

BILL

To consolidate and amend the laws governing the dairy industry.

(To be introduced by the MINISTER OF AGRICULTURE AND FORESTRY.)

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 Dairy Board.

1. (1) There shall be established a board, to be known as the Dairy 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. 5

(2) All the assets and liabilities of the board established under section *one* of the Dairy Industry Control Act, 1930 (Act No. 35 of 1930), shall be vested in the board and all decisions, commitments, and obligations made and entered into by that board shall, unless in conflict with the provisions of this Act or unless rescinded by the board, have the same force and effect as if made or entered into by the board under the provisions of this Act. 15

(3) From a date to be fixed by the Minister by notice in the *Gazette*, the board shall be constituted as laid down in section *two* of this Act but pending the appointment of the members of the board it shall consist of the members of the Dairy Industry Control Board established under section *one* of the said Act No. 35 of 1930 holding office on the date of the coming into operation of this Act. 20

Constitution of Board and appointment of members.

2. (1) The board shall consist of the Superintendent of Dairying *ex-officio* and, in addition to any members appointed under section *twenty-seven*, fifteen other members appointed by the Governor-General, of whom— 25

- (a) one shall be an officer of the Department of Agriculture and Forestry (nominated by the Minister) who shall be chairman of the board and of every committee thereof; 30
- (b) two shall represent the owners of proprietary creameries in the Union, who shall be nominated in terms of section *three* ;
- (c) two shall represent creameries operated by co-operative societies or companies in the Union, registered under the law relating to co-operative societies and companies who shall be nominated in terms of section *three* ; 35
- (d) one shall represent the owners of proprietary cheese factories in the Union, who shall be nominated in terms of section *three* ; 40
- (e) one shall represent cheese factories operated by co-operative societies or companies in the Union, registered under the law relating to co-operative societies and companies, who shall be nominated in terms of section *three* ; 45
- (f) two shall represent persons supplying cream to creameries in the Union, who shall be nominated in terms of section *four* ;
- (g) one shall represent persons supplying milk to cheese factories in the Union, who shall be nominated in terms of section *five* ; 50
- (h) one shall represent persons supplying milk for sale for consumption as fresh milk in the Union, who shall be nominated in terms of section *six* ; 55
- (i) one shall represent makers of farm dairy butter in the Union, who shall be nominated in terms of section *seven* ;
- (j) one shall represent the wholesale distributors of butter and cheese in the Union, who shall be nominated in terms of section *eight* ; 60
- (k) one shall represent the distributors of fresh milk in the Union, who shall be nominated in terms of section *nine* ;

WETSONTWERP

Om die wette op die suiwelnywerheid saam te vat en te wysig.

(Ingedien te word deur die MINISTER VAN LANDBOU EN BOSBOU.)

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

1. (1) 'n Raad word ingestel, genoem die Suiwelraad (hier- Instelling van Suiwelraad.
5 onder die raad genoem), met regspersoonlikheid bekleed, wat as eiser en verweerder in sy naam as regspersoon in regte kan optree en wat, met inagneming van die bepalings van hierdie Wet, alle handelings kan verrig wat regspersone regtens kan verrig.
- 10 (2) Al die bate en laste van die raad ingestel ingevolge artikel een van die Wet op die Beheer van die Suiwelnywerheid, 1930 (Wet No. 35 van 1930) gaan oor op die raad, en alle besluite, verbintenisse en verpligtings gemaak en aangegaan deur daardie raad bly, tensy dit in stryd is met die bepalings van
15 hierdie Wet of tensy dit deur die raad herroep word, van krag en geldig asof dit deur die raad ingevolge die bepalings van hierdie Wet gemaak of aangegaan was.
- (3) Vanaf 'n datum deur die Minister by kennisgewing in die Staatskoerant vasgestel te word, bestaan die raad soos bepaal
20 in artikel twee van hierdie Wet, maar totdat die lede aangestel word, bestaan die raad uit die lede van die Raad van Toesig op die Suiwelnywerheid ingestel ingevolge artikel een van genoemde Wet No. 35 van 1930 wat die amp bekleed op die datum van inwerkingtreding van hierdie Wet.
- 25 2. (1) Die raad bestaan uit die Superintendent van Suiwelbereiding *ex officio* en, benewens enige lede aangestel kragtens artikel *seuen-en-twintig*, vyftien ander lede, deur die Goewerneur-generaal aangestel, van wie— Samestelling van raad en aanstelling van lede.
 - (a) een 'n amptenaar (deur die Minister genomineer) in
30 die Departement van Landbou en Bosbou moet wees, as voorsitter van die raad en van elke komitee daarvan;
 - (b) twee verteenwoordigers moet wees van eiendomsbotterfabrieke in die Unie, genomineer te word
35 volgens artikel *drie*;
 - (c) twee verteenwoordigers moet wees van botterfabrieke wat deur kragtens die wet betreffende koöperatiewe verenigings en maatskappye geregistreerde koöperatiewe verenigings of maatskappye gedryf word in die
40 Unie, genomineer te word volgens artikel *drie*;
 - (d) een 'n verteenwoordiger moet wees van eiendomskaasfabrieke in die Unie, genomineer te word volgens artikel *drie*;
 - (e) een 'n verteenwoordiger moet wees van kaasfabrieke wat deur kragtens die wet betreffende koöperatiewe verenigings en maatskappye geregistreerde koöperatiewe verenigings of maatskappye gedryf word in die
45 Unie, genomineer te word volgens artikel *drie*;
 - (f) twee verteenwoordigers moet wees van persone wat room aan botterfabrieke in die Unie lewer, genomineer te word volgens artikel *vier*;
 - (g) een 'n verteenwoordiger moet wees van persone wat melk aan kaasfabrieke in die Unie lewer, genomineer te word volgens artikel *vyf*;
 - 55 (h) een 'n verteenwoordiger moet wees van persone wat melk vir verkoop om as vars melk verbruik te word in die Unie lewer, genomineer te word volgens artikel *ses*;
 - (i) een 'n verteenwoordiger moet wees van vervaardigers van plaasmelkerybotter in die Unie, genomineer te word volgens artikel *sewe*;
 - 60 (j) een 'n verteenwoordiger moet wees van groothandelaars in botter en kaas in die Unie, genomineer te word volgens artikel *agt*;
 - (k) een 'n verteenwoordiger moet wees van handelaars in
65 vars melk in die Unie, genomineer te word volgens artikel *nege*;

(1) one shall be an experienced business person not directly connected with the dairy industry in the Union, who shall be nominated by the Minister, for the purpose of representing the interests of consumers of dairy products.

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(2) The Superintendent of Dairying shall have no vote at any meeting of the board or of a committee thereof but shall, in all other respects, have the same rights as other members of the board.

(3) In addition to the members to be appointed in terms of sub-section (1), there shall be the following member or members *ex-officio*, to wit, such officer or officers of the Department of Agriculture and Forestry as the Minister may from time to time nominate to attend all or one or more of the meetings of the board or of a committee of the board. Any such member shall not have the right to vote at any meeting of the board or of a committee of the board, but shall in all other respects have the same rights as other members of the board.

(4) Whenever for any reason the chairman of the board is absent from any meeting of the board or of any committee thereof, the members present shall elect one of their number to act as chairman at such meeting.

Nomination of
representatives of
creameries and
cheese factories.

3. (1) The Minister shall convene, at such time and place as he may determine—

(a) a conference of owners of proprietary creameries, for the purpose of nominating two members of the board referred to in paragraph (b) of sub-section (1) of section two;

(b) a conference of owners of creameries operated by co-operative societies or companies, for the purpose of nominating two members of the board referred to in paragraph (c) of the said sub-section;

(c) a conference of owners of proprietary cheese factories, for the purpose of nominating one member of the board referred to in paragraph (d) of the said sub-section;

(d) a conference of owners of cheese factories operated by co-operative societies or companies, for the purpose of nominating one member of the board referred to in paragraph (e) of the said sub-section.

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(2) If at any such conference three-quarters of the owners entitled to attend it are present or represented by proxy, they may, by a majority vote (or, if two or more persons receive an equal number of votes, by the drawing of lots), nominate the member or members of the board, for whose nomination the conference was convened.

(3) If any person nominated at any such conference in terms of sub-section (2) is in the opinion of the Minister not qualified to be a member of the board or not suitable for appointment as such a member, the Minister shall convene another conference of owners concerned for the purpose of nominating, in manner provided in sub-section (2), another person for appointment as a member of the board, and if at such conference the owners in question again nominate a person who is in the opinion of the Minister not qualified or not suitable as aforesaid, he shall himself make the nomination in question.

(4) If at any such conference less than three-quarters of the owners entitled to attend are present or represented by proxy, or if at a conference mentioned in sub-section (2) or convened under sub-section (3) no person was nominated or an insufficient number of persons were nominated for appointment to the board, the Minister shall himself nominate a person or persons for such appointment.

(5) Only a person who has regularly supplied cream to a co-operative creamery during the period of twelve months immediately preceding his nomination may be nominated under paragraph (b) of sub-section (1).

Nomination of
cream producers'
representatives.

4. (1) The two members of the board referred to in paragraph (f) of sub-section (1) of section two may be nominated by an association of persons which, in the opinion of the Minister, represents producers of cream throughout the Union.

(2) Only a person who has regularly supplied cream to a creamery during the period of twelve months immediately preceding his nomination may be nominated under this section.

Nomination of
cheese milk
suppliers'
representative.

5. (1) The member of the board referred to in paragraph (g) of sub-section (1) of section two may be nominated by an association of persons which, in the opinion of the Minister, 80

(1) een 'n ervare besigheidspersoon moet wees wat nie regstreeks by die suiwelnywerheid in die Unie betrokke is nie, genomineer te word deur die Minister om die belange van verbruikers van suiwelprodukte te verteenwoordig.

(2) Die Superintendent van Suiwelbereiding het geen stem by vergaderings van die raad of van 'n komitee daarvan nie, maar het in alle ander opsigte dieselfde regte as ander lede van die raad.

(3) Benewens die lede aangestel te word kragtens sub-artikel (1), moet daar onderstaande lid of lede *ex officio* wees, te wete, sodanige beampte of beamptes van die Departement van Landbou en Bosbou as wat die Minister van tyd tot tyd mog benoem om alle of een of meer vergaderings van die raad of van 'n komitee van die raad by te woon. So'n lid het nie die reg om op 'n vergadering van die raad of van 'n komitee van die raad te stem nie, maar het in alle ander opsigte dieselfde regte as ander lede van die raad.

(4) Wanneer die voorsitter van die raad om een of ander rede afwesig is van 'n vergadering van die raad of van 'n komitee daarvan, kies die aanwesige lede een uit hul midde om op daardie vergadering as voorsitter op te tree.

3. (1) Op 'n tyd en plek wat die Minister mog bepaal, roep hy byeen—

Nominasie van verteenwoordigers van botterfabrieke en kaasfabrieke.

(a) 'n konferensie van eienaars van eiendomsbotterfabrieke met die doel om die in paragraaf (b) van sub-artikel (1) van artikel twee bedoelde twee lede van die raad te nomineer;

(b) 'n konferensie van eienaars van botterfabrieke wat gedryf word deur koöperatiewe verenigings of maatskappye met die doel om die in paragraaf (c) van genoemde sub-artikel bedoelde twee lede van die raad te nomineer;

(c) 'n konferensie van eienaars van eiendomskaasfabrieke met die doel om die in paragraaf (d) van genoemde sub-artikel bedoelde een lid van die raad te nomineer;

(d) 'n konferensie van eienaars van kaasfabrieke wat gedryf word deur koöperatiewe verenigings of maatskappye met die doel om die in paragraaf (e) van genoemde sub-artikel bedoelde een lid van die raad te nomineer.

(2) Indien drie-vierdes van die eienaars wat geregtig is om dit by te woon op so 'n konferensie teenwoordig of deur gevolmagtigdes verteenwoordig is, kan hulle by meerderheid van stemme (of, ingeval twee of meer persone 'n gelyke aantal stemme kry, deur lootjies te trek) die lid of lede van die raad nomineer vir die nominasie van wie die konferensie byeengeroep is.

(3) Indien iemand wat op so 'n konferensie genomineer is kragtens sub-artikel (2) volgens oordeel van die Minister nie bevoeg is om lid van die raad te wees nie of nie geskik is om as so 'n lid aangestel te word nie, dan moet die Minister weer 'n konferensie van die betrokke eienaars byeenoep om volgens voorskrif van sub-artikel (2) iemand anders te nomineer vir aanstelling as lid van die raad, en as bedoelde eienaars op daardie konferensie weer iemand nomineer wat volgens oordeel van die Minister nie bevoeg of nie geskik is nie, soos voormeld, dan moet hy self bedoelde nominasie doen.

(4) Indien minder as drie-vierdes van die eienaars wat geregtig is om dit by te woon op so 'n konferensie teenwoordig of deur gevolmagtigdes verteenwoordig is, of indien daar op 'n konferensie bedoel in sub-artikel (2) of byeengeroep kragtens sub-artikel (3) niemand genomineer is nie of 'n onvoldoende aantal persone genomineer is vir aanstelling op die raad, dan moet die Minister self 'n persoon of persone nomineer vir sodanige aanstelling.

(5) Alleen iemand wat gedurende die tydperk van twaalf maande wat sy nominasie onmiddellik voorafgaan gereeld room aan 'n koöperatiewe botterfabriek gelever het, kan kragtens paragraaf (b) van sub-artikel (1) genomineer word.

4. (1) Die in paragraaf (f) van sub-artikel (1) van artikel twee bedoelde twee lede van die raad mag genomineer word deur 'n vereniging van persone wat volgens oordeel van die Minister die produsente van room dwarsdeur die Unie ver- teenwoordig.

Nominasie van verteenwoordigers van roomprodusente.

(2) Alleen iemand wat gereeld room aan 'n botterfabriek gelever het gedurende die tydperk van twaalf maande wat sy nominasie onmiddellik voorafgaan, mag kragtens hierdie artikel genomineer word.

5. (1) Die in paragraaf (g) van sub-artikel (1) van artikel twee bedoelde lid van die raad mag genomineer word deur 'n vereniging van persone wat volgens oordeel van die Minister

Nominasie van verteenwoordiger van kaasmelk-leweransiers.

represents suppliers of milk to cheese factories throughout the Union.

(2) Only a person who has regularly supplied milk to a cheese factory or to a condensed milk factory during the period of twelve months immediately preceding his nomination may be nominated under this section. 5

Nomination of
fresh milk
producers'
representative.

6. (1) The member of the board referred to in paragraph (h) of sub-section (1) of section *two* shall be nominated by the Minister from persons whose names have been submitted to him by such milk committees as may have been established under section *eighty-eight*. 10

(2) Each milk committee may submit to the Minister the name of one person for nomination.

(3) If no milk committee has been established or if no milk committee has submitted to the Minister, when called upon to do so, the name of any person for nomination or if none of the persons whose names have been submitted to the Minister for nomination is, in his opinion, suitable for appointment as a member of the board, the Minister shall nominate any person whom he considers to be fit to be appointed as a member of the board. 15 20

(4) Only a person who has regularly produced and sold milk for consumption as fresh milk during the period of twelve months immediately preceding his nomination may be nominated under this section for appointment as a member of the board referred to in paragraph (h) of sub-section (1) of section *two*. 25

Nomination of
farm dairy
butter makers'
representative.

7. (1) The member of the board referred to in paragraph (i) of sub-section (1) of section *two* may be nominated by an association of persons, which, in the opinion of the Minister, represents producers of farm dairy butter throughout the Union. 30

(2) Only a person who has, during the period of twelve months immediately preceding his nomination, regularly produced farm dairy butter may be nominated under this section. 35

Nomination of
wholesale
distributors'
representative.

8. (1) If there is in existence in the Union an association of persons who are, in the opinion of the Minister carrying on in the Union the business of wholesale distributors of dairy produce, of which, in the opinion of the Minister, not less than half such distributors are members, the said association may nominate the member of the board referred to in paragraph (j) of sub-section (1) of section *two*; or, if there is no such association in existence in the Union, the South African Associated Chamber of Commerce shall be entitled to nominate the said representative. 40 45

(2) Only a person who is, in the opinion of the Minister, carrying on the business of a wholesale distributor of dairy produce in the Union or who is employed by or associated with a person or association of persons carrying on, on an extensive scale, the business of distributors of dairy produce in the Union, may be nominated under this section. 50

Nomination of
fresh milk
distributors'
representative.

9. The member of the board referred to in paragraph (k) of sub-section (1) of section *two* shall be nominated in manner provided in section *six*: Provided that only a person who is, in the opinion of the Minister, regularly engaged in the distribution of fresh milk on an extensive scale may be nominated under this section. 55

If no suitable
person nominated
Minister may
nominate.

10. (1) Whenever nominations in terms of section *four*, *five*, *six*, *seven*, *eight* or *nine* become necessary, the Minister shall, by notice in writing, call upon the body or bodies concerned to make, within a period stated in such notice, the nominations or the submission of names which it or they are entitled to make for the purpose of the appointment of members of the board in terms of the said section. 60 65

(2) If any person nominated under section *four*, *five*, *seven* or *eight* is, in the opinion of the Minister, not qualified to be a member of the board or not suitable for appointment as such member, the Minister shall refer such nomination back to the body which made it and call upon such body to nominate another person for appointment to the board and if such body thereupon again nominates a person who is, in the opinion of the Minister, not qualified or not suitable as aforesaid, or whenever any such body fails to nominate any person, the Minister shall himself nominate any person who is in terms of the preceding provisions of this Act qualified for the appointment in question and who is, in the Minister's opinion fit to be a member of the board. 70 75

(3) If there is in the opinion of the Minister no such association as is mentioned in section *four*, *five* or *seven*, the Minister shall himself nominate the member or members for appoint- 80

die leweransiers van melk aan kaasfabrieke dwarsdeur die Unie verteenwoordig.

(2) Alleen iemand wat gereeld melk aan 'n kaasfabriek of aan 'n kondensmelkfabriek gelewer het gedurende die tydperk van twaalf maande wat sy nominasie onmiddellik voorafgaan, mag kragtens hierdie artikel genomineer word.

6. (1) Die in paragraaf (h) van sub-artikel (1) van artikel twee bedoelde lid van die raad moet deur die Minister genomineer word uit persone van wie die name aan hom voorgelê is deur melkkomitees wat kragtens artikel agt-en-tagtig gestig mag wees.

Nominasie van verteenwoordiger van produsente van vars melk.

(2) Elke melkkomitee kan die naam van een persoon aan die Minister voorlê vir nominasie.

(3) Indien daar geen melkkomitee gestig is nie, of ingeval geen melkkomitee op aansegging deur die Minister om sulks te doen iemand se naam vir nominasie aan hom voorgelê het nie, of indien daar onder die persone wie se name aan die Minister voorgelê is vir nominasie volgens sy oordeel niemand is wat vir aanstelling op die raad geskik is nie, dan kan die Minister self 'n persoon nomineer wat hy geskik ag om as lid van die raad aangestel te word.

(4) Alleen iemand wat gereeld melk geproduseer en vir verbruik as vars melk verkoop het gedurende die tydperk van twaalf maande wat sy nominasie onmiddellik voorafgaan, mag kragtens hierdie artikel genomineer word vir aanstelling as die in paragraaf (h) van sub-artikel (1) van artikel twee bedoelde lid van die raad.

7. (1) Die in paragraaf (i) van sub-artikel (1) van artikel twee bedoelde lid van die raad mag genomineer word deur 'n vereniging van persone wat volgens oordeel van die Minister die produsente van plaasmelkerybotter dwarsdeur die Unie verteenwoordig.

Nominasie van verteenwoordiger van plaasmelkerybotter-vervaardigers.

(2) Alleen iemand wat gereeld plaasmelkerybotter geproduseer het gedurende die tydperk van twaalf maande wat sy nominasie onmiddellik voorafgaan, mag kragtens hierdie artikel genomineer word.

8. (1) As daar in die Unie 'n vereniging van persone bestaan wat volgens oordeel van die Minister in die Unie die besigheid dryf van groothandelaars in suiwelprodukte en waarvan volgens oordeel van die Minister minstens die helfte van sodanige groothandelaars lede is, dan mag genoemde vereniging die in paragraaf (j) van sub-artikel (1) van artikel twee bedoelde lid van die raad nomineer; of as daar nie so 'n vereniging in die Unie bestaan nie, dan is die Suid-Afrikaanse Vereniging van Kamers van Koophandel geregtig om sodanige verteenwoordiger te nomineer.

Nominasie van verteenwoordiger van groothandelaars.

(2) Alleen iemand wat volgens oordeel van die Minister die besigheid van 'n groothandelaar in suiwelprodukte in die Unie drywe of wat in diens is van of geassosieer is met 'n persoon of vereniging van persone wat op uitgebreide skaal die besigheid van handelaars in suiwelprodukte in die Unie drywe, mag kragtens hierdie artikel genomineer word.

9. Die in paragraaf (k) van sub-artikel (1) van artikel twee bedoelde lid van die raad moet genomineer word volgens voorskrif van artikel ses: Met dien verstande dat alleen iemand wat volgens oordeel van die Minister gereeld by die handel in vars melk op uitgebreide skaal betrokke is kragtens hierdie artikel genomineer mag word.

Nominasie van verteenwoordiger van handelaars in vars melk.

10. (1) Wanneer nominasies volgens artikel vier, vyf, ses, sewe, agt of nege nodig word, sê die Minister die betrokke liggaam of liggame skriftelik aan om binne 'n tydperk in die aansegging vasgestel die persone te nomineer of die name van persone voor te lê wat hy of hulle volgens bedoelde artikels geregtig is om te nomineer vir die doeleindes van aanstelling van lede van die raad.

Indien geen geskikte persoon genomineer word nie kan Minister nomineer.

(2) Wanneer iemand wat kragtens artikel vier, vyf, sewe of agt genomineer is volgens oordeel van die Minister nie bevoeg is om lid van die raad te wees nie of ongeskik is vir aanstelling as sodanige lid, moet die Minister daardie nominasie terug verwys na die liggaam wat dit voorgelê het en daardie liggaam aansê om iemand anders vir aanstelling op die raad te nomineer, en indien daardie liggaam daarop weer iemand nomineer wat volgens oordeel van die Minister onbevoeg of ongeskik is soos vermeld, of wanneer so 'n liggaam in gebreke bly om iemand te nomineer, kan die Minister self iemand nomineer wat volgens die voorafgaande bepalinge van hierdie Wet bevoeg is vir bedoelde aanstelling en wat volgens oordeel van die Minister geskik is om lid van die raad te wees.

(3) Indien daar volgens oordeel van die Minister nie 'n vereniging soos bedoel in artikel vier, vyf of sewe bestaan nie, moet die Minister self die lid of lede vir aanstelling op die

Tenure of
members of the
board.

ment to the board which the association in question could have appointed if it had been in existence.

11. (1) Half the number of the first members of the board appointed under paragraphs (b), (c) and (f) of section two and the first members of the board appointed under paragraphs (h), (i), (k) and (l) of section two shall be appointed for a period of one year and all the other members for a period of two years; thereafter all members of the board shall be appointed for a period of two years: Provided that every member shall continue in office for a period not exceeding three months after the expiration of his term of office, or until his successor has been appointed. Any member whose term of office has expired shall be eligible for re-appointment.

(2) The first members of the board shall be appointed as soon as may be after the publication of the notice referred to in section one.

(3) Whenever the period for which any members of the board were appointed has expired, new members shall be appointed within a period of three months after such expiration in the same manner as in the case of the first members.

(4) Whenever the office of any member of the board for any reason becomes vacant before the expiration of the period for which he was appointed, the Minister may, on the recommendation of the board, appoint any other person whom he considers suitable to fill such vacancy until the expiration of the period for which the vacating member was appointed.

(5) Whenever the Minister is satisfied that any member of the board is prevented by illness, absence or other sufficient 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 such member while he is so prevented, and while acting as such in terms of his appointment the said deputy shall be deemed to be a member of the board.

(6) Whenever a member of the board, without its leave, has failed to attend three consecutive meetings thereof, and no person has been appointed to act as his deputy in terms of sub-section (5), he shall cease to be a member of the board.

(7) 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.

Quorum, majority
decision and
chairman's
casting vote.

12. (1) Eight members of the board shall form a quorum. (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 at any such meeting the chairman of the board shall have a casting vote in addition to his deliberative vote.

Allowances of
members of
board.

13. (1) The members of the board shall receive such allowances to meet all reasonable expenses to which they may be 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.

Meetings of
the board.

14. (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 shall from time to time determine: Provided that the chairman of the board may (or in the event of his being unable to do so the Superintendent of Dairying), at any time call a meeting of the board.

Committees of
board.

15. (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, subject to such conditions and limitations as it may impose, as may be prescribed by regulation: Provided that by appointing a committee, the board shall not divest itself of the right of itself exercising any power with which the committee has been invested.

(2) The members of a committee shall receive such allowances as may be determined by the Minister.

(3) The chairman of the board may at any time and at any place convene a meeting of any committee.

(4) The decision of a majority of all the members of a committee shall constitute the decision of the committee, and the chairman of a committee shall not have a casting vote.

(5) The chairman of the board and the Superintendent of Dairying shall be *ex officio* members of all committees.

(6) If any member of a committee is unable to attend any meeting of such committee, the chairman of the board may

raad nomineer wat sodanige vereniging sou kon genomineer het as dit bestaan het.

11. (1) Die helfte van die aantal van die eerste lede van die raad, aangestel kragtens paragrawe (b), (c) en (f) van artikel twee en die eerste lede van die raad, aangestel kragtens paragrawe (h), (i), (k) en (l) van artikel twee word vir 'n tydperk van een jaar aangestel en al die ander lede vir 'n tydperk van twee jaar; daarna word alle lede van die raad vir 'n tydperk van twee jaar aangestel: Met dien verstande dat elke lid sy amp beklee gedurende 'n tydperk van hoogstens drie maande na verstryking van sy ampstyd of totdat sy opvolger aangestel is. 'n Lid van wie die ampstyd verstryk het, kan weer aangestel word.

Ampsduur van raadslede.

(2) Die eerste lede van die raad word aangestel so spoedig doenlik na uitvaardiging van die kennisgewing vermeld in artikel een.

(3) Wanneer die tydperk verstryk is waarvoor lede van die raad aangestel is, word nuwe lede aangestel binne 'n tydperk van drie maande na sodanige verstryking en wel op dieselfde manier as in die geval van die eerste lede.

(4) Wanneer die setel van 'n lid van die raad om enige rede vakant word voor verloop van die tydperk waarvoor hy aangestel is, kan die Minister, op aanbeveling van die raad, iemand anders aanstel wat hy geskik ag om die vakature te vul totdat die tydperk waarvoor die uitgevalle lid aangestel was, verstryk is.

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

(6) Wanneer 'n raadslid sonder die raad se verlof versuim het om drie agtereenvolgende raadsvergaderings by te woon en niemand volgens sub-artikel (5) as sy plaasvervanger aangestel is nie, hou hy op om lid van die raad te wees.

(7) 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 die vakatures gevul is dat 'n kworum van die raad tot stand kan kom.

12. (1) Agt lede van die raad maak 'n kworum uit.

(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 die voorsitter van die raad by 'n staking van stemme op so 'n vergadering benewens sy beraadslagende stem ook 'n beslissende stem het.

Kworum, meerderheidsbeslissing en beslissende stem van voorsitter.

13. (1) Die lede van die raad ontvang sodanige toelaes tot dekking van alle redelike onkoste wat hulle in verband met die sake van die raad mag behoel, as die Minister mag bepaal.

Toelaes van lede van die raad.

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

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

Raadsvergaderings.

(2) Alle daaropvolgende vergaderings van die raad word gehou op die tyd en plekke wat die raad van tyd tot tyd vasstel: Met dien verstande dat die voorsitter van die raad (of, ingeval hy nie in staat is om op te tree nie, die Superintendent van Suiwelbereiding) te eniger tyd 'n vergadering van die raad kan byeenroep.

15. (1) Die raad kan met die Minister se toestemming een of meer komitees uit sy lede benoem en so 'n komitee is beklee met alle bevoegdhede van die raad, dog behoudens die voorwaardes en beperkings wat hy mag bepaal, wat by regulasie voorgeskrywe mag word: Met dien verstande dat deur 'n komitee te benoem die raad nie afstand doen van sy reg om te eniger tyd 'n bevoegdheid uit te oefen waarmee so 'n komitee beklee is nie.

Komitees van raad.

(2) Die lede van 'n komitee ontvang sodanige toelaes as die Minister mag bepaal.

(3) Die voorsitter van die raad kan te eniger tyd en op enige plek 'n vergadering van 'n komitee belê.

(4) 'n Besluit van 'n meerderheid van al die lede van 'n komitee maak 'n besluit van die komitee uit, en die voorsitter van 'n komitee het geen beslissende stem nie.

(5) Die voorsitter van die raad en die Superintendent van Suiwelbereiding is *ex officio* lede van alle komitees.

(6) Ingeval 'n lid van 'n komitee nie in staat is om 'n vergadering van so 'n komitee by te woon nie, kan die voorsitter

appoint any other member of the board to act in the place of such member.

Functions of
the board.

