vrystelling deur hierdie sub-artikel verleen—

(a) nie geld nie ten opsigte van meer as vyf-en-dertig sakke koring alles tesame, gemaal of andersins verwerk in die loop van 'n gegewe kalenderjaar vir 'n bepaalde produsent; en

(b) van toepassing is alleen op koring ten opsigte waarvan deur die meulenaar, tesame met die opgawe vermeld in sub-artikel (5), 'n deur die produsente daarvan ondertekende sertifikaat aan die raad toegesend word waarin bedoelde produsent verklaar dat hy die produsent daarvan is en dat hy voornemens is om daardie gemaalde of andersins verwerkte koring te gebruik vir sy eie verbruik en vir die verbruik van sy huisgesin.

(3) Iemand wat opsetlik 'n valse verklaring maak in 'n sertifikaat bedoel in sub-artikel (1) is aan 'n misdryf skuldig.

(4) Elke meulenaar kan op die persoon vir wie hy koring gemaal of andersins verwerk het die bedrag verhaal wat deur hom betaal is by wyse van heffing op sodanige koring wat aldus gemaal of andersins verwerk is.

(5) Die juistheid van die ingevolge sub-artikel (2) betaalde bedrag word deur die meulenaar gestaaf deur toesending aan die raad op dieselfde tyd waarop betaling geskied van 'n opgawe, in 'n by regulasie voorgeskrewe vorm, aantonende die gehele hoeveelheid koring wat hy in die loop van die betrokke kalendermaand gemaal of andersins verwerk het en afsonderlik aantonende hoeveel van daardie koring in elk van die provinsies van die Unie en buite die Unie geproduseer is; en indien hy gedurende een of ander kalendermaand geen koring gemaal of andersins verwerk het nie, moet hy binne sewe dae na verloop van daardie maand 'n nul-opgawe, in 'n by regulasie voorgeskrewe vorm, aan die raad toeseu.

(6) 'n Meulenaar wat—

(a) opsetlik versuim om die volle bedrag, wat ten opsigte van heffing ingevolge sub-artikel (1) deur hom verskuldig is, binne die bepaalde tyd aan die raad te betaal; of

(b) versuim om die in sub-artikel (5) bedoelde opgawe binne die bepaalde tyd aan die raad te stuur of wat wetens in bedoelde opgawe 'n valse verklaring maak of laat maak,

is aan 'n misdryf skuldig en by veroordeling strafbaar met 'n boete van hoogstens tweehonderd pond.

(7) Wanneer iemand veroordeel word weens 'n misdryf volgens paragraaf (a) van sub-artikel (6) en dit bewys word dat hy nie die volle deur hom ten opsigte van heffing verskuldigde bedrag aan die raad betaal het nie, moet die hof wat hom skuldig vind onverwyld 'n vonnis teen hom en ten gunste van die raad gee vir die bedrag wat na bevinding van die hof nog deur hom verskuldig is, en so'n vonnis kan ten uitvoer gelê word op dieselfde wyse asof dit in die loop van 'n siviele geding uitgespreek is.

(8) Wanneer iemand veroordeel word weens 'n misdryf volgens paragraaf (b) van sub-artikel (6) op grond dat hy in 'n

Levy on wheat
ground by millers.

17. (1) The board may, subject to the provisions of this section, impose a levy on all wheat ground or otherwise processed by any miller, and may from time to time vary the levy.

(2) No such levy shall be imposed except with the written consent of the Minister.

(3) The levy shall not exceed one shilling for every bag of wheat so ground, or otherwise processed: Provided that the board may impose a different levy in respect of wheat produced in different provinces and of wheat imported into the Union.

(4) Any levy imposed by virtue of sub-section (1) and every alteration of the levy shall be made known by the Minister by notice in the *Gazette*, and shall become operative upon the date stated in such notice.

(5) The levy shall be paid in accordance with the provisions of section *eighteen*.

Payment of levy.

18. (1) Every miller shall, within thirty days after the close of every calendar month and subject to the provisions of sub-section (2), pay to the board a sum equal to the levy imposed under section *seventeen* on the total quantity of wheat, ground or otherwise processed by him during the course of the preceding calendar month.

(2) The levy shall not be payable in respect of any wheat ground or otherwise processed for the producer thereof (whether such producer is the miller himself or any other person) and intended by such producer for consumption by himself and his household: Provided that the exemption conferred by this sub-section—

- (a) shall not extend to more than thirty-five bags in all of wheat ground or otherwise processed during the course of any one calendar year for any one producer; and
- (b) shall apply only to wheat in respect of which there is transmitted to the board by the miller, together with the return referred to in sub-section (5), a certificate signed by the producer thereof and declaring that he is the producer thereof and that he intends to use such ground or processed wheat for consumption by himself and his household.

(3) Any person who wilfully makes a false statement in any such certificate as is referred to in sub-section (1) shall be guilty of an offence.

(4) Every miller may recover from any person for whom he has ground or otherwise processed wheat any amount paid by him in levy in respect of such wheat so ground or otherwise processed.

(5) The correctness of the amount paid in accordance with sub-section (2) shall be supported by the miller by his transmitting to the board at the same time as payment is made a return, in a form prescribed by regulation, showing the whole quantity of wheat which, during the course of the calendar month concerned, he has ground or otherwise processed and showing separately how much of that wheat was produced in each of the provinces of the Union and outside the Union, and if during any calendar month he has not ground or otherwise processed any wheat, he shall, within seven days after the close of that month, transmit to the board a nil return, in a form prescribed by regulation.

(6) Any miller who—

- (a) wilfully fails to pay to the board within the time provided the full amount due by him in respect of levy in terms of sub-section (1); or
- (b) fails to transmit to the board within the time provided the return referred to in sub-section (5), or who knowingly makes or causes to be made a false statement in such return,

shall be guilty of an offence and on conviction be liable to a fine not exceeding two hundred pounds.

(7) Whenever any person is convicted of an offence under paragraph (a) of sub-section (6), and it is proved that he has not paid to the board the full amount due by him in respect of levy, the court convicting him shall forthwith give judgment against him and in favour of the board for the amount which the court finds is still owing by him, and any such judgment may be executed in the same manner as if it had been pronounced in the course of civil proceedings.

(8) Whenever any person is convicted of an offence under paragraph (b) of sub-section (6), in that he knowingly made or

(8) Wanneer 'n raadslid sonder die raad se verlof versuim het om drie agtereenvolgende raadsvergaderings by te woon en niemand volgens sub-artikel (7) aangestel is om as sy plaasvervanger op te tree nie, hou hy op om lid van die raad te wees.

(9) Wanneer daar soveel vakatures op die raad bestaan dat geen kworum tot stand kan kom nie, kan die Minister al die werksaamhede van die raad verrig tot tyd en wyl soveel van die vakatures aangevul is dat 'n kworum van die raad tot stand kan kom.

11. (1) Die eerste vergadering van die raad word gehou op 'n dag en plek deur die Minister vasgestel te word. Raadsvergaderings.

(2) Alle volgende vergaderings van die raad word op die tye en plekke gehou wat die raad van tyd tot tyd vasstel, maar nie meer as vier gewone vergaderings word gedurende een jaar gehou nie, behalwe met die goedkeuring van die Minister.

(3) Die voorsitter van die raad kan self te eniger tyd 'n spesiale vergadering van die raad byeenroep, wat op 'n dag en plek deur die voorsitter vas te stel gehou moet word.

(4) Die vergaderings van die raad word byeengeroep op kennisgewing van die voorsitter van die raad.

12. (1) Vyf lede van die raad maak 'n kworum uit vir enige vergadering van die raad. Kworum, meerderheidsbeslissing en beslissende stem van voorsitter.

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

13. (1) Die raad kan, met die Minister se toestemming, een of meer komitees uit sy lede benoem, en 'n komitee is beklee met sodanige bevoegdhede van die raad as wat die raad by kennisgewing in die *Staatskoerant* met die Minister se toestemming aan so'n komitee mog opdra. Komitees van raad.

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

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

14. (1) Die lede van die raad en van enige komitee aangestel deur die raad (behalwe die wat uit staatsgelde salaris trek) ontvang die toelaes tot dekking van die redelike onkoste deur hulle beloop in verband met die sake van die raad of van so'n komitee, na gelang van die geval, wat die Minister mog bepaal. Toelaes van raadslede en komiteelede.

(2) Sodanige toelaes word uit die gelde van die raad betaal.

15. Die raad is bevoeg:

- (a) om die persone aan te stel wat hy nodig ag om hom in staat te stel om sy werksaamhede te verrig, en wel teen die besoldiging en op die voorwaardes wat hy mog vasstel;
- (b) om goed aan te skaf of te huur wat hy nodig ag vir die verrigting van sy werksaamhede, en om enige aangeskafte goed van die hand te sit of te verhuur;
- (c) om volgens voorskrif van artikel *negentien* enige koringprodusente of koöperatiewe organisasie geheel of gedeeltelik te vergoed vir enige verlies wat hy mag gely het as gevolg van die opberging van koring;
- (d) om uit sy gelde alle uitgawes te dek wat hy kragtens hierdie Wet moet of kan beloop vir die verrigting van sy werksaamhede;
- (e) om 'n reserwefonds daar te stel waarin orige gelde, wat nie vir onmiddellike gebruik benodig is nie, inbetaal moet word;
- (f) om sy gelde aan die ontwikkeling en verbetering van die koringnywerheid te bestee;
- (g) om die Minister van advies te dien betreffende die vasstelling van grade en standaarde van koring en koringprodukte;
- (h) om die Minister van advies te dien betreffende verbod op, beheer oor en reëling van die invoer van koring en koringprodukte;
- (i) oor die algemeen om die Minister van advies te dien oor alle aangeleenthede betreffende die bemerking van koring en koringprodukte en die ontwikkeling van die koringnywerheid en om aan die Minister die stappe aan te beveel wat volgens die raad se oordeel bereken is om die welvaart van daardie nywerheid te bevorder.