16. (1) The board may—

- (a) 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; 5
- (b) acquire or hire any property which it considers necessary for the purpose of exercising its functions and dispose of or let any property which it has acquired;
- (c) impose on all creamery butter, on all margarine and on all renovated butter, manufactured in the Union, and on all farm dairy butter sold in the Union and on all butter, margarine and renovated butter imported into the Union, a levy not exceeding one penny per pound of such butter, margarine or renovated butter: 15
Provided that it may, with the consent of the Minister, impose a further levy not exceeding one half-penny per pound on such butter, margarine or renovated butter;
- (d) impose on all cheese, fresh cheese and cream cheese manufactured in the Union (other than such cheese made by any person for consumption by his household) and on all such cheese imported into the Union a levy not exceeding one penny per pound on such cheese: 20
Provided that it may, with the consent of the Minister, impose a further levy not exceeding one half-penny per pound on such cheese, fresh cheese and cream cheese; 25
- (e) impose on all fresh milk sold by a milk producer-distributor registered as such under section *ninety-three* and on all fresh milk received by a milk distributor registered as such under section *ninety-three* in such areas as may have been defined under section *eighty-seven* of this Act, a levy not exceeding one-half penny per gallon on such milk: Provided that— 30
 - (i) the board may with the consent of the Minister impose a further levy not exceeding one half-penny per gallon on such milk;
 - (ii) no levy shall be payable by a milk distributor in respect of such milk purchased by him from a milk producer-distributor; 40
 - (iii) no levy shall be payable on such milk sold by a milk producer-distributor or milk distributor to a creamery, cheese factory or condensed milk factory; 45
- (f) pay out of its funds to any person exporting from the Union butter, cheese or process cheese made in the Union a bounty not exceeding sixpence per pound of butter, cheese or process cheese exported: Provided that— 50
 - (i) the board may, with the consent of the Minister, pay a bounty in excess of sixpence per pound on butter, cheese or process cheese so exported;
 - (ii) any such bounty in respect of butter may differ in amount from any such bounty in respect of cheese or process cheese; 55
 - (iii) the board may decline to pay any bounty in respect of all butter, cheese or process cheese below a specified grade;
 - (iv) any such bounty may vary according to the grade of the butter, cheese or process cheese exported or, in a case where the butter or cheese exported was manufactured by a person other than the producer of the cream or milk used for its manufacture, according to the price which the manufacturer of such butter or cheese paid for milk or cream used by him in the manufacture of butter or cheese during a period to be fixed by the board (the price being based upon butter-fat content or calculated per unit of volume as determined by the board); 60
 - (v) any such bounty may differ in amount in respect of different places to which such butter, cheese or process cheese is exported;
 - (vi) any such bounty shall be paid only on butter, cheese or process cheese exported with the permission or by direction of the board; 65
- (g) pay out of its funds on such conditions, as with the approval of the Minister it may impose, such a subsidy 70

van die raad 'n ander raadslid aanstel om in die plek van so 'n lid op te tree.

16. (1) Die raad kan—

Bevoegdheids van die raad.

- (a) persone aanstel wat hy nodig ag om hom in staat te stel om sy werksaamhede te verrig, en wel teen sodanige besoldiging en op sodanige voorwaardes as hy mag vasstel;
- (b) goed aanskaf of huur wat hy nodig ag ten einde sy werksaamhede te kan verrig, en aangeskafte goed van die hand sit of verhuur;
- (c) op alle fabrieksbutter, op alle margariën en op alle herbewerkte butter, wat in die Unie vervaardig word, en op alle plaasmelkerybutter wat in die Unie verkoop word en op alle butter, margariën en herbewerkte butter wat in die Unie ingevoer word, hoogstens een pennie per pond van sodanige butter, margariën of herbewerkte butter hef: Met dien verstande dat hy met die Minister se toestemming 'n addisionele heffing van hoogstens 'n halfpennie per pond van sodanige butter, margariën of herbewerkte butter kan ople;
- (d) op alle kaas, vars kaas en roomkaas, wat in die Unie vervaardig word (behalwe kaas wat iemand vervaardig vir die gebruik van sy huisgesin) en op alle in die Unie ingevoerde sodanige kaas hoogstens een pennie per pond van sodanige kaas hef: Met dien verstande dat hy met die Minister se toestemming 'n addisionele heffing van hoogstens 'n halfpennie per pond van sodanige kaas, vars kaas en roomkaas kan ople;
- (e) op alle vars melk wat deur 'n melkproducenthandelaar as sulks geregistreer ingevolge artikel *drie-en-negentig* verkoop word en op alle vars melk wat deur 'n melkhandelaar as sulks geregistreer ingevolge artikel *drie-en-negentig* ontvang word in streke omskryf kragtens artikel *sewen-en-tagtig* van hierdie Wet hoogstens 'n halfpennie per gelling van sodanige melk hef: Met dien verstande dat—
 - (i) die raad met die Minister se toestemming 'n addisionele heffing van hoogstens 'n halfpennie per gelling van sodanige melk kan ople;
 - (ii) geen heffing deur 'n melkhandelaar betaalbaar is ten opsigte van sodanige melk wat hy van 'n melkproducenthandelaar koop nie;
 - (iii) geen heffing betaalbaar is nie op sodanige melk as wat deur 'n melkproducenthandelaar of melkhandelaar verkoop word aan 'n botterfabriek, kaasfabriek of kondensmelkfabriek;
- (f) uit sy gelde aan iemand wat in die Unie vervaardigde butter, kaas of proseskaas uit die Unie uitvoer, 'n toeslag betaal van hoogstens ses pennies per pond uitgevoerde butter, kaas of proseskaas: Met dien verstande dat—
 - (i) die raad met die Minister se toestemming 'n hoër toeslag as ses pennies per pond op aldus uitgevoerde butter, kaas of proseskaas mag betaal;
 - (ii) so 'n toeslag ten opsigte van butter, wat die bedrag daarvan betref, kan verskil van so 'n toeslag ten opsigte van kaas;
 - (iii) die raad kan weier om 'n toeslag te betaal ten opsigte van alle butter, kaas of proseskaas benede 'n vasgestelde graad;
 - (iv) so 'n toeslag kan afwissel volgens die graad van die butter, kaas of proseskaas wat uitgevoer word, of, ingeval die uitgevoerde butter of kaas vervaardig is deur iemand anders as die produsent van die room of melk gebruik vir die vervaardiging daarvan, volgens die prys (wat volgens die bottervetgehalte of per eenheid van inhoud bereken word, na gelang die raad bepaal) wat die produsent van sodanige butter of kaas betaal het vir melk of room deur hom gebruik by die vervaardiging van butter of kaas gedurende 'n tydperk deur die raad vasgestel te word;
 - (v) so 'n toeslag kan verskil, wat die bedrag daarvan betref, ten opsigte van verskillende plekke waarheen sodanige butter, kaas of proseskaas uitgevoer word;
 - (vi) so 'n toeslag betaal word alleen op butter, kaas of proseskaas wat met toestemming of onder opdrag van die raad uitgevoer word;
- (g) uit sy gelde en op voorwaardes wat hy met die Minister se goedkeuring vasstel sodanige subsidie betaal as

- as it may from time to time determine on butter, cheese, process cheese or fresh milk 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, cheese or milk is sold; 5
- (h) prescribe the procedure to be followed in claiming the payment of any bounty referred to in paragraph (f) on butter, cheese or process cheese exported, or the subsidy referred to in paragraph (g) on any butter, cheese, process cheese or fresh milk sold in the Union; 10
 - (i) utilize levy funds to encourage the greater consumption of dairy produce and generally to assist the development and betterment of the dairy industry and for such purposes may buy and sell any dairy produce; 15
 - (j) create a reserve fund into which any surplus levy funds not required for immediate use may be paid; 20
 - (k) advance money from its funds to any owner of butter or cheese which is under the control of the board, on the security of such butter or cheese and on such terms as the board may determine;
 - (l) raise loans and advance money therefrom to any owner of butter or cheese which is under the control of the board on the security of such butter or cheese and on such terms as the board may determine: Provided that any such advance shall not exceed sixty per cent. of the value of the butter or cheese in respect of which the money is advanced; 25 30
 - (m) utilize levy funds for the purpose of stabilizing prices of dairy produce in the Union or of reducing the costs of producing, manufacturing or marketing of dairy products; 35
 - (n) make out of its funds all payments which the board is required to incur or which it may lawfully incur under this Act in the exercise of its functions;
 - (o) direct any owner of a creamery or cheese factory or process cheese factory or condensed milk factory to furnish it from time to time with a correct statement—
 - (i) of the quantity of butter, cheese, process cheese or condensed milk, manufactured by him during any stated period and of the quantity of each grade of butter or cheese which he has or has had in stock at any given date, and any other fact which is, in the opinion of the board, necessary to enable it to carry out its functions; and 45
 - (ii) of the prices paid per unit of weight of butter-fat content, or per unit of volume, for any cream or milk used in such creamery, cheese factory or condensed milk factory during any stated period; 50
 - (p) direct any holder of a milk distributors' licence or milk producer-distributors' licence to furnish it from time to time with a correct statement of the quantity of milk received, produced and sold by him during any stated period, and of the prices paid and received by him per unit of volume of such milk during such period; 55
 - (q) direct the person in charge of any place where butter, cheese or process cheese is stored to furnish it from time to time with a correct statement of the quantity and the grades of butter or cheese stored thereon or thereat at any given date, and with any other information which is, in the opinion of the board, necessary to enable it to carry out its functions; 60 65
 - (r) publish particulars of prices being paid by creameries, cheese factories, condensed milk factories and milk distributors for butter-fat and milk, and generally to disseminate information concerning the dairy industry which is, in the opinion of the board, calculated to inspire confidence in the industry and bring about a condition of stability therein; 70
 - (s) utilize levy funds for the purpose of assisting and encouraging dairy research or the investigation of problems affecting the dairy industry or for the 75

- hy van tyd tot tyd bepaal op botter, kaas, proseskaas of vars melk wat in die Unie verkoop word vir 'n doel of aan 'n klas verbruikers wat die Minister goedkeur: Met dien verstande dat die bedrag van sodanige subsidie kan afwissel ten opsigte van die verskillende grade botter of kaas en ten opsigte van die doel waarvoor of die klas verbruikers aan wie sodanige botter, kaas of melk verkoop word;
- (h) die prosedure voorskryf wat gevolg moet word by die instelling van eise vir die betaling van 'n toeslag bedoel in paragraaf (f) op botter, kaas of proseskaas wat uitgevoer word of die subsidie bedoel in paragraaf (g) op botter, kaas, proseskaas of vars melk wat in die Unie verkoop word;
- (i) heffingsgelde bestee om 'n meerdere verbruik van suiwelprodukte aan te moedig en oor die algemeen die ontwikkeling en verbetering van die suiwelnywerheid voort te help en kan vir daardie doel enige suiwelprodukt koop en verkoop;
- (j) 'n reserwefonds aanlê waarin surplus heffingsgelde wat nie vir onmiddellike gebruik benodig is nie gestort kan word;
- (k) van sy gelde voorskiet aan 'n eienaar van botter of kaas wat onder die raad se beheer is, teen sekuriteit van daardie botter of kaas en op sodanige voorwaardes as wat die raad mog bepaal;
- (l) lenings aangaan en geld daaruit voorskiet aan 'n eienaar van botter of kaas wat onder die raad se beheer is, teen sekuriteit van daardie botter of kaas en op sodanige voorwaardes as wat die raad mog bepaal: Met dien verstande dat so 'n voorskot nie meer mag bedra nie as sestig persent van die waarde van die botter of kaas ten opsigte waarvan die geld voorgeskiet word;
- (m) heffingsgelde bestee ter stabilisering van die pryse van suiwelprodukte in die Unie of ter vermindering van die koste verbonde aan die produksie, vervaardiging of bemaking van suiwelprodukte;
- (n) uit sy gelde alle bedrae betaal wat die raad genoodsaak is om uit te gee of wat hy wettig mag uitgee ingevolge hierdie Wet by die verrigting van sy werksaamhede;
- (o) die eienaar van 'n botterfabriek of kaasfabriek of proseskaasfabriek of kondensmelkfabriek gelas om van tyd tot tyd aan die raad 'n juiste opgawe te verstrek—
- (i) van die hoeveelheid botter, kaas, proseskaas of kondensmelk wat hy vervaardig het gedurende 'n aangegewe tydperk en van die hoeveelheid van elke graad botter of kaas wat hy op 'n gegewe datum in voorraad het of gehad het, en van enige ander feit wat volgens oordeel van die raad nodig is ten einde hom in staat te stel om sy werksaamhede te verrig; en
- (ii) van die pryse betaal per gewigseenheid bottervet of per volume-eenheid, vir room of melk in daardie botterfabriek, kaasfabriek of kondensmelkfabriek gebruik gedurende 'n gegewe tydperk;
- (p) die houer van 'n melkhandelaarslisensie of 'n melkprodusent-handelaarslisensie gelas om hom van tyd tot tyd te voorsien van 'n juiste opgawe van die hoeveelheid melk wat hy gedurende 'n gegewe tydperk ontvang, geproduseer en verkoop het, en van die pryse wat hy gedurende daardie tydperk per volume-eenheid van sodanige melk betaal en ontvang het;
- (q) iemand wat 'n plek onder sy beheer het waar botter, kaas of proseskaas bewaar word, gelas om van tyd tot tyd aan die raad 'n juiste opgawe te verstrek van die hoeveelheid en grade botter of kaas wat op 'n gegewe dag aldaar bewaar was, en enige ander inligting te verstrek wat volgens oordeel van die raad nodig is ten einde hom in staat te stel om sy werksaamhede te verrig;
- (r) besonderhede publiseer van pryse wat deur botterfabrieke, kaasfabrieke, kondensmelkfabrieke en melkhandelaars betaal word vir bottervet en melk, en oor die algemeen inligting omtrent die suiwelnywerheid te versprei wat volgens oordeel van die raad sal strek om vertroue in die nywerheid in te boesem en om bestendigheid daarin te weeg te bring;
- (s) heffingsgelde bestee ter bevordering en aanmoediging van navorsing in verband met die suiwelnywerheid of die ondersoek van probleme wat die suiwelnywer-

carrying out of experimental work having for its object the improvement of the quality of dairy produce produced or manufactured in the Union, or for improving marketing conditions of dairy products ;

- (t) utilize levy funds for the purpose of assisting any scheme having for its object the general improvement of dairy cattle in the Union ; 5
- (u) receive and administer any moneys placed at its disposal, expend those moneys for the purpose for which and in accordance with the conditions on which they were placed at its disposal, defray from the general fund mentioned in section *thirty-eight* the cost or any part of the cost of such administration and expenditure and, if it thinks fit, augment those moneys by contributions from the said general fund. 15

(2) It shall be the duty of the board to advise the Minister in regard to the registration under this Act of any creamery, cheese factory, process cheese factory, milk depot, cream depot, renovated butter factory, margarine factory, condensed milk factory and dried milk factory, and generally to advise the Minister on all matters relating to the development of the dairy industry and to recommend any steps which are in its opinion calculated to promote the general welfare of that industry. 20

(3) The board may exercise any power conferred on it by this Act without having obtained any licence prescribed by any law in connection with any business, trade or occupation. 25

Export of
butter and
cheese.

17. (1) The board may from time to time determine the quantity of butter, cheese or process cheese which must be exported from the Union during any period, and the place or places to which such butter, cheese or process cheese may be exported, and it may further specify the quantity of any grade or kind of butter, cheese or process cheese which must be so exported. 30

(2) Whenever the board has made a determination under sub-section (1), every person who is the owner of a creamery or cheese factory on the date of such determination and who has received a notification under sub-section (3) shall export, or after reasonable notice to the board deliver to it for export, or on the direction of the board sell and deliver to it as provided in sub-section (3), at any place or places specified by the board, before the expiration of the period to which the determination relates, a quantity of butter, cheese or process cheese, as the case may be, which bears the same ratio to the total quantity of butter or cheese manufactured by such owner during the period of twelve calendar months immediately preceding the said date, as the quantity of butter, cheese or process cheese, as the case may be, so determined by the board bears to the total quantity of butter or cheese manufactured in all creameries or cheese factories, which are registered on the date of such determination, during the said period of twelve calendar months: Provided that— 35 40 45 50

- (a) if any such owner did not manufacture any butter or cheese during the last mentioned period, he shall, for the purpose of this sub-section, be deemed to have manufactured during that period a quantity of butter or cheese equal to the quantity which he is, in the opinion of the board, likely to manufacture during the period of twelve calendar months immediately succeeding the said date ; 55 60
- (b) if in the opinion of the board the quantity of butter or cheese, as the case may be, which any such owner will manufacture during the period of twelve calendar months immediately succeeding the said date is likely to be greater or less than the quantity manufactured by him during the period of twelve calendar months immediately preceding that date, the board may in its discretion, and at any time, whether before or after the issue of a notification under sub-section (3), increase or reduce the quantity of butter, cheese or process cheese, as the case may be, which such owner shall be obliged to export or deliver for export or purchase under this sub-section, and thereby correspondingly increase or reduce the quantity of butter, 65 70

heid raak of die uitvoering van proewe wat onderneem word ter verbetering van die kwaliteit van suiwelprodukte wat in die Unie geproduseer of vervaardig word of ter verbetering van die toestand in verband met die bemarking van suiwelprodukte;

(t) heffingsgelde bestee ter bevordering van enige skema waarvan die doel is om 'n algemene verbetering van suiwelbeeste in die Unie te weeg te bring;

(u) gelde wat tot sy beskikking gestel word, te ontvang en te beheer, daardie gelde bestee vir die doel waarvoor en ooreenkomstig die voorwaardes waarop hulle tot sy beskikking gestel is, uit die algemene fonds vermeld in artikel *agt-en-dertig* die koste of 'n deel van die koste van daardie beheer en besteding bestry en as hy dit wenslik ag, daardie gelde vermeerder deur bydraes uit bedoelde algemene fonds.

(2) Die raad is verplig om die Minister van advies te dien insake die registrasie, kragtens hierdie Wet, van 'n botterfabriek, kaasfabriek, proseskaasfabriek, melkdepôt, roomdepôt, fabriek vir die herbewerk van botter, margarienfabriek, kondensmelkfabriek en droëmelkfabriek en oor die algemeen om die Minister van advies te dien in verband met alle aangeleenthede betreffende die ontwikkeling van die suiwelnywerheid en om stappe aan te beveel wat volgens sy oordeel bereken is om die algemene welvaart van daardie nywerheid te bevorder.

(3) Die raad kan elke bevoegdheid aan hom verleen by hierdie Wet verrig sonder dat hy 'n lisensie verkry het wat een of ander wet in verband met een of ander besigheid, handel of bedryf voorskryf.

17. (1) Die raad kan van tyd tot tyd vasstel watter hoeveelheid botter, kaas of proseskaas gedurende enige tydperk uit die Unie uitgevoer moet word en na watter plek of plekke daardie botter, kaas of proseskaas uitgevoer mag word en kan verder spesifiseer watter hoeveelheid van enige graad of soort botter, kaas of proseskaas aldus uitgevoer moet word.

Uitvoer van botter en kaas.

(2) Wanneer die raad kragtens sub-artikel (1) 'n vasstelling gemaak het, moet iedere persoon, wat op die datum van sodanige vasstelling die eienaar van 'n botterfabriek of kaasfabriek is en wat 'n kennisgewing ingevolge sub-artikel (3) ontvang het, voor die beëindiging van die tydperk waarop die vasstelling betrekking het 'n hoeveelheid botter, kaas of proseskaas, na gelang van die geval, uitvoer of, na redelike kennisgewing aan die raad, vir uitvoer aan hom lewer of op las van die raad aan hom verkoop en lewer soos bepaal in sub-artikel (3), op 'n plek of plekke wat die raad aanwys, en gemelde hoeveelheid moet in dieselfde verhouding staan tot die totale hoeveelheid botter of kaas deur sodanige eienaar vervaardig gedurende die tydperk van twaalf kalendermaande wat genoemde datum onmiddellik voorafgaan as dié waarin die hoeveelheid botter, kaas of proseskaas, na gelang van die geval, aldus vasgestel deur die raad, staan tot die totale hoeveelheid botter of kaas gedurende genoemde tydperk van twaalf kalendermaande vervaardig in alle botterfabrieke of kaasfabrieke wat tydens die datum van gemelde vasstelling geregistreer is: Met dien verstande dat—

(a) indien so 'n eienaar gedurende laasgenoemde tydperk geen botter of kaas vervaardig het nie, hy vir die toepassing van hierdie sub-artikel geag word gedurende daardie tydperk 'n hoeveelheid botter of kaas vervaardig te gehad het wat gelyk is aan die hoeveelheid wat hy volgens oordeel van die raad waarskynlik sal vervaardig gedurende die tydperk van twaalf kalendermaande wat onmiddellik op genoemde datum volg;

(b) indien die hoeveelheid botter of kaas, na gelang van die geval, wat so 'n eienaar sal vervaardig gedurende die tydperk van twaalf kalendermaande wat onmiddellik op genoemde datum volg, volgens oordeel van die raad waarskynlik meer of minder sal wees as die hoeveelheid wat hy vervaardig het gedurende die tydperk van twaalf kalendermaande wat daardie datum onmiddellik voorafgaan, die raad na goeddunke en te eniger tyd, hetsy voor of na die uitreiking van 'n kennisgewing ingevolge sub-artikel (3), die hoeveelheid botter, kaas of proseskaas, na gelang van die geval, wat daardie eienaar verplig sal wees om uit te voer of vir uitvoer of te koop te lewer ingevolge hierdie artikel, kan vermeerder of verminder, en op die wyse 'n ooreenstemmende vermeerdering of vermindering kan te weegbring in die vasgestelde hoeveelheid botter,

cheese or process cheese determined for export, but without affecting the obligation of any other owner of a creamery or cheese factory under this sub-section to export or deliver for export or purchase a particular quantity of butter, cheese or process cheese which obligation shall be based upon the quantity determined by the board for export under sub-section (1), as if no such increase or reduction had been effected;

- (c) the board may, in its discretion, and at any time, whether before or after the issue of a notification under sub-section (3), reduce the quantity of butter, cheese or process cheese, as the case may be, which any such owner shall be obliged to export or deliver for export in terms of this sub-section, by the quantity or by a portion of the quantity of butter, cheese or process cheese, as the case may be, which he exported, with the permission of the board, during the period of twelve calendar months, immediately preceding the said date, in excess of the quantity which he was obliged to export under this sub-section;
- (d) for the purpose of this sub-section, any such owner shall be deemed to have manufactured during any calendar month the quantity of butter or cheese shown in the statement or statements, transmitted by him in respect of that month to the Superintendent of Dairying in terms of sub-section (2) of section *twenty-nine* or sub-section (2) of section *thirty-three*, as the case may be (unless it is proved that he manufactured a larger quantity), and if any owner has failed to transmit to the said Superintendent the prescribed statement concerning any creamery or cheese factory in respect of any calendar month, the said Superintendent may estimate the quantity of butter or cheese, as the case may be, manufactured by that owner in that creamery or cheese factory during that calendar month, and every such estimate shall be deemed to determine correctly the quantity manufactured by that owner.

(3) Whenever the board has made a determination under sub-section (1), it shall, within a reasonable time after making such a determination, notify every owner of a creamery or cheese factory of the quantity of butter, cheese or process cheese, as the case may be, which he shall export or deliver to the board for export, or purchase, in terms of sub-section (2) and such notification shall specify the place or places where such delivery may be made: Provided that the board may direct any such owner to deliver to it, at such place or places specified in such direction, the said quantity of butter, cheese or process cheese, as the case may be, and the board shall thereupon purchase such butter, cheese or process cheese from such owner at the price which the board determines such butter, cheese or process cheese would have realised had it been exported, less the costs which would have had to be incurred in exporting and delivering such butter, cheese or process cheese to the export market. Any butter, cheese or process cheese purchased by the board in terms of this sub-section shall for the purposes of this Act and for the purposes of any bounty or subsidy payable on butter, cheese or process cheese exported, be deemed to have been exported by the owner from whom such butter, cheese or process cheese was purchased.

(4) If the board has caused a notification mentioned in sub-section (3) to be sent over the post by registered letter, the person to whom the notification was addressed shall be deemed to have received it, unless he proves that he did not receive it.

(5) The board may at any time export and sell any butter or cheese delivered to it by any such owner for export in accordance with any such notification, and shall pay to him the nett proceeds thereof, together with any bounty or subsidy which may be due in respect of any such export, after deduction of all expenses. If such proceeds, plus such bounty or subsidy, are less than such expenses, the board may recover the deficiency from such owner.

(6) The board may at any time sell or otherwise dispose of any butter, cheese or process cheese delivered to it for purchase in terms of sub-section (3) for any purpose or to any class of consumer approved of by the Minister.

5. kaas of proseskaas wat uitgevoer moet word, maar sonder dat dit inbreuk maak op die verpligting van 'n ander eienaar van 'n botterfabriek of kaasfabriek, ingevolge hierdie sub-artikel, om 'n bepaalde hoeveelheid botter, kaas of proseskaas uit te voer of vir uitvoer of te koop te lewer, en daardie verpligting berus op die hoeveelheid deur die raad vir uitvoer vasgestel kragtens sub-artikel (1) asof daar nie so 'n vermeerdering of vermindering teweeggebring was nie;
- 10 (c) die raad na goeddunke en te eniger tyd, hetsy voor of na die uitreiking van 'n kennisgewing ingevolge sub-artikel (3), die hoeveelheid botter, kaas of proseskaas, na gelang van die geval, wat so 'n eienaar verplig is om uit te voer of vir uitvoer te lewer ingevolge hierdie sub-artikel, kan verminder met die hoeveelheid of met 'n gedeelte van die hoeveelheid botter, kaas of proseskaas, na gelang van die geval, wat hy met toestemming van die raad gedurende die tydperk van twaalf kalendermaande wat genoemde datum onmiddellik voorafgaan meer uitgevoer het as wat hy ingevolge hierdie sub-artikel verplig was om uit te voer;
- 15 (d) vir die toepassing van hierdie sub-artikel, so 'n eienaar geag word gedurende 'n kalendermaand die hoeveelheid botter of kaas vervaardig te gehad het wat vermeld is in die opgawe of opgawes wat hy ten opsigte van daardie maand aan die Superintendent van Suiwelbereiding gestuur het ingevolge sub-artikel (2) van artikel *negen-en-twintig* of sub-artikel (2) van artikel *drie-en-dertig*, na gelang van die geval (tensy bewys word dat hy 'n groter hoeveelheid vervaardig het), en indien 'n eienaar versuim het om ten opsigte van enige kalendermaand die voorgeskrewe opgawe betreffende 'n botterfabriek of kaasfabriek aan genoemde superintendent te stuur, dan mag genoemde superintendent die hoeveelheid botter of kaas, na gelang van die geval, skat wat daardie eienaar gedurende daardie kalendermaand in daardie botterfabriek of kaasfabriek vervaardig het, en elke sodanige skatting word geag die hoeveelheid deur daardie eienaar vervaardig juis te bepaal.
- 20 (3) Wanneer die raad kragtens sub-artikel (1) 'n vasstelling gemaak het, moet hy binne redelike tyd na die maak van so
- 25 'n vasstelling elke eienaar van 'n botterfabriek of kaasfabriek in kennis stel van die hoeveelheid botter, kaas of proseskaas, na gelang van die geval, wat hy ingevolge sub-artikel (2) moet uitvoer of vir uitvoer of te koop aan die raad moet lewer, en so 'n kennisgewing moet die plek of plekke aangee
- 30 waar sodanige lewering kan geskied: Met dien verstande dat die raad so 'n eienaar kan gelas om bedoelde hoeveelheid botter, kaas of proseskaas, na gelang van die geval, op 'n in so 'n opdrag aangewese plek of plekke aan hom te lewer, en die raad moet daarop daardie botter, kaas of proseskaas
- 35 van daardie eienaar koop teen die prys wat die botter, kaas of proseskaas volgens bepaling van die raad sou behaal het as dit uitgevoer was, na aftrek van die onkoste wat gemaak sou moet geword het in verband met die uitvoer en lewering van daardie botter, kaas of proseskaas op die uitvoermark.
- 40 Botter, kaas of proseskaas wat kragtens hierdie sub-artikel deur die raad gekoop word, word by die toepassing van hierdie Wet en vir die doeleindes van enige toeslag of subsidie betaalbaar op uitgevoerde botter, kaas of proseskaas, geag uitgevoer te gewees het deur die eienaar van wie daardie
- 45 botter, kaas of proseskaas gekoop is.
- (4) Indien die raad 'n kennisgewing bedoel in sub-artikel (3) per geregistreerde brief deur die pos laat stuur het, dan word die persoon aan wie die kennisgewing gerig was, geag dit ontvang te hê, tensy hy bewys dat hy dit nie ontvang het nie.
- 50 (5) Die raad kan te eniger tyd botter of kaas wat deur so 'n eienaar ooreenkomstig so 'n kennisgewing vir uitvoer aan hom gelewer is, uitvoer en verkoop en moet die netto-opbrings daarvan, tesaam met enige toeslag of subsidie wat ten opsigte van sodanige uitvoer verskuldig mag wees,
- 55 nadat alle onkoste afgetrek is aan hom betaal. Indien sodanige opbrings, plus sodanige toeslag of subsidie, minder bedra as sodanige onkoste, kan die raad die bedrag van die tekort op die betrokke eienaar verhaal.
- (6) Die raad kan botter, kaas of proseskaas wat ingevolge
- 60 sub-artikel (3) te koop aan hom gelewer is te eniger tyd vir enige doel of aan enige klas verbruikers wat die Minister goedkeur, verkoop of andersins van die hand sit.

(7) If any such owner has failed to comply with any requirement of sub-section (2) or (3) with which it was his duty to comply, the board may purchase, export and sell a quantity of butter, cheese or process cheese equal to the quantity which he has failed to export or deliver to the board, and shall pay to him the nett proceeds thereof, together with any bounty or subsidy which may be due in respect of any such export, after deduction of the purchase price and all expenses. If such proceeds, plus such bounty or subsidy are less than the purchase price and such expenses, the board may recover the deficiency from such owner.

Such owner shall further be guilty of an offence and liable on conviction to a fine not exceeding three hundred pounds.

(8) Any bounty or subsidy payable in respect of the export of butter, cheese or process cheese shall be payable to the board on any butter, cheese or process cheese exported by it under sub-section (5) or (7) and shall be dealt with by the board as in those sub-sections is provided.

Export to be in accordance with Act 53 of 1926.

18. All butter or cheese exported in terms of section *seventeen* or in terms of any notification issued thereunder shall be exported in accordance with and subject to the provisions of the Perishable Products Export Control Act, 1926.

Board may cancel, extend reduce or suspend a determination.

19. The board may at any time after making a determination under section *seventeen*, whether before or after the expiration of the period to which that determination relates, cancel any such determination, or from time to time extend or reduce that period or suspend the operation of any such determination for any period or increase or reduce the quantity of butter, cheese or process cheese, as the case may be, fixed by such determination; and thereupon the obligation of every owner of a creamery or cheese factory under section *seventeen* as a result of such determination shall be modified in accordance with the board's action under this section: Provided that any action taken by the board under this section shall be notified to every owner affected thereby.

Board may purchase, import, store, sell, export or re-export butter or cheese.

20. The board may at any time, with the consent of the Minister, purchase in the Union or import butter or cheese for the purpose of regulating supplies or stabilising prices in the Union and may in its discretion store and subsequently sell such butter and cheese in the Union, under conditions approved of by the Minister or may export or re-export it. Any profit or loss made in respect of any such transactions shall be credited or debited, as the case may be, to the butter levy fund when butter is concerned and to the cheese levy fund when cheese is concerned.

Board may purchase and sell fresh milk.

21. The board may at any time with the consent of the Minister, purchase and sell or otherwise dispose of fresh milk for the purpose of regulating supplies or stabilizing prices of fresh milk in any area defined by the Minister under section *eighty-seven*. Any profit or loss made in respect of any such transaction shall be credited or debited, as the case may be, to the milk levy fund mentioned in sub-section (3) of section *thirty-seven*.