Bevoegdhede van die raad.

16. (1) Die gelde van die raad word verkry uit die opbrings van die heffing op koring gelê kragtens artikel *sewentien*. Gelde van raad.

(2) Gelde ontvang uit so'n heffing word in 'n spesiale fonds gestort en die raad het volle beheer oor bedoelde gelde en fonds.

	(8) Whenever a member of the board, without its leave, has failed to attend three consecutive meetings of the board, and no one has been appointed to act as his deputy in terms of sub-section (7), he shall cease to be a member of the board. (9) Whenever there are so many vacancies on the board that no quorum can be formed, the Minister may perform all the functions of the board until such time as sufficient of the said vacancies have been filled to enable a quorum of the board to be formed.
Meetings of the board.	11. (1) The first meeting of the board shall be held on a day and at a place to be appointed by the Minister. (2) All subsequent meetings of the board shall be held at such times and places as the board may from time to time determine, but not more than four ordinary meetings shall be held during any one year, except with the approval of the Minister. (3) The chairman of the board may himself at any time call a special meeting of the board, to be held on a day and at a place to be appointed by him. (4) The meetings of the board shall be convened by notice given by the chairman of the board.
Quorum, majority decision and chairman's casting vote.	12. (1) Five members of the board shall form a quorum at any meeting of the board. (2) The decision of the majority of the members of the board present at any meeting thereof shall constitute the decision of the board: Provided that in the event of an equality of votes the chairman shall have a casting vote in addition to his deliberative vote.
Committees of board.	13. (1) The board may, with the consent of the Minister, appoint one or more committees from its members, and any such committee shall be invested with such of the board's powers as may, with the consent of the Minister, be delegated to it by the board by notice in the <i>Gazette</i>. (2) The chairman of the board shall be <i>ex officio</i> a member of every committee appointed by the board and may at any time convene a meeting of a committee, to be held on a day and at a place to be appointed by him. (3) The decision of the majority of all the members of a committee shall constitute a decision of the committee.
Allowances of members of the board and of committees.	14. (1) The members of the board and of any committee appointed by the board (other than those in receipt of salaries from public funds) shall receive such allowances to meet the reasonable expenses to which they are put in connection with the business of the board or of such committee, as the case may be, as the Minister may determine. (2) Such allowances shall be paid out of the funds of the board.
Powers of the board.	15. The board shall have power— (a) to appoint such persons as it considers necessary to enable it to exercise its functions, at such remuneration and on such conditions as it may determine; (b) to acquire or hire any property which it considers necessary for the purpose of exercising its functions, and to dispose of or let any property which it has acquired; (c) in terms of section <i>nineteen</i> wholly or partially to compensate any producer of wheat or co-operative organization for any loss he or it may have sustained in consequence of the storage of wheat; (d) to make out of its funds all payments which under this Act the board is required to incur or may incur in the exercise of its functions; (e) to create a reserve fund into which any surplus funds not required for immediate use shall be paid; (f) to devote its funds to the development and improvement of the wheat industry; (g) to advise the Minister on the fixing of grades and standards of wheat and wheaten products; (h) to advise the Minister on the prohibition, control and regulation of the importation of wheat and wheaten products; (i) generally to advise the Minister on all matters relating to the marketing of wheat and wheaten products and the development of the wheat industry, and to recommend to the Minister any steps which, in the opinion of the board, are calculated to promote the welfare of that industry.
Funds of the board.	16. (1) The funds of the board shall be derived from the proceeds of the levy imposed on wheat under section <i>seventeen</i>. (2) Moneys received under such levy shall be paid into a special fund, and the board shall have full control over such moneys and such fund.

5. (1) Die in paragraaf (c) van sub-artikel (1) van artikel twee bedoelde lid van die raad word vir aanstelling op die raad genomineer deur 'n vereniging wat, volgens oordeel van die Minister, verteenwoordigend is van koringprodusente in die Unie, wat nie lede van een of ander van die in artikel vier bedoelde koöperatiewe organisasies is nie.

Nominasie van verteenwoordigers van nie-koöperatiewe koringprodusente.

(2) Niemand word aldus genomineer nie wat lid is van een of ander van die in artikel vier bedoelde koöperatiewe organisasies en wat nie gedurende die tydperk van drie jaar onmiddellik voorafgaande aan sy nominasie koringproduksie as sy enigste of vernaamste lewensonderhoud beoefen het nie.

6. Indien daar in die Unie 'n vereniging bestaan wat volgens oordeel van die Minister verteenwoordigend is van meulenaars wat, in die loop van die jaar wat geëindig het op die een-en-dertigste dag van Desember voorafgaande aan die nominasie, koring gemaal of andersins verwerk het, dan het daardie vereniging die reg om die in paragraaf (d) van sub-artikel (1) van artikel twee bedoelde lede vir aanstelling op die raad te nomineer, of, indien daar nie so'n vereniging bestaan nie, dan het die verenigings van meulenaars wat wel in die Unie bestaan, die reg om na onderlinge raadpleging bedoelde lede vir aanstelling op die raad te nomineer.

Nominasie van verteenwoordigers van meulenaars.

7. Wanneer 'n nominasie volgens artikel vier, vyf of ses nodig word, sê die Minister die betrokke organisasie of vereniging skriftelik aan, of laat hy hom skriftelik aansê om binne 'n tydperk in die aansegging vasgestel die persoon of persone te nomineer wat hy volgens een of ander van bedoelde artikels geregtig is om vir aanstelling op die raad te nomineer.

Aansegging van organisasies of verenigings om verteenwoordigers te nomineer.

8. Indien iemand, wat soos voormeld genomineer is, volgens die Minister se oordeel nie geskik is om as lid van die raad aangestel te word nie of, in die geval van 'n nominasie kragtens artikel vyf, onbevoeg is om kragtens daardie artikel genomineer te word, kan die Minister daardie nominasie terug verwys na die betrokke organisasie of vereniging, en daardie organisasie of vereniging aansê om iemand anders vir aanstelling op die raad te nomineer, en indien daardie organisasie of vereniging daarop weer iemand nomineer wat volgens die Minister se oordeel ongeskik of onbevoeg is, soos vermeld, of wanneer die organisasie of vereniging in gebreke bly om iemand te nomineer, kan die Minister self, met inagneming van die bepalings van artikel vyf, iemand nomineer wat hy geskik ag om lid van die raad te wees.

As geen geskikte persoon genomineer word nie kan Minister nomineer.

9. Indien die Minister oortuig is dat daar geen organisasie of vereniging soos bedoel in artikel vier, vyf of ses bestaan nie, kan hy self, met inagneming van die bepalings van artikel vyf, 'n persoon of persone nomineer vir aanstelling op die raad om die betrokke belange te verteenwoordig.

As geen organisasie of vereniging bestaan nie, kan Minister self nomineer.

10. (1) Met uitsondering van die voorsitter wat sy amp beklee solank dit die Goewerneur-generaal behaag, word, behoudens die bepalings van sub-artikel (2), lede van die raad aangestel vir 'n tydperk van twee jaar.

Ampsduur van lede van raad.

(2) Na verloop van een jaar vanaf die eerste aanstelling van lede van die raad, tree twee af uit die drie lede wat aangestel is kragtens paragraaf (b) van sub-artikel (1) van artikel twee, en een van die lede wat aangestel is kragtens paragraaf (d) van genoemde sub-artikel, en word die also ontstane vakature gevul.

(3) Watter twee van die lede, kragtens paragraaf (b), en watter een van die lede, kragtens paragraaf (d) van sub-artikel (1) van artikel twee aangestel, moet aftree ingevolge sub-artikel (2) van hierdie artikel, moet deur die lot beslis word.

(4) By verstryking van die tydperk waarvoor hulle aangestel is, bly lede hul amp beklee totdat hul opvolgers aangestel is, maar in geen geval vir 'n verdere tydperk van meer as drie maande nie.

(5) Aftredende lede kan weer aangestel word.

(6) Wanneer die setel van 'n lid van die raad om een of ander rede vakant word voor verloop van die tydperk waarvoor hy aangestel is, kan die Minister, op aanbeveling van die raad, of van die betrokke organisasie of vereniging, iemand anders wat hy geskik ag aanstel om die vakature te vul totdat die tydperk waarvoor die uitgetrede lid aangestel was, verstryk is.

(7) Wanneer die Minister bevind dat een of ander lid van die raad deur siekte of afwesigheid of om 'n ander rede verhinder is om sy ampswerkzaamhede te verrig, kan die Minister iemand anders wat hy geskik ag aanstel om as plaasvervanger van daardie lid op te tree solank hy aldus verhinder is, en moet die plaasvervanger vir die tydperk wat hy aldus optree die werkzaamhede verrig van die lid van wie hy as plaasvervanger aangestel is.