Board may fix minimum price of cream and milk in certain circumstances.

22. Whenever the board is satisfied that the price ordinarily paid by the owners of creameries for cream used therein for the manufacture of butter, or that the price ordinarily paid by the owners of cheese factories or condensed milk factories for milk used therein for the manufacture of cheese or condensed milk is unduly low in comparison with the price ordinarily paid wholesale in the Union for butter or cheese or condensed milk manufactured in the Union, the board may, with the consent of the Minister, fix a minimum price (based upon butter-fat content) to be paid for the various grades of cream used in the manufacture of butter in creameries, and a minimum price (likewise based upon butter-fat content or per unit of volume) to be paid for milk used for the manufacture of cheese in cheese factories, or of condensed milk in condensed milk factories.

Board may in certain circumstances fix maximum retail price of butter or cheese.

23. Whenever the board is satisfied that the price at which any grade or kind of butter or cheese is ordinarily sold by retail is unduly high in comparison with the price at which such grade or kind of butter or cheese is ordinarily sold wholesale, the board may, with the consent of the Minister, fix the maxi-

(7) Indien so 'n eienaar versuim het om te voldoen aan 'n vereiste van sub-artikel (2) of (3) waaraan dit sy plig was om te voldoen, kan die raad 'n hoeveelheid botter, kaas of proseskaas koop, uitvoer en verkoop wat gelyk is aan die hoeveelheid wat hy versuim het om uit te voer of aan die raad te lewer, en moet die netto-opbrings daarvan, tesaam met enige toeslag of subsidie wat ten opsigte van sodanige uitvoer verskuldig mag wees, nadat die koopprys en alle onkoste afgetrek is, aan hom betaal. Indien sodanige opbrings plus sodanige toeslag of subsidie minder bedra as sodanige koopprys en sodanige onkoste, kan die raad die tekort op die betrokke eienaar verhaal.

Die betrokke eienaar is bowendien aan 'n misdryf skuldig en by veroordeling strafbaar met 'n boete van hoogstens drie-

honderd pond.

(8) 'n Toeslag of subsidie wat ten opsigte van die uitvoer van botter, kaas of proseskaas betaalbaar is, is aan die raad betaalbaar ten opsigte van botter, kaas of proseskaas deur hom uitgevoer kragtens sub-artikel (5) of (7) en daarmee moet deur die raad gehandel word soos bepaal in daardie sub-artikels.

18. Alle botter of kaas wat uitgevoer word ingevolge artikel *sewentien* of ingevolge 'n kennisgewing uit kragte daarvan uitgereik moet uitgevoer word ooreenkomstig en met inag-

Uitvoer moet geskied ooreenkomstig Wet 53 van 1926.

25 ming van die bepalings van die Wet op Reëling van Uitvoer van Bederfbare Produkte, 1926.

19. Die raad kan te eniger tyd nadat 'n vasstelling kragtens artikel *sewentien* gemaak is, hetsy voor of na verloop van die tydperk waarop daardie vasstelling betrekking het, so 'n vasstelling herroep of van tyd tot tyd daardie tydperk verleng of verkort of die werking van so 'n vasstelling vir 'n tydperk opskort of die in so 'n vasstelling bepaalde hoeveelheid botter, kaas of proseskaas, na gelang van die geval, vermeerder of verminder; en daarop word die verpligting van elke eienaar van 'n botterfabriek of kaasfabriek ingevolge artikel *sewentien*, as gevolg van so 'n vasstelling, gewysig ooreenkomstig die handeling van die raad kragtens hierdie artikel: Met dien verstande dat elke handeling van die raad kragtens hierdie artikel, aan elke eienaar wat daardeur geraak word, bekend gemaak moet word.

Raad kan 'n vasstelling herroep, verleng, verkort of opskort.

20. Die raad kan te eniger tyd met goedkeuring van die Minister botter of kaas in die Unie koop of invoer, ten einde voorrade te reguleer of pryse te stabiliseer in die Unie, en kan daardie botter en kaas na goeddunke bewaar en later verkoop in die Unie onder voorwaardes wat die Minister goedkeur, of kan dit uitvoer of heruitvoer. 'n Wins behaal of verlies gely ten opsigte van so 'n transaksie word na gelang van die geval gedebiteer teen of gekrediteer aan die botterheffingsfonds ingeval dit botter geld of die kaasheffingsfonds ingeval dit kaas geld.

Raad kan botter of kaas koop, invoer, bewaar, verkoop, uitvoer of heruitvoer.

21. Die raad kan te eniger tyd met goedkeuring van die Minister vars melk koop en verkoop of op ander wyse van die hand sit met die doel om voorrade te reguleer of pryse te stabiliseer van vars melk in enige streek wat kragtens artikel *seven-en-tagtig* deur die Minister omskryf is. 'n Wins behaal of verlies gely ten opsigte van so 'n transaksie word na gelang van die geval gedebiteer teen of gekrediteer aan die melkheffingsfonds bedoel in sub-artikel (3) van artikel *seven-en-dertig*.

Raad kan vars melk koop en verkoop.

22. Wanneer die raad bevind dat die prys wat gewoonlik deur die eienaars van botterfabrieke betaal word vir room wat in sodanige fabrieke vir die vervaardiging van botter gebruik word, of die prys wat gewoonlik deur die eienaars van kaasfabrieke of kondensmelkfabrieke betaal word vir melk wat in sodanige fabrieke vir die vervaardiging van kaas of kondensmelk gebruik word, buitensporig laag is in vergelyking met die groothandelsprys wat gewoonlik in die Unie betaal word vir in die Unie vervaardigde botter of kaas of kondensmelk, kan die raad met goedkeuring van die Minister 'n minimum prys (gebaseer op bottervetgehalte) vasstel, betaal te word vir die verskillende grade room gebruik in die vervaardiging van botter in botterfabrieke en 'n minimum prys (insgelyks gebaseer op bottervetgehalte of per volume-eenheid) vasstel, betaal te word vir melk gebruik by die vervaardiging van kaas in kaasfabrieke of van kondensmelk in kondensmelkfabrieke.

Raad kan onder sekere omstandighede minimum prys van room en melk vasstel.

23. Wanneer die raad bevind dat die kleinhandelprys, waarteen botter of kaas van een of ander graad of soort gewoonlik verkoop word, buitensporig hoog is in vergelyking met die groothandelsprys waarteen botter of kaas van daardie graad of soort gewoonlik verkoop word, kan die raad met toestemming van die Minister die maksimum-prys vasstel

Raad kan onder sekere omstandighede maksimum-kleinhandelprys van botter of kaas vasstel.

maximum price at which such grade or kind of butter or cheese may be sold by retail and may fix a price for any such grade or kind of butter or cheese sold for cash which differs from the price so fixed for such grade or kind of butter or cheese sold on credit.

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Board may in certain circumstances fix maximum wholesale or retail price of fresh milk.

24. Whenever the board is satisfied that the price at which fresh milk is ordinarily sold wholesale or by retail in any area defined by the Minister under section *eighty-seven* is unduly high in comparison with the price ordinarily paid therefor to the producers of fresh milk the board may, with the consent of 10 the Minister, fix the maximum wholesale or retail price at which fresh milk may be sold and may fix a price for fresh milk sold for consumption on premises whereon it is sold which differs from the price so fixed for fresh milk sold otherwise.

Minimum or maximum prices fixed to be published in the *Gazette*.

25. (1) Any minimum or maximum price fixed in terms 15 of section *twenty-two*, *twenty-three* or *twenty-four* shall be published by the Minister by notice in the *Gazette* and shall be in force as from a date to be stated in such notice until withdrawn by the Minister by a like notice.

(2) Any person who, while any such notice is in force, 20 purchases or sells any cream, milk, butter, cheese or fresh milk to which such notice refers, at a price below the minimum price when a minimum price has been fixed in such notice or at a price in excess of the maximum price when a maximum price has been fixed in such notice, shall be guilty of an offence 25 and liable on conviction to a fine not exceeding one hundred pounds.

Exemption from levy on butter, margarine, renovated butter, cheese, etc., imported from neighbouring territories.

26. (1) If any law in force in any State or territory which adjoins the Union, or is in close proximity thereto, provides for the imposition of a levy on creamery butter, farm dairy butter, 30 renovated butter, margarine, cheese, cream cheese and fresh cheese similar to the levy for which provision is made in this Act in respect of such commodities, the Governor-General may, by proclamation in the *Gazette*, exempt any creamery butter, farm dairy butter, renovated butter, margarine, cheese, cream 35 cheese, or fresh cheese produced in such State or territory and imported into the Union, from any levy under this Act: Provided that—

(a) the levy imposed in such State or territory on creamery butter, farm dairy butter, renovated butter and 40 margarine and on cheese, cream cheese and fresh cheese produced therein or imported into it is at the same rate as the levy imposed under this Act on similar commodities produced in or imported into the Union; and 45

(b) such State or territory by legislation provides for the export therefrom by owners of creameries and cheese factories situated therein, of such quantities of butter, cheese or process cheese, as the case may be, as such owners would have been obliged to export under sub- 50 section (2) of section *seventeen* in terms of any determinations made by the board under sub-section (1) of section *seventeen*, had such creameries or cheese factories been situated in the Union;

(c) any farm dairy butter, creamery butter, cheese, fresh 55 cheese or cream cheese produced in the Union and exported to such state or territory is likewise exempt from the levy in such state or territory; and

(d) subject to the provisions of sub-section (2), such State or territory contributes at the end of every financial 60 year of the board—

(i) to the butter levy fund mentioned in section *thirty-seven* an amount which bears the same ratio to the sum of the amounts which became payable during that year in respect of the levy imposed on 65 creamery butter, farm dairy butter, renovated butter and margarine in such State or territory as the sum of the amounts which became payable by the board by way of the bounty mentioned in paragraph (f) of sub-section (1) of section *sixteen* 70 on butter exported and the subsidy mentioned in paragraph (g) of sub-section (1) of section *sixteen* on butter sold in the Union during that year

waarteen botter of kaas van daardie graad of soort verkoop mag word en 'n prys vasstel vir botter of kaas van daardie graad of soort wat teen kontant verkoop word wat verskil van die prys aldus vasgestel vir botter of kaas van daardie 5 graad of soort wat op krediet verkoop word.

24. Wanneer die raad bevind dat die prys, waarteen vars melk gewoonlik in die groot of in die klein verkoop word in 'n kragtens artikel *sewen-en-tagtig* deur die Minister omskrewe streek, buitensporig hoog is in vergelyking met die prys wat 10 gewoonlik aan die produsente van vars melk daarvoor betaal word, kan die raad met goedkeuring van die Minister die maksimum-groothandel- of kleinhandelprys vasstel waarteen vars melk verkoop mag word en 'n prys vasstel vir vars melk wat verkoop word vir verbruik op die perseel waar dit verkoop 15 word, wat verskil van die prys aldus vasgestel vir vars melk wat andersins verkoop word.

25. (1) 'n Minimum- of maksimumprys wat kragtens artikel *twee-en-twintig*, *drie-en-twintig* of *vier-en-twintig* vasgestel is moet deur die Minister by kennisgewing in die *Staatskoerant*, 20 bekend gemaak word en i swan krag vanaf 'n datum in sodanige kennisgewing vermeld te word totdat dit by dergelike kennis- gewing deur die Minister herroep word.

(2) Iemand wat onderwyl so 'n kennisgewing van krag is room, melk, botter, kaas of vars melk waarop sodanige 25 kennisgewing betrekking het, koop of verkoop teen 'n prys benede die minimum prys waar 'n minimum prys in sodanige kennisgewing vasgestel is, of teen 'n hoër prys as die maksimum prys waar 'n maksimum prys in sodanige kennisgewing vasgestel is, is aan 'n misdryf skuldig en by veroordeling 30 strafbaar met 'n boete van hoogstens honderd pond.

26. (1) Indien enige wet van krag in 'n staat of gebied wat aan die Unie grens of daar naby geleë is, voorsiening maak vir die oplegging van 'n dergelike heffing op fabrieks- botter, plaasmelkerybotter, herbewerkte botter, margarien, 35 kaas, roomkaas en vars kaas, as die heffing waarvoor in hierdie Wet ten opsigte van sodanige ware voorsiening gemaak word, kan die Goewerneur-generaal by proklamasie in die *Staatskoerant* fabrieksbotter, plaasmelkerybotter, herbewerkte botter, margarien, kaas, roomkaas of vars kaas geproduseer 40 in sodanige staat of gebied en ingevoer in die Unie, vrystel van enige heffing onder hierdie Wet: Met dien verstande dat—

(a) die heffing opgelê in daardie staat of gebied op fabrieksbotter, plaasmelkerybotter, herbewerkte bot- 45 ter en margarien, en op kaas, roomkaas en vars kaas daarin geproduseer of daarheen ingevoer op dieselfde skaal is as die heffing opgelê kragtens hierdie Wet op dergelike ware wat in die Unie gepro- duseer of ingevoer is; en

50 (b) daardie staat of gebied deur middel van wetgewing voorsiening maak vir die uitvoer daaruit deur eienaars van daarin geleë botterfabrieke en kaas- fabrieke van sodanige hoeveelhede botter, kaas of proseskaas, na gelang van die geval, as wat sodanige eienaars verplig sou gewees het om uit te voer ingevolge 55 sub-artikel (2) van artikel *sewentien* volgens enige vasttellings deur die raad gemaak kragtens sub-artikel (1) van artikel *sewentien* indien daardie botter- fabrieke of kaasfabrieke in die Unie geleë was;

60 (c) enige plaasmelkerybotter, fabrieksbotter, kaas, vars kaas of roomkaas in die Unie geproduseer en na daardie staat of gebied uitgevoer insgelyks vry- gestel word van die heffing in daardie staat of gebied; en

65 (d) daardie staat of gebied behoudens die bepalinge van sub-artikel (2) aan die einde van elke boekjaar van die raad

(i) aan die botterheffingsfonds bedoel in artikel *sewen-en-dertig* 'n bedrag bydra wat in dieselfde 70 verhouding staan tot die som van die bedrae wat betaalbaar geword het gedurende die jaar ten opsigte van die heffing gelê op fabrieksbotter, plaasmelkerybotter, herbewerkte botter en mar- garien in daardie staat of gebied as die ver- houding waarin die som van die bedrae wat 75 betaalbaar geword het deur die raad by wyse van die toeslag vermeld in paragraaf (f) van sub-artikel (1) van artikel *sestien* op botter uitgevoer en die subsidie vermeld in paragraaf (g) van sub-artikel (1) van artikel *sestien* op 80 botter verkoop in die Unie gedurende daardie

Raad kan onder sekere omstandighede maksimum groot- of kleinhandelprys van vars melk vasstel.

Vasgestelde minimum- of maksimum-pryse moet in *Staatskoerant* bekend gemaak word.

Vrystelling van heffing op botter, margarien, herbe- werkte botter, kaas, ens., van aangren- sende gebiede ingevoer.

bears to an amount made up of the sum of the amounts which became payable to the board during that year in respect of levy imposed on the said commodities in the Union, plus the sum of the amounts which became payable during that year in respect of the levy imposed on such commodities in all such States and territories in respect of which the Governor-General has issued a proclamation under this sub-section; and

- (ii) to the cheese levy fund mentioned in section *thirty-seven* an amount which bears the same ratio to the sum of the amounts which became payable during that year in respect of the levy imposed on cheese, cream cheese and fresh cheese in such State or territory as the sum of the amounts which became payable by the board by way of the bounty mentioned in paragraph (f) of sub-section (1) of section *sixteen* on cheese exported and by way of the subsidy mentioned in paragraph (g) of sub-section (1) of section *sixteen* on cheese sold in the Union during that year bears to an amount made up of the sum of the amounts which became payable to the board during that year in respect of the levy imposed by it on similar commodities in the Union plus the sum of the amounts which became payable during that year in respect of the levy imposed on similar commodities in all States and territories in respect of which the Governor-General has issued a proclamation under this sub-section.

(2) If the contribution, due to the board by such State or territory under paragraph (d) of sub-section (1), is greater than the revenue which accrued from the levy imposed by such State or territory during any year, or if such contribution absorbs so much of the said revenue that an insufficient balance is left to cover the cost of administration, by the said State or territory, of the law referred to in sub-section (1), the board may, in its discretion, allow such State or territory to retain from the revenue which accrued to it from the said levy during any such year an amount to cover the whole or part of such costs of administration, but in determining the amount which such State or territory is so allowed to retain, the board shall take into consideration any amounts retained by such State or territory, after making its contribution in respect of any previous year or years.

(3) On the issue of a proclamation under sub-section (1) any butter or cheese, produced in the State or territory to which such proclamation refers, shall, subject to the provisions of sub-section (1)—

- (a) on its importation into the Union, be deemed to have been produced in the Union for the purposes of payment of bounty under this Act on its exportation from the Union and for the purposes of any law governing the export of butter or cheese from the Union; or
- (b) on its exportation from such State or territory to a country other than the Union and other than a State or territory in respect of which a proclamation was issued under sub-section (1), be deemed to have been produced in and exported from the Union for the purposes of any bounty payable under this Act on the export of any butter, cheese or process cheese from the Union or for the purposes of sub-section (7) of section *seventeen* of this Act: Provided that any provision applicable in connection with butter or cheese exported from the Union whereon any such bounty is payable, has been complied with in connection with the butter or cheese exported from such State or territory as aforesaid.

Representation
of adjoining
territories.

27. (1) On the issue of a proclamation under section *twenty-six* the State or territory to which such proclamation refers may appoint one member of the board in addition to the members referred to in section *two*: Provided that the emoluments and expenses of such additional member shall be defrayed by such State or territory.

(2) Such additional member shall have the same vote as any other member of the board on any matter relating to the

- jaar staan tot 'n bedrag bestaande uit die som van die bedrae wat gedurende daardie jaar aan die raad betaalbaar geword het ten opsigte van heffings gelê op genoemde ware in die Unie plus die som van die bedrae wat gedurende daardie jaar betaalbaar geword het ten opsigte van die heffing gelê op sodanige ware in al sodanige state en gebiede ten opsigte waarvan die Goewerneur-generaal kragtens hierdie sub-artikel 'n proklamasie uitgevaardig het; en
- (ii) aan die kaasheffingsfonds bedoel in artikel *sewen-en-dertig* 'n bedrag bydra wat in dieselfde verhouding staan tot die som van die bedrae wat gedurende daardie jaar betaalbaar geword het ten opsigte van die heffing gelê op kaas, roomkaas en vars kaas in daardie staat of gebied as die verhouding waarin die som van die bedrae wat betaalbaar geword het deur die raad by wyse van die toeslag bedoel in paragraaf (f) van sub-artikel (1) van artikel *sestien* op kaas uitgevoer en by wyse van die subsidie bedoel in paragraaf (g) van sub-artikel (1) van artikel *sestien* op kaas verkoop in die Unie gedurende daardie jaar staan tot 'n bedrag bestaande uit die som van die bedrae wat gedurende daardie jaar aan die raad betaalbaar geword het ten opsigte van die heffing deur hom gelê op dergelike ware in die Unie plus die som van die bedrae wat gedurende daardie jaar betaalbaar geword het ten opsigte van die heffing gelê op dergelike ware in alle state en gebiede ten opsigte waarvan die Goewerneur-generaal kragtens hierdie sub-artikel 'n proklamasie uitgevaardig het.
- (2) Indien die bydrae ingevolge paragraaf (d) van sub-artikel (1) aan die raad verskuldig deur sodanige staat of gebied groter is as die inkomste wat opgeloop het uit die heffing opgelê deur sodanige staat of gebied gedurende enige jaar, of as sodanige bydrae so 'n persentasie van gemelde inkomste in beslag neem dat die saldo ontoereikend is om die koste van administrasie van die in sub-artikel (1) bedoelde wet deur sodanige staat of gebied te dek, kan die raad sodanige staat of gebied na goëddunke toelaat om van die inkomste wat gedurende sodanige jaar opgeloop het by wyse van genoemde heffing 'n bedrag te behou wat sodanige administrasiekoste gedeeltelik of geheel sal dek, maar by die vasstelling van die bedrag wat sodanige staat of gebied aldus toegelaat word om te behou, moet die raad rekening hou met enige bedrae wat sodanige staat of gebied behou het na betaling van sy bydrae ten opsigte van 'n vorige jaar of jare.
- (3) By die uitvaardiging van 'n proklamasie kragtens sub-artikel (1) word botter of kaas geproduseer in die staat of gebied waarop sodanige proklamasie betrekking het, met inagneming van die bepalinge van sub-artikel (1)—
- (a) by invoer daarvan in die Unie geag in die Unie geproduseer te gewees het vir die doeleindes van betaling van toeslag kragtens hierdie Wet by uitvoer uit die Unie en vir die doeleindes van enige wet wat die uitvoer van botter of kaas uit die Unie beheers; of
- (b) by uitvoer daarvan uit sodanige staat of gebied na 'n ander land as die Unie, of 'n staat of gebied ten opsigte waarvan 'n proklamasie kragtens sub-artikel (1) uitgevaardig is, geag in die Unie geproduseer, en uit die Unie uitgevoer te gewees het vir die doeleindes van enige toeslag kragtens hierdie Wet betaalbaar op die uitvoer van botter, kaas of proseskaas uit die Unie of vir die doeleindes van sub-artikel (7) van artikel *sewentien* van hierdie Wet: Met dien verstande dat aan enige bepaling van toepassing in verband met botter of kaas uitgevoer uit die Unie en waarop so 'n toeslag betaalbaar is, voldoen is ten opsigte van die botter of kaas uitgevoer uit sodanige staat of gebied soos voornoemd.
27. (1) By die uitvaardiging van 'n proklamasie kragtens artikel *ses-en-twintig* kan die staat of gebied waarop sodanige proklamasie betrekking het een lid van die raad aanstel behalwe die lede in artikel *twee* bedoel: Met dien verstande dat die besoldiging en uitgawes van daardie addisionele lid deur sodanige staat of gebied betaal moet word.
- (2) Daardie addisionele lid het dieselfde stem as enige ander lid van die raad oor enige saak betreffende die uitvoer

Verteenwoordiging
van aangrensende
gebiede.

export of butter or cheese from the Union or on any matter which affects the Union as well as such State or territory, but he shall not be entitled to vote on any matter which, in the opinion of the chairman of the board, does not affect such State or territory.

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Notification
of levy in
Gazette.

28. Any levy imposed by the board by virtue of section sixteen shall be published by the Minister by notice in the *Gazette*, and shall become operative as from a date fixed in such notice.

Levy on
creamery butter.

29. (1) The owner of every creamery shall keep a correct record (in such form as the Superintendent of Dairying may prescribe) of the total quantity of butter manufactured on every day in such creamery.

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(2) The owner of every creamery shall once in every calendar month, not later than the fifteenth day of that month, transmit to the Superintendent of Dairying at Pretoria a correct statement in duplicate, in such form as the said Superintendent may prescribe, of the total quantity of butter manufactured in such creamery during the preceding calendar month, and the Superintendent of Dairying shall transmit one such statement to the board.

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(3) The levy imposed by the board on creamery butter shall be paid by the owner of every creamery to the board, before the end of every calendar month, on the total quantity of butter manufactured by such owner during the preceding calendar month.

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Levy on farm
dairy butter.

30. (1) All farm dairy butter sold, after the imposition thereon of a levy by the board, shall be delivered to the purchaser in a closed package, on which is clearly marked the nett weight of the contents.

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(2) The levy imposed by the board on farm dairy butter shall be paid in manner prescribed by regulation.

(3) In the event of the regulations referred to in sub-section (2) requiring that the payment of the levy on farm dairy butter shall be made through post offices and postal agencies, the Postmaster-General at the end of every calendar month shall remit to the board the proceeds from such levy which has been collected during each calendar month through post offices and postal agencies less such commission as shall be agreed upon between the Postmaster-General and the board.

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Levy on
renovated butter.

31. (1) The owner of every renovated butter factory shall keep a correct record (in such form as the Superintendent of Dairying may prescribe) of the total quantity of renovated butter manufactured on every day in such renovated butter factory.

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(2) The owner of every renovated butter factory shall once in every calendar month, not later than the fifteenth day of that month, transmit to the Superintendent of Dairying at Pretoria a correct statement in duplicate (in such form as the said Superintendent may prescribe) of the total quantity of renovated butter manufactured in such renovated butter factory during the preceding calendar month, and the Superintendent of Dairying shall transmit one such statement to the board.

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(3) The levy imposed by the board on renovated butter shall be paid by the owner of every renovated butter factory to the board before the end of every calendar month on the total quantity of renovated butter manufactured by such owner during the preceding calendar month.

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Levy on
margarine.

32. (1) The owner of every margarine factory shall keep a correct record (in such form as the Superintendent of Dairying may prescribe) of the total quantity of margarine manufactured on every day in such margarine factory.

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(2) The owner of every margarine factory shall once in every calendar month, not later than the fifteenth day of that month, transmit to the Superintendent of Dairying at Pretoria a correct statement in duplicate (in such form as the said Superintendent may prescribe) of the total quantity of margarine manufactured in such margarine factory during the preceding calendar month, and the Superintendent of Dairying shall transmit one such statement to the board.

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(3) The levy imposed by the board on margarine shall be paid by the owner of every margarine factory to the board, before the end of every calendar month, on the total quantity of margarine manufactured by such owner during the preceding calendar month.

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van botter of kaas uit die Unie of oor enige saak wat die Unie sowel as sodanige staat of gebied raak, maar hy is nie geregtig om oor enige saak te stem wat, volgens oordeel van die voorsitter van die raad, sodanige staat of gebied nie raak 5 nie.

28. Elke heffing deur die raad opgelê uit kragte van artikel *sestien* moet deur die Minister by kennisgewing in die *Staatskoerant* bekend gemaak word en tree in werking vanaf 'n datum in daardie kennisgewing bepaal. Bekendmaking van heffing in *Staatskoerant*.

10 29. (1) Die eienaar van elke botterfabriek moet 'n juiste aantekening hou (in 'n vorm wat die Superintendent van Suiwelbereiding mog voorskryf) van die gehele hoeveelheid botter wat elke dag in daardie botterfabriek vervaardig word. Heffing op fabrieksbotter.

(2) Die eienaar van elke botterfabriek moet een keer in elke 15 kalendermaand, en wel nie later as die vyftiende dag van bedoelde maand nie, aan die Superintendent van Suiwelbereiding in Pretoria 'n juiste opgawe in duplikaat instuur in so 'n vorm as wat genoemde Superintendent mog voorskryf, van die gehele hoeveelheid botter wat in bedoelde botterfabriek gedurende die voorafgaande kalendermaand vervaardig is, en genoemde Superintendent van Suiwelbereiding moet 20 een sodanige opgawe aan die raad stuur.

(3) Die heffing deur die raad gelê op fabrieksbotter moet voor die end van elke kalendermaand deur die eienaar van 25 elke botterfabriek aan die raad betaal word op die gehele hoeveelheid botter gedurende die voorafgaande kalendermaand deur daardie eienaar vervaardig.

30. (1) Alle plaasmelkerybotter wat verkoop word nadat die raad plaasmelkerybotter aan 'n heffing onderhewig gemaak 30 het, moet aan die koper gelewer word in 'n geslote pakket waarop die netto-gewig van die inhoud duidelik gemerk is.

(2) Die heffing deur die raad gelê op plaasmelkerybotter moet volgens voorskrif van regulasies betaal word.

(3) Ingeval die in sub-artikel (2) bedoelde regulasies vereis 35 dat betaling van die heffing op plaasmelkerybotter deur poskantore en posagentskappe moet geskied, dan moet die Posmeester-generaal aan die end van elke kalendermaand aan die raad die opbringste uitbetaal van sodanige heffing wat gedurende elke kalendermaand deur poskantore en 40 posagentskappe ingesamel is min 'n kommissie waarop die Posmeester-generaal en die raad onderling ooreenkom.

31. (1) Die eienaar van elke fabriek vir die herbewerking van botter moet 'n juiste aantekening hou (in 'n vorm wat 45 die Superintendent van Suiwelbereiding mog voorskryf) van die gehele hoeveelheid herbewerkte botter wat elke dag in daardie fabriek vir die herbewerking van botter vervaardig word. Heffing op herbe- werkte botter.

(2) Die eienaar van elke fabriek vir die herbewerking van botter moet eenkeer in elke kalendermaand, en wel nie later 50 as die vyftiende dag van bedoelde maand nie, aan die Superintendent van Suiwelbereiding in Pretoria 'n juiste opgawe in duplikaat instuur in die vorm wat genoemde superintendent mog voorskryf, van die gehele hoeveelheid herbewerkte botter wat gedurende die voorafgaande kalendermaand in daardie 55 fabriek vir die herbewerking van botter vervaardig is, en die Superintendent van Suiwelbereiding moet een eksemplaar van bedoelde opgawe aan die raad stuur.

(3) Die heffing deur die raad gelê op herbewerkte botter moet voor die end van elke kalendermaand deur die eienaar 60 van elke fabriek vir die herbewerk van botter aan die raad betaal word op die gehele hoeveelheid herbewerkte botter gedurende die voorafgaande kalendermaand deur daardie eienaar vervaardig.

32. (1) Die eienaar van elke margarienfabriek moet 'n juiste 65 aantekening hou (in 'n vorm wat die Superintendent van Suiwelbereiding mog voorskryf) van die gehele hoeveelheid margarien wat op elke dag in bedoelde margarienfabriek vervaardig word. Heffing op margarien.

(2) Die eienaar van elke margarienfabriek moet eenkeer 70 in elke kalendermaand, en wel nie later as die vyftiende dag van bedoelde maand nie, aan die Superintendent van Suiwelbereiding in Pretoria 'n juiste opgawe in duplikaat instuur in 'n vorm wat genoemde superintendent mog voorskryf, van die gehele hoeveelheid margarien wat gedurende die 75 voorafgaande kalendermaand in daardie margarienfabriek vervaardig is en die Superintendent van Suiwelbereiding moet een eksemplaar van bedoelde opgawe aan die raad stuur.

(3) Die heffing deur die raad gelê op margarien moet voor die end van elke kalendermaand deur die eienaar van elke 80 margarienfabriek aan die raad betaal word op die gehele hoeveelheid margarien gedurende die voorafgaande maand deur daardie eienaar vervaardig.

Levy on
factory cheese.

33. (1) The owner of every cheese factory shall keep a correct record (in such form as the Superintendent of Dairying may prescribe) of the total quantity of green cheese and of the total quantity of fresh cheese and cream cheese manufactured and of the total quantity of milk or cream used on every day 5 in such factory.