Nomination of non co-operative wheat producers' representative.

5. (1) The member of the board referred to in paragraph (c) of sub-section (1) of section *two* shall be nominated for appointment to the board by an association which, in the opinion of the Minister, is representative of producers of wheat in the Union, who are not members of any of the co-operative organizations referred to in section *four*.

(2) No person shall be so nominated who is a member of any of the co-operative organizations referred to in section *four*, and who has not, during the period of three years immediately preceding his nomination, derived his sole or principal means of livelihood from the production of wheat.

Nomination of millers' representatives.

6. If there is in existence in the Union an association which, in the opinion of the Minister, is representative of millers who, in the course of the year that ended on the thirty-first day of December preceding the nomination, ground or otherwise processed any wheat, that association shall be entitled to nominate for appointment to the board the members of the board referred to in paragraph (d) of sub-section (1) of section *two*, or, if there is no such association in existence, the associations of millers which exist in the Union shall be entitled, after mutual consultation, to nominate such members for appointment to the board.

Notice to organizations or associations to nominate representatives.

7. Whenever a nomination in terms of section *four*, *five* or *six* becomes necessary, the Minister shall call upon the organization or association concerned, or cause it to be called upon, by notice in writing, to nominate, within a period fixed by such notice, such person or persons as it is entitled, in terms of any of the said sections, to nominate for appointment to the board.

If no suitable person nominated, Minister may nominate.

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

If no organization or association exists, Minister may nominate.

9. If the Minister is satisfied that an organization or association such as is referred to in section *four*, *five* or *six* is not in existence, he may himself, subject to the provisions of section *five*, nominate a person or persons for appointment to the board to represent the interests concerned.

Tenure of office of members of the board.

10. (1) With the exception of the chairman, who shall hold office at the Governor-General's pleasure, members of the board shall, subject to the provisions of sub-section (2), be appointed for a period of two years.

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

(3) Which two of the members appointed in terms of paragraph (b) of sub-section (1) of section *two* and which one of the members appointed in terms of paragraph (d) of the said sub-sections shall retire in accordance with sub-section (2) of this section, shall be decided by lot.

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

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

(6) Whenever for any reason the office of any member of the board becomes vacant before the expiration of the period for which he was appointed, the Minister may, on the recommendation of the board or of the organization or association concerned, appoint any other person whom he considers suitable to fill the vacancy until the expiration of the period for which the vacating member was appointed.

(7) Whenever the Minister is satisfied that any member of the board is prevented by illness, absence or any other cause from performing the duties of his office, the Minister may appoint any other person whom he considers suitable to act as the deputy of that member while he is so prevented, and during the period during which the deputy so acts, he shall perform the functions of the member as whose deputy he has been appointed to act.

No. 58, 1935.]

WET

Om 'n Raad van Beheer oor die Koringnywerheid in te stel en om sy werksaamhede te bepaal; om voorsiening te maak vir die oplegging van 'n heffing op koring wat in die Unie gemaal word, en om die doeleindes voor te skryf waarvoor die gelde ontvang uit daardie heffing aangewend kan word; en om voorsiening te maak vir ander sake wat daarmee in verband staan.

DIT WORD BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

1. Vanaf 'n dag deur die Goewerneur-generaal by proklamasie in die *Staatskoerant* vasgestel te word, word daar 'n raad ingestel, genoem die Raad van Beheer oor die Koringnywerheid (hieronder die raad genoem) met regs persoonlikheid bekleed, wat as eiser en verweerder in sy naam as regspersoon in regte kan optree en wat, met inagneming van die bepalinge van hierdie Wet, alle handelings kan verrig wat regspersone regtens kan verrig.

Instelling van 'n Raad van Beheer oor die Koringnywerheid.

2. (1) Die raad bestaan uit agt lede, deur die Goewerneur-generaal aangestel te word, van wie—

Samestelling van raad.

(a) een 'n amptenaar van die Departement van Landbou en Bosbou moet wees (deur die Minister genomineer), wat voorsitter sal wees van die raad;

(b) drie verteenwoordigers moet wees van koringprodusente wat lede is van koöperatiewe organisasies wat hoofsaaklik in koring handeldrywe, genomineer te word volgens artikel vier;

(c) een, wie se inkomste hoofsaaklik verkry word uit koring, 'n verteenwoordiger moet wees van koringprodusente wat nie lede is van een of ander koöperatiewe organisasie nie, genomineer te word volgens artikel vyf;

(d) twee verteenwoordigers moet wees van meulenaars, genomineer te word volgens artikel ses;

(e) een 'n persoon moet wees wat nie regstreeks of onregstreeks by die koringhandel of by koringproduksie betrokke is nie; en hy word deur die Minister genomineer om die belange van verbruikers van koring en koringprodukte te verteenwoordig.

(2) Elke aanstelling van 'n raadslid en elke verandering in die lidmaatskap van die raad moet in die *Staatskoerant* bekend gemaak word.

3. (1) Die Minister kan een of meer amptenare in die staatsdiens en een of meer amptenare in diens by die Suid-Afrikaanse Spoorweë en Hawens Administrasie aanstel om in adviserende hoedanigheid alle vergaderings of een of meer van die vergaderings van die raad of van 'n komitee van die raad by te woon. Elke sodanige amptenaar het dieselfde regte as lede van die raad of komitee waartoe hy benoem is, behalwe dat hy geen stem by 'n vergadering daarvan kan uitbring nie.

Adviseurs van die raad.

(2) Met goedkeuring van die Minister kan die koöperatiewe organisasies na beraadslaging met mekaar iemand wat kennis het van die koringnywerheid aanstel om in adviserende hoedanigheid alle vergaderings of een of meer van die vergaderings van die raad of van 'n komitee van die raad by te woon.

(3) Met goedkeuring van die Minister kan die vereniging of verenigings van meulenaars vermeld in artikel ses op die wyse voorgeskryf in vermeldde artikel iemand wat kennis het van die koringnywerheid aanstel om in adviserende hoedanigheid alle vergaderings of een of meer van die vergaderings van die raad of van 'n komitee van die raad by te woon.

4. Die koöperatiewe organisasies wat in die Provinsie die Kaap die Goeie Hoop sake doen, dié wat in die Provinsie Oranje-Vrystaat sake doen, en dié wat in die Provinsie Transvaal sake doen, het die reg, respektiewelik, om na onderlinge raadpleging een van die in paragraaf (b) van sub-artikel (1) van artikel twee bedoelde lede, vir aanstelling op die raad te nomineer.

Nominasie van verteenwoordigers van koöperatiewe koringprodusente.

No. 58, 1935.]

ACT

To establish a Wheat Industry Control Board and to define its functions ; to provide for the imposition of a levy on wheat milled in the Union, and to prescribe the objects to which funds derived from such levy may be devoted ; and to provide for other incidental matters.

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows :—

Establishment of
Wheat Industry
Control Board.

1. As from a date to be fixed by the Governor-General by proclamation in the *Gazette*, there shall be established a board, to be known as the Wheat Industry Control Board (hereinafter referred to as the board), which shall be a body corporate, capable of suing and being sued in its corporate name, and, subject to the provisions of this Act, of performing all such acts as bodies corporate may by law perform.

Constitution of the
board.

2. (1) The board shall consist of eight members, to be appointed by the Governor-General, of whom—

- (a) one shall be an officer of the Department of Agriculture and Forestry (nominated by the Minister), who shall be chairman of the board ;
- (b) three shall represent producers of wheat who are members of co-operative organizations, dealing mainly in wheat, who shall be nominated in accordance with section *four* ;
- (c) one whose income is mainly derived from wheat shall represent producers of wheat who are not members of any co-operative organization, who shall be nominated in accordance with section *five* ;
- (d) two shall represent millers, who shall be nominated in accordance with section *six* ;
- (e) one shall be a person who is not directly or indirectly connected with the wheat trade or the production of wheat ; and he shall be nominated by the Minister to represent the interests of consumers of wheat and wheaten products.

(2) Every appointment of a member of the board and every change in the membership of the board shall be notified in the *Gazette*.

Advisers to the
board.

3. (1) The Minister may nominate one or more officers of the public service, and one or more officers in the service of the South African Railways and Harbours Administration, to attend all or one or more of the meetings of the board or of a committee of the board in an advisory capacity. Every such officer shall have the same rights as the members of the board or committee to which he has been appointed, save that he shall not have the right to vote at any meeting thereof.

(2) With the approval of the Minister the co-operative organizations may nominate, after mutual consultation, a person who has knowledge of the wheat industry to attend all or one or more meetings of the board or a committee of the board in an advisory capacity.

(3) With the approval of the Minister the association or associations of millers referred to in section *six* may nominate, in the manner prescribed in the said section, a person who has knowledge of the wheat industry to attend all or one or more meetings of the board or a committee of the board in an advisory capacity.

Nomination of
co-operative wheat
producers' repre-
sentatives.

4. The co-operative organizations carrying on business in the Province of the Cape of Good Hope, those carrying on business in the Province of the Orange Free State and those carrying on business in the Province of the Transvaal shall be entitled, respectively, after mutual consultation, to nominate for appointment to the board one of the three members of the board referred to in paragraph (b) of sub-section (1) of section *two*.

14. Wanneer die Minister bevind dat in een of ander gebied 'n verplegingsdiens of 'n verloskundige diens buite 'n hospitaal nodig is, dat so 'n diens nie behoorlik ingestel of onderhou kan word nie in verband met 'n publieke hospitaal wat beheer word deur 'n administrateur of deur 'n hospitaalraad kragtens provinsiale wetgewing en dat 'n bydrae uit staatsgelde geregverdig is om die instelling of onderhoud van so 'n diens in daardie gebied moontlik te maak, dan kan hy uit gelde wat die Parlement daarvoor beskikbaar gestel het—

Verplegingsdiens
buite hospitale.

- (a) aan 'n liefdadige vereniging van persone of 'n plaaslike outoriteit wat vir so 'n diens voorsiening maak, 'n gedeelte, maar nie meer as een derde, van die salaris wat daardie vereniging of plaaslike outoriteit betaal aan 'n verpleegster of vroedvrou wat al haar tyd aan verpleging of verloskundige werksaamhede in diens van daardie vereniging of plaaslike outoriteit bestee het, terugbetaal: Met die verstande dat geen sodanige terugbetaling mag gedaan word nie tensy daardie verpleegster of vroedvrou as sodanig geregistreer is ingevolge die Wet op Geneeshere, Tandartse en Aptekers, 1928 (Wet No. 13 van 1928) en tensy die hoofamptenaar van gesondheid gesertifiseer het dat die reëling in verband met die aanstelling van bedoelde verpleegster of vroedvrou bevredigend en so goed as doenlik is en dat die betrokke werksaamhede op bevredigende wyse verrig is;

- (b) verpleegsters of vroedvroue wat soos vermeld geregistreer is, subsidieer om hulle in staat te stel om in bedoelde gebied te praktiseer;

en wanneer die Minister na ondersoek bevind dat in 'n sodanige gebied die bepalings van paragrafe (a) en (b) onuitvoerbaar is, dan kan hy, met inagneming van die bepalings van die wet op die staatsdiens, met so 'n salaris en op sulke diensvoorwaardes as wat hy mag bepaal, soveel verpleegsters en vroedvroue, wat soos voormeld geregistreer is, aanstel as wat volgens sy oordeel nodig is om in daardie gebied diens te doen.

15. Die Minister kan uit gelde wat die Parlement daarvoor beskikbaar gestel het—

Verplegingsdiens in
naturellegebiede.

- (a) aan 'n liefdadige vereniging van persone of aan die bestuur van 'n sendinghospitaal of aan 'n wetlik ingestelde naturellegiggaam wat voorsiening maak vir 'n verplegingsdiens of 'n verloskundige diens in 'n naturelleservaat of naturellokasie, een-derde van die salaris wat daardie vereniging, bestuur of liggaam betaal het aan 'n verpleegster of vroedvrou wat as sodanig geregistreer is ingevolge die Wet op Geneeshere, Tandartse en Aptekers, 1928 (Wet No. 13 van 1928) of aan 'n naturelle-hulpverpleegster, wat in diens van daardie vereniging, bestuur of liggaam al haar tyd aan verpleging of verloskundige werksaamhede in bedoelde reservaat of lokasie buite 'n hospitaal bestee het, terugbetaal: Met die verstande dat geen sodanige betaling gedaan mag word nie tensy die hoofamptenaar van gesondheid gesertifiseer het dat die soos voormeld diensdoende persone geskik is, dat die reëling in verband met hulle aanstelling bevredigend en so goed as doenlik is en dat die betrokke dienste op bevredigende wyse verrig is;

- (b) verpleegsters en vroedvroue wat soos voormeld geregistreer is en naturelle-hulpverpleegsters subsidieer om hulle in staat te stel om in daardie reservaat of lokasie te praktiseer;

en die Minister kan, afgesien van 'n terugbetaling of 'n subsidie kragtens paragraaf (a) of (b) met inagneming van die bepalings van die wet op die staatsdiens, met so 'n salaris en op sulke diensvoorwaardes as wat hy mag bepaal, so veel verpleegsters en vroedvroue, wat soos voormeld geregistreer is, en so veel geneeskundige naturellehulpers en naturelle-hulpverpleegsters aanstel as wat volgens sy oordeel nodig is om in bedoelde reservaat of lokasie diens te doen.

16. Hierdie Wet heet die Volksgesondheids-Wysigingswet, Kort titel en 1935, vorm met die Hoofwet een geheel en tree in werking op inwerkingtreding. 'n dag deur die Goewerneur-generaal by proklamasie in die Staatskoerant vas te stel.

Provision for nursing outside hospitals.

14. Whenever the Minister is satisfied that a nursing service or midwifery service outside a hospital is necessary in any area; that such service cannot properly be established or maintained in connection with a public hospital controlled by an administrator or by a hospital board under provincial legislation and that a contribution from public funds is justified, to enable such a service to be provided or maintained in the area, he may out of moneys voted by Parliament for the purpose—

- (a) refund to any charitable association of persons or to any local authority making provision for such a service a proportion not exceeding one-third of the salary paid by such association or local authority to any nurse or midwife who devotes all her time to nursing or midwifery service in the employ of such association or local authority: Provided that no such refund shall be made unless such nurse or midwife is registered as such under the Medical, Dental and Pharmacy Act, 1928 (Act No. 13 of 1928), and unless the chief health officer has certified that the arrangements in connection with the appointment of such nurse or midwife are satisfactory and the best practicable and that the duties in question have been satisfactorily performed;
- (b) subsidize nurses or midwives who are registered as aforesaid, to enable them to practise in such area;

and whenever the Minister, after enquiry, finds that the provisions of paragraphs (a) and (b) cannot be carried out in such area, then he may, appoint, subject to the provisions of the law governing the public service, at such salary and on such conditions of service as he may determine, so many nurses and midwives registered as aforesaid, as are in his opinion necessary to render service in such area.

Nursing service in native areas.

15. The Minister may, out of moneys appropriated by Parliament for the purpose—

- (a) refund to any charitable association of persons or any body controlling any mission hospital or any statutory native body, which makes provision for a nursing or midwifery service in any native reserve or native location, one-third of the salary paid by such association or body to any nurse or midwife registered as such under the Medical, Dental and Pharmacy Act, 1928 (Act No. 13 of 1928), or to any native nursing assistant, who, in the employ of such association or body, devoted all her time to nursing or midwifery service in the said reserve or location outside a hospital: Provided that no such refund shall be made unless the chief health officer has certified that the persons employed as aforesaid are suitable; that the arrangements in connection with their appointment are satisfactory and the best practicable and that the services in question have been satisfactorily performed;
- (b) subsidize nurses and midwives registered as aforesaid and native nursing assistants to enable them to practise in such reserve and location;

and the Minister may, irrespective of any refund or subsidy under paragraph (a) or (b) appoint, subject to the provisions of the law governing the public service, on such salary and on such conditions of service as he may determine, so many nurses and midwives registered as aforesaid, and so many native medical and nursing assistants as are, in his opinion, necessary to render service in any such reserve or location.

Short title and commencement of Act.

16. This Act may be cited as the Public Health Amendment Act, 1935, shall be read as one with the principal Act and shall commence on a date to be fixed by the Governor-General by proclamation in the *Gazette*.

bedoelde persoon had moeten worden behandeld, onder beheer van een raad staat, zoals, voormeld, kan de administrateur het bedrag geheel of gedeeltelik op de raad verhalen."

7. Artikel *ses-en-sestig* van die Hoofwet word hiermee gewysig deur die woorde „in een openbare inrichting” in paragraaf (c) te skrap en te vervang deur die woorde „op voorwaarden welke de Minister goedgekeurd heeft”.

Wysiging van artikel 66 van Wet 36 van 1919 soos gewysig deur artikel 3 van Wet 29 van 1933.

8. Artikel *ses-en-tagtig* van die Hoofwet word hiermee gewysig deur die volgende nuwe paragraaf na paragraaf (n) in te voeg:

Wysiging van artikel 86 van Wet 36 van 1919.

„(o) waarbij de begrafenis in zee of de verwijdering uit de Unie van het lijk van iemand die in de Unie overleden is of van een naar de Unie gebracht lijk, geregeld wordt of de begrafenis van een lijk in zee binnen drie zeemijl van de laagwaterlijn op een kust van de Unie verboden wordt.”

9. Artikel *honderd-en-sestien* van die Hoofwet word hiermee gewysig deur die volgende nuwe paragraaf na paragraaf (d) in te voeg:

Wysiging van artikel 116 van Wet 36 van 1919

„(e) verbiedende of regelende de invoer van het karkas van een dier dat gedood werd op een slachtplaats gelegen buiten het distrikt van een stedelike plaatselike autoriteit, in dat distrikt of regelende het vervoer of de aflevering van zulk een karkas binnen dat distrikt, indien hij bevindt dat bedoelde slachtplaats niet voldoet aan de redelike vereisten van die plaatselike autoriteit of dat de bezichtiging, berging of hanteling van karkassen op die slachtplaats of de wijze van vervoer van een karkas van die plaats af de gezondheid van de inwoners van het distrikt van die plaatselike autoriteit niet voldoende beveiligd”.

10. Artikel *honderd-twee-en-dertig* van die Hoofwet word hiermee gewysig deur paragraaf (b) te skrap en te vervang deur die volgende paragraaf:

Wysiging van artikel 132 van Wet 36 van 1919.