(2) The owner of every cheese factory shall once in every calendar month not later than the fifteenth day of that month transmit to the Superintendent of Dairying at Pretoria a correct statement in duplicate (in such form as the said Superintendent 10 may prescribe) of the total quantity of green cheese (less seven per cent.) and of the total quantity of fresh cheese and cream cheese manufactured by such owner during the preceding calendar month and the Superintendent of Dairying shall transmit one such statement to the board. 15

(3) The levy imposed by the board on cheese, fresh cheese and cream cheese, shall, in respect of all such cheese manufactured in a cheese factory, be paid by the owner of such factory to the board before the end of every calendar month on the total quantity of green cheese (less seven per cent.) and on 20 the total quantity of fresh cheese and cream cheese manufactured by such owner during the preceding calendar month.

Levy on farm
cheese, fresh
cheese and
cream cheese.

34. (1) Any person who intends to make elsewhere than in a cheese factory, cheese, fresh cheese, or cream cheese for sale shall, before doing so, notify the Superintendent of Dairying 25 of such intention and of his full name and address.

(2) Any person making, elsewhere than in a cheese factory, cheese, fresh cheese or cream cheese for sale shall keep a correct record (in such form as the Superintendent of Dairying may prescribe) of the total quantity of green cheese and of the 30 total quantity of fresh cheese and cream cheese manufactured by him and of the total quantity of milk or cream used in such manufacture on every day and shall not later than the fifteenth day of every calendar month submit to the Superintendent of Dairying at Pretoria a correct copy of such record in duplicate, 35 showing the quantity of green cheese (less seven per cent.) and the quantity of fresh cheese and cream cheese manufactured by him during the previous calendar month, and the Superintendent of Dairying shall transmit one such statement to the board. 40

(3) Any person who has made, elsewhere than in a cheese factory, cheese, fresh cheese or cream cheese for sale, shall pay to the board before the end of every calendar month any levy imposed by it on any such cheese, in respect of any such cheese made by him during the preceding month, less any 45 quantity consumed by his own household during that month: Provided that from the quantity of green cheese so manufactured there shall, for the purposes of such levy, be deducted seven per cent. of its weight.

(4) This section shall not come into operation until the 50 first day of September, 1936.

Levy on
imported butter
and cheese.

35. The levy imposed by the board on butter, renovated butter, margarine and cheese, which is payable on butter, renovated butter, margarine and cheese, imported into the Union, shall be paid, on its importation into the Union, to 55 the Commissioner of Customs and Excise for transmission to the board.

Method of
ascertaining
green weight
of cheese.

36. (1) The weight or quantity of any green cheese required for the purposes of any provision of this Act shall be determined— 60

- (a) in the case of pressed cheese, by weighing it immediately after its removal from the press; and
- (b) in the case of any other cheese, by weighing it before its removal to a ripening room.

(2) The weight or quantity of any fresh cheese or cream cheese 65 shall be determined by weighing it immediately after manufacture.

Butter levy
fund, cheese levy
fund, and milk
levy fund.

37. (1) The board shall establish a fund to be known as the butter levy fund into which it shall pay all moneys derived from the levy on butter, renovated butter and margarine. 70

(2) The board shall establish a fund to be known as the cheese levy fund into which it shall pay all moneys derived from the levy on cheese, fresh cheese and cream cheese.

(3) The board shall establish a fund to be known as the milk levy fund, into which shall be paid all moneys received from the 75 levy imposed by it on fresh milk.

33. (1) Die eienaar van elke kaasfabriek moet 'n juiste aantekening hou (in 'n vorm wat die Superintendent van Suiwelbereiding mog voorskryf) van die gehele hoeveelheid onryp kaas en van die gehele hoeveelheid vars kaas en roomkaas vervaardig en van die gehele hoeveelheid melk of room elke dag gebruik in bedoelde fabriek.
- (2) Die eienaar van elke kaasfabriek moet een keer in elke kalendermaand, en wel nie later as die vyftiende dag van bedoelde maand nie, aan die Superintendent van Suiwelbereiding 'n juiste opgawe in duplikaat instuur in 'n vorm wat genoemde superintendent mog voorskryf, van die gehele hoeveelheid onryp kaas (min sewe persent) en van die gehele hoeveelheid vars kaas en roomkaas wat gedurende die voorafgaande kalendermaand in daardie fabriek vervaardig is en die Superintendent van Suiwelbereiding moet een eksemplaar van bedoelde opgawe aan die raad stuur.
- (3) Die heffing deur die raad gelê op kaas, vars kaas en roomkaas moet, wat betref alle sodanige kaas in 'n kaasfabriek vervaardig, deur die eienaar van sodanige fabriek voor die end van elke kalendermaand aan die raad betaal word op die gehele hoeveelheid onryp kaas (min sewe persent) en op die gehele hoeveelheid vars kaas en roomkaas deur daardie eienaar vervaardig gedurende die voorafgaande kalendermaand.
34. (1) Iemand wat voornemens is om kaas, vars kaas of roomkaas elders as in 'n kaasfabriek vir verkoop te vervaardig, moet, voordat hy dit doen, die Superintendent van Suiwelbereiding verwittig van daardie voorneme en van sy volle naam en adres.
- (2) Iemand wat kaas, vars kaas of roomkaas vir verkoop vervaardig elders as in 'n kaasfabriek, moet 'n juiste aantekening hou (in 'n vorm wat die Superintendent van Suiwelbereiding mog voorskryf) van die gehele hoeveelheid onryp kaas en van die gehele hoeveelheid vars kaas en roomkaas deur hom vervaardig en van die gehele hoeveelheid melk of room in verband met sodanige vervaardiging gebruik op elke dag en moet nie later as die vyftiende dag van elke kalendermaand nie aan die Superintendent van Suiwelbereiding in Pretoria 'n juiste afskrif in duplikaat stuur van sodanige aantekening waarin vermeld word die hoeveelheid onryp kaas (min sewe persent) en die hoeveelheid vars kaas en roomkaas deur hom vervaardig gedurende die voorafgaande kalendermaand, en die Superintendent van Suiwelbereiding moet een eksemplaar van daardie afskrif aan die raad stuur.
- (3) Iemand wat kaas, vars kaas of roomkaas vir verkoop vervaardig het elders as in 'n kaasfabriek, moet enige heffing deur die raad op sodanige kaas gelê voor die end van elke kalendermaand aan die raad betaal ten opsigte van sodanige kaas gedurende die voorafgaande kalendermaand deur hom vervaardig min enige hoeveelheid gedurende daardie maand deur sy eie huisgesin verbruik: Met dien verstande dat daar vir die doeleindes van sodanige heffing sewe persent van die gewig van die hoeveelheid aldus vervaardigde onryp kaas afgetrek word.
- (4) Hierdie artikel tree nie voor die eerste dag van September 1936 in werking nie.
35. Die heffing deur die raad gelê op botter, herbewerkte botter, margarien en kaas, en wat verskuldig is op botter, herbewerkte botter, margarien en kaas wat in die Unie ingevoer is, moet by invoer daarvan in die Unie betaal word aan die Kommissaris van Doeane en Aksyns ter versending aan die raad.
36. (1) Die gewig of hoeveelheid van onryp kaas vereis vir die toepassing van 'n bepaling van hierdie Wet word vasgestel—
- (a) in die geval van geperste kaas, deur dit te weeg onmiddellik nadat dit uit die pers gehaal is; en
- (b) in die geval van ander kaas, deur dit te weeg voordat dit na 'n rypingskamer oorgebring word.
- (2) Die gewig of hoeveelheid van vars kaas of roomkaas word vasgestel deur dit onmiddellik na vervaardiging te weeg.
37. (1) Die raad moet 'n fonds instel, onder die benaming van die botterheffingsfonds, waarin hy alle gelde moet stort wat die heffing op botter, herbewerkte botter en margarien oplewer.
- (2) Die raad moet 'n fonds instel, onder die benaming van die kaasheffingsfonds, waarin hy alle gelde moet stort wat die heffing op kaas, vars kaas en roomkaas oplewer.
- (3) Die raad moet 'n fonds instel, onder die benaming van die melkheffingsfonds, waarin hy alle gelde moet stort wat die heffing op vars melk oplewer.

Heffing op
fabriekskaas.

Heffing op
plaaskaas, vars
kaas en roomkaas.

Heffing op
ingevoerde botter
en kaas.

Bepaling van
gewig van kaas in
onrype toestand.

Botterheffings-
fonds, kaasheffings-
fonds en melk-
heffingsfonds.

General fund.

38. (1) In addition to the funds referred to in section *thirty-seven* the board shall establish a fourth fund to be known as the general fund, out of which it shall defray all its expenditure not referred to in section *thirty-nine*.

(2) The board shall transfer from the butter levy fund and from the cheese levy fund respectively to the general fund such sums as it may deem necessary, but the amount so transferred from each fund shall be proportionate to the amount of the levies which accrued to each fund during the period of twelve months immediately preceding such transfer.

(3) The board shall before the end of every financial year transfer to the general fund from the milk levy fund such a sum as bears as nearly as possible, in its opinion, the same ratio to the board's administration expenses for that year, as the amount of work done in connection with the fresh milk industry bears to the amount of work done in connection with the general administration of the board during that year.

(4) At the end of every financial year of the board all moneys remaining in the general fund shall be returned to the butter levy fund and to the cheese levy fund respectively, in the same proportion as the total amount transferred from each such fund to the general fund during that year.

(5) Subject to the provisions of sections *twenty* and *twenty-one* all revenue which the board may derive from sources other than actual levies imposed by it and the interest accruing on the investment of such levies shall be paid into the general fund.

Apportionment of expenditure between various funds.

39. (1) Any bounty paid by the board on the export of butter and any other expenditure incurred by the board directly in connection with the butter industry, renovated butter industry or margarine industry shall be defrayed from the butter levy fund.

(2) Any bounty paid by the board on the export of cheese and any other expenditure incurred by the board directly in connection with the cheese industry shall be defrayed from the cheese levy fund.

(3) All expenditure incurred directly in connection with the fresh milk industry and the allowances of the members of the board mentioned in paragraphs (h) and (k) of section *two* shall be defrayed from the milk levy fund.

(4) Any expenditure incurred by the board in terms of paragraph (i) of sub-section (1) of section *sixteen* shall be defrayed either from the butter levy fund or from the cheese levy fund or from the milk levy fund in accordance with the benefit which either the butter industry or the cheese industry or the fresh milk industry may, in the opinion of the board, be expected to derive from such expenditure.

Disclosure of information prohibited.

40. No member of the board and no servant or agent of the board shall, except in connection with the administration of this Act or in connection with any legal proceedings under this Act, or as a witness in any other legal proceedings, disclose any information conveyed in any statement or record transmitted to the board in terms of sub-section (2) of section *twenty-nine*, or sub-section (2) of section *thirty-one* or sub-section (2) of section *thirty-two* or sub-section (2) of section *thirty-three* or sub-section (2) of section *thirty-four*.

Freedom from liability.

41. No liability shall attach to the board for any loss or damage sustained by any person as a result of the *bona fide* exercise or performance by the board or a committee thereof or by any servant or agent of the board of any power or duty conferred or imposed upon the board by this Act.

Importation of and export of certain dairy produce may be prohibited.

42. The Governor-General may, on the recommendation of the board, by proclamation in the *Gazette* at any time—

- (a) prohibit the importation of butter or margarine or renovated butter or cheese or milk or condensed milk into the Union generally or prohibit such importation from any particular country or place, or through any particular port of entry; or
- (b) prohibit the export of butter or cheese from the Union generally or prohibit such export to any particular country or place, or through any particular port of export;

except under licence granted by the Minister for such quantities, during such period and on such conditions as the Minister may in his discretion determine.

38. (1) Benewens die fondse vermeld in artikel *sewen-en-dertig* moet die raad 'n vierde fonds instel onder die benaming van die algemene fonds, waaruit hy al sy uitgawes moet dek wat nie in artikel *negen-en-dertig* vermeld is nie. Algemene fonds.
- 5 (2) Die raad moet onderskeidelik uit die botterheffingsfonds en uit die kaasheffingsfonds soveel gelde in die algemene fonds oordra as wat hy nodig ag, maar die bedrag wat aldus uit elke fonds oorgedra word, moet in verhouding wees met die bedrag van die heffings wat daarin gestort is gedurende
- 10 die tydperk van twaalf maande onmiddellik voor daardie oordrag.
- (3) Die raad moet voor die end van elke boekjaar uit die melkheffingsfonds 'n bedrag in die algemene fonds oordra wat volgens sy oordeel so na moontlik in dieselfde verhouding
- 15 tot die administratiewe uitgawes van die raad vir daardie jaar staan as die verhouding waarin die hoeveelheid werk verrig in verband met die varsmelknywerheid staan tot die hoeveelheid werk verrig in verband met die algemene administrasie van die raad gedurende daardie jaar.
- 20 (4) Aan die end van elke boekjaar van die raad moet alle gelde wat in die algemene fonds oorbly onderskeidelik in die botterheffingsfonds en die kaasheffingsfonds teruggestort word, en wel in dieselfde verhouding as die totale bedrae wat gedurende daardie jaar uit elkeen van daardie fondse in
- 25 die algemene fonds oorgedra is.
- (5) Behoudens die bepalinge van artikels *twintig* en *een-en-twintig* moet alle inkomste wat die raad mag trek uit ander bronne as die eintlike heffings deur hom opgelê en die rente wat belegde heffingsgelde inbring, in die algemene fonds
- 30 gestort word.
39. (1) Enige toeslag deur die raad betaal op die uitvoer van botter en enige ander uitgawe deur die raad beloop regstreeks in verband met die botternywerheid, botterherbewerkingsnywerheid of margarien-nywerheid, moet uit die
- 35 botterheffingsfonds betaal word. Verdeling van uitgawes tussen verskillende fondse.
- (2) Enige toeslag deur die raad betaal op die uitvoer van kaas en enige ander uitgawe deur die raad beloop regstreeks in verband met die kaasnywerheid moet uit die kaasheffingsfonds betaal word.
- 40 (3) Alle uitgawes wat beloop word regstreeks in verband met die varsmelknywerheid, en die toelaes van die in paragrafe (h) en (k) van artikel *twee* bedoelde lede van die raad moet uit die melkheffingsfonds betaal word.
- (4) Enige uitgawe deur die raad beloop volgens paragraaf
- 45 (j) van sub-artikel (1) van artikel *sestien* moet betaal word of uit die botterheffingsfonds of uit die kaasheffingsfonds of uit die melkheffingsfonds, na gelang van die voordeel wat of die botternywerheid of die kaasnywerheid of die varsmelknywerheid volgens oordeel van die raad verwag kan word om
- 50 uit sodanige uitgawe te trek.
40. Geen lid van die raad en geen dienaar of agent van die raad mag, behalwe in verband met die administrasie van hierdie Wet of in verband met 'n regsgeding ingevolge hierdie Wet, of as getuie in enige ander regsgeding, enige inligting
- 55 bekend maak nie wat vervat is in enige opgawe of aantekening aan die raad verstrekkend volgens sub-artikel (2) van artikel *negen-en-twintig* of sub-artikel (2) van artikel *een-en-dertig* of sub-artikel (2) van artikel *twee-en-dertig* of sub-artikel (2) van artikel *drie-en-dertig* of sub-artikel (2) van artikel
- 60 *vier-en-dertig*. Verbod op bekendmaking van inligting.
41. Die raad is nie aanspreeklik nie vir enige verlies of skade deur iemand gelyk ten gevolge van die uitoefening of verrigting, te goeder trou, deur die raad of 'n komitee van die raad of deur 'n dienaar of agent van die raad, van bevoegdhede
- 65 of werksaamhede wat deur hierdie Wet aan die raad verleen of opgedra is. Vrystelling van aanspreeklikheid.
42. Die Goewerneur-generaal kan te eniger tyd, op aanbeveling van die raad, by proklamasie in die *Staatskoerant*—
- 70 (a) die invoer van botter of margarien of herbewerkte botter of kaas of melk of kondensmelk in die Unie algemeen belet of sodanige invoer uit een of ander bepaalde land of plek of deur 'n bepaalde invoerpoort belet; of
- (b) die uitvoer van botter of kaas uit die Unie algemeen belet of sodanige uitvoer na een of ander bepaalde land of plek of deur 'n bepaalde uitvoerpoort belet; behalwe op gesag van 'n lisensie deur die Minister daartoe verleen en wel vir sulke hoeveelhede, gedurende sodanige
- 75 tydperk en op sodanige voorwaardes as wat die Minister na goeddunke mog bepaal.
- 80

Registration of
premises.

43. (1) As from the 1st day of July, 1936, no person shall use any premises for—

- (a) the collection of milk intended for manufacturing purposes (in this Act referred to as a milk depôt); or 5
- (b) the collection of cream (in this Act referred to as a cream depôt); or
- (c) the manufacture of butter (in this Act referred to as a creamery); or
- (d) the manufacture of cheese (in this Act referred to as a cheese factory); or 10
- (e) the manufacture of process cheese (in this Act referred to as a process cheese factory); or
- (f) the manufacture of condensed milk (in this Act referred to as a condensed milk factory); or 15
- (g) the manufacture of dried milk (in this Act referred to as a dried milk factory); or
- (h) the manufacture of margarine (in this Act referred to as a margarine factory); or
- (i) the manufacture of renovating butter (in this Act referred to as a renovated butter factory), 20

unless he holds a certificate issued by the Minister authorizing him to use such premises for the purpose defined therein.

(2) Whenever any person desires to use any premises for any of the purposes referred to in sub-section (1) he may 25 make application to the Superintendent of Dairying at Pretoria for a certificate authorizing him to use such premises for any such purpose.

(3) Whenever an application is made to the Superintendent of Dairying in terms of sub-section (2) the Minister shall, sub- 30 ject to the provisions of this Act, cause a certificate to be issued to the applicant.

(4) Any certificate issued in terms of sub-section (3) shall expire on the 30th day of June next succeeding the date of issue and shall not be transferable: Provided that when the 35 holder of any such certificate has, before the thirtieth day of June in any year, applied for a fresh certificate, the existing certificate shall remain in full force and effect until he has been notified by the Secretary for Agriculture and Forestry that such application has either been granted or refused. 40

(5) Notwithstanding anything contained in this section but subject to sub-section (6), no person shall require a certificate to use any premises for the purpose of manufacturing butter or cheese from milk produced by cows which are his *bona fide* 45 property or which he has a right to milk without giving the owner of such cows any consideration whatsoever except grazing, feeding and tending such cows.

(6) No person shall under sub-section (5) convert more than seventy-five gallons of milk into cheese on any one day without first having obtained from the Secretary for Agriculture and 50 Forestry a certificate authorizing him to do so in premises stated in such certificate, but such certificate shall not entitle the holder thereof to manufacture cheese from milk produced by cows other than cows which are his *bona fide* property or which he has a right to milk without giving the owner of the cows 55 any consideration whatsoever, except grazing, feeding and tending such cows: Provided that—

- (a) such certificate shall not be issued unless such premises comply with the requirements of section *forty-four*;
- (b) after the issue of such a certificate to him such person 60 shall comply with the requirements of any law which the holder of a certificate under sub-section (3) is required to comply with.

(7) Whenever any person applies for a certificate under this section in respect of premises for which he does not hold a 65 certificate under section *four* of the Dairy Industry Act, 1918, or under this section, he shall pay any costs incurred by the Government in the inspection of the premises in question or in any investigation made in connection with such application and the Superintendent of Dairying may require such person 70 to pay such costs in advance, or provide security for such payment.

(8) A certificate under this section shall specify a registration number relating to the premises, the use whereof is authorized by such certificate, and upon the issue of such certificate the said premises shall be deemed to be registered under this 75

43. (1) Vanaf die eerste dag van Julie 1936 mag niemand 'n perseel vir— Registrasie van persele.
- (a) die versamel van melk bestem vir vervaardigingsdoeleindes (in hierdie Wet genoem 'n melkdepôt); of
 - (b) die versamel van room (in hierdie Wet genoem 'n roomdepôt); of
 - (c) die vervaardiging van botter (in hierdie Wet genoem 'n botterfabriek); of
 - (d) die vervaardiging van kaas (in hierdie Wet genoem 'n kaasfabriek); of
 - (e) die vervaardiging van proseskaas (in hierdie Wet genoem 'n proseskaasfabriek); of
 - (f) die vervaardiging van kondensmelk (in hierdie Wet genoem 'n kondensmelkfabriek); of
 - (g) die vervaardiging van gedroogde melk (in hierdie Wet genoem 'n droëmelkfabriek); of
 - (h) die vervaardiging van margarien (in hierdie Wet genoem 'n margarienfabriek); of
 - (i) die herbewerking van botter (in hierdie Wet genoem 'n fabriek vir die herbewerking van botter),
- gebruik nie, tensy hy in besit is van 'n deur die Minister uitgereikte sertifikaat wat hom magtig om sodanige perseel vir die daarin omskrewe doel te gebruik.
- (2) Wanneer iemand 'n perseel wil gebruik vir een of ander van die doeleindes vermeld in sub-artikel (1), kan hy by die Superintendent van Suiwelbereiding in Pretoria aansoek doen om 'n sertifikaat wat hom magtig om daardie perseel vir so 'n doel te gebruik.
- (3) Wanneer 'n aansoek aan die Superintendent van Suiwelbereiding gerig word volgens sub-artikel (2) moet die Minister met inagneming van die bepalings van hierdie Wet 'n sertifikaat aan die applikant laat uitreik.
- (4) 'n Sertifikaat uitgereik kragtens sub-artikel (3) verval op die eersvolgende dertigste dag van Junie na die datum van uitgifte en is nie oordraagbaar nie: Met dien verstande dat, wanneer die houer van so 'n sertifikaat in enige jaar voor die dertigste dag van Junie aansoek gedoen het om 'n nuwe sertifikaat, die bestaande sertifikaat ten volle van krag en geldig bly totdat so 'n houer deur die Sekretaris van Landbou en Bosbou in kennis gestel is dat sodanige aansoek na gelang van die geval toegestaan of afgekeur is.
- (5) Ondanks enige bepaling van hierdie artikel, maar behoudens sub-artikel (6), behoeft niemand 'n sertifikaat te hê nie om 'n perseel te gebruik vir die vervaardiging van botter of kaas van melk afkomstig van koeie wat te goeder trou sy eiendom is of wat hy die reg het om te melk sonder om die eienaar van sodanige koeie enige vergoeding hoegenaamd te gee, behalwe om vir daardie koeie weiding en voer te verstrek en hulle te versorg.
- (6) Niemand mag kragtens sub-artikel (5) op enige dag meer as vyf-en-sewentig gelling melk in kaas verwerk nie, sonder dat hy eers van die Sekretaris van Landbou en Bosbou 'n sertifikaat verkry het wat hom magtig om dit te doen op 'n in sodanige sertifikaat vermelde perseel, maar so 'n sertifikaat magtig die houer daarvan nie om kaas te vervaardig van ander melk as dié afkomstig van koeie wat te goeder trou sy eiendom is nie of wat hy die reg het om te melk sonder om die eienaar van die koeie enige vergoeding hoegenaamd te gee nie, behalwe om vir daardie koeie weiding en voer te verstrek en hulle te versorg: Met dien verstande—
- (i) dat so 'n sertifikaat nie uitgereik word nie, tensy sodanige perseel voldoen aan die vereistes van artikel vier-en-veertig;
 - (ii) dat so iemand na die uitgifte van so 'n sertifikaat aan hom moet voldoen aan die vereistes van enige wet waaraan die houer van 'n sertifikaat volgens sub-artikel (3) verplig is om te voldoen.
- (7) Wanneer iemand kragtens hierdie artikel aansoek doen om 'n sertifikaat vir 'n perseel waarvoor hy nie 'n sertifikaat ingevolge artikel vier van die „Zuivelnijverheid Wet, 1918” of ingevolge hierdie artikel besit nie, moet hy alle koste betaal wat die Regering mag maak in verband met die inspeksie van die betrokke perseel of in verband met enige ondersoek ingestel insake sodanige aansoek, en die Superintendent van Suiwelbereiding kan van so iemand eis om daardie koste vooruit te betaal of om sekerheid te stel vir die betaling daarvan.
- (8) 'n Sertifikaat kragtens hierdie artikel moet 'n registrasienommer aangee wat betrekking het op die perseel vir die gebruik waarvan in bedoelde sertifikaat magtiging verleen word en by uitgifte van so 'n sertifikaat word daardie perseel

Act. The person to whom any such certificate has been issued shall have the exclusive right to use the registration number specified therein for the purpose of designating the dairy produce manufactured by him at the premises to which the certificate relates.

(9) It shall be the duty of the holder of a registration certificate issued under this section to brand in the prescribed manner all packages containing dairy produce or margarine, manufactured in his registered premises, with the registration number mentioned in sub-section (8).

Premises must comply with regulations.

44. No certificate shall be issued to any person under section *forty-three* authorizing the use of any premises for the purpose defined in the certificate unless those premises comply with such requirements as may be prescribed by regulation for the class of premises referred to in such certificate.

Renovated butter factory and creamery to be kept apart.

45. (1) Premises registered under this Act as a creamery shall not also be registered as a renovated butter factory or *vice versa*.

(2) No premises shall be registered as a renovated butter factory if they are situate within five miles of a creamery, owned or controlled wholly or in part by any person who wholly or in part owns or controls or will own or control such factory, and no premises shall be registered as a creamery if they are situate within five miles of a renovated butter factory owned or controlled wholly or in part by any person who wholly or in part owns or controls or will own or control such creamery.

(3) No person shall manufacture any renovated butter in a creamery: Provided that the reworking of butter manufactured in a creamery shall be permitted in the creamery in which it was manufactured, and provided further that the Superintendent of Dairying may on an application in writing, permit, in writing, creamery butter to be reworked under the supervision of an inspector in any premises and at any time specified in such permission.

(4) Creamery butter which has been reworked in terms of sub-section (3) shall not be regarded as renovated butter.

Refusal or restriction of registration certificate.

46. (1) The Minister may, on the recommendation of the board, refuse to issue a certificate to any person under section *forty-three* if he is of opinion that the issue of such a certificate would not be in the interests of the dairy industry.

(2) In issuing any such certificate, the Minister may, on the recommendation of the board, attach thereto any conditions which he may deem fit.

Certificates of registration may be cancelled on account of incorrect grading or testing.

47. If the Minister is satisfied, after such enquiry as he may deem necessary, that the holder of any certificate issued under section *forty-three* has on two or more different days credited a person or persons who supplied him with milk or cream with an incorrect butter-fat content, grade, weight, or quality of such milk or cream, the Minister may cancel that certificate.

Refusal or renewal of registration certificate.

48. The Minister may refuse to issue a certificate under section *forty-three*, if the applicant therefor or any person who is or was in his employ has during the period of twelve months, preceding the date of his application for such certificate, been convicted under this Act or an Act repealed by this Act or any regulation made under either Act in respect of three or more separate offences, committed in or in connection with the premises in respect whereof the certificate is applied for or in connection with any business carried on therein.

Prohibition of registration of margarine factory and limitation of production.

49. The Minister may refuse the registration as a margarine factory of premises not registered as such under the Dairy Industry Act, 1918 (Act No. 16 of 1918), on the date of commencement of this Act, and, on the recommendation of the Board, he may limit the production of margarine in any margarine factory or may attach such conditions to the production of margarine in any such factory as he may consider necessary in the interests of the dairy industry.

Special provisions relating to margarine.

50. (1) No person shall manufacture, sell or import into the Union any margarine unless it is contained in a package which, if the quantity of margarine therein weighs more than one pound, is durably marked on two opposite sides with the word "MARGARINE" or "MARGARIEN" in plainly visible printed capital letters not smaller than one inch square or which, if the quantity of margarine contained therein weighs one pound or less, is durably marked on two opposite sides

geag kragtens hierdie Wet geregistreer te wees. Die persoon aan wie so 'n sertifikaat uitgereik is, het uitsluitlik die reg om die daarin aangegeve registrasienommer te gebruik met die doel om die suiwelprodukte te beskryf wat hy vervaardig op die perseel waarop die sertifikaat betrekking het.

(9) Die houer van 'n kragtens hierdie artikel uitgereikte registrasiesertifikaat is verplig om alle pakkette wat op sy geregistreerde perseel vervaardigde suiwelprodukte of margariene bevat, te merk met die in sub-artikel (8) vermelde registrasienommer.

44. Geen sertifikaat word kragtens artikel *drie-en-veertig* aan iemand uitgereik wat hom magtig om 'n perseel vir die doel omskryf in die sertifikaat te gebruik nie, tensy sodanige perseel voldoen aan sodanige vereistes as wat by regulasie voorgeskryf mag wees vir persele van die klas vermeld in daardie sertifikaat.

45. (1) 'n Perseel wat kragtens hierdie Wet as 'n botterfabriek geregistreer is, mag nie ook as 'n fabriek vir die herbewerking van botter geregistreer word nie, en omgekeerd. (2) Geen perseel word as 'n fabriek vir die herbewerking van botter geregistreer nie as dit geleë is binne vyf myl van 'n botterfabriek wat geheelal of gedeeltelik in besit is van of beheer word deur iemand wat so 'n fabriek vir die herbewerking van botter geheelal of gedeeltelik besit of beheer of sal besit of sal beheer nie, en geen perseel word as 'n botterfabriek geregistreer nie as dit geleë is binne vyf myl van 'n fabriek vir die herbewerking van botter wat geheelal of gedeeltelik in besit is van of beheer word deur iemand wat so 'n botterfabriek geheelal of gedeeltelik besit of beheer of sal besit of sal beheer nie.

(3) Niemand mag botter in 'n botterfabriek herbewerk nie: Met dien verstande dat die herbewerking van botter vervaardig in 'n botterfabriek toegelaat word in die botterfabriek waar dit vervaardig is: En met dien verstande, voorts, dat die Superintendent van Suiwelbereiding op skriftelike aansoek skriftelik mag toelaat dat fabrieksbotter onder toesig van 'n inspekteur herbewerk word in sodanige perseel en op sodanige tyd as wat in bedoelde magtiging bepaal word.

(4) Fabrieksbotter wat volgens sub-artikel (3) herbewerk is, word nie as herbewerkte botter beskou nie.

46. (1) Die Minister kan op aanbeveling van die raad weier om 'n sertifikaat aan iemand uit te reik kragtens artikel *drie-en-veertig* indien hy van oordeel is dat die uitgifte van so 'n sertifikaat nie in belang van die suiwelnywerheid sal wees nie.