„(b) de bouw van nieuwe gebouwen en de aanleg van een riolerings- en afwaterings-stelsel in verband met alle gebouwen in stadsgebieden; de ligging en bouw van nieuwe gebouwen en het herstel van gebouwen die gebruikt worden of bestemd zijn voor gebruik als woningen of werkplaatsen; voorziening in behoorlike verlichting en ventilatie, verbod van onderbrengen van te veel mensen, en voorziening in geschikte waskamers en sanitaire gemakken in verband met woningen of werkplaatsen.”

11. Artikel *honderd-drie-en-dertig* van die Hoofwet word hiermee gewysig—

Wysiging van artikel 133 van Wet 36 van 1919 soos gewysig deur artikel 18 van Wet 15 van 1928.

(a) deur in sub-artikel (3) die volgende woorde te skrap „en om aan iemand wiens naam niet op die lijst staat, die beoefening te ontzeggen”;

(b) deur sub-artikel (4) te skrap en te vervang deur die volgende sub-artikel:

„(4) Indien een plaatselike autoriteit een in sub-artikel (3) vermelde lijst opgesteld heeft, maakt een ieder (behalve een geregistreerde geneesheer) wiens naam niet op die lijst voorkomt, zich aan een overtreding schuldig, als hij in het distrikt van die plaatselike autoriteit verloskunde beoefent”.

12. Artikel *honderd-negen-en-vyftig* van die Hoofwet word hiermee gewysig deur die volgende nuwe woordomschrywing na die omschrywing van die woord „begravenis” in te voeg:

Wysiging van artikel 159 van Wet 36 van 1919 soos gewysig deur artikel 26 van Wet 15 van 1928.

„onder „kalfpokstof” of „pokstof” begrepen een entstof gekweekt in iedere door de Minister goedgekeurde stof”.

13. Wanneer ’n raad wat kragtens provinsiale wetgewing een of ander hospitaal beheer, van ’n provinsiale raad ’n subsidie ontvang het ten einde ’n verplegingsdiens of ’n verloskundige diens buite daardie hospitaal dog in verband ermee te onderhou, of wanneer ’n provinsiale raad uitgawe doen tot instelling en onderhoud van ’n sodanige diens buite dog in verband met een of ander hospitaal wat onder sy beheer staan, dan kan die Minister, met inagneming van regulasies tot uitvaardiging waarvan hy hiermee gemagtig word, wat kan voorskryf watter prosedure in ag geneem moet word, aan watter voorwaardes voldaan moet word en alle ander aangeleenthede wat nodig is om aan hierdie artikel behoorlik gevolg te gee, aan bedoelde provinsiale raad die helfte van voormelde subsidie of uitgawe terugbetaal: Met die verstande dat geen uitgawe op besoldiging van leerling-vroedvroue kragtens hierdie artikel terugbetaal mag word nie.

Terugbetaling aan provinsiale rade van uitgawe op verpleging buite hospitale.

have been treated, is controlled by a board, as aforesaid, recover the amount in whole or in part from the board."

Amendment of section 66 of Act 36 of 1919, as amended by section 3 of Act 29 of 1933. 7. Section *sixty-six* of the principal Act is hereby amended by the deletion, in paragraph (c) of the words "at any public institution" and the substitution therefor of the words "under conditions approved by the Minister".

Amendment of section 86 of Act 36 of 1919. 8. Section *eighty-six* of the principal Act is hereby amended by the addition after paragraph (n) of the following new paragraph:

"(o) regulating the burial at sea or the removal from the Union of the body of any person who died in the Union, or of any dead body brought into the Union, or prohibiting the burial of any dead body at sea within a distance of three nautical miles from the low water line on any part of the coast of the Union."

Amendment of section 116 of Act 36 of 1919. 9. Section *one hundred and sixteen* of the principal Act is hereby amended by the insertion after paragraph (d) of the following new paragraph:

"(e) prohibiting or regulating the conveyance of the carcase of any animal killed at a slaughter place situate outside the district of an urban local authority, into that district, or regulating the conveyance or delivery of any such carcase within such district, if he is satisfied that such slaughter place does not conform to the reasonable requirements of such local authority or that the inspection, storage or handling of carcasses at such slaughter place or the method of conveying any carcase or part thereof from such place does not sufficiently safeguard the health of the inhabitants of the district of such local authority."

Amendment of section 132 of Act 36 of 1919. 10. Section *one hundred and thirty-two* of the principal Act is hereby amended by the deletion of paragraph (b) and the substitution therefor of the following paragraph:

"(b) the construction of new buildings and the provision of a sewerage and drainage system in connection with any buildings in urban areas; the siting and construction of new buildings and the repair of buildings, used or intended to be used as dwellings or work places; the provision of proper lighting and ventilation, the prevention of overcrowding, and the provision of suitable ablution rooms and sanitary conveniences in connection with dwellings or work places."

Amendment of section 133 of Act 36 of 1919 as amended by section 18 of Act 15 of 1928. 11. Section *one hundred and thirty-three* of the principal Act is hereby amended—

(a) by the deletion in sub-section (3) of the words "and to prohibit any person whose name is not on such list from so practising"; and

(b) by the deletion of sub-section (4) and the substitution therefor of the following sub-section—

"(4) If a local authority has made a list referred to in sub-section (3), any person (other than a registered medical practitioner) whose name is not included in that list shall be guilty of an offence if he practises midwifery within the district of that local authority."

Amendment of section 159 of Act 36 of 1919, as amended by section 26 of Act 15 of 1928. 12. Section *one hundred and fifty-nine* of the principal Act is hereby amended by the insertion of the following new definition after the definition of the word "burial"

"calf vaccine lymph" or "vaccine lymph" includes vaccine virus cultivated on any medium approved of by the Minister."

Refunds to provincial councils of expenditure on nursing outside hospitals.

13. Whenever a board controlling any hospital under provincial legislation has received a subsidy from a provincial council for the purpose of maintaining a nursing or midwifery service outside such hospital but in connection therewith, or whenever a provincial council incurs expenditure in establishing and maintaining any such service outside but in connection with any hospital under its control, the Minister may, subject to regulations which he is hereby authorized to make and which may prescribe the procedure to be followed, the conditions to be complied with and any other matters necessary for the proper carrying out of this section, refund to such provincial council one-half of the said subsidy or expenditure: Provided that no expenditure on the emoluments of pupil-midwives shall be refunded under this section.

lende de machtiging van de Minister tot verhaal van dat bedrag afdoend bewijs zijn dat het verschuldigd is.

(5) Wanneer gelden uit Staats- of provinciale middelen aan een plaatselijke autoriteit verschuldigd zijn, terwijl die plaatselijke autoriteit een krachtens sub-artikel (3) te verhalen bedrag schuldt, dan worden de aldus verschuldigde gelden in de eerste plaats aangewend tot betaling van die schuld van de plaatselijke autoriteit".

5. Artikel *ses-en-twintig* van die Hoofwet word hiermee gewysig deur die volgende verdere voorbehoudsbepaling na die laaste voorbehoudsbepaling by te voeg :

Wysiging van artikel 26 van Wet 36 van 1919, soos gewysig deur artikel 4 van Wet 15 van 1928.

"Met dien verstande ook, dat indien een geneesheer gecertificeerd heeft dat iemand lijdt aan een besmettelike, overdraagbare of verhoedbare ziekte, dat hij behandeling dringend nodig heeft en dat hij niet in staat is die behandeling te verkrijgen, de Minister alle stappen doen kan die hij nodig acht om ervoor te zorgen dat bedoelde persoon de behandeling krijgt die de Minister gepast acht".

6. Sub-artikel (1) van artikel *vyftig* van die Hoofwet word hiermee gewysig—

Wysiging van artikel 50 van Wet 36 van 1919 soos gewysig deur artikel 6 van Wet 15 van 1928 en deur artikel 3 van Wet 29 van 1933.

(i) deur die volgende woorde aan die end van paragraaf (b) by te voeg :

„Met dien verstande voorts dat indien zulk een schema bestemd is om te voorzien in de behoeften van de bevolking van een uitgestrekt gebied in de Unie en op uitdrukkelik verzoek van de Minister ondernomen werd, deze laatste de werkelijk en noodzakelik door de plaatselijke autoriteit in verband ermee gemaakte netto-onkosten ten volle terugbetalen kan”;

(ii) deur die volgende woorde aan die end van paragraaf (c) en aan die end van paragraaf (d) by te voeg :

„en op vertoon van een certifikaat van de hoofdamptenaar van gezondheid dat de Minister krachtens deze paragraaf een terugbetaling gedaan heeft, betaalt de administrateur uit het provinsiale inkomstefonds aan de plaatselijke autoriteit een bedrag gelijk aan de helft van het aldus door de Minister terugbetaalde bedrag”;

(iii) deur in paragraaf (e) die woorde „de helft” te skrap en te vervang deur die woorde „een kwart”, en deur die volgende woorde aan die end van daardie paragraaf by te voeg : „en één kwart van de gezamenlike onkosten gemaakt ten aanzien van die persoon door de Minister rechtstreeks op de administrateur mogen worden verhaald;”

(iv) deur die volgende nuwe paragraaf na paragraaf (f) in te voeg :

„(g) bepalen hoe de onkosten van de behandeling van een aan een besmettelike, overdraagbare of verhoedbare ziekte lijdende, tot wiens behandeling de Minister volgens de laatste voorbehoudsbepaling tot artikel *zes en twintig* machtiging verleend heeft, verdeeld moeten worden : Met dien verstande dat—

(i) indien de Minister bevindt, dat een plaatselijke autoriteit bedoelde persoon ingevolge deze Wet behoorde te behandelen, dan kan hij de kosten van de behandeling van die persoon uit het Gekonsolideerde Inkomstefonds bestrijden en kan die kosten, na aftrek van dat gedeelte ervan dat ingevolge deze Wet ten laste van het Gekonsolideerde Inkomstefonds gekomen zou zijn indien bedoelde persoon door de plaatselijke autoriteit behandeld ware, verhalen op de administrateur, die zijnerzijds het op hem verhaalde bedrag, na aftrek van dat gedeelte ervan dat ten laste van het provinciale inkomstefonds gekomen zou zijn indien bedoelde persoon door de plaatselijke autoriteit behandeld ware, op de nalatige plaatselijke autoriteit kan verhalen op de wijze bepaald in paragraaf (d) van sub-artikel (1) van artikel *elf*;

(ii) indien de Minister bevindt dat bedoelde persoon had moeten worden behandeld in een openbaar hospitaal onder beheer van de administrateur of van een raad krachtens provinciale wetgeving, dan kan hij gelasten dat de administrateur voor de kosten van de behandeling van bedoelde persoon moet opkomen en indien het hospitaal waarin

methods of recovery, and the Minister's authorization to recover such amount shall be conclusive proof that it is due.