(2) Die Minister kan, by die uitgifte van so 'n sertifikaat, op aanbeveling van die raad enige voorwaardes daaraan heg wat hy goedvind.

47. Indien die Minister, na sodanige ondersoek as hy nodig ag, bevind dat die houer van 'n sertifikaat uitgereik kragtens artikel *drie-en-veertig* op twee of meer verskillende dae aan 'n persoon of persone wat melk of room aan hom gelever het 'n onjuiste bottervettoets, graad, gewig of kwaliteit aan sodanige melk of room toegeken het, kan die Minister daardie sertifikaat intrek.

48. Die Minister kan weier om 'n sertifikaat kragtens artikel *drie-en-veertig* uit te reik, indien die applikant daarvoor of iemand wat in sy diens is of was gedurende die tydperk van twaalf maande wat die datum van sy aansoek om so 'n sertifikaat voorafgaan, ingevolge hierdie Wet of 'n wet wat deur hierdie Wet herroep word of 'n regulasie uit kragte van een of ander van daardie wette uitgevaardig, veroordeel is weens drie of meer afsonderlike oortredings begaan in of in verband met die perseel ten opsigte waarvan om die sertifikaat aansoek gedoen word of in verband met enige besigheid wat daarin gedryf word.

49. Die Minister kan die registrasie as 'n margarienfabriek weier van 'n perseel wat nie op die datum van inwerkingtreding van hierdie Wet as sulks kragtens die „Zuivelnywerheid Wet, 1918” geregistreer is nie, en kan op aanbeveling van die raad 'n beperking lê op die produksie van margariene in enige margarienfabriek of kan sodanige voorwaardes stel vir die produksie van margariene in so 'n fabriek as wat hy nodig mag ag in belang van die suiwelnywerheid.

50. (1) Niemand mag margariene vervaardig, verkoop of in die Unie invoer nie, tensy dit bevat is in 'n pakket wat, indien die hoeveelheid margariene daarin meer as een pond weeg, duursaam gemerk is op twee teenoorgestelde kante met die woord „MARGARIEN” of „MARGARINE” in duidelik sigbare, gedrukte hoofletters nie kleiner nie as een duim in die vierkant, of wat, indien die hoeveelheid margariene daarin bevat een pond of minder weeg, duursaam gemerk

Persele moet aan regulasies voldoen.

Fabriek vir die herbewerking van botter en botterfabriek moet afsonderlik gehou word.

Weiering van of beperking op registrasiesertifikaat.

Registrasiesertifikaat kan ingetrek word weens onjuiste gradering of toetsing.

Weiering of vernuwning van registrasie van botterfabriek, ens.

Verbod op registrasie van margarienfabriek en beperking op opbrings.

Spesiale bepalinge betreffende margariene.

with the word "MARGARINE" or "MARGARIEN" in plainly visible printed capital letters not smaller than one-half of an inch square, and bears no other word, name, representation or mark, except the net weight of the contents of such package and, if the margarine was manufactured in the Union, the registered number of the premises in which it was manufactured, and if imported the name of the country of origin preceded by the words "MANUFACTURED IN" in plainly visible printed capital letters not smaller than one quarter of an inch square.

(2) No person shall manufacture, sell or import into the Union any margarine—

- (a) if it contains any colouring matter; or
- (b) if it contains any milk-fat; or
- (c) if it is of any shade of colour other than white; or
- (d) if it does not conform to such standard of composition as may be prescribed by regulation.

(3) No person shall expose any margarine for sale unless it is contained in a package described in sub-section (1), or unless a label bearing the word "MARGARINE" or "MARGARIEN" in plainly visible printed capital letters not smaller than one inch square, and bearing no other name, word, representation or mark, is attached thereto in a conspicuous manner.

(4) No person shall manufacture any margarine on the same premises as those on which butter or renovated butter is manufactured.

Standard of composition of butter and renovated butter.

51. No person shall sell butter or renovated butter—

- (a) if it contains more than sixteen per cent. of water; or
- (b) if it contains less than eighty per cent. of milk fat; or
- (c) if it contains more than four per cent. of salt (sodium chloride); or
- (d) if it contains any foreign substance, unless the addition thereto of such substance is permitted by regulation and the quantity of such substance which the butter or renovated butter contains, does not exceed the maximum quantity which may under the said regulation be so added.

No butter other than farm butter to be sold un-enclosed.

52. No person shall sell any butter (other than farm butter), renovated butter or margarine, otherwise than in a closed package.

Description on creamery butter.

53. (1) No person shall sell any creamery butter unless the package wherein it is contained bears on the outside thereof—

- (a) the words "CREAMERY BUTTER" preceded or followed by the words "FIRST GRADE," "SECOND GRADE," "THIRD GRADE" or "COOKING" or;
- (b) the words "FABRIEKSBOTTER", preceded or followed by the words "EERSTE GRAAD", "TWEDE GRAAD" or "DERDE GRAAD", or "KOMBUIS",

according to the reputed quality of such butter when placed in the said package, and unless the said words consist of plainly visible printed capital letters not smaller than one quarter of an inch square if the butter contained in such package weighs one pound or less, and not smaller than one inch square if the butter contained in such package weighs more than one pound.

(2) No person shall sell any creamery butter unless the package wherein it is contained bears on the outside thereof the name, address and registered number of the creamery wherein such butter was manufactured, in plainly visible printed capital letters not smaller than one-quarter of an inch square if the butter contained in such package weighs one pound or less and not smaller than one inch square if the butter contained in such package weighs more than one pound: Provided that if such butter weighs one pound or less and is sold from bulk stock by a person other than the producer of such butter and is taken from such bulk stock in the presence of the purchaser, the name, address and registered number of the creamery wherein such butter was manufactured need not appear on such package.

(3) No person shall expose for sale any creamery butter unless it is contained in a package complying with the requirements of sub-sections (1) and (2), or unless a label bearing the words "CREAMERY BUTTER" or "FABRIEKSBOTTER" and the designation of the grade of such butter in plainly visible printed capital letters not smaller than one inch square and bearing no other name, word, representation or mark, is attached thereto in a conspicuous manner.

is op twee teenoorgestelde kante met die woord „MARGARIEN” of „MARGARINE” in duidelik sigbare, gedrukte hoofletters nie kleiner nie as een halfduim in die vierkant, en geen ander woord, naam, beskrywing of merk nie, behalwe die netto-
 5 gewig van die inhoud van bedoelde pakket en, indien die margarien in die Unie vervaardig is, die geregistreerde nommer van die perseel waar dit vervaardig is, en, indien dit ingevoer is, die naam van die land van herkoms voorafgegaan deur die woorde „VERVAARDIG IN” in duidelik sigbare, gedrukte
 10 hoofletters nie kleiner nie as een kwartduim in die vierkant.

(2) Niemand mag margarien vervaardig, verkoop of in die Unie invoer nie—

- (a) as dit 'n kleurstof bevat; of
- (b) as dit melkvet bevat; of
- 15 (c) as dit 'n ander kleurtint as wit het; of
- (d) as dit nie aan so 'n standaard van samestelling voldoen as wat by regulasie voorgeskryf mog wees nie.

(3) Niemand mag margarien te koop uitstal nie, tensy dit bevat is in 'n pakket soos beskryf in sub-artikel (1), of tensy
 20 'n etiket met die woord „MARGARIEN” of „MARGARINE” (en geen ander naam, woord, beskrywing of merk nie) daarop in duidelik sigbare, gedrukte hoofletters nie kleiner nie as een duim in die vierkant, op opvallende wyse daaraan geheg is.

25 (4) Niemand mag margarien vervaardig op dieselfde perseel as die waarop botter of herbewerkte botter vervaardig word nie.

51. Niemand mag botter of herbewerkte botter, soos omskryf in hierdie Wet, verkoop nie—

Standaard van samestelling van botter en herbewerkte botter.

- 30 (a) indien dit meer as sestion persent water bevat; of
- (b) indien dit minder as tagtig persent melkvet bevat; of
- (c) indien dit meer as vier persent sout (natrium-chloried) bevat; of
- 35 (d) indien dit enige vreemde bestanddeel bevat, tensy die byvoeging van daardie bestanddeel by regulasie toegelaat is en die hoeveelheid van daardie bestanddeel bevat in die botter of herbewerkte botter nie meer is as die maksimum hoeveelheid wat volgens bedoelde regulasie aldus bygevoeg mag word nie.

40 52. Niemand mag botter (behalwe plaasbotter), herbewerkte botter of margarien, verkoop nie dan alleen in 'n geslote pakket.

Geen botter (behalwe plaasbotter) mag ope verkoop word nie.

53. (1) Niemand mag fabrieksbotter verkoop nie, tensy op die buitekant van die pakket waarin dit bevat is—

Beskrywing van fabrieksbotter.

- 45 (a) die woord „FABRIEKSBOTTER” voorafgegaan of gevolg deur die woorde „EERSTE GRAAD” „TWEDE GRAAD”, „DERDE GRAAD” of „KOM-BUIS”; of
- (b) die woorde „CREAMERY BUTTER” voorafgegaan of
 50 gevolg deur die woorde „FIRST GRADE”, „SECOND GRADE”, „THIRD GRADE” of „COOKING”,

na gelang van die beweerde kwaliteit van sodanige botter toe dit in bedoelde pakket geplaas is, voorkom, en tensy bedoelde woorde bestaan uit duidelik sigbare, gedrukte hoof-
 55 letters, nie kleiner nie as een kwartduim in die vierkant indien die botter in bedoelde pakket een pond of minder weeg en nie kleiner nie as een duim in die vierkant indien die botter in bedoelde pakket meer as een pond weeg.

(2) Niemand mag fabrieksbotter verkoop nie, tensy op die
 60 buitekant van die pakket waarin dit bevat is die naam, adres en geregistreerde nommer van die botterfabriek waarin sodanige botter vervaardig is, voorkom in duidelik sigbare, gedrukte hoofletters nie kleiner nie as een kwartduim in die vierkant indien die botter in bedoelde pakket een pond of
 65 minder weeg en nie kleiner nie as een duim in die vierkant indien die botter in bedoelde pakket meer as een pond weeg : Met dien verstande dat, indien sodanige botter een pond of minder weeg en uit 'n massa-voorraad verkoop word deur iemand anders as die produsent van sodanige botter en van
 70 sodanige massa-voorraad geneem word in teenwoordigheid van die koper, die naam, adres en geregistreerde nommer van die botterfabriek waarin sodanige botter vervaardig is, nie op bedoelde pakket hoof voor te kom nie.

(3) Niemand mag fabrieksbotter te koop uitstal nie, tensy
 75 dit bevat is in 'n pakket wat voldoen aan die vereistes van sub-artikels (1) en (2) of tensy 'n etiket met die woorde „FABRIEKSBOTTER” of „CREAMERY BUTTER” en die beskrywing van die graad van daardie botter daarop (en geen ander naam, woord, beskrywing of merk nie) op opvallende wyse
 80 daaraan geheg is.

Use of
distinctive marks.

54. (1) No person shall use any distinctive mark, brand or name in connection with any dairy produce sold in the Union unless the use of such distinctive mark, brand or name has been permitted by the Superintendent of Dairying, and is not prohibited by any law.

No person shall use more than one such distinctive mark, brand or name in connection with any particular grade of butter manufactured in any particular creamery, and if any particular mark, brand or name has been applied to or used in connection with any particular quantity of butter, no person shall use any other mark, brand or name in connection with that butter or any portion thereof.

(2) Any permission granted under sub-section (1), and the name and address of the person to whom it was granted shall be recorded in a register to be kept for the purpose in the office of the Superintendent of Dairying, and such register shall be open to inspection by any interested person during office hours.

(3) Any person who manufactures or intends to manufacture any dairy produce may apply to the Superintendent of Dairying at Pretoria for the permission mentioned in sub-section (1).

(4) The Superintendent of Dairying may refuse permission to use any distinctive mark, brand or name which in his opinion is unnecessary or unsuitable, and he shall refuse to permit the use of any distinctive mark, brand or name which so closely resembles any other distinctive mark, brand or name, the use of which he has already permitted, as to be calculated to deceive.

(5) Any distinctive mark, brand or name, the use whereof has been permitted under sub-section (1) in connection with a particular grade of butter shall not be used in connection with any other grade of butter.

(6) The Superintendent of Dairying may transfer any permission granted under sub-section (1) from the person to whom it was granted to any other person if both persons apply in writing for such transfer, and such transfer shall thereupon be recorded in the register mentioned in sub-section (2).

(7) The Superintendent of Dairying may cancel any entry in the register referred to in sub-section (2) if he is satisfied that the person to whom the entry relates has ceased to use the distinctive mark, brand or name in question in connection with dairy produce.

Description on
farm dairy
butter.

55. (1) No person shall sell any farm dairy butter unless the package wherein it is contained bears on the outside thereof in plainly visible printed capital letters the words "FARM DAIRY BUTTER" or "PLAASMELKERY-BOTTER" and the name and address of the producer of such butter: Provided that if such butter weighs one pound or less and is sold from bulk stock by a person other than the producer of such butter and is taken from such bulk stock in the presence of the purchaser, the name and address of the producer need not appear on such package.

(2) The letters forming the words "FARM DAIRY BUTTER" or "PLAASMELKERY-BOTTER" on such package shall not be smaller than one quarter of an inch square if the butter contained in such package weighs one pound or less and not smaller than one inch square if the butter contained in such package weighs more than one pound.

(3) The letters forming the name and address of the producer on such package shall be not smaller than one-eighth of an inch square if the butter contained in such package weighs one pound or less and not smaller than one-half of an inch square if the butter contained in such package weighs more than one pound.

(4) No person shall expose farm dairy butter for sale unless it is contained in a package complying with the requirements of sub-sections (1), (2) and (3), or unless a label bearing the words "FARM DAIRY BUTTER" or "PLAASMELKERY-BOTTER" in plainly visible printed capital letters, not smaller than one inch square and bearing no other name, word, representation or mark, is attached thereto in a conspicuous manner.

Description on
farm butter.

56. (1) No person shall sell butter marked with the words "FARM BUTTER" or "PLAASBOTTER" which is subject to the farm dairy butter levy.

(2) No person shall sell farm butter which is contained in a closed package, unless such package bears on the outside thereof in plainly visible printed capital letters the name and address of the producer of such butter, and the words "FARM BUTTER" or "PLAASBOTTER".

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54. (1) Niemand mag 'n onderskeidende merk of naam gebruik in verband met suiwelprodukte wat in die Unie verkoop word nie, tensy die gebruik van bedoelde onderskeidende merk of naam deur die Superintendent van Suiwelbereiding toegestaan is en nie deur enige wet verbied word nie. Gebruik van onderskeidende merke.

Niemand mag meer as een so 'n onderskeidende merk of naam gebruik in verband met botter van 'n besondere graad wat in 'n bepaalde botterfabriek vervaardig is nie, en indien 'n besondere merk of naam toegepas is op of gebruik is in verband met 'n bepaalde hoeveelheid botter, dan mag niemand 'n ander merk of naam in verband met daardie botter of 'n gedeelte daarvan gebruik nie.

(2) 'n Vergunning verleen kragtens sub-artikel (1) en die naam en adres van die persoon aan wie dit verleen is, moet aangeteken word in 'n register vir daardie doel in die kantoor van die Superintendent van Suiwelbereiding gehou te word, en bedoelde register kan gedurende kantoorure deur enige belanghebbende persoon ingesien word.

(3) Iemand wat suiwelprodukte vervaardig of voornemes is om dit te vervaardig, kan by die Superintendent van Suiwelbereiding in Pretoria aansoek doen om die vergunning bedoel in sub-artikel (1).

(4) Die Superintendent van Suiwelbereiding kan toestemming weier vir die gebruik van 'n onderskeidende merk of naam wat volgens sy oordeel onnodig of ongeskik is, en hy moet toestemming weier vir die gebruik van 'n onderskeidende merk of naam wat met 'n ander onderskeidende merk of naam waarvan hy die gebruik reeds toegestaan het so nou ooreenstem dat dit misleidend kan wees.

(5) 'n Onderskeidende merk of naam die gebruik waarvan kragtens sub-artikel (1) toegestaan is ten opsigte van 'n bepaalde graad botter word nie in verband met 'n ander graad botter goedgekeur nie.

(6) Die Superintendent van Suiwelbereiding kan 'n vergunning verleen kragtens sub-artikel (1) oordra van die persoon aan wie dit verleen is op iemand anders indien beide persone skriftelik aansoek doen om so 'n oordrag, en bedoelde oordrag word daarop aangeteken in die register bedoel in sub-artikel (2).

(7) Die Superintendent van Suiwelbereiding kan 'n aantekening in die register bedoel in sub-artikel (2) rojeer indien hy oortuig is dat die persoon, op wie die aantekening betrekking het, opgehou het om die betrokke onderskeidende merk of naam in verband met suiwelprodukte te gebruik.

55. (1) Niemand mag plaasmelkerybotter verkoop nie, tensy op die buitekant van die pakket waarin dit bevat is die woorde „PLAASMELKERYBOTTER” of „FARM DAIRY BUTTER” en die naam en adres van die produsent van daardie botter voorkom in duidelik sigbare, gedrukte hoofletters: Beskrywing op plaasmelkerybotter.
Met dien verstande dat, indien daardie botter een pond of minder weeg en uit 'n massa-voorraad verkoop word deur iemand anders as die produsent van daardie botter en van bedoelde massa-voorraad geneem word in teenwoordigheid van die koper, die naam en adres van die produsent nie op bedoelde pakket hoef voor te kom nie.

(2) Die letters wat die woorde „PLAASMELKERYBOTTER” of „FARM DAIRY BUTTER” op bedoelde pakket vorm, mag nie kleiner wees nie as een kwartduim in die vierkant indien die botter in bedoelde pakket een pond of minder weeg, en nie kleiner nie as een duim in die vierkant indien die botter in bedoelde pakket meer as een pond weeg.

(3) Die letters wat die naam en adres van die produsent vorm op bedoelde pakket mag nie kleiner wees nie as een-agste duim in die vierkant indien die botter in bedoelde pakket een pond of minder weeg, en nie kleiner nie as een halfduim in die vierkant indien die botter in bedoelde pakket meer as een pond weeg.

(4) Niemand mag plaasmelkerybotter te koop uitstal nie, tensy dit bevat is in 'n pakket wat voldoen aan die vereistes van sub-artikels (1), (2) en (3) of tensy 'n etiket met die woorde „PLAASMELKERYBOTTER” of „FARM DAIRY BUTTER” daarop (en geen ander naam, woord, beskrywing of merk nie), in duidelik sigbare, gedrukte hoofletters nie kleiner nie as een duim in die vierkant, op opvallende wyse daaraan geheg is.

56. (1) Niemand mag botter gemerk met die woorde „PLAASBOTTER” of „FARM BUTTER” verkoop nie wat aan die heffing op plaasmelkerybotter onderhewig is. Beskrywing van plaasbotter.

(2) Niemand mag plaasbotter bevat in 'n geslote pakket verkoop nie, tensy op die buitekant van bedoelde pakket die naam en adres van die produsent van daardie botter en die woorde „PLAASBOTTER” of „FARM BUTTER” in duidelik sigbare, gedrukte hoofletters voorkom.

(3) If such package does not bear such words, it shall be subject to the levy imposed by the board on farm dairy butter and payment of the levy shall be denoted on the package.

Description on
renovated butter.

57. (1) No person shall sell any renovated butter unless the package wherein it is contained bears on the outside thereof the words "RENOVATED BUTTER" or "HERBEWERKTE BOTTER" in plainly visible printed capital letters not smaller than one-third of an inch square if the renovated butter contained in such package weighs one pound or less and not smaller than one inch square if the renovated butter contained in such package weighs more than one pound, and bears no other word, name, representation or mark, except the net weight of the contents of such package and if the renovated butter was manufactured in the Union, the registration number of the renovated butter factory in which it was manufactured.

(2) No person shall expose any renovated butter for sale unless it is contained in a package complying with the requirements of sub-section (1), or unless a label bearing the words "RENOVATED BUTTER" or "HERBEWERKTE BOTTER" in plainly visible printed capital letters not smaller than one inch square, and bearing no other name, word, representation or mark is attached thereto in a conspicuous manner.

Description on
imported butter.

58. (1) No person shall sell any butter which was imported into the Union in a package containing one pound or less of such butter, except in the same package in which it was imported.

(2) No person shall sell any butter which was imported into the Union if it is contained in a package bearing a brand, mark or name under which any butter manufactured in the Union is commonly sold or which is calculated to induce any person to believe that such butter was manufactured in the Union.

(3) No person shall sell any butter which was imported into the Union and which is contained in the same package in which it was imported, unless the package wherein it is delivered bears on the outside thereof the word "BUTTER" and the designation of the reputed quality of the butter at the time when it was exported from the country of origin in the form of words, or a brand or mark or such other indication of quality as may be prescribed in the said country of origin: Provided that if there is no law in operation in the country of origin providing for the grading and marking according to quality of the butter exported from such country, butter imported from any such country shall not be sold in the same package in which it was imported, unless such package bears on the outside thereof, the words "FIRST GRADE BUTTER", "SECOND GRADE BUTTER", "THIRD GRADE BUTTER" or "COOKING BUTTER", or "EERSTEGRAADBOTTER", "TWEDEGRAADBOTTER", "DERDEGRAADBOTTER" or "KOMBUISBOTTER" according to the reputed quality of such butter when placed in the said package, in plainly visible printed capital letters not smaller than one quarter of an inch square if the butter contained in such package weighs one pound or less and not smaller than one inch square if the butter contained in such package weighs more than one pound.

(4) No person shall sell any butter which was imported into the Union in a package containing more than one pound of such butter in a package other than that in which it was imported, unless such butter was, with the permission in writing of the Superintendent of Dairying, repacked into packages of similar or lesser weight under the supervision of an inspector at a time and place specified in such permission.

(5) An application for such permission shall be made in writing and shall state the quantity of butter to be repacked and the place where it is stored.

(6) The inspector deputed to supervise the repacking of such butter shall determine the grade under which it shall be repacked and no person shall deliver any butter sold by him which has been so repacked unless the package into which it was repacked, bears on the outside thereof the words "FIRST GRADE BUTTER", "SECOND GRADE BUTTER", "THIRD GRADE BUTTER", or "COOKING BUTTER", or "EERSTEGRAADBOTTER", "TWEDEGRAADBOTTER", "DERDEGRAADBOTTER" or "KOMBUISBOTTER" according to the quality of such butter determined

(3) Indien bedoelde woorde nie op daardie pakket voorkom nie, dan is dit onderhewig aan die heffing deur die raad gelê op plaasmelkerybotter en dan moet op die pakket aangedui word dat die heffing betaal is.

- 5 57. (1) Niemand mag herbewerkte botter verkoop nie, tensy op die buitekant van die pakket waarin dit bevat is die woorde „HERBEWERKTE BOTTER” of „RENOVATED BUTTER” voorkom in duidelik sigbare, gedrukte hoofletters nie kleiner nie as een-derde duim in die vierkant
10 indien die herbewerkte botter in bedoelde pakket een pond of minder weeg, en nie kleiner nie as een duim in die vierkant indien die herbewerkte botter in bedoelde pakket meer as een pond weeg, en geen ander woord, naam, beskrywing of merk nie, behalwe die netto-gewig van die inhoud van bedoelde pakket
15 en, indien die herbewerkte botter in die Unie vervaardig is, die registrasienommer van die fabriek vir die herbewerking van botter waar dit vervaardig is.

Beskrywing van herbewerkte botter.

- (2) Niemand mag herbewerkte botter te koop uitstal nie, tensy dit bevat is in 'n pakket wat voldoen aan die vereistes
20 van sub-artikel (1) of tensy 'n etiket met die woorde „HERBEWERKTE BOTTER” of „RENOVATED BUTTER” (en geen ander naam, woord, beskrywing of merk nie) daarop in duidelik sigbare, gedrukte hoofletters nie kleiner nie as een duim in die vierkant op opvallende wyse daaraan geheg is.

- 25 58. (1) Niemand mag botter wat in die Unie ingevoer is in 'n pakket wat een pond of minder van daardie botter bevat, verkoop nie dan in dieselfde pakket waarin dit ingevoer is.

Beskrywing van ingevoerde botter

- (2) Niemand mag botter wat in die Unie ingevoer is, verkoop nie as dit bevat is in 'n pakket waarop 'n merk of naam voor-
30 kom waaronder in die Unie vervaardigde botter algemeen verkoop word of wat iemand sou kon beweeg om te veronderstel dat daardie botter in die Unie vervaardig is.

- (3) Niemand mag botter wat in die Unie ingevoer is en bevat is in dieselfde pakket waarin dit ingevoer is, verkoop nie,
35 tensy die woord „BOTTER”, en die beskrywing van die beweerde kwaliteit van die botter tydens die uitvoer daarvan uit die land van herkoms, hetsy in woorde of merke of sodanige ander aanduiding van kwaliteit as wat in die betrokke land van herkoms vereis word, voorkom op die buitekant van die pakket
40 waarin daardie botter afgelewer word: Met dien verstande dat, indien daar in die land van herkoms geen wet wat voorsiening maak vir die gradeer en merk volgens kwaliteit van die botter uitgevoer uit sodanige land in werking is nie, botter uit sodanige land ingevoer nie in dieselfde pakket waarin dit
45 ingevoer is, verkoop mag woord nie, tensy die woorde „EERSTEGRAADBOTTER”, „TWEDEGRAADBOTTER”, „DERDEGRAADBOTTER” of „KOMBUISBOTTER” of „FIRST GRADE BUTTER”, „SECOND GRADE BUTTER”, „THIRD GRADE BUTTER” of „COOKING BUTTER”, na
50 gelang van die beweerde kwaliteit van daardie botter toe dit in die pakket gesit is, voorkom op die buitekant van bedoelde pakket in duidelik sigbare, gedrukte hoofletters nie kleiner nie as een kwartduim in die vierkant indien die botter in bedoelde pakket een pond of minder weeg, en nie
55 kleiner nie as een duim in die vierkant indien die botter in bedoelde pakket meer as een pond weeg.

- (4) Niemand mag botter, in die Unie ingevoer in 'n pakket wat meer as een pond van daardie botter bevat, verkoop in 'n ander pakket as dié waarin dit ingevoer is nie, tensy
60 daardie botter met skriftelike toestemming van die Superintendent van Suiwelbereiding onder toesig van 'n inspekteur en op 'n tyd en plek aangegee in bedoelde toestemming herverpak is in pakkette van dergelike of kleiner gewig.

- (5) Aansoek om sodanige toestemming moet skriftelik geskied
65 en die hoeveelheid botter wat herverpak moet word en die plek waar dit bewaar word, moet in die aansoek vermeld word.

- (6) Die inspekteur aan wie dit opgedra word om oor die herverpakking van daardie botter toesig te hou, stel die graad vas waaronder dit herverpak moet word, en niemand
70 mag aldus herverpakte botter wat deur hom verkoop word, aflewer nie tensy die woorde „EERSTEGRAADBOTTER”, „TWEDEGRAADBOTTER”, „DERDEGRAADBOTTER” of „KOMBUISBOTTER” of „FIRST GRADE BUTTER”, „SECOND GRADE BUTTER”, „THIRD GRADE BUTTER”
75 of „COOKING BUTTER” na gelang van die kwaliteit van daardie botter, soos vasgestel deur die inspekteur, voorkom op die buitekant van die pakket waarin daardie botter her-

by the inspector, in plainly visible printed capital letters not smaller than one-quarter of an inch square if the butter contained in such package weighs one pound or less and not less than one inch square if the butter contained in such package weighs more than one pound.

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(7) No person shall repack imported butter in accordance with the provisions of sub-sections (4), (5) and (6) unless the package into which it is repacked bears on its outside the word "REPACKED" or "HERVERPAK" in plainly visible printed capital letters not smaller than one-quarter of an inch square if the butter contained in such package weighs one pound or less and not less than one inch square if the butter contained in such package weighs more than one pound.

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Marking to appear in either one or other official language.

59. Whenever under any provision of this Act certain information is required to appear on dairy produce or on any package wherein such dairy produce is contained, such information shall appear exclusively in one of the two official languages, or in both such languages separately, but not partly in one and partly in the other official language, or in both languages combined.

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Words may be in smaller letters.

60. Notwithstanding anything to the contrary contained in this Act or in any regulations made thereunder, words required to be composed of letters of a particular size may, with the permission of the Superintendent of Dairying, be composed of proportionately smaller letters when the package whereon they appear is so small as to prevent the use of letters of the prescribed size, or when in the opinion of the Superintendent of Dairying smaller letters will disclose the information in question in a sufficiently conspicuous manner.

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Restriction of use of word "grade".

61. No person shall use the word "grade" or "graad" in connection with any dairy produce unless that dairy produce has been graded and branded according to grade by an inspector or unless it bears the said word in accordance with the requirements of sections *fifty-three*, *fifty-eight* and *sixty-three*: Provided that the said word may be used in respect of milk or cream, received at or in transit to a creamery, cream depot, cheese factory, milk depot, condensed milk factory or powdered milk factory, if it has been graded by an inspector or by a person holding a certificate of proficiency under this Act in the grading of milk or cream, as the case may be.

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Incorrect statement on dairy produce.

62. (1) No person shall sell any dairy produce which has been produced outside the Union unless the name of the country of origin is clearly and conspicuously stated upon it or upon every wrapper, package or box containing such produce.

(2) No person shall sell any dairy produce manufactured outside the Union if upon such produce or upon the wrapper, package or box containing it there appear the words "South Africa" or "Union of South Africa," or any words or marks stating or implying that such produce has been manufactured in the Union.

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Grading of cheese.

63. (1) All cheddar and other hard-pressed varieties of cheese as distinct from cheese commonly known as sweet milk or Gouda cheese shall be graded and branded according to grade (in manner prescribed by regulation) by an inspector either at the factory in which it was manufactured or at any other suitable place approved by the Superintendent of Dairying.

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(2) No person shall sell any such cheese until it has been so graded and branded.

(3) The owner of any cheese so graded and branded shall pay a fee therefor which shall be fixed by regulation and which may vary according to the circumstances, but which shall not exceed one-eighth of a penny per pound calculated on the green weight of the cheese, less seven per cent., of such weight.

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(4) No person shall expose for sale by retail any such cheese, whether cut into segments or not, unless a label, bearing the words "FIRST GRADE" or "EERSTE GRAAD", or "SECOND GRADE" or "TWEDE GRAAD", or "THIRD GRADE" or "DERDE GRAAD", or "BELOW GRADE" or "ONDER GRAAD", as the case may be, in accordance with the grade branded on such cheese by the inspector in plainly visible printed capital letters not smaller than one inch square, is displayed on such cheese.