(5) Whenever any moneys are payable to a local authority out of any State or provincial funds while such local authority owes any amount recoverable under sub-section (3), the moneys so payable shall in the first place be devoted towards the payment of the debt so owing by the local authority."

Amendment of section 26 of Act 36 of 1919 as amended by section 4 of Act 15 of 1928.

5. Section *twenty-six* of the principal Act is hereby amended by the addition after the last proviso of the following further proviso :—

"Provided also that if a medical practitioner has certified that a person is suffering from an infectious communicable or preventable disease ; that he urgently requires treatment and that he is unable to obtain such treatment, the Minister may take any steps which he deems necessary to ensure that such person shall receive such treatment as may seem to the Minister to be appropriate."

Amendment of section 50 of Act 36 of 1919 as amended by section 6 of Act 15 of 1928, and by section 3 of Act 29 of 1933.

6. Sub-section (1) of section *fifty* of the principal Act is hereby amended—

(i) by the addition at the end of paragraph (b) of the following words :

"Provided further that if any such scheme is intended to provide for the needs of the inhabitants of an extensive area of the Union and has been undertaken at the specific request of the Minister, the latter may refund the whole of the nett cost actually and necessarily incurred by the local authority in connection therewith" ;

(ii) by the addition at the end of paragraph (c) and at the end of paragraph (d) of the following words :

"and on the production of a certificate of the chief health officer that the Minister has made a refund under this paragraph, the administrator shall pay out of the provincial revenue fund to the local authority an amount equal to one-half of the amount so refunded by the Minister ;"

(iii) by the deletion of the words "one-half" in paragraph (e) and the substitution therefor of the words "one-quarter" and by the addition at the end of the said paragraph of the following words : "and one-quarter of the total cost of dealing with such person may be recovered by the Minister directly from the administrator."

(iv) by the addition after paragraph (f) of the following new paragraph :

"(g) determine how the cost of treating any person suffering from an infectious, communicable or preventable disease whose treatment has been authorized by the Minister in terms of the last proviso to section *twenty-six* shall be apportioned : Provided that—

(i) if the Minister is satisfied that a local authority should have treated such person under this Act, he may defray from the Consolidated Revenue Fund the cost of treating such person and may recover from the administrator such cost less any proportion thereof that would have been borne by the Consolidated Revenue Fund under this Act had such person been treated by the local authority and the administrator may in turn recover from the local authority in default in the manner described in paragraph (d) of sub-section (1) of section *eleven* the amount so recovered from him, less any proportion thereof that would have been defrayed from the provincial revenue fund had such person been treated by the local authority ;

(ii) if the Minister is satisfied that such person should have been treated in a public hospital controlled by the administrator, or by a board under provincial legislation, he may direct that the cost of treating such person be borne by the administrator, who may, if the hospital in which such person should

No. 57, 1935.]

WET

Om die „Volksgezondheidswet, 1919” te wysig en om voorsiening te maak vir verpleging van siekes buite hospitale in sekere gebiede.

DIT WORD BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:

1. In hierdie Wet beteken die uitdrukking „Hoofwet” die „Volksgezondheidswet, 1919” (Wet No. 36 van 1919) en elke uitdrukking waaraan in die Hoofwet ’n betekenis toegeken word, het, wanneer dit in hierdie Wet voorkom, dieselfde betekenis. Woordoms kry-
wing.

2. Sub-artikel (1) van artikel vier van die Hoofwet word hiermee gewysig— Wysiging van
artikel 4 van Wet
36 van 1919.

(i) deur die woord „en” aan die end van paragraaf (b) te skrap;

(ii) deur die volgende nuwe paragraaf (c) na paragraaf (b) in te voeg:

„(c) de direkteur van de veeartsenijdienst; en”

(iii) deur die bestaande paragraaf (c) as paragraaf (d) aan te dui.

3. Sub-artikel (1) van artikel nege van die Hoofwet word hiermee gewysig deur die woorde „landelike” en „landelik” orals waar hulle voorkom, te skrap. Wysiging van
artikel 9 van Wet
36 van 1919 soas
gewysig deur
artikel 3 van Wet
36 van 1927.

4. Artikel tien van die Hoofwet word hiermee gewysig deur die volgende nuwe sub-artikels daaraan toe te voeg en die bestaande artikel as sub-artikel (1) aan te dui: Wysiging van
artikel 10 van Wet
36 van 1919.

„(2) Wanneer een plaatselike autoriteit volgens het oordeel van de Minister wegens gebrek aan bronnen van inkomsten niet in staat is om al zijn bevoegdheden en werkzaamheden in verband met voormelde ziekten, ingevolge deze Wet uit te oefenen en te verrichten, kan de Minister in overleg met de administrateur door schriftelijke kennisgeving aan bedoelde plaatselike autoriteit dezelve gedurende een in de kennisgeving vermeld tijdperk ontheffen van de uitoefening van de bevoegdheden of van de verrichting van de werkzaamheden die hij in die kennisgeving mocht omschrijven, zullende hij gelijktijdig de magistraat gelasten om als plaatselike autoriteit op te treden met betrekking tot de bevoegdheden en werkzaamheden waarvan bedoelde plaatselike autoriteit ontheven wordt, en daarop vinden de bepalingen van artikel negen toepassing: Met dien verstande dat indien bedoelde plaatselike autoriteit niet een afdelingsraad is en het gebied van die plaatselike autoriteit in het gebied van een afdelingsraad gelegen is, de Minister de bevoegdheden en werkzaamheden waarvan eerstbedoelde plaatselike autoriteit ontheven werd, aan die afdelingsraad kan overdragen.

(3) Wanneer een plaatselike autoriteit kragtens sub-artikel (2) van bevoegdheden en werkzaamheden ontheven is geworden, kan de Minister de administrateur machtigen, indien die bevoegdheden en werkzaamheden op de magistraat overgingen, of de afdelingsraad machtigen, indien die bevoegdheden en werkzaamheden aan de afdelingsraad overgedragen werden, om zo veel van de uitgaven (doch niet meer dan vijf en twintig percent ervan), die de magistraat of de afdelingsraad ingevolge dit artikel in het gebied van die plaatselike autoriteit deed, op de plaatselike autoriteit te verhalen als deze laatste naar zijn mening billikerwijs behoort op te brengen.

(4) Een krachtens sub-artikel (3) op een plaatselike autoriteit te verhalen bedrag kan in een bevoegd hof in rechten worden ingevorderd of worden verhaald door heffing van een speciale belasting op alle belastbare eigendom in het distrikt van de betrokken plaatselike autoriteit (een speciale belasting tot oplegging waarvan de administrateur of de afdelingsraad hiermee gemachtigd wordt), of kan op beide die wijzen verhaald worden, zul-

No. 57, 1935.]

ACT

To amend the Public Health Act, 1919, and to provide for the nursing of patients outside hospitals in certain areas.

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and House of Assembly of the Union of South Africa, as follows :—

Interpretation of terms.

1. In this Act the expression "principal Act" means the Public Health Act, 1919 (Act No. 36 of 1919), and any expression to which a meaning is assigned in the principal Act shall, where used in this Act, bear the same meaning.

Amendment of section 4 of Act 36 of 1919.

2. Sub-section (1) of section *four* of the principal Act is hereby amended—

- (i) by the deletion of the word "and" at the end of paragraph (b) ;
- (ii) by the insertion, after paragraph (b), of the following new paragraph (c) :
" (c) the director of veterinary services ; and "
- (iii) by designating the existing paragraph (c) as paragraph (d).

Amendment of section 9 of Act 36 of 1919, as amended by section 3 of Act 36 of 1927.

3. Sub-section (1) of section *nine* of the principal Act is hereby amended by the deletion of the word "rural" wherever it occurs.

Amendment of section 10 of Act 36 of 1919.