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(5) Whenever any person has sold any quantity of graded cheese by retail, the quantity so sold shall, before it is delivered

verpak word, in duidelik sigbare gedrukte hoofletters nie kleiner nie as een kwartduim in die vierkant indien die botter in bedoelde pakket een pond of minder weeg, en nie kleiner nie as een duim in die vierkant indien die botter in bedoelde pakket

5 meer as een pond weeg.

(7) Niemand mag ingevoerde botter volgens die bepalings van sub-artikels (4), (5) en (6) herverpak nie tensy op die buitekant van die pakket waarin dit herverpak word die woord „HERVERPAK” of „REPACKED” voorkom in

10 duidelik sigbare, gedrukte hoofletters nie kleiner nie as een kwartduim in die vierkant indien die botter in bedoelde pakket een pond of minder weeg, en nie kleiner nie as een duim in die vierkant indien die botter in bedoelde pakket meer as een pond weeg.

15 59. Wanneer volgens 'n bepaling van hierdie Wet sekere inligting behoort voor te kom op suiwelprodukte of op 'n pakket waarin sodanige suiwelprodukte bevat is, moet bedoelde inligting uitsluitlik in een of ander van die twee offisiële tale of in albei daardie offisiële tale afsonderlik voorkom, maar nie

Merke moet in een of ander van die offisiële tale wees.

20 deels in een en deels in die ander offisiële taal of in albei tale saam nie.

60. Ondanks andersluidende bepalings van hierdie Wet of in regulasies uit kragte daarvan uitgevaardig, mag woorde wat behoort saamgestel te wees uit letters van 'n bepaalde

Woorde kan in kleiner letters wees.

25 grootte, met toestemming van die Superintendent van Suivelbereiding uit eweredig kleiner letters saamgestel wees wanneer die pakket waarop hulle voorkom so klein is dat letters van die voorgeskrewe grootte nie gebruik kan word nie, of wanneer kleiner letters volgens oordeel van die Superintendent van

30 Suivelbereiding die bedoelde inligting op voldoende opvallende wyse sal aandui.

61. Niemand mag die woord „graad” of „grade” in verband met suiwelprodukte gebruik nie, tensy daardie suiwelprodukte deur 'n inspekteur gegradeer en volgens graad gemerk is of

Beperking op gebruik van woord „graad”.

35 tensy bedoelde woord daarop voorkom ooreenkomstig die vereistes van artikels *drie-en-vyftig*, *agt-en-vyftig* en *drie-en-sestig*: Met dien verstande dat bedoelde woord gebruik mag word ten opsigte van melk of room ontvang by of op weg na 'n botterfabriek, roomdepôt, kaasfabriek, melkdepôt, kondensmelkfabriek, of melkpoeierfabriek, indien dit gegradeer is deur 'n inspekteur of deur iemand wat in besit is van 'n

40 sertifikaat van bekwaamheid volgens hierdie Wet, na gelang van die geval in die gradering van melk of room.

62. (1) Niemand mag suiwelprodukte geproduseer buite die Unie verkoop nie, tensy die naam van die land van herkoms

Onjuiste opskrif op suiwelprodukte.

45 duidelik en opvallend daarop of op elke omslag, pakket of doos wat sodanige produkte bevat, gemerk is.

(2) Niemand mag suiwelprodukte vervaardig buite die Unie verkoop nie, indien die woorde „Suid-Afrika” of „Unie van Suid-Afrika” of ander woorde of merke waardeur verklaar word of wat die indruk wek dat bedoelde produkte in die Unie vervaardig is, voorkom op bedoelde produkte of op die omslag, pakket of doos waarin dit bevat is.

63. (1) Alle cheddar- en ander hardgeperste soorte kaas, in teenstelling met kaas algemeen bekend as soetmelk- of Goudakaas, moet gegradeer en volgens graad gemerk word (op die by regulasie voorgeskrewe wyse) deur 'n inspekteur of by die fabriek waar dit vervaardig is of by 'n ander geskikte, deur die Superintendent van Suivelbereiding goedgekeurde

Gradering van kaas.

60 plek.

(2) Niemand mag sodanige kaas verkoop totdat dit aldus gegradeer en gemerk is nie.

(3) Die eienaar van kaas wat aldus gegradeer en gemerk word, moet daarvoor 'n fooi betaal wat by regulasie voorgeskryf moet word en wat mag afwissel na gelang van omstandighede, maar wat nie meer mag bedra nie as een-agste pennie per pond bereken op die gewig van die onryp kaas min sewe persent van daardie gewig.

(4) Niemand mag so 'n kaas hetsy in skywe gesny of nie, te koop by die kleinmaat uitstal nie, tensy bedoelde kaas voorsien is van 'n etiket met die woorde „EERSTE GRAAD” of „FIRST GRADE,” of „TWEDE GRAAD” of „SECOND GRADE”, of „DERDE GRAAD” of „THIRD GRADE”, of „ONDER GRAAD” of „BELOW GRADE” (na gelang van die graad op bedoelde kaas gemerk deur die inspekteur) daarop

75 in duidelik sigbare hoofletters nie kleiner nie as een duim in die vierkant.

(5) Wanneer iemand enige hoeveelheid gegradeerde kaas by die kleinmaat verkoop het, moet die hoeveelheid aldus

80 verkoop voor aflewering daarvan aan die koper gewikkel

to the purchaser, be packed in a wrapper bearing the words "FIRST GRADE" or "EERSTE GRAAD", or "SECOND GRADE" or "TWEDE GRAAD", or "THIRD GRADE" or "DERDE GRAAD", or "BELOW GRADE" or "ONDER GRAAD", as the case may be, in accordance with the grade branded by the inspector on the cheese from which it has been taken, followed by the word "CHEESE" or "KAAS" in plainly visible printed capital letters not smaller than one half-inch square and such wrapper shall also bear the name and address of the seller of such cheese.

Onus of proof of sale.

64. For the purposes of this Act a person shall be presumed to be in possession for purposes of sale of an article if it be stored or kept on his premises or elsewhere on his behalf, or has been or is in course of being despatched from his possession or premises, whether on sale or otherwise, and the onus shall lie on such person of proving that such an article is not intended for sale.

Grading and testing of cream in creameries.

65. (1) Any person who has purchased any cream for the purpose of converting it into butter in a creamery shall, within three working hours after delivery of such cream to him grade it or cause it to be graded, in accordance with regulation, into one or other of four classes to be described as first grade, second grade, third grade and below grade, respectively. In this sub-section working hours shall mean the hours during which the creamery or cream depot of the person purchasing the cream is or is deemed to be open to receive cream. The hours during which a creamery or cream depot is open to receive cream shall be notified by the owner of the creamery or cream depot to the Superintendent of Dairying at Pretoria within one month after the date of commencement of this Act and such creamery or cream depot shall be deemed to remain open to receive cream during those hours until the Superintendent of Dairying is notified of any alteration in those hours.

(2) Any person who has purchased cream for the purpose of converting it into butter in a creamery shall take or cause to be taken a sample therefrom and test it or cause it to be tested as to its butter-fat content in manner prescribed by regulation and shall pay the same price per pound of butter-fat for all cream of the same grade delivered to him on the same day, and shall pay a price of not less than one penny per pound of butter-fat more—

- (a) for third grade cream than for cream below grade;
- (b) for second grade cream than for third grade cream;
- (c) for first grade cream than for second grade cream,

delivered to him on the same day: Provided that on the recommendation of the board the Minister may, from time to time, by notice in the *Gazette*, increase or reduce the said difference between the prices to be paid for any two or more grades of cream and the provisions of this section shall thereupon be deemed to be modified accordingly.

(3) The quantity of any cream subjected to any test in terms of sub-section (2) shall be determined by weight and not by volume.

(4) All cream below grade delivered at any creamery or cream depot shall be dealt with in manner prescribed by regulation.

Certificates of proficiency in grading or testing cream or milk.

66. (1) No person shall grade or test any cream for the purposes of section sixty-five, or test milk as to its butter-fat content, if such milk has been or is to be purchased and paid for on the basis of its butter-fat content, unless he holds a certificate of proficiency in such grading or in such testing, as the case may be, issued to him under sub-section (2).

(2) The Superintendent of Dairying shall at the request of any person cause him to be examined, at such time and place as the Superintendent of Dairying may determine, by an inspector or by two inspectors as to his knowledge of grading or testing of cream or milk, and if at such examination he satisfies the inspector or inspectors that he has a sufficient knowledge of grading or testing of cream or milk, the Secretary for Agriculture and Forestry shall issue to him a certificate of proficiency in grading or testing of cream or milk, which shall be valid for a period of three years: Provided that the Minister may cancel any such certificate before the expiration of the said period of three years if he is satisfied, after such enquiry as he may deem necessary that the holder thereof—

- (a) has during a period of twelve months immediately preceding such cancellation not been engaged in the testing or grading to which such certificate refers;
- or

word in 'n omslag waarop na gelang van die geval die woorde „EERSTE GRAAD” of „FIRST GRADE”, of „TWEDE GRAAD” of „SECOND GRADE”, of „DERDE GRAAD” of „THIRD GRADE”, of „ONDER GRAAD” of „BELOW GRADE”, volgens die graad deur die inspekteur gemerk op die kaas waarvan dit geneem is, gevolg deur die woord „KAAS” of „CHEESE”, voorkom in duidelik sigbare gedrukte hoofletters nie kleiner nie as een halfduim in die vierkant, en die naam en adres van die verkoper van sodanige kaas moet ook op bedoelde omslag voorkom.

64. Vir die toepassing van hierdie Wet word iemand veronderstel 'n artikel vir die doeleindes van verkoop te besit indien dit ten behoeve van so iemand op sy perseel of elders bewaar of gehou word, of uit sy besit of perseel versend is of word, hetsy weens verkoop of andersins, en die las rus op so iemand om te bewys dat so 'n artikel nie vir verkoop bestem is nie.

Bewyslas van verkoop.

65. (1) Iemand wat room gekoop het met die doel om dit in 'n botterfabriek in botter om te sit, moet sodanige room, binne drie besigheidsure na aflewering daarvan aan hom volgens regulasies gradeer of laat gradeer in een of ander van vier grade, onderskeidelik as eerste graad, tweede graad, derde graad en onder graad beskryf te word. In hierdie sub-artikel beteken besigheidsure die ure gedurende welke die botterfabriek of roomdepôt van die persoon wat die room koop, oop is of geag word oop te wees om room te ontvang. Die ure gedurende welke 'n botterfabriek of roomdepôt oop is om room te ontvang, moet deur die eienaar van daardie botterfabriek of roomdepôt aan die Superintendent van Suiwelbereiding in Pretoria bekend gemaak word binne een maand na die datum van inwerkingtreding van hierdie Wet en daardie botterfabriek of roomdepôt word geag gedurende daardie ure oop te bly om room te ontvang totdat die Superintendent van Suiwelbereiding in kennis gestel word van 'n verandering in daardie ure.

Gradeer en toets van room in botterfabrieke.

(2) Iemand wat room gekoop het met die doel om dit in 'n botterfabriek in botter om te sit, moet daaruit 'n monster neem of laat neem en dit volgens voorskrif van regulasies toets of laat toets wat betref bottervetgehalte en moet dieselfde prys betaal per pond bottervet vir al die room van dieselfde graad wat op dieselfde dag aan hom gelewer word, en moet 'n prys, minstens een pennie meer per pond bottervet, betaal—
(a) vir derde graad room as vir room onder graad;
(b) vir tweede graad room as vir derde graad room;
(c) vir eerste graad room as vir tweede graad room,

wat op dieselfde dag aan hom gelewer word: Met dien verstande dat die Minister, op aanbeveling van die raad, van tyd tot tyd by kennisgewing in die *Staatskoerant* die verskil tussen die pryse betaal te word vir enige twee of meer grade room kan vermeerder of verminder, en die bepalinge van hierdie artikel word daarop geag dienooreenkomstig gewysig te wees.

(3) Die hoeveelheid van enige room wat ingevolge sub-artikel (2) aan 'n toets onderwerp word, moet vasgestel word volgens gewig en nie volgens volume nie.

(4) Met alle room onder graad wat aan 'n botterfabriek of roomdepôt gelewer word, moet volgens voorskrif van regulasies gehandel word.

66. (1) Niemand mag room vir die toepassing van artikel vyf-en-sestig gradeer of toets, of melk wat betref die bottervetgehalte daarvan toets nie, indien daardie melk gekoop is of sal word en daarvoor betaal is of sal word op grondslag van die bottervetgehalte daarvan, tensy hy in besit is van 'n kragtens sub-artikel (2) aan hom uitgereikte sertifikaat van bekwaamheid in sodanige gradering of in sodanige toetsing, na gelang van die geval.

Sertifikaat van bekwaamheid in gradeer of toets van room of melk.

(2) Die Superintendent van Suiwelbereiding moet enigeen wat dit versoek op 'n tyd en plek wat die Superintendent van Suiwelbereiding bepaal, deur 'n inspekteur of deur twee inspekteurs laat eksamineer wat betref sy kennis van die gradeer of toets van room of melk, en indien hy by daardie eksamen die inspekteur of inspekteurs oortuig dat hy voldoende kennis het van die gradeer of toets van room of melk, dan moet die Sekretaris van Landbou en Bosbou aan hom 'n sertifikaat van bekwaamheid in die gradeer of toets van room of melk uitreik wat vir 'n tydperk van drie jaar geldig is: Met dien verstande dat die Minister so 'n sertifikaat voor die verstryking van bedoelde tydperk van drie jaar mag intrek indien hy na sodanige ondersoek as wat hy nodig ag, bevind dat die houer daarvan—

(a) gedurende 'n tydperk van twaalf maande wat sodanige intrekking onmiddellik voorafgaan nie die gradering of toetsing waarop daardie sertifikaat betrekking het, verrig het nie; of

(b) is incompetent to perform or is negligent or unreliable in the testing or grading to which such certificate refers or is otherwise not a fit and proper person to hold such certificate.

(3) Whenever the Minister has cancelled a certificate in terms of paragraph (a) of sub-section (2) the holder thereof may at any time thereafter apply to be examined in terms of sub-section (2) for a new certificate of proficiency in grading or testing milk or cream. 5

(4) Whenever the Minister has cancelled a certificate in terms of paragraph (b) of sub-section (2) he may in his discretion determine the date before which the holder of such certificate shall not make application to be examined for a new certificate of proficiency in grading or testing of milk or cream. 10

Presumption
as to purchase
of milk or
cream.

67. (1) For the purposes of this Act milk or cream shall be deemed to be purchased by the owner of premises registered under this Act, if it is received and accepted for the manufacture of dairy produce at such premises. 15

(2) No person shall use any cream received and accepted at a creamery or cream dépôt, for any purpose other than the manufacture of butter and no person shall use any milk received and accepted at a cheese factory, condensed milk factory or dried milk factory for any purpose other than the manufacture of cheese, fresh cheese or cream cheese, or of condensed milk or of dried milk, respectively, according to the purpose in respect of which the premises have been registered: Provided that, whenever any milk received at a cheese factory or at a condensed milk factory or at a powdered milk factory is not suitable for the manufacture of cheese, condensed milk or powdered milk, as the case may be, the cream may be separated therefrom and sold. The amount realised on such sale, less the actual costs incurred in connection with the preparation and sale of such cream, shall be paid to the supplier of the milk concerned. 20 25 30

Prohibition of
payment of
transport costs
by creameries
and cheese
factories.

68. The Minister may upon the recommendation of the board by notice in the *Gazette* prohibit any owner of a creamery, cream dépôt, milk dépôt or cheese factory from bearing the cost of transport of milk or cream received at such creamery, cream dépôt, milk dépôt or cheese factory. 35

Payment for
milk on basis of
butter-fat in
certain areas.

69. (1) At a request in writing signed by seventy-five per cent. of the owners of cheese factories in any one of the eight areas defined in the First Schedule to this Act, who, in the opinion of the Minister, have during the period of twelve months immediately preceding the submission of such request to the Minister, produced at least seventy-five per cent. of the cheese produced in that area, or at a request in writing, signed by persons who, in the opinion of the Minister, have during the period of twelve months immediately preceding the submission of such request to the Minister, produced at least seventy-five per cent. of all the milk supplied to cheese factories in such area, the Minister may by notice in the *Gazette* direct that as from a date fixed in such notice the owner of every cheese factory in such area shall pay for all milk purchased by him for use in such factory on the basis of its butter-fat content and not on the basis of the quantity of milk so purchased. 40 45 50

(2) Any owner of a cheese factory in an area to which any such notice applies who, after such date, pays for any milk purchased for use in such cheese factory otherwise than on the basis of its butter-fat content, shall be deemed to have contravened this Act. 55

Manner of
sampling,
weighing and
testing milk
purchased on
butter-fat basis.

70. Whenever the owner of a cheese factory has purchased milk, for use in such factory, on the basis of its butter-fat content (whether he has or has not done so in compliance with a notice under section *sixty-nine*) he shall sample, weigh and test such milk in manner prescribed by regulation. 60

Appointment
of analysts,
bacteriologists
and inspectors.

71. (1) The Minister may from time to time issue to any person who is in his opinion skilled in bacteriology, biology or chemistry a certificate designating him as an analyst for the purposes of this Act. 65

(2) The Minister may at any time cancel any such certificate and call upon the person to whom it was issued to return it. 70

(3) The Minister may by certificate under his hand designate any person as an inspector for the purposes of this Act.

(b) onbekwaam is om die gradering of toetsing uit te voer waarop daardie sertifikaat betrekking het, of daarby nalatig of onbetroubaar is, of andersins nie 'n geskikte persoon is om so 'n sertifikaat te besit nie.

5 (3) Wanneer die Minister 'n sertifikaat kragtens paragraaf (a) van sub-artikel (2) ingetrek het, kan die houer daarvan te eniger tyd aansoek doen om geëksamineer te word volgens sub-artikel (2) vir 'n nuwe sertifikaat van bekwaamheid in die 10 gradeer of toets van melk of room.

(4) Wanneer die Minister 'n sertifikaat kragtens paragraaf (b) van sub-artikel (2) ingetrek het, kan hy na goeddunke die datum vasstel waarvoor die houer van daardie sertifikaat nie mag aansoek doen om vir 'n nuwe sertifikaat in die gradeer 15 of toets van melk of room geëksamineer te word nie.

67. (1) Vir die toepassing van hierdie Wet word melk of room geag deur die eienaar van 'n kragtens hierdie Wet geregistreerde perseel gekoop te wees, indien dit vir die vervaardiging van suiwelprodukte by daardie perseel ontvang en 20 aangeneem word.

(2) Niemand mag room by 'n botterfabriek of roomdepôt ontvang en aangeneem vir 'n ander doel as die vervaardiging van botter gebruik nie, en niemand mag melk by 'n kaasfabriek, kondensmelkfabriek of droëmelkfabriek ontvang en 25 aangeneem, vir 'n ander doel gebruik nie as die vervaardiging onderskeidelike van kaas, vars kaas of roomkaas of van kondensmelk of van gedroogde melk, na gelang van die doel ten opsigte waarvan die perseel geregistreer is: Met dien verstande dat, wanneer melk wat by 'n kaasfabriek of by 'n kondensmelkfabriek of by 'n melkpoeierfabriek ontvang word nie 30 geskik is om in kaas, kondensmelk of melkpoeier, na gelang van die geval, vervaardig te word nie, die room daarvan afgeskei en verkoop mag word. Die bedrag ontvang by verkoping, min die werklike onkoste beloop in verband met die 35 bereiding en verkoping van daardie room, moet aan die leweransier van die betrokke melk betaal word.

68. Die Minister kan op aanbeveling van die raad by kennisgewing in die *Staatskoerant* belet dat 'n eienaar van 'n botterfabriek, roomdepôt, melkdepôt of kaasfabriek die vervoerkoste 40 dra op melk of room wat by daardie botterfabriek, roomdepôt, melkdepôt of kaasfabriek ontvang word.

69. (1) Op skriftelike versoek van vyf-en-sewentig persent van die eienaars van kaasfabrieke in enigeen van die agt streke omskryf in die Eerste Bylae tot hierdie Wet, wat volgens 45 oordeel van die Minister gedurende die tydperk van twaalf maande wat die voorlegging van sodanige versoek aan die Minister onmiddellik voorafgaan, minstens vyf-en-sewentig persent van die kaas geproduseer in daardie streek vervaardig het, of op skriftelike versoek onderteken deur persone wat 50 volgens oordeel van die Minister gedurende die tydperk van twaalf maande wat die voorlegging van sodanige versoek aan die Minister onmiddellik voorafgaan minstens vyf-en-sewentig persent van al die melk gelewer aan kaasfabrieke in daardie streek geproduseer het, kan die Minister by kennisgewing in die *Staatskoerant* verklaar dat, vanaf 'n datum in 55 bedoelde kennisgewing vasgestel, die eienaar van elke kaasfabriek in daardie streek vir alle melk deur hom gekoop vir gebruik in sodanige fabriek moet betaal op grondslag van die bottervetgehalte daarvan en nie op grondslag van die hoeveelheid melk aldus gekoop nie.

(2) 'n Eienaar van 'n kaasfabriek in 'n streek waarin so 'n kennisgewing van toepassing is, wat na bedoelde datum vir melk, gekoop vir gebruik in sodanige kaasfabriek, op ander grondslag betaal as op grondslag van die bottervetgehalte 60 daarvan word geag hierdie Wet oortree te hê.

70. Wanneer die eienaar van 'n kaasfabriek melk vir gebruik in daardie fabriek gekoop het op grondslag van die bottervetgehalte daarvan (hetsy hy dit al dan nie gedoen het ter voldoening aan 'n kennisgewing kragtens artikel *negen-en-sestig*) 70 moet hy van daardie melk monsters neem en dit weeg en toets volgens voorskrif van regulasies.

71. (1) Die Minister kan van tyd tot tyd aan enigeen wat volgens sy oordeel bedrewe is in bakteriologie, biologie of chemie 'n sertifikaat uitreik wat hom aanwys as 'n ontleder 75 vir die doeleindes van hierdie Wet.

(2) Die Minister kan so 'n sertifikaat te eniger tyd intrek en die persoon aan wie dit uitgereik is, aansê om dit terug te gee.

(3) Die Minister kan by sertifikaat onder sy hand enigeen 80 aanwys as 'n inspekteur vir die doeleindes van hierdie Wet.

Veronderstelling in verband met koop van melk of room.

Verbod op betaling van vervoerkoste deur botter- en kaasfabrieke.

Betaling vir melk volgens bottervet in sekere streke.

Wyse van monsters neem, weeg en toets van melk wat op grondslag van bottervetgehalte gekoop is.

Aanstelling van ontleders, bakterioloë en inspekteurs.

(4) No person shall be designated as an analyst or as an inspector, as aforesaid, if he has any direct or indirect pecuniary interest in any business or undertaking dealing in or relating to dairy produce.

Powers of
inspectors.

72. (1) Subject to the provisions of this Act, an inspector 5
may at all reasonable times—

- (a) enter and inspect any premises, place, vehicle or vessel where dairy produce or margarine is produced, manufactured or stored or is suspected of being produced, manufactured or stored and all dairy produce or margarine found therein or thereon, and all chemicals, scales, measures, machinery, apparatus, appliances or utensils therein or thereon or used or intended for use in connection therewith; 10
- (b) take samples thereat or thereon of dairy produce or margarine, or of any water or food supplied to livestock or of any article used in connection with dairy produce or margarine; 15
- (c) enter and inspect any cooling chamber or vehicle or vessel used or intended for the storage or carriage of dairy produce or margarine; 20
- (d) for the purposes of inspection or of taking samples open any package which contains or is suspected of containing dairy produce or margarine or any article used in connection with the production, manufacture, treatment or storage of any dairy produce or margarine; 25
- (e) transmit or deliver to a person designated under section *seventy-one* for examination any sample of dairy produce or margarine or of any article used in connection with dairy produce or margarine or of water or food supplied to livestock. 30

(2) If, after any inspection under this Act, an inspector is satisfied that—

- (a) any premises, place, cooling chamber, vehicle or vessel so inspected is in an unclean or unwholesome condition; or 35
- (b) any chemical or scale, measure, or any apparatus, appliance or utensil used or intended for use in testing cream or milk is not in accordance with standard or is incorrect or is otherwise unfit or unsuitable for the use for which it is intended; or 40
- (c) any utensil, apparatus, appliance or machinery used in connection with the manufacture, storage, conveyance or sale of dairy produce or margarine is not fit to be so used; or 45
- (d) any premises used for the manufacture or storage or any vehicle or vessel used for the conveyance of dairy produce or margarine is unfit for such use; or
- (e) the water used in connection with the manufacture of dairy produce or margarine is impure or unwholesome, 50

he may issue an order in writing under his hand to the occupier or person having the apparent custody or control of such premises, place, vehicle or vessel (and such order need not name or describe the person concerned), requiring that within a time 55
to be prescribed in such order or forthwith—

- (i) the premises and all utensils, machinery or apparatus, or such cooling chamber, vehicle or vessel (as the case may be) forthwith to be cleansed, disinfected and rendered wholesome to his satisfaction; 60
- (ii) such chemical, scales, measures, utensils, apparatus' appliances or machinery aforesaid to be replaced or corrected or made fit for use in connection with dairy produce or margarine as aforesaid; 65
- (iii) such premises, place, cooling chamber, vehicle or vessel aforesaid to be made fit for use to his satisfaction; 70
- (iv) the supply of the water aforesaid to be discontinued until it has been rendered fit for use, or a supply of pure water to be used,

and may further by such written order as aforesaid prohibit any utensil, machinery, or apparatus, or cooling chamber, vehicle or vessel to be used for dairy produce or margarine at

(4) Niemand mag as 'n ontleder of as 'n inspekteur soos voornoemd aangewys word nie, indien hy regstreeks of onregstreeks enige geldelike belang het by enige besigheid of onderneming wat handel in of betrekking het op suiwelprodukte.

72. (1) 'n Inspekteur kan, met inagneming van die bepalinge van hierdie Wet, op alle redelike tye—

Bevoegdhede van inspekteurs.

- (a) 'n perseel, plek, voertuig of vaartuig waarin suiwelprodukte of margarien geproduseer, vervaardig of bewaar word of verdag word geproduseer of vervaardig te word of bewaar te wees, betree en inspekteer en alle suiwelprodukte of margarien daarin of daarop aangetref en alle chemikalieë, weegskale, mate, masjinerie, apparaat, toestelle of gereedskap daarin of daarop of gebruik of bestem vir gebruik in verband daarmee inspekteer;
- (b) daarin of daarop monsters neem van suiwelprodukte of margarien of van water of voedsel verstrekkend aan lewende hawe of van enige artikel gebruik in verband met suiwelprodukte of margarien;
- (c) 'n koelkamer of voertuig of vaartuig gebruik of bestem vir die bewaring of vervoer van suiwelprodukte of margarien betree en inspekteer;
- (d) vir die doeleindes van inspeksie of van die neem van monsters enige pakket oopmaak wat suiwelprodukte of margarien, of 'n artikel gebruik in verband met die produksie, vervaardiging, behandeling of bewaring van suiwelprodukte of margarien, bevat of verdag word dit te bevat;
- (e) enige monster van suiwelprodukte of margarien of van 'n artikel gebruik in verband met suiwelprodukte of margarien of van water of voedsel wat aan lewende hawe verstrekkend word, stuur of lewer aan 'n persoon aangewys kragtens artikel een-en-sewentig vir ondersoek.

(2) Indien 'n inspekteur na 'n ondersoek kragtens hierdie Wet oortuig is—

- (a) dat 'n perseel, plek, koelkamer, voertuig of vaartuig aldus ondersoek in 'n onseindelike of vir die gesondheid skadelike toestand verkeer; of
- (b) dat 'n skeikundige stof of weegskaal, mate of enige apparaat, toestel of gereedskap gebruik of bestem vir gebruik by die toets van room of melk, nie volgens standaard is nie of onnoukeurig is of andersins ongeskik is vir die gebruik waarvoor dit bestem is; of
- (c) dat enige gereedskap, apparaat, toestel of masjinerie gebruik in verband met die vervaardiging, bewaring, vervoer of verkoop van suiwelprodukte of margarien nie geskik is om daarvoor gebruik te word nie; of
- (d) dat 'n perseel gebruik vir die vervaardiging of bewaring of 'n voertuig of vaartuig gebruik vir die vervoer van suiwelprodukte of margarien, vir daardie gebruik ongeskik is; of
- (e) dat die water wat gebruik word in verband met die vervaardiging van suiwelprodukte of margarien onsuiver of vir die gesondheid skadelik is,

dan kan hy 'n skriftelike order onder sy hand rig aan die bewoner van of persoon wat oënskynlik belas is met die toetsing of beheer oor bedoelde perseel, plek, voertuig, of vaartuig (en die order hoef nie die naam van die betrokke persoon te vermeld of hom te beskryf nie) waarin gelas word dat binne 'n tydperk voorgeskryf te word in bedoelde order of onverwyld—

- (i) die perseel en alle gereedskap, masjinerie of apparaat of, na gelang van die geval, sodanige koelkamer, voertuig of vaartuig onverwyld na sy genoeë gereinig, ontsmet en behoorlik skoongemaak word;
- (ii) sodanige voormelde skeikundige stof, weegskale, mate, gereedskap, apparaat, toestelle of masjinerie vervang word of noukeurig gemaak word of geskik gemaak word vir gebruik in verband met suiwelprodukte of margarien soos voornoemd;
- (iii) sodanige voormelde perseel, plek, koelkamer, voertuig of vaartuig tot sy genoeë vir gebruik geskik gemaak word;
- (iv) sodanige voormelde watervoorraad afgesluit word totdat dit vir gebruik geskik gemaak is of dat 'n toevoer van suiwer water gebruik word;

en kan voorts by sodanige voormelde skriftelike order belet dat gereedskap, masjinerie of apparaat of 'n koelkamer, voertuig of vaartuig gebruik word vir suiwelprodukte of margarien

all or until the defects aforesaid have been remedied to his satisfaction or for such time specified in the order as he thinks necessary and may further by such written order as aforesaid prohibit the removal from any such premises of any dairy produce or margarine for such time as he thinks necessary and may condemn any dairy produce or margarine which is, in his opinion, unfit for human consumption and shall order the aforesaid occupier or person to destroy or dispose of such dairy produce or margarine in such manner as he may prescribe. 5

(3) If upon any such inspection aforesaid the inspector is of opinion that any livestock on premises on which milk is produced or cooled or cream is separated is so diseased as to be likely to affect injuriously dairy produce, he shall report the disease to the proper veterinary officer of the department, and shall in the meantime place a temporary mark on all the suspected or affected animals and may prohibit the sale or use of milk from any such animal until a veterinary officer of the department has declared the animal free from disease likely to affect dairy produce. 15

(4) If upon any such inspection aforesaid the inspector has reason to suspect that any person is affected with a disease of an infectious or contagious nature which is likely to contaminate dairy produce, he shall report the fact to the proper medical officer if there is such an officer, and shall issue an order to such person and to his employer, prohibiting such person from entering upon any premises or other place where dairy produce is produced, manufactured, handled or stored, or from handling any dairy produce or any article containing, or intended for use in connection with, dairy produce until he has been examined by a district surgeon or other medical officer and has been certified by such officer to be free from any affection which is likely to contaminate or infect dairy produce. 20 25 30

(5) Every order made by an inspector under this section shall be in a form approved by the Minister and a copy thereof shall, together with the report of the inspector in the matter, be transmitted to the Minister as soon as possible after it has been made, and the Minister may set aside or vary the order as he may deem fit. 35

(6) In the making or the carrying out of any order under this section an inspector may consult and act upon the recommendation of a proper medical or other health officer. 40

Additional
powers of
inspectors.