4. Section *ten* of the principal Act is hereby amended by the addition thereto of the following new sub-sections, and by designating the existing section as sub-section (1) :

" (2) Whenever any local authority is, in the opinion of the Minister, unable owing to lack of resources to exercise all its powers and to perform all its duties under this Act in connection with such diseases as aforesaid the Minister may, after consultation with the administrator by notice in writing addressed to such local authority relieve it, during a period specified in the notice, of the exercise of such powers or the performance of such duties, as he may specify in such notice, and he shall simultaneously direct the magistrate to act as the local authority in regard to the powers and duties of which such local authority was relieved and the provisions of section *nine* shall thereupon apply : Provided that if such local authority is not a divisional council and its area of jurisdiction is situate within the area of jurisdiction of a divisional council, the Minister may transfer to that divisional council the powers and duties of which such first-mentioned local authority was relieved.

(3) Whenever a local authority has been relieved, under sub-section (2) of any powers and duties, the Minister may authorize the administrator, if those powers and duties devolved upon the magistrate, or the divisional council, if those powers and duties were transferred to the divisional council, to recover from the local authority such proportion (not exceeding twenty-five per cent.) of any expenditure incurred in its area under this section by the magistrate or divisional council as he may consider should reasonably be borne by such local authority.

(4) Any amount recoverable from a local authority under sub-section (3) may be recovered by action in a competent court or by the levy of a special rate upon all rateable property in the district of the local authority in question (which special rate the administrator or divisional council is hereby authorized to impose) or by both such

No	Begrotingspos.	Kolom 1	Kolom 2
	Benaming.		
	12. Driehoeksmeting en Topografiese Opmeting		30,000
	13. Voorskotte vir Heropmeting van Dorpsgebiede		2,500
	14. Opmeting en Ontwikkeling van Amanziintoti Dorpsgebied		1,000
	15. Opmeting en Ontwikkeling van Dorpsgebiede		500
	16. Ontwikkeling en Verbetering van Kleurlingnedersettingsgebiede		200
E	Besproeiing	1,608,000	
	Met inbegrip van—		
	1. Goewerments Besproeiingswerke		1,316,000
	2. Waterboordery		61,000
	3. Besproeiingslenings (Grottere)		20,000
	4. Besproeiingslenings (Kleinere)		50,000
	5. Raad, Subsidie of Onderstand- skemas		141,000
	6. Herstel van Besproeiingswerke		10,000
	7. Droë Kantiene		7,000
	8. Algemeen		3,000
F	Plaaslike Werke en Lenings	2,133,000	
	Met inbegrip van Lenings aan Onderwys Inrigtings :		
	Inrigting vir Dowes en Blindes, Worcester		7,000
G	Land- en Landboubank	1,000,000	
H	Bosbou	373,000	
J	Naturellesake	1,000	
K	Landbou	225,000	
L	Arbeid	100,000	
M	Vishawens	37,000	
N	Yster- en Staalnywerheid	1,500,000	
O	Hulp aan Boere	5,525,000	
	Totaal	£ 17,908,000	

SAMEVATTING.

	£
Bedrag ten laste van Inkomsterekening	36,832,197
Bedrag ten laste van Leningsrekening	17,908,000
Totaal	£54,740,197

No.	Vote.	Column 1.	Column 2.
	Designation.		
		£	£
	12. Triangulation and Topographical Survey		30,000
	13. Advances for re-survey of Townships		2,500
	14. Survey and Development of Amanzimtoti Township		1,000
	15. Survey and Development of Townships		500
	16. Development and Improvement of Coloured Persons' Settlement Areas		200
E.	Irrigation	1,608,000	
	Including—		
	1. Government Irrigation Works		1,316,000
	2. Water Boring		61,000
	3. Irrigation Loans—Major		20,000
	4. Irrigation Loans—Minor		50,000
	5. Board Subsidy or Relief Schemes		141,000
	6. Repair of Irrigation Works		10,000
	7. Dry Canteens		7,000
	8. General		3,000
F.	Local Works and Loans	2,133,000	
	Including Loans to Educational Institutions: Worcester Deaf and Blind Institute		7,000
G.	Land and Agricultural Bank	1,000,000	
H.	Forestry	373,000	
J.	Native Affairs	1,000	
K.	Agriculture	225,000	
L.	Labour	100,000	
M.	Fishing Harbours	37,000	
N.	Iron and Steel Industry	1,500,000	
O.	Assistance to Farmers	5,525,000	
	Total	£ 17,908,000	

SUMMARY.

	£
Amount chargeable to Revenue Account ..	36,832,197
Amount chargeable to Loan Account ..	17,908,000
Total	£54,740,197

No.	Begrotingspos.	Kolom 1	Kolom 2
	Benaming.		
39	Kindersorg en Verbeteringsgestigte	£ 313,313	£
	Met inbegrip van—		
	Toekennings aan Gesertifiseerde Inrigtings ens., en vervoer van kinders ..		160,200
	Toekenning aan Nasionale Raad vir Kindersorg		300
	Toekennings aan Kindersorgverenigings Bydraes tot onderhoud van Veiligheidsplekke		550
40	Pos, Telegraaf- en Telefoonwese	3,282,800	620
41	Publieke Werke	991,075	
	Met inbegrip van—		
	Toekenning aan Munisipaliteit, Simonstad		3,000
	Kleinere Werke		95,000
	Toekenning aan Brandwese		6,030
	Deur die Staat Gesubsidieerde Inrigtings—		
	Onderhoud en Reparasie van Geboue :		
	Suid-Afrikaanse Museum, Kaapstad ..		250
	Transvaal Museum, Pretoria		630
	Natal Museum, Pietermaritzburg ..		120
	Suid-Afrikaanse Openbare Biblioteek, Kaapstad		200
	Staatsbiblioteek, Pretoria		140
	Suid-Afrikaanse Kunsgalery, Kaapstad.		250
	Michaelis Kunsversameling		180
	Nasionale Dieretuin, Pretoria		675
	Nasionale Botaniese Tuin, Kirstenbosch		340
	Kleinere Werke :		
	Suid-Afrikaanse Museum, Kaapstad ..		470
	Natal Museum, Pietermaritzburg ..		565
	O.V.S. Museum, Bloemfontein		550
	Nasionale Dieretuin, Pretoria		660
	Nasionale Botaniese Tuin, Kirstenbosch		220
	Totaal	£ 36,832,197	

Tweede Bylae.

(TEN LASTE VAN LENINGSREKENING.)

No.	Begrotingspos.	Kolom 1	Kolom 2
	Benaming.		
A	Spoorweë en Hawens	£ 1,750,000	£
B.	Publieke Werke	1,896,800	
	Met inbegrip van—		
	1. Landbou en Bosbou		41,250
	2. Invoerregte en Aksyns		20,800
	3. Handel en Nywerheid		500
	4. Verdediging		336,291
	5. Buitelandse Sake		25,000
	6. Binnelandse Sake		86,350
	7. Besproeiing		3,650
	8. Justisie		112,835
	9. Arbeid		4,850
	10. Hospitale vir Sielsiektes		53,850
	11. Mynwese		37,260
	12. Naturellesake		35,700
	13. Polisie		182,850
	14. Pos- en Telegraafwese		329,050
	15. Gevangenis		97,200
	16. Volksgesondheid		67,800
	17. Unie-onderwys		67,500
	18. Algemeen		293,764
	19. Brugge		100,300
C	Telegraaf en Telefoonwese	700,000	
D	Lande en Nedersettings	1,063,200	
	Met inbegrip van—		
	1. Grondnedersetting en Ontwikkeling		591,000
	2. Besproeiingsnedersetting, Hartbeestpoort		13,500
	3. Besproeiingsnedersetting Sondagsrivier		500
	4. Besproeiingsnedersetting, Olifantsrivier		18,000
	5. Besproeiingsnedersettings, Karos, Olyvenhoutsdrift en Buchuberg		130,000
	6. Besproeiingsnedersetting, Marico-Bosveld		15,000
	7. Besproeiingsnedersetting, Rustder-Winter		48,000
	8. Besproeiingsnedersetting, Pongola		20,000
	9. Naturellededersetting		100,000
	10. Aankoop van Grond vir Publieke en Algemene Dooelindes		87,000
	11. Aankoop van Grond vir Nasionale Parke		2,000

No.	Vote.	Column 1.	Column 2.
	Designation.		
		£	£
39	Child Welfare and Reformatories	313,313	
	Including—		
	Grants to Certified Institutions, etc., and transport of children		160,200
	Grant to National Council of Child Welfare ..		300
	Grants to Child Welfare Societies ..		550
	Contributions towards maintenance of places of safety		620
40	Posts, Telegraphs and Telephones ..	3,282,800	
41	Public Works	991,075	
	Including—		
	Grant to Simonstown Municipality ..		3,000
	Minor Works		95,000
	Grants to Fire Brigades		6,030
	State-aided Institutions:		
	Maintenance and Repair of buildings:		
	S.A. Museum, Cape Town ..		250
	Transvaal Museum, Pretoria ..		630
	Natal Museum, Pietermaritzburg ..		120
	S.A. Public Library, Cape Town ..		200
	Government Library, Pretoria ..		140
	S.A. Art Gallery, Cape Town ..		250
	Michaelis Art Collection		180
	National Zoological Gardens, Pretoria ..		675
	National Botanic Gardens, Kirsten- bosch		340
	Minor Works:		
	S.A. Museum, Cape Town ..		470
	Natal Museum, Pietermaritzburg ..		565
	O.F.S. Museum, Bloemfontein ..		550
	National Zoological Gardens, Pretoria ..		660
	National Botanic Gardens, Kirsten- bosch		220
	Total	£ 36,832,197	

Second Schedule.

(CHARGEABLE TO LOAN ACCOUNT.)

No.	Vote.	Column 1.	Column 2.
	Designation.		
		£	£
A.	Railways and Harbours	1,750,000	
B.	Public Works	1,896,800	
	Including—		
	1. Agriculture and Forestry		41,250
	2. Customs and Excise		20,800
	3. Commerce and Industries		500
	4. Defence		336,291
	5. External Affairs		25,000
	6. Interior		86,350
	7. Irrigation		3,650
	8. Justice		112,835
	9. Labour		4,850
	10. Mental Hospitals		53,850
	11. Mines		37,260
	12. Native Affairs		35,700
	13. Police		182,850
	14. Posts and Telegraphs		329,050
	15. Prisons		97,200
	16. Public Health		67,800
	17. Union Education		67,500
	18. General		293,764
	19. Bridges		100,300
C.	Telegraphs and Telephones	700,000	
D.	Lands and Settlements	1,063,200	
	Including—		
	1. Land Settlement and Development ..		591,000
	2. Hartebeestpoort Irrigation Settle- ment		13,500
	3. Sundays River Irrigation Settlement ..		500
	4. Olifants River Irrigation Settlement ..		18,000
	5. Karos, Olyvenhoutsdrift and Buchu- berg Irrigation Settlements ..		130,000
	6. Marico—Bosveld Irrigation Settle- ment		15,000
	7. Rust-der-Winter Irrigation Settle- ment		48,000
	8. Pongola Irrigation Settlement ..		20,000
	9. Native Settlement		100,000
	10. Purchase of Land for Public and General Purposes		87,000
	11. Purchase of land for National Parks ..		2,000

No.	Begrotingspos.	Kolom 1	Kolom 2
	Benaming.		
		£	£
9	Polisie	2,500,000	
10	Tesourie	40,700	
11	Staatskuld	5,709,413	
12	Pensioene	3,438,000	
13	Provinsiale Administrasies	6,412,144	
14	Diverse Dienste	201,883	
	Met inbegrip van vergoeding aan Kolon ale		
	Hoofstede		2,563
15	Hoë Kommissaris in Londen	71,476	
16	Binnelandse Inkomste	172,650	
17	Invoerregte en Aksyns	247,090	
18	Ouditeursdepartement	68,170	
19	Kantoor tot Invordering van Staatsvoor-		
	skotte	28,593	
20	Hulp aan Boere	2,880,000	
21	Mynwese	512,505	
	Met inbegrip van Myntering uitgawe ..		67,950
22	Naturellesake	448,548	
	Met inbegrip van—		
	Leniging van nood		25,000
	Toekenning aan Naturelle-ontwikkelings-		
	rekening		4,700
23	Verdediging	1,330,830	
	Met inbegrip van—		
	Subsidie aan „Transcontinental Imperial		
	Airways”		54,000
24	Lande	250,777	
	Met inbegrip van Bydrae tot Raad vir		
	Nasionale Parke		13,000
25	Registrasiekantore	51,491	
26	Opmetings	109,912	
27	Arbeid	775,227	
	Met inbegrip van Toekenning aan Arbeids-		
	Bureaux vir Kleurlinge		150
28	Handel en Nywerheid	270,235	
	Met inbegrip van—		
	Subsidie aan Italiaanse Skeepvaartlinies		150,000
	Subsidies		1,500
	Brandstofnavorsingsinstituut		6,700
29	Landbou	1,547,678	
	Met inbegrip van		
	Navorsingsinstituut, Onderstepoort ..		7,800
	Toekennings aan Landbouverenigings ..		2,300
	Imperiale Kollege van Tropiese Landbou		250
	Internasionale Landbou-instituut (Rome)		530
	Imperiale Mikologie-instituut		300
	Imperiale Instituut vir Entomologie ..		1,050
	Imperiale Landboubureaux		1,563
	Britse Navorsingsvereniging vir Wol- en		
	Sajetnywerhede		400
	Imperiale Ekonomie Komitee		1,920
	Spesiale Toekennings		3,075
	Opleiding van Plattelandse Werkloos—		
	Opleidingsplaas		22,958
30	Landbou (Onderwys)	167,472	
	Met inbegrip van—		
	Landbou-studiebeurse		3,650
	Landbou fakulteit : Universiteit, Pretoria		20,252
31	Landbou (Bosbou)	210,901	
	Met inbegrip van Bydrae tot Imperiale		
	Bosbou Instituut		200
	Toekenning aan Bosboufakulteit, Uni-		
	versiteit van Stellenbosch		1,640
32	Besproeiing	242,801	
33	Binnelandse Sake	276,385	
	Met inbegrip van—		
	Toekennings aan Museums, Biblioteke,		
	Kunsgalerye en Soortgelyke Inrigtings		36,065
	Kommissie vir Natuurlike en Historiese		
	Monumente		500
	Magnetiese Opmetings		600
34	Staatsdienskommissie	28,223	
35	Hospitale vir Sielsiektes en Inrigtings vir		
	Swaksinniges	581,953	
	Met inbegrip van Toekenning aan Nasionale		
	Vereniging van Geesteshigiëne		500
36	Drukwerk en Skryfbehoeftes	253,601	
37	Volksgesondheid	550,456	
	Met inbegrip van—		
	Bydraes kragtens artikel honderd-vyf-en		
	dertig van Wet No. 36 van 1919 ..		19,363
	Terugbetalings en Voorskotte aan Plaas-		
	like Besture vir Kapitaal-uitgawe ..		40,593
38	Unie-Onderwys	925,938	
	Met inbegrip van—		
	Administrasie		46,260
	Toekennings aan Universiteite, Kol-		
	leges, Erkende Inrigtings en Oplei-		
	dingskursusse		581,100
	Bydraes en Toekennings onder Pen-		
	sioen- en Voorsorgskemas		25,000
	Departementale Beroepskole		174,844
	Skole deur die Staat gesubsidieer ..		40,554
	Subsidies		5,800
	Diverse Toekennings en Dienste		52,380

DIT WORD BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

1. Sub-artikel (1) van artikel *dertien* van die Wet op die Beheer van die Suiwelnywerheid, 1930, word hiermee gewysig— Wysiging van artikel 13 van Wet 35 van 1930, soos gewysig deur artikel 1 van Wet 7 van 1932 en artikel 1 van Wet 51 van 1934.
- (1) deur die volgende verdere voorbehoudsbepalings aan paragraaf (e) toe te voeg:
- „Met die verstande voorts, dat so 'n toeslag kan verskil, wat die bedrag daarvan betref, ten opsigte van verskillende plekke waarheen sodanige botter of kaas uitgevoer word:
- Met die verstande voorts, dat so 'n toeslag betaal word alleen op botter of kaas wat met toestemming of onder opdrag van die raad uitgevoer word”;
- (2) deur die volgende nuwe paragraawe na paragraaf (e) in te voeg:
- „(e)*bis* om uit sy gelde en op voorwaardes wat hy met die Minister se goedkeuring vasstel, 'n sodanige subsidie te betaal as wat hy van tyd tot tyd bepaal, op botter of kaas wat in die Unie verkoop word vir 'n doel of aan 'n kategorie van verbruikers wat die Minister goedgekeur het: Met die verstande dat die bedrag van daardie subsidie kan afwissel ten opsigte van die verskillende grade botter of kaas en ten opsigte van die doel waarvoor of die kategorie van verbruikers aan wie daardie botter of kaas verkoop word;
- (e)*ter* om die prosedure voor te skryf wat gevolg moet word by die instelling van 'n eis vir die betaling van 'n toeslag bedoel in paragraaf (e)*bis* op botter of kaas wat in die Unie verkoop is”;
- (3) deur paragraaf (g) te skrap en te vervang deur die volgende paragraawe:
- „(g) om heffingsgelde te bestee—
- (i) om die pryse van suiwelprodukte in die Unie te stabiliseer;
- (ii) om die koste van produksie, vervaardiging of bemarking van suiwelprodukte te verminder;
- (iii) om die meerdere verbruik van suiwelprodukte aan te moedig;
- (iv) om oor die algemeen die ontwikkeling en verbetering van die suiwelnywerheid te bevorder.
- (g)*bis* om gelde wat tot sy beskikking gestel word, te ontvang en te beheer, om daardie gelde te bestee vir die doel waarvoor en ooreenkomstig die voorwaardes waarop hulle tot sy beskikking gestel is, om uit die algemene fonds vermeld in artikel *vyf-en-twintig* die koste of 'n deel van die koste van daardie beheer en besteding te bestry en as hy dit wenslik ag, om daardie gelde te vermeerder deur bydraes uit bedoelde algemene fonds”.
2. Artikel *veertien* van die Wet op die Beheer van die Suiwelnywerheid, 1930 word hiermee gewysig deur die volgende bepaling as sub-artikel (2) daaraan toe te voeg en die bestaande artikel as sub-artikel (1) aan te dui:
- „(2) Die raad kan elke bevoegdheid kragtens artikel *dertien* uitoefen en alle werksaamhede kragtens sub-artikel (1) van hierdie artikel verrig sonder dat hy 'n lisensie verkry het wat een of ander wet in verband met een of ander besigheid, handel of bedryf voorskryf”.
3. Hierdie Wet heet die Suiwelnywerheid-Wysigingswet, Kort titel.
- 935.