73. Any inspector may further at any reasonable time—

- (a) enter upon any place whatever, where there is any dairy produce intended for sale, and examine and grade such produce in whatever receptacle or package it may be contained and, without payment, take so much thereof as he may reasonably require for the purpose of grading or testing such dairy produce and may in his discretion notify any person who has an interest in such examination of the result thereof; and 45 50
- (b) order any person in possession of any book or document (other than a document containing a formula relating to the manufacture of condensed milk, dried milk or process cheese) relating to any premises registered under this Act or relating to the manufacture, purchase, sale or storage of any dairy produce or margarine, by any person whatsoever, to produce such book or document to him and may examine any such book or document and make a copy thereof or an extract therefrom. 55 60

Degrading of
butter and
cheese.

74. (1) Whenever an inspector has examined any creamery butter or any imported butter contained in any box, case or other container bearing a particular churning mark and has found that such box, case or other container contains butter of a grade below that indicated thereon or on any package contained therein, he may brand all the boxes, cases or other containers, bearing the same churning mark, which are on the premises in which the butter was examined, in manner prescribed by regulation and may prohibit the sale of butter contained in any box, case or other container so branded and may prohibit the removal (except with his permission) of such butter from the place wherein it is stored until it has, under the supervision of an inspector, been removed from the box, case, package or other container whereon is indicated the inappropriate grade, and placed in a box, case, package or other container whereon is indicated the correct grade of such butter or until the indication of the inappropriate grade on such box, 65 70 75

hetsy geheelenal of totdat al die voormelde gebreke tot sy genoeë verbeter is of vir sodanige in die order vasgestelde tyd as wat hy nodig ag, en kan voorts by sodanige voormelde skriftelike order belet dat enige suiwelprodukte of margarien 5 van sodanige perseel verwyder word vir sodanige tyd as wat hy nodig ag, en kan suiwelprodukte of margarien afkeur wat volgens sy oordeel ongeskik is vir menslike verbruik en moet voormelde bewoner of persoon gelas om die suiwelprodukte of margarien van kant te maak of om daarmee te handel 10 op 'n wyse wat hy voorskryf.

(3) Indien die inspekteur by so 'n ondersoek soos voornoemd van oordeel is dat enige lewende hawe op 'n perseel waar melk geproduseer of afgekoel of room afgeskei word, so siek is dat dit suiwelprodukte waarskynlik nadelig sal beïnvloed, 15 moet hy die siekte aan die bevoegde veearts van die departement rapporteer en intussen 'n tydelike merk plaas op al die verdagte of besmette diere, en kan hy die verkoop of gebruik van melk van enige sodanige dier belet totdat 'n veearts van die departement verklaar het dat die dier vry is van 20 siekte wat waarskynlik invloed sal hê op suiwelprodukte.

(4) Indien die inspekteur by so 'n inspeksie soos voornoemd rede het om te vermoed dat iemand aangetas is deur 'n siekte van besmetlike of aansteeklike aard wat waarskynlik suiwelprodukte sal besoedel, moet hy die feit rapporteer aan die 25 bevoegde gesondheidsbeampte, indien daar so 'n beampte is, en aan bedoelde persoon en aan sy werkgewer 'n order uitreik waarby bedoelde persoon belet word om 'n perseel of ander plek te betree waar suiwelprodukte geproduseer, vervaardig, gehanteer of bewaar word of om suiwelprodukte 30 of 'n artikel wat suiwelprodukte bevat of bestem is vir gebruik in verband daarmee te hanteer totdat hy deur 'n distriksgeneesheer of ander mediese beampte ondersoek is en daardie beampte gesertifiseer het dat hy vry is van enige kwaal wat enige suiwelproduk waarskynlik sal besoedel of besmet.

(5) Elke kragtens hierdie artikel deur 'n inspekteur gemaakte order moet in 'n deur die Minister goedgekeurde vorm wees en 'n afskrif daarvan, tesaam met die inspekteur se verslag oor die saak, moet aan die Minister opgestuur word so gou moontlik nadat dit gemaak is en die Minister kan die order 40 na goeddunke opsy sit of verander.

(6) 'n Inspekteur mag vir die maak en uitvoering van 'n order kragtens hierdie artikel 'n bevoegde mediese of ander gesondheidsbeampte raadpleeg en volgens sy aanbeveling handel.

45 73. 'n Inspekteur kan bowendien op alle redelike tye—

(a) enige plek hoegenaamd betree waar daar suiwel- produkte bestem vir verkoop is en daardie produkte 50 ondersoek en gradeer in watter houer of pakket dit ook bevat mag wees, en kan sonder betaling soveel daarvan neem as wat hy redelikerwys nodig mag hê ten einde daardie suiwelprodukte te gradeer of te toets en kan na goeddunke enigeen wat by so 'n ondersoek belang het van die uitslag daarvan in kennis stel;

(b) enigeen wat in besit is van 'n boek of dokument (uitgesonderd 'n dokument wat 'n formule betreffende die vervaardiging van kondensmelk, gedroogde melk of proseskaas bevat) betreffende 'n kragtens hierdie 55 Wet geregistreerde perseel of betreffende die vervaardiging, koop, verkoop of bewaring deur enig iemand hoegenaamd van 'n suiwelproduk of margarien, gelas om daardie boek of dokument aan hom oor te lê en kan so 'n boek of dokument nagaan en 'n afskrif daarvan of uittreksel daaruit maak. 60

65 74. (1) Wanneer 'n inspekteur fabrieksbotter of ingevoerde botter bevat in 'n doos, kas of ander houer waarop 'n bepaalde karringmerk voorkom, ondersoek het en bevind het dat bedoelde doos, kas of ander houer botter bevat van 'n laer 70 graad as wat daarop of op 'n pakket daarin aangegee word, kan hy al die dose, kaste of ander houters waarop dieselfde karringmerk voorkom op die perseel waarin die botter ondersoek is, merk volgens voorskrif van regulasies en die verkoop van botter bevat in 'n aldus gemerkte doos, kas of ander houer belet en die verwydering (behalwe met sy toestemming) 75 belet van sodanige botter van die plek waarin dit bewaar word totdat dit onder toesig van 'n inspekteur verwyder is uit die doos, kas, pakket of ander houer waarop die ongepaste graad voorkom en geplaas is in 'n doos, kas, pakket of ander houer waarop die juiste graad van sodanige botter 80 aangegee word of totdat die ontoepaslike graadsaanduiding

Addisionele bevoegdhede van inspekteurs.

Afgradeer van botter en kaas.

case, package or other container has been obliterated and replaced by an indication of the appropriate grade: Provided that the examination of one package of butter from any box, case or other container, containing such packages shall be deemed to constitute an examination of the whole contents of such box, case or other container: Provided further that if the owner of such butter informs the Superintendent of Dairying at Pretoria in writing that he does not accept the finding of such inspector, the Superintendent of Dairying shall cause such butter to be examined by another inspector. If the two inspectors disagree, the questions in issue shall be determined by the Superintendent of Dairying, whose decision shall be final.

(2) Whenever an inspector has on examination found that not less than ten per cent. of the packages of creamery butter or imported butter forming any consignment, parcel or lot which is not contained in a box, case or other container, contain butter of a grade below that indicated thereon, he may brand all the packages forming such consignment, parcel or lot (other than any package actually found at such examination to contain butter of a grade correctly indicated thereon) in manner prescribed by regulation.

(3) If in the opinion of an inspector the grade indicted on any cheese either imported or manufactured in the Union, does not correctly represent the quality of that cheese, he may cancel the grade mark and brand the correct grade thereon. He shall in that case also place upon such cheese the word "regraded" or "hergrader" and the date of the regrading: Provided that if the owner of such cheese informs the Superintendent of Dairying at Pretoria in writing that he does not accept the finding of such inspector, the Superintendent of Dairying shall cause such cheese to be examined by another inspector. If the two inspectors disagree, the questions in issue shall be determined by the Superintendent of Dairying, whose decision shall be final.

(4) Whenever the finding of the first inspector referred to in sub-sections (1) and (3) is upheld by the second inspector or by the Superintendent of Dairying, the owner of the butter or cheese in question shall pay to the Minister all costs necessarily entailed by such further examination of the butter or cheese concerned and by any intervention of the Superintendent of Dairying.

(5) Whenever an inspector intends to examine any consignment, parcel or lot of butter, or cheese in terms of this section he shall, before commencing such examination indicate to the owner or person, having the control or management of the premises in which such butter, or cheese is stored, the particular consignment, parcel or lot of butter or cheese, as the case may be, which it is his intention to examine, and thereafter no person shall, without the permission of the inspector, remove from such premises such consignment, parcel or lot of butter or cheese or any part thereof until the inspector has completed his examination of such butter or cheese: Provided that no such consignment, parcel or lot of butter or cheese shall be thus kept under the control of an inspector for a period of more than forty-eight hours, or, in the event of an appeal in terms of sub-section (1) or (3), such further period as the Superintendent of Dairying may in his discretion determine.

(6) The owner of any premises on which dairy produce is stored shall, whenever called upon to do so by an inspector, render every assistance to enable him to carry out his duties under this section without unnecessary delay.

Enforcement of
inspector's
order.

75. If any person, required to carry out a written order given by an inspector, under this Act or a regulation, fails to carry out that order within the time fixed in that order, the Minister may prohibit the use of any premises or article in connection wherewith such order was made and may cause any such premises to be closed until the order has been complied with.

Proof of certain
facts by
affidavit.

76. (1) Whenever any fact ascertained by any examination or process requiring any skill in bacteriology, biology or chemistry is or may become relevant to the issue in any criminal proceedings under this Act or any regulation, a document purporting to be an affidavit made by a person who in that affidavit alleges that he is the holder of a certificate designating him as an analyst for the purposes of this Act, and that he has

op sodanige doos, kas, pakket of ander houer uitgewis is en deur 'n aangifte van die juiste graad vervang is : Met dien verstande dat die ondersoek van een pakket botter uit 'n doos, kas of ander houer wat sodanige pakkette bevat, geag word 5 'n ondersoek uit te maak van die gehele inhoud van bedoelde doos, kas of ander houer : Met dien verstande voorts dat indien die eienaar van sodanige botter die Superintendent van Suiwelbereiding in Pretoria skriftelik meedeel dat hy die bevinding van daardie inspekteur nie aanneem nie, die Superintendent van Suiwelbereiding daardie botter deur 'n ander inspekteur moet laat ondersoek. As die twee inspekteurs van mening verskil, word die geskilpunte deur die Superintendent van Suiwelbereiding beslis en sy beslissing is afdoende.

(2) Wanneer 'n inspekteur by 'n ondersoek bevind het 15 dat minstens tien persent van die pakkette fabrieksbotter of ingevoerde botter wat 'n besending, pak of lot uitmaak wat nie in 'n doos, kas of ander houer bevat is nie, botter bevat van 'n laer graad as wat daarop aangedui is, kan hy al die pakkette wat daardie besending, pak of lot uitmaak (behalwe 20 enige pakket wat by daardie ondersoek werklik bevind is botter te bevat van 'n graad wat juis daarop aangedui is) volgens voorskrif van regulasies merk.

(3) Indien die graad aangegee op kaas, hetsy ingevoer of in die Unie vervaardig, volgens oordeel van 'n inspekteur nie 25 die kwaliteit van daardie kaas juis weergee nie, kan hy die graadmerk rojeer en die juiste graad daarop merk. Hy moet in so 'n geval ook die woord hergradeer" of „re-graded" en die datum van hergradering op daardie kaas merk : Met dien verstande dat indien die eienaar van daardie 30 kaas die Superintendent van Suiwelbereiding in Pretoria skriftelik meedeel dat hy die bevinding van daardie inspekteur nie aanneem nie, die Superintendent van Suiwelbereiding daardie kaas deur 'n ander inspekteur moet laat ondersoek. As die twee inspekteurs van mening verskil, word die geskilpunte 35 deur die Superintendent van Suiwelbereiding beslis en sy beslissing is afdoende.

(4) Wanneer die bevinding van die eerste inspekteur bedoel in sub-artikels (1) en (3) deur die tweede inspekteur of deur die Superintendent van Suiwelbereiding bevestig word, moet 40 die eienaar van die betrokke botter of kaas aan die Minister al die koste betaal wat noodsaaklikerwys beloop is weens sodanige verdere ondersoek van daardie botter of kaas en weens tussenkoms van die Superintendent van Suiwelbereiding.

(5) Wanneer 'n inspekteur voornemens is om 'n besending, pak of lot botter of kaas te ondersoek volgens hierdie artikel, moet hy alvorens sodanige ondersoek te begin die eienaar of persoon belas met die toesig of beheer oor die perseel waarin bedoelde botter of kaas bewaar word, in kennis stel van die 50 bepaalde besending, pak of lot botter of kaas, na gelang van die geval, wat hy voornemens is te ondersoek, en daarop mag niemand sonder toestemming van die inspekteur daardie besending, pak of lot botter of kaas of 'n deel daarvan uit sodanige perseel verwyder nie totdat die inspekteur sy ondersoek 55 van daardie botter of kaas voltooi het : Met dien verstande dat geen sodanige besending, pak of lot botter of kaas vir 'n langer tydperk as agt-en-veertig uur, of, ingeval van 'n appél volgens sub-artikel (1) of (3), so 'n verder tydperk as wat die Superintendent van Suiwelbereiding na goeëddunke mog 60 vasstel, aldus onder beheer van 'n inspekteur gehou mag word nie.

(6) Die eienaar van 'n perseel waarop suiwelprodukte bewaar word, moet wanneer hy daartoe deur 'n inspekteur aangesê word, alle moontlike hulp verleen ten einde sodanige inspekteur 65 in staat te stel om sy werksaamhede ingevolge hierdie artikel sonder onnodige versuim uit te voer.

75. Indien iemand wat gelas is om 'n skriftelike order deur 'n inspekteur gegee kragtens hierdie Wet of 'n regulasie uit te voer, versuim om daardie order uit te voer binne die daarin 70 vasgestelde tyd, kan die Minister die gebruik van 'n perseel of artikel in verband waarmee daardie order uitgevaardig is, belet en daardie perseel laat sluit totdat aan die order voldoen is.

76. (1) Wanneer 'n feit bepaal deur 'n ondersoek of proses 75 waarby bedrewenheid in bakteriologie, biologie of chemie, 'n ter sake dienende feit is of mag word in 'n kriminele geding ingevolge hierdie Wet of 'n regulasie, is 'n dokument, wat voorgesê 'n beëdigde verklaring te wees afgelê deur iemand wat in daardie beëdigde verklaring beweer dat hy die houer 80 is van 'n sertifikaat wat hom aanwys as 'n ontleder vir die doeleindes van hierdie Wet en dat hy so 'n feit deur middel

Uitvoering van order van inspekteur.

Bewys van sekere feite deur beëdigde verklaring.

ascertained any such fact by means of any such examination or process, shall, on its mere production in the said proceedings by any person, be admissible to prove the aforesaid fact, unless the accused in the said proceedings has not less than three days before his trial submitted to the registrar or clerk of the court in which he is to be tried a request in writing that the person who made the said affidavit be called as a witness, and has paid in advance to the registrar or clerk all costs which in the opinion of the registrar or clerk will necessarily be incurred in calling the said witness.

(2) The court in which any such affidavit is adduced in evidence may, in its discretion, cause the person who made it to be summoned to give oral evidence in the proceedings in question or may cause written interrogatories to be submitted to him for reply and such interrogatories and any reply thereto, purporting to be a reply from such person, shall likewise be admissible in evidence in such proceedings: Provided that if the court causes the said person to be summoned at the request of the accused or his representative, the accused shall be liable for all costs entailed by such action and before such action is taken the court shall call upon the accused to make such deposit with, or give such security to, its registrar or clerk as the court may consider sufficient to defray such costs.

Natives may not perform certain work in certain creameries or cheese factories.

77. The owner of a creamery or cheese factory shall not permit any native to take part in the actual making of butter or cheese in such creamery or cheese factory except under the immediate supervision of a European: Provided that this section shall not apply to a creamery or cheese factory which is owned to an extent of more than a half share by a native or natives, or by a company the shares wherein are held by a native or natives to an extent of more than half the total value of all shares therein.

Refusal of registration of cheese factory unless qualified cheesemaker employed.

78. (1) No certificate of registration shall be issued under section *forty-three* in respect of a cheese factory unless the applicant for the certificate holds a certificate of proficiency in cheese-making issued in terms of section *eighty* of this Act or section *forty-six* of the Dairy Industry Control Act, 1930 (Act No. 35 of 1930), or a certificate of exemption issued in terms of sub-section (2) of section *forty-seven* of the latter Act, or unless he has at least one person in his employ, who is the holder of one or other such certificate.

(2) No person shall manufacture cheese in a cheese factory unless a person holding such a certificate of proficiency in cheese-making or such a certificate of exemption is working in such factory when such cheese is manufactured: Provided that if such factory is not a cheese factory such as is referred to in the proviso to section *seventy-seven*, the person holding such certificate shall be a European: Provided further that if such factory is a cheese factory, such as is referred to in the proviso to section *seventy-seven*, the person holding such certificate shall not be a European unless it be shown to the satisfaction of the board that a qualified native cheese-maker is not available.

No registration of creamery after 30th June, 1937, unless certificated buttermaker employed.

79. (1) After the thirtieth day of June, 1937, no certificate of registration shall be issued under section *forty-three* in respect of a creamery unless the applicant for the certificate holds a certificate of proficiency in butter-making issued in terms of section *eighty* or has at least one person in his employ who is the holder of such a certificate of proficiency.

(2) After the thirtieth day of June, 1937, no person shall manufacture butter in a creamery unless at least one person holding a certificate of proficiency in butter-making issued in terms of section *eighty* is working in such creamery when such butter is manufactured: Provided that if such creamery is not a creamery such as is referred to in the proviso to section *seventy-seven* the person holding such certificate shall be a European.

Certificate in buttermaking or cheesemaking.

80. The Superintendent of Dairying shall at the request of any person cause him to be examined at such time and place as the Superintendent of Dairying may determine by at least two inspectors jointly as to his knowledge of butter-making or cheese-making, and if at such examination he satisfies those inspectors that he has a sufficient theoretical and practical

van so 'n ondersoek of proses bepaal het, bloot by oorlegging in daardie geding deur enigeen toelaatbaar om voormelde feit te bewys, tensy die beskuldigde in bedoelde geding minstens drie dae voor sy verhoor aan die registrateur of klerk van die hof waar hy verhoor moet word 'n skriftelike versoek voorgelê het dat die persoon wat die beëdigde verklaring afgelê het, gedagvaar word en aan die registrateur of klerk alle koste vooruit betaal het wat volgens oordeel van die registrateur of klerk noodsaaklikerwys beloop sal word in verband met die dagvaarding van bedoelde getuie.

(2) Die hof waarin so 'n beëdigde verklaring as getuie aan-gevoer word, kan die persoon wat dit afgelê het na goeddunke laat dagvaar om mondelinge getuie in die betrokke geding af te lê of kan skriftelike vraagpunte aan hom laat voorlê om op te antwoord en daardie vraagpunte en enige antwoord daarop wat voorgee 'n antwoord van daardie persoon te wees, is insgelyks toelaatbaar as getuie in so 'n geding: Met dien verstande dat, indien die hof daardie persoon op aanvraag van die beskuldigde of sy verteenwoordiger laat dagvaar, die beskuldigde aanspreeklik is vir alle koste beloop weens so 'n optrede en voordat aldus opgetree word, moet die hof die beskuldigde gelas om sodanige bedrag te stort by of sodanige sekerheid te stel aan sy registrateur of klerk as wat die hof voldoende mag ag om daardie koste te dek.

77. Die eienaar van 'n botterfabriek of kaasfabriek mag geen naturel toelaat om deel te neem aan die eintlike maak van botter of kaas in daardie botterfabriek of kaasfabriek nie, behalwe onder die onmiddellike toesig van 'n blanke: Met dien verstande dat hierdie artikel nie van toepassing is nie.

Naturelle mag sekere werk in sekere botter-fabrieke of kaas-fabrieke nie verrig

nie op 'n botterfabriek of kaasfabriek wat vir meer as die helfte die eiendom is van 'n naturel of naturelle, of van 'n maatskappy waarvan meer as die helfte van die totale waarde van al die aandele daarin deur 'n naturel of naturelle gehou word.

78. (1) Geen sertifikaat van registrasie mag kragtens artikel drie-en-veertig ten opsigte van 'n kaasfabriek uitgereik word nie tensy die applikant om so 'n sertifikaat die houer is van 'n sertifikaat van bekwaamheid in kaasvervaardiging uitgereik volgens artikel tagtig van hierdie Wet of artikel ses-en-veertig van die Wet op die Beheer van die Suiwelnywerheid, 1930 (Wet No. 35 van 1930) of 'n vrystellingsertifikaat uitgereik kragtens sub-artikel (2) van artikel sewen-en-veertig van laasgenoemde wet of tensy hy minstens een persoon in sy diens het wat die houer is van een of ander van gemelde sertifikate.

Weiering van registrasie van kaasfabriek tensy bevoegde kaas-maker in diens is.

(2) Niemand mag in 'n kaasfabriek kaas vervaardig nie, tensy 'n persoon wat in besit is van so 'n sertifikaat van bekwaamheid in kaasvervaardiging of so 'n vrystellingsertifikaat in bedoelde kaasfabriek werk wanneer daardie kaas vervaardig word: Met dien verstande dat, indien bedoelde fabriek nie 'n kaasfabriek is nie, soos bedoel in die voorbehoudsbepaling by artikel sewen-en-sewentig, die persoon in besit van so 'n sertifikaat 'n blanke moet wees: Met dien verstande, voorts, dat indien bedoelde fabriek 'n kaasfabriek is, soos bedoel in die voorbehoudsbepaling by artikel sewen-en-sewentig, die persoon in besit van so 'n sertifikaat nie 'n blanke mag wees nie, tensy dit tot bevrediging van die raad bewys word dat 'n naturel wat bevoeg is as kaasmaker nie beskikbaar is nie.

79. (1) Na die dertigste dag van Junie 1937 word geen sertifikaat van registrasie volgens artikel drie-en-veertig ten opsigte van 'n botterfabriek uitgereik nie, tensy die applikant om so 'n sertifikaat in besit is van 'n sertifikaat van bekwaamheid in bottervervaardiging uitgereik kragtens artikel tagtig of minstens een persoon in sy diens het wat die houer is van so 'n sertifikaat van bekwaamheid.

Geen registrasie van botterfabriek na 30 Junie 1937 nie, tensy botter-maker in besit van 'n sertifikaat in diens is.

(2) Na die dertigste dag van Junie 1937 mag niemand in 'n botterfabriek botter vervaardig nie, tensy minstens een persoon in besit van 'n sertifikaat van bekwaamheid in bottervervaardiging uitgereik kragtens artikel tagtig in daardie botterfabriek werk wanneer daardie botter vervaardig word: Met dien verstande dat, indien bedoelde botterfabriek nie 'n botterfabriek is nie soos bedoel in die voorbehoudsbepaling by artikel sewen-en-sewentig, die persoon in besit van daardie sertifikaat 'n blanke moet wees.

80. Die Superintendent van Suiwelbereiding moet enigeen wat dit versoek op sodanige tyd en plek as wat die Superintendant van Suiwelbereiding mog bepaal, deur minstens twee inspekteurs gesamentlik laat eksamineer op sy kennis van bottervervaardiging of kaasvervaardiging, en as hy by daardie eksamen daardie inspekteurs oortuig dat hy 'n voldoende teoretiese en praktiese kennis, na gelang van die geval, van

Sertifikaat van botter-vervaardiging of kaasvervaardiging.

knowledge of butter-making or cheese-making, as the case may be, the Superintendent of Dairying shall issue to him a certificate of proficiency in butter-making or cheese-making, as the case may be, which shall be valid for a period of three years only as from the date of its issue. 5

Issue of duplicate certificates.

81. A duplicate of any certificate issued under this Act may be issued to the person in whose name it was originally issued on the payment of five shillings.

Particulars to be furnished to suppliers of cream or milk.

82. The owner of a creamery, or of a cheese factory, who manufactures therein butter or cheese, from cream or milk purchased on the basis of its butter-fat content shall, within three months after the end of every financial year of such creamery, or cheese factory, or within three months after the thirtieth day of September in every year, prepare a statement showing— 10 15

(a) in the case of a creamery, the weight of butter (to within four decimals of a pound) made from every pound of butter-fat used in the manufacture of butter in that creamery during the said financial year or during the period of twelve months which ended on the said thirtieth day of September, as the case may be; or 20

(b) in the case of a cheese factory, the weight of green cheese (to within two decimals of a pound) made from every pound of butter-fat used in the manufacture of such cheese in that factory during the said year or period, 25

and shall, at the request of any person who, during the period to which the statement relates, supplied any cream or milk to such creamery or cheese factory, furnish such person with a copy of such statement. 30

Investigation of particulars furnished to suppliers.

83. (1) Any person to whom any statement referred to in section *eighty-two* was furnished may, within six months after the end of the period of three months referred to in that section during which such statement was or should have been prepared, request the Minister, in writing, to investigate the correctness of that statement. 35

(2) If the person requesting such investigation furnishes security to the satisfaction of the Minister, for the payment of the costs of such investigation, the Minister may appoint any accountant who is a member of one of the societies referred to in sub-section (1) of section *one* of the Chartered Accountants Designation (Private) Act, 1927 (Act No. 13 of 1927), to investigate the question whether such statement is or is not correct, and for that purpose to examine any book or document of whatever nature containing any data which may enable him to determine whether the said statement is or is not correct and to report the result of such investigation to the Minister. 40 45

(3) The Minister shall forward a copy of such report to the person at whose request the investigation was made. 50

(4) Any person who is in possession or custody of any book or document as aforesaid shall, at the request of the said accountant, forthwith deliver it to him in order that he may examine it, make a copy thereof or an extract therefrom. 55

(5) The cost of such investigation shall be borne by the person at whose request it was made: Provided that if according to the report of the said accountant at least one-half of one per cent. more butter or cheese was made in the creamery or cheese factory in question from every pound of butter-fat used therein, than is set forth in such statement, the Minister shall recover the cost of such investigation from the creamery or cheese factory concerned. 60

Manner of keeping accounts.

84. The owner of every creamery, renovated butter factory or cheese factory shall keep such records and accounts in such form and manner as may be prescribed by regulation. 65

Submission of financial statements.

85. The owner of every creamery, renovated butter factory, cheese factory, process cheese factory or margarine factory and every registered distributor, shall, within three months after the end of every financial year of such creamery, renovated butter factory, cheese factory, process cheese factory or margarine factory or registered distributor, or within three months after the thirtieth day of September in every year, submit to the Secretary for Agriculture and Forestry a certified copy of its audited Trading Account, Profit and Loss Account and Balance Sheet for that financial year or for the period 70 75

bottervervaardiging of kaasvervaardiging het, moet die Superintendent van Suiwelbereiding aan hom 'n sertifikaat van bekwaamheid na gelang van die geval in bottervervaardiging of kaasvervaardiging uitreik wat vir 'n tydperk van slegs drie jaar vanaf die datum van uitgifte daarvan geldig bly.

81. 'n Duplikaat van 'n volgens hierdie Wet uitgereikte sertifikaat kan teen betaling van vyf shielings uitgereik word aan die persoon in wie se naam daardie sertifikaat oorspronklik uitgereik was.

Uitreiking van duplikate van sertifikate.

82. Die eienaar van 'n botterfabriek of 'n kaasfabriek wat daarin botter of kaas vervaardig uit melk, gekoop op grondslag van die bottervetgehalte daarvan, moet binne drie maande na die end van elke boekjaar van daardie botterfabriek of kaasfabriek of binne drie maande na die dertigste dag van September in elke jaar 'n staat opstel waarin aangegee word—

Gegewens wat aan leweransiers van room of melk verstrekk moet word.

(a) in die geval van 'n botterfabriek, die gewig van die botter (tot op vier desimale van 'n pond) vervaardig uit elke pond bottervet wat by die vervaardiging van botter in daardie botterfabriek gebruik is gedurende bedoelde jaar of, na gelang van die geval, gedurende die tydperk van twaalf maande wat op bedoelde dertigste dag van September geëindig het; of

(b) in die geval van 'n kaasfabriek, die gewig van onryp kaas (tot op vier desimale van 'n pond) vervaardig uit elke pond bottervet wat by die vervaardiging van daardie kaas in daardie kaasfabriek gebruik is gedurende bedoelde jaar of tydperk,

en moet op versoek van enige persoon, wat gedurende die tydperk waarop die staat betrekking het, room of melk aan daardie botterfabriek of kaasfabriek gelewer het, aan bedoelde persoon 'n afskrif van daardie staat verstrekk.

83. (1) Iemand aan wie 'n staat bedoel in artikel twee-en-tagtig verstrekk is, kan binne ses maande na die einde van die in daardie artikel genoemde tydperk van drie maande waarin daardie staat opgestel is of moes gewees het, die Minister skriftelik versoek om die juistheid van daardie staat te ondersoek.

Ondersoek van gegewens verstrekk aan leweransiers.

(2) As die persoon wat daardie ondersoek versoek tot genoeg van die Minister sekerheid stel vir betaling van die koste van daardie ondersoek, kan die Minister aan 'n rekenmeester wat 'n lid is van een van die genootskappe vermeld in sub-artikel (1) van artikel een van die Geoktrooieerde Rekenmeesters Benaming (Private) Wet, 1927 (Wet No. 13 van 1927), opdrag gee om die vraag of daardie staat al dan nie juis is nie te ondersoek en om vir daardie doel enige boek of dokument van watter aard ook na te gaan, waarin gegewens voorkom wat hom in staat sou kon stel om te bepaal of bedoelde staat al dan nie juis is, en om van die uitslag van daardie ondersoek aan die Minister verslag te doen.

(3) Die Minister moet 'n afskrif van daardie verslag stuur aan die persoon op wie se versoek die ondersoek ingestel is.

(4) Elkeen wat 'n boek of dokument soos voormeld in sy besit of bewaring het, moet dit op versoek van bedoelde rekenmeester dadelik aan hom oorhandig, sodat hy dit kan nagaan en 'n afskrif daarvan of uittreksel daaruit kan maak.

(5) Die koste van daardie ondersoek word gedra deur die persoon op wie se versoek dit ingestel is: Met dien verstande dat, indien volgens die verslag van bedoelde rekenmeester minstens 'n half persent meer botter of kaas in die betrokke botterfabriek of kaasfabriek uit elke daarin gebruikte pond bottervet vervaardig is as wat in bedoelde staat aangegee is, die Minister die koste van daardie ondersoek moet verhaal op daardie botterfabriek of kaasfabriek.

84. Die eienaar van elke botterfabriek, fabriek vir die herbe- werk van botter of kaasfabriek moet sodanige aantekenings en rekenings in so'n vorm en op so'n wyse hou as wat by regulasie voorgeskryf mag wees.

Metode om rekenings te hou.

85. Die eienaar van elke botterfabriek, fabriek vir die her- bewerk van botter, kaasfabriek, proseskaasfabriek of margarien- fabriek, en elke geregistreeerde handelaar, moet binne drie maande na die end van elke boekjaar van daardie botter- fabriek, fabriek vir die herbe- werk van botter, kaasfabriek, proseskaasfabriek of margarienfabriek of geregistreeerde hande- laar, of binne drie maande na die dertigste dag van September in elke jaar, aan die Sekretaris van Landbou en Bosbou 'n gesertifiseerde afskrif voorlê van sy geouditeerde handels- rekening, wins- en verliesrekening en balansstaat vir daardie

Oorlegging van finansiële opgawes.

of twelve months which ended on the said thirtieth day of September, as the case may be.

Reconstituted
cream.

86. No person shall manufacture for sale or sell any substance which is similar to cream, but which is not cream, except in accordance with conditions and in circumstances prescribed by regulation: Provided that the prohibition contained in this section shall not come into operation until such regulations have been made. 5

Notice defining
fresh milk areas.

87. The Minister may on the recommendation of the board, by notice in the *Gazette*, define any area (hereinafter referred to as a defined milk area) wherein, after a date to be stated in such notice, no fresh milk shall be sold except in accordance with the provisions of this Act. 10

Appointment of
milk committees.

88. (1) For every defined milk area there shall be established an Advisory Committee (hereinafter referred to as a Milk Committee) which shall consist of seven members, of whom— 15

- (a) one member shall be chairman (appointed as such by the Minister) and shall be an officer of the Department of Agriculture and Forestry, or an experienced business person not financially interested in the fresh milk industry; 20
- (b) two members shall be milk producers registered as such under section *ninety-three*;
- (c) two members shall be milk distributors registered as such under section *ninety-three*; 25
- (d) one member shall be a milk producer-distributor registered as such under section *ninety-three*;
- (e) one member shall be a person possessing special technical qualifications in the hygiene of milk: 30

Provided that whenever the Minister is satisfied that the European population in any defined milk area does not exceed 10,000 he may, on the recommendation of the board, appoint a milk committee consisting of not more than four persons to perform the functions and duties of a milk committee in such defined milk area. 35

(2) The members of milk committees shall be appointed by the Minister for a period of one year from persons nominated by the board, and shall, after the expiration of their period of office, be eligible for re-appointment.

Meetings of
milk committees.

89. Milk committees shall meet at such times and at such places as may be decided by the chairman of the committee concerned or as may be directed by the chairman of the board. 40

Functions of
milk committees.

90. The functions of milk committees shall be—

- (a) to receive applications for registration of milk producers, milk distributors and milk producer-distributors under section *ninety-three* and to advise and make recommendations to the board thereon; 45
- (b) to advise and recommend to the board what steps should be taken for the general regulation and improvement of the fresh milk industry in the defined milk area in question; 50
- (c) generally to advise and make recommendations to the board on all matters pertaining to the fresh milk industry in regard whereunto the board may have any powers; 55
- (d) to exercise general surveillance over the fresh milk industry in the defined milk area concerned.

Allowance of
members of
milk committees.

91. The members of milk committees shall receive such allowances as the Minister may determine, to be paid from the milk levy fund mentioned in section *thirty-seven*, to meet all reasonable expenses to which they may be put in connection with the business of such committees. 60

Sale of fresh
milk.

92. No person shall, in a defined milk area, sell any fresh milk unless it was produced by a milk producer or milk producer-distributor registered as such under section *ninety-three*, and no person other than a registered milk distributor or a registered milk producer-distributor shall in such an area, sell fresh milk except for consumption at the time of sale on premises occupied by the seller, or unless he is a registered milk producer and sells such milk to a registered milk distributor. 65 70

Registration of
producer,
producer-
distributor and
distributor.

93. (1) Any person may apply in the prescribed form to a milk committee for registration as a milk producer, milk producer-distributor or milk distributor in respect of the defined milk area for which the milk committee was established.

(2) Upon receipt of an application referred to in sub-section (1), a milk committee shall consider it as soon as possible, and having come to a decision thereon, shall transmit it to 75

boekjaar of na gelang van die geval vir die tydperk van twaalf maande wat op gemelde dertigste dag van September geëindig het.

86. Niemand mag enige ware van dergelike aard as room, Herbewaterde room.
- 5 maar wat nie room is nie, vir verkoop vervaardig of verkoop nie dan alleen volgens voorwaardes en onder omstandighede voorgeskryf by regulasies: Met dien verstande dat die verbod deur hierdie artikel opgelê nie van krag word totdat sodanige regulasies uitgevaardig is nie.
- 10 87. Die Minister kan op aanbeveling van die raad by kennisgewing in die *Staatskoerant* enige streek (hieronder genoem 'n omskrewe melkstreek) omskryf waarin na 'n datum in daardie kennisgewing te vermeld, geen vars melk verkoop mag word nie behalwe ooreenkomstig die bepalinge van hierdie Wet. Kennisgewing wat streke omskryf in verband met vars melk.
- 15 88. (1) Vir elke omskrewe melkstreek moet 'n Adviserende Komitee, hieronder genoem 'n melkkomitee, gestig word wat bestaan uit sewe lede waarvan— Aanstelling van melkkomitees.
- (a) een lid die voorsitter (as sulks deur die Minister aangestel) moet wees en 'n beampte van die Departement van Landbou en Bosbou of 'n ervare besigheidspersoon moet wees wat geen geldelike belang by die varsmelknywerheid het nie;
- 20 (b) twee lede melkprodusente moet wees wat as sulks geregistreer is kragtens artikel *drie-en-negentig*;
- 25 (c) twee lede melkhandelaars moet wees wat as sulks geregistreer is kragtens artikel *drie-en-negentig*;
- (d) een lid 'n melkprodusent-handelaar moet wees wat as sulks geregistreer is kragtens artikel *drie-en-negentig*; en
- 30 (e) een lid iemand moet wees met spesiale tegniese bevoegdheid in die higiëne van melk:
- Met dien verstande dat, wanneer die Minister oortuig is dat die blanke bevolking in 'n bepaalde melkstreek nie meer as 10,000 is nie, hy op aanbeveling van die raad 'n melkkomitee kan
- 35 aanstel bestaande uit hoogstens vier lede om die werksaamhede en pligte van 'n melkkomitee in daardie bepaalde melkstreek uit te voer.
- (2) Die lede van melkkomitees word deur die Minister aangestel vir 'n tydperk van een jaar uit persone deur die raad
- 40 benoem en is by verstryking van hul ampsduur herverkiesbaar vir aanstelling.
89. Melkkomitees hou vergaderings op tye en plekke wat die voorsitter van die betrokke komitee vasstel of wat deur die voorsitter van die raad gelas mag word. Vergaderings van melkkomitees.
- 45 90. Die werksaamhede van melkkomitees is— Werksaamhede van melkkomitees.
- (a) om aansoeke om registrasie van produsente van melk, handelaars in melk en produsent-handelaars in melk ingevolge artikel *drie-en-negentig*, te ontvang en die raad met advies en aanbevelings daaromtrent te dien;
- 50 (b) om die raad met advies en aanbevelings te dien aangaande die stappe wat gedoen moet word vir die algemene reëling en verbetering van die varsmelknywerheid in die betrokke bepaalde melkstreek;
- 55 (c) oor die algemene om die raad met advies en aanbevelings te dien aangaande alle sake betreffende die varsmelknywerheid ten opsigte waarvan die raad enige bevoegdheid mag hê;
- (d) om algemeen te waak oor die varsmelknywerheid in die betrokke bepaalde melkstreek.
- 60 91. Die lede van melkkomitees ontvang sodanige toelaes (betaal te word uit die melkheffingsfonds vermeld in artikel *sewen-en-dertig*) tot dekking van alle redelike uitgawes wat hulle mag beloop in verband met die werksaamhede van sodanige
- 65 komitees as wat die Minister mog bepaal. Toelaes van lede van melkkomitees.
92. Niemand mag in 'n omskrewe melkstreek vars melk verkoop nie, tensy dit geproduseer is deur 'n melkprodusent of melkprodusent-handelaar wat as sulks geregistreer is kragtens artikel *drie-en-negentig*, en niemand anders as 'n geregistreerde
- 70 melkhandelaar of 'n geregistreerde melkprodusent-handelaar mag in so'n streek vars melk verkoop nie, behalwe vir verbruik tydens die verkoping op 'n perseel bewoon deur die verkoper, of tensy hy 'n geregistreerde produsent is en daardie melk aan 'n geregistreerde handelaar verkoop. Verkoop van vars melk.
- 75 93. (1) Enigeen kan in die voorgeskrewe vorm by 'n melkkomitee aansoek doen om registrasie as 'n melkprodusent, melkprodusent-handelaar of melkhandelaar ten opsigte van die bepaalde melkstreek waarvoor daardie melkkomitee gestig is. Registrasie van produsente, produsenthandelaars en handelaars.
- (2) By ontvangs van 'n aansoek bedoel in sub-artikel (1)
- 80 moet 'n melkkomitee dit so gou moontlik oorweeg en sodra hy daaromtrent tot 'n besluit geraak het, moet hy dit aan die raad

the board together with a recommendation (setting forth the reasons therefor) as to whether such application shall be granted, refused or otherwise dealt with.

(3) The board shall consider every application transmitted to it by a milk committee and shall transmit it to the Minister with a recommendation (setting forth the reasons therefor) as to whether such application shall be granted, refused or otherwise dealt with. 5

(4) If a milk committee and the board have recommended that an application mentioned in sub-section (1) shall be granted, the Minister shall, subject to the provisions of sections *ninety-four* and *ninety-five*, grant the application on such conditions as he may think necessary to impose and cause the applicant to be registered and a certificate of registration issued to him in accordance with such recommendations (but subject to any such conditions as aforesaid), unless the Minister is satisfied that such registration would not be in the interests of the fresh milk industry or of the public in the defined milk area in question. 10 15

(5) If a milk committee or the board or both have recommended that an application mentioned in sub-section (1) be refused, the Minister may nevertheless grant the application on such conditions as he may think necessary to impose, if he is satisfied that such a course is desirable in the interests of the fresh milk industry or of the public in the defined milk area in question, or is equitable. 20 25

(6) The Superintendent of Dairying shall record, in a register to be kept in his office for the purpose, the full name and address of every person to whom a certificate has been issued in terms of this section and particulars of the premises in respect of which such certificate applies. 30

Premises to
comply with
municipal or
other regulations.

94. (1) No person shall be registered as a milk producer under section *ninety-three* unless the premises to be used by him in connection with the production of fresh milk for sale in a defined milk area, comply with any municipal or other regulations in force in such area, or, if there be no such regulations or such regulations are in the opinion of the Minister unsatisfactory or inadequate, with such regulations as may be prescribed under this Act for the said area. 35 40

(2) No person shall be registered as a milk producer-distributor under section *ninety-three* unless the premises to be used by him in connection with the production of fresh milk for sale in a defined milk area, or in connection with the distribution of fresh milk in such area, comply with any municipal or other regulations in force in such area, or, if there be no such regulations or such regulations are in the opinion of the Minister unsatisfactory or inadequate, with such regulations as may be prescribed under this Act for the said area. 45 50

(3) No person shall be registered as a milk distributor under section *ninety-three* unless the premises to be used by him in connection with the distribution of fresh milk in a defined milk area comply with any municipal or other regulations in force in such area, or, if there be no such regulations or such regulations are in the opinion of the Minister unsatisfactory or inadequate, with such regulations as may be prescribed under this Act for the said area. 55

Milk-distributor
must furnish
security.

95. No person shall be registered as a milk distributor under section *ninety-three*, unless he has furnished security to the satisfaction of the Minister, in a form prescribed by regulation for such amount as the Minister may determine for the payment of the purchase price of all milk which he is likely, in the opinion of the Minister, to purchase during any period of two months. 60

Duration and
renewal of
certificate.

96. A certificate issued under section *ninety-three* shall expire on the thirty-first day of December next succeeding the date of issue but may in the discretion of the Minister be renewed for a further period of twelve months: Provided that when the holder has applied for a renewal thereof, such certificate shall continue to be of full force and effect until such time as it has been renewed or the holder has been notified by the Secretary for Agriculture and Forestry that the renewal thereof has been refused. 65 70

Returns required
from producer-
distributors,
distributors and
producers.

97. (1) Every registered milk producer-distributor shall keep a correct record in such form as the Superintendent of Dairying may prescribe of the sum of all cash sales of fresh milk made every day, of every sale on credit and of the names and addresses of all persons to whom milk has been sold on credit. Such 75

versend tesaam met 'n aanbeveling (met vermelding van die redes daarvoor) hetsy dat daardie aansoek toegestaan, geweier of anders behandel moet word.

(3) Die raad moet elke aansoek deur 'n melkkomitee aan hom gestuur, oorweeg en dit aan die Minister versend met 'n aanbeveling (met vermelding van die redes daarvoor) hetsy dat daardie aansoek toegestaan, geweier of anders behandel moet word.

(4) Indien 'n melkkomitee en die raad aanbeveel het dat 'n aansoek bedoel in sub-artikel (1) toegestaan moet word, dan moet die Minister die aansoek met inagneming van die bepalinge van artikels *vier-en-negentig* en *vyf-en-negentig* toestaan op sodanige voorwaardes as hy nodig mag ag om op te lê, en hy moet die applikant laat registreer en 'n sertifikaat aan hom laat uitreik volgens daardie aanbevelings (maar onderworpe aan enige sodanige voorwaardes soos vernoemd), tensy die Minister oortuig is dat sodanige registrasie nie in belang van die varsmelknywerheid, of van die publiek in die betrokke bepaalde melkstreek sal wees nie.

(5) Indien 'n melkkomitee of die raad of albei aanbeveel het dat 'n aansoek bedoel in sub-artikel (1) geweier moet word, kan die Minister nogtans die aansoek toestaan op voorwaardes wat hy nodig mag ag om op te lê, indien hy oortuig is dat so'n handeling wenslik is in belang van die varsmelknywerheid of van die publiek in die betrokke bepaalde melkstreek of bilik is.

(6) Die Superintendent van Suiwelbereiding moet die volle naam en adres van elke persoon aan wie 'n sertifikaat uitgereik is volgens hierdie artikel en besonderhede van die perseel waarop daardie sertifikaat betrekking het, aanteken in 'n register vir daardie doel in sy kantoor gehou te word.

94. (1) Niemand word kragtens artikel *drie-en-negentig* as 'n melkprodusent geregistreer nie, tensy die perseel deur hom gebruik te word in verband met die produksie vir verkoop van vars melk in 'n omskrewe melkstreek voldoen aan die munisipale of ander regulasies van krag in daardie streek, of as daar geen sodanige regulasies is nie of as sodanige regulasies volgens oordeel van die Minister onbevredigend of ontoereikend is, aan sodanige regulasies as wat kragtens hierdie Wet vir daardie streek voorgeskryf mag wees.

Persele moet aan munisipale of ander regulasies voldoen.

(2) Niemand word kragtens artikel *drie-en-negentig* as 'n melkprodusent-handelaar geregistreer nie, tensy die perseel deur hom gebruik te word in verband met die produksie vir verkoop van vars melk in 'n omskrewe melkstreek of in verband met die handel in vars melk in daardie streek voldoen aan die munisipale of ander regulasies van krag in daardie streek, of as daar geen sodanige regulasies is nie of as sodanige regulasies volgens oordeel van die Minister onbevredigend of ontoereikend is, aan sodanige regulasies as wat kragtens hierdie Wet vir daardie streek so voorgeskryf mag wees.

(3) Niemand word kragtens artikel *drie-en-negentig* as 'n melkhandelaar geregistreer nie, tensy die perseel deur hom gebruik te word in verband met die handel in vars melk in 'n omskrewe melkstreek voldoen aan die munisipale of ander regulasies van krag in daardie streek, of as daar geen sodanige regulasies is nie of as sodanige regulasies volgens oordeel van die Minister onbevredigend of ontoereikend is, aan sodanige regulasies as wat kragtens hierdie Wet vir daardie streek voorgeskryf mag wees.

95. Niemand word kragtens artikel *drie-en-negentig* as 'n melkhandelaar geregistreer nie, tensy hy tot genoeë van die Minister in 'n by regulasie voorgeskrewe vorm sekerheid gestel het vir 'n bedrag wat die Minister mog bepaal vir betaling van die koopprys van alle melk wat hy volgens oordeel van die Minister waarskynlik sal koop gedurende enige tydperk van twee maande.

Melkhandelaar moet sekerheid stel.

96. 'n Sertifikaat uitgereik kragtens artikel *drie-en-negentig* vervel op die een-en-dertigste dag van Desember volgende op die datum van uitgifte, maar kan na goeddunke van die Minister vir 'n verder tydperk van twaalf maande vernuwe word: Met dien verstande dat wanneer die houër om 'n vernuwing daarvan aansoek gedoen het, sodanige sertifikaat ten volle van krag en geldig bly tot tyd en wyl dit vernuwe is of die houër deur die Sekretaris van Landbou en Bosbou in kennis gestel is dat die vernuwing daarvan geweier is.

Duur en vernuwing van sertifikaat.

97. (1) Elke geregistreeerde melkprodusent-handelaar moet 'n juiste aantekening hou in so'n vorm as wat die Superintendent van Suiwelbereiding mog voorskryf, van die som van alle verkopings van vars melk teen kontant elke dag, van elke verkoping op krediet en van die name en adresse van alle persone aan wie melk op krediet verkoop is. Sodanige aante-

Opgawes vereis van produsent-handelaars, en produsente.

record shall be available at all reasonable times for inspection by an inspector or by a person who has been appointed by the board with the approval of the Secretary for Agriculture and Forestry to perform such inspection.

(2) Whenever the board has imposed a levy on fresh milk in terms of paragraph (e) of sub-section (1) of section *sixteen*, every registered milk producer-distributor shall once in every calendar month, not later than the fifteenth day of that month, transmit to the board a correct statement (in such form as the board may have prescribed) of the quantity of milk sold by him, during the preceding calendar month, and he shall simultaneously pay to the board the levy imposed by it on fresh milk on the total quantity of fresh milk sold by him during such calendar month.

(3) Every registered milk distributor shall once in every calendar month, not later than the fifteenth day of that month, transmit to the board a correct statement (in such form as the board may have prescribed) of the name and address of every person from whom he purchased fresh milk during the preceding calendar month, and of the quantity of fresh milk so purchased from each such person, and shall simultaneously pay to the board the levy imposed by it on fresh milk on the total quantity of fresh milk received by him during such calendar month.

(4) Every registered milk producer shall once in every calendar month, not later than the fifteenth day of that month, transmit to the board a correct statement (in such form as the board may have prescribed) showing the name and address of every person to whom he sold fresh milk during the preceding calendar month, and of the quantity of fresh milk so sold to each such person and of the price charged therefor.

Power to cancel registration.

98. The Secretary for Agriculture and Forestry shall, on the recommendation of the board and with the approval of the Minister, cause to be deleted from the register mentioned in sub-section (6) of section *ninety-three* the name of any person who has been convicted of an offence against the provisions of section *ninety-seven* and upon deletion the certificate issued to such person shall be deemed to have been cancelled.

Provisions in respect of fresh milk also to apply to cream.

99. All the provisions of this Act which apply or have reference to fresh milk shall also apply in respect of all cream which is sold to a person other than the owner of a creamery for manufacture into butter, or of a cheese factory for manufacture into fresh cheese or cream cheese.

Increase of magistrates' civil jurisdiction.

100. A magistrate's court shall have jurisdiction to entertain and adjudicate upon any claim for the recovery of any levy imposed by the board under this Act, and any claim under sub-section (5) or (7) of section *seventeen*, notwithstanding that the amount of such claim exceeds the jurisdiction of such court as determined by the Magistrates Courts Act, 1917 (Act No. 32 of 1917).

Secrecy to be maintained by certain persons.

101. No member of the board and no member of a milk committee and no servant or agent of the board or of a milk committee and no inspector or person appointed by the board in terms of sub-section (1) of section *ninety-seven* shall use for his own benefit, or disclose except in connection with the administration of this Act or in connection with any legal proceedings under this Act or as a witness in any other legal proceedings, any information acquired by him in the performance of his duties under this Act.

Penalties and offences.

102. Any person who—

- (a) obliterates, defaces or alters an inspector's mark or any mark authorized under this Act, on dairy produce which has been inspected thereunder or on any package containing such produce; or
- (b) counterfeits any such mark, or places upon any dairy produce, or package containing dairy produce, the mark of an inspector or a mark registered under this Act, or the mark of a manufacturer or packer which he is not entitled to use; or
- (c) empties or partly empties any package marked after inspection under this Act, in order to put into it or does put into it, any dairy produce (whether of the same or any other kind) which was not contained therein at the time of inspection; or
- (d) uses for the purpose of packing dairy produce any package previously used for that purpose without effacing all previous marks thereon; or
- (e) uses any mark or is a party to the use of any marking instrument which he is under this Act not entitled to use; or

kening moet op alle redelike tye beskikbaar wees ter inspeksie deur 'n inspekteur wat deur die raad met goedkeuring van die Sekretaris van Landbou en Bosbou aangestel is om so'n inspeksie uit te voer.

- 5 (2) Wanneer die raad 'n heffing op vars melk gelê het kragtens paragraaf (e) van sub-artikel (1) van artikel *sestien*, moet elke geregistreerde melkprodusent-handelaar eenmaal elke kalendermaand, nie later nie as die vyftiende dag van daardie maand, aan die raad 'n juiste opgawe (in so 'n vorm as wat
- 10 die raad mog voorgeskryf het) stuur van die hoeveelheid melk gedurende die voorafgaande kalendermaand deur hom verkoop, en hy moet tegelyk die heffing deur die raad gelê op vars melk aan die raad betaal op die gehele hoeveelheid vars melk gedurende daardie kalendermaand deur hom verkoop.
- 15 (3) Elke geregistreerde melkhandelaar moet eenmaal elke kalendermaand, nie later nie as die vyftiende dag van daardie maand, aan die raad 'n juiste opgawe (in so 'n vorm as wat die raad mog voorgeskryf het) stuur van die naam en adres van elke persoon van wie hy gedurende die voorafgaande kalender-
- 20 maand vars melk gekoop het, en van die hoeveelheid vars melk wat hy aldus van elke sodanige persoon gekoop het, en hy moet tegelyk die heffing deur die raad gelê op vars melk aan die raad betaal op die gehele hoeveelheid vars melk gedurende daardie kalendermaand deur hom ontvang.
- 25 (4) Elke geregistreerde melkprodusent moet eenmaal elke kalendermaand, nie later nie as die vyftiende dag van daardie maand, aan die raad 'n juiste opgawe (in so 'n vorm as wat die raad mog voorgeskryf het) stuur wat aantoon die naam en adres van elke persoon aan wie hy gedurende die voorafgaande
- 30 kalendermaand vars melk verkoop het, en van die hoeveelheid vars melk wat hy aldus aan elke sodanige persoon verkoop het en van die prys daarvoor bereken.

98. Die Sekretaris van Landbou en Bosbou moet op aanbeveling van die raad en met goedkeuring van die Minister, die
- 35 naam van elke persoon wat veroordeel is weëns 'n oortreding van die bepalings van artikel *sewen-en-negentig* uit die in sub-artikel (6) van artikel *drie-en-negentig* vermelde register laat rojeer en by sodanige rojering word die sertifikaat uitgereik aan daardie persoon geag ingetrek te wees.

Bevoegdheid om registrasie in te trek.

- 40 99. Al die bepalings van hierdie Wet wat van toepassing is of betrekking het op vars melk is ook van toepassing ten op-
- sigte van alle room wat aan iemand anders as die eienaar van 'n botterfabriek verkoop word vir die vervaardiging van botter, of van 'n kaasfabriek vir die vervaardiging van vars kaas of
- 45 roomkaas.

Bepalings ten opsigte van vars melk ook op room van toepassing.

100. 'n Magistraatshof is regsbevoeg om enige eis vir die verhalings van 'n heffing kragtens hierdie Wet deur die raad opgelê en enige eis ingevolge sub-artikel (5) of (7) van artikel *sewentien* te verhoor en uit te wys, al is die bedrag van so'n
- 50 eis ook buite die jurisdiksie van daardie hof soos bepaal deur die „Magistraatshoven Wet, 1917“ (Wet No. 32 van 1917).

Vermeerdering van siviele jurisdiksie van magistrate.

101. Geen lid van die raad en geen lid van 'n melkkomitee en geen dienaar of agent van die raad of van 'n melkkomitee en geen inspekteur of persoon deur die raad aangestel kragtens
- 55 sub-artikel (1) van artikel *sewen-en-negentig*, mag inligting deur hom verkry in die uitvoer van sy pligte ingevolge hierdie Wet gebruik vir eie voordeel of bekend maak nie, behalwe in verband met die uitvoering van hierdie Wet of in verband met 'n regs-geding ingevolge hierdie Wet, of as 'n getuie in enige ander
- 60 regsgeding.

Geheimhouding deur sekere persone.

102. Iemand wat—
- (a) 'n inspekteur se merk of 'n volgens hierdie Wet geoorloofde merk op suiwelprodukte wat daaronder
- 65 geïnspekteer is of op 'n pakket wat sodanige produkte bevat, uitwis, onleesbaar maak of verander; of
- (b) so'n merk vervals of op suiwelprodukte of 'n pakket wat 'n suiwelprodukt bevat, 'n inspekteur se merk of 'n volgens hierdie Wet geregistreerde merk of 'n fabrikant of verpakker se merk plaas wat hy nie
- 70 geregtig is te gebruik nie; of
- (c) 'n pakket gemerk na ondersoek ingevolge hierdie Wet leegmaak of gedeeltelik leegmaak, ten einde 'n suiwelprodukt (hetsy van dieselfde of 'n ander soort) wat nie tydens die ondersoek daarin was nie daarin
- 75 te plaas, of dit wel daarin plaas; of
- (d) vir die doeleindes van verpakking van suiwelprodukte 'n pakket gebruik wat tevore vir daardie doel gebruik is sonder om alle vorige merke daarop onleesbaar te maak; of
- 80 (e) gebruik maak van 'n merk of medepligtig is aan die gebruik van 'n merkinstrument wat hy volgens hierdie Wet nie geregtig is te gebruik nie; of

Strafbepalings en misdrywe.

- (f) marks, brands or labels any dairy produce in any manner not permitted under this Act; or
- (g) uses any premises as a milk depot, cream depot, creamery, cheese factory, process-cheese factory, margarine factory, condensed milk factory, renovated butter factory or dried milk factory, for which he does not hold a valid registration certificate as such under this Act; or 5
- (h) contravenes any provision of this Act or of any regulation, or contravenes any prohibition, direction or order made or issued in terms of this Act, or fails to comply with any such provision, direction or order with which it is his duty to comply, or permits any such contravention or failure; or
- (i) when furnishing any information for the purposes of any provision of this Act, furnishes information which is false; or 15
- (j) in any manner obstructs or hinders or intimidates any person in the performance of any act which he is authorized to perform by virtue of this Act; or 20
- (k) refuses to deliver to any person at his request, for examination, grading, sampling, testing or marking, any book, document or article in his possession or custody which such person is, by virtue of this Act, empowered to examine, grade, sample, test or mark, 25

shall be guilty of an offence, and where no special penalty is provided shall be liable on conviction to a fine not exceeding one hundred pounds.

Recovery of costs.

103. When any person has been convicted of an offence against or a contravention of or default in complying with any provision of this Act, the Minister may recover the following costs from the said person, apart from any fine imposed, namely—

- (a) the reasonable cost of transmitting any article for examination to any person who at the trial which resulted in the first-mentioned person's conviction gave relevant evidence (whether oral or in writing) as to the nature or condition of that article; 35
- (b) any fee, paid in accordance with a prescribed tariff for such examination; 40
- (c) any costs incurred by any inspector in ascertaining any relevant fact of which he gave evidence at the trial in question, and in attending such trial.

Delegation of Minister's powers.

104. The Minister may delegate to the Secretary for Agriculture and Forestry any of his functions under this Act. 45

This Act is in addition to other laws relating to public health or adulteration of articles of diet.

105. Nothing in this Act contained shall affect the provisions of any law relating to public health or to the adulteration of articles of food and the provisions of this Act shall be construed as being in addition to and not in substitution for the provisions of any such law. 50

Administrative regulations.

106. (1) The Governor-General may make regulations in regard to any matter which may in terms of this Act be prescribed by regulation, and regulations prescribing—

- (a) the qualifications, powers and duties of all persons designated to exercise powers and perform duties under this Act; 55
- (b) the conditions upon which and the manner in which samples shall be taken for purposes of inspection, analysis, or examination under this Act and the mode of dealing with or disposing of such samples; 60
- (c) the examination of candidates for certificates in grading and testing of dairy produce, and the duties of holders of such certificates;
- (d) the composition, patterns and standards of articles used in examining or testing milk and cream, the testing and marking of such articles, and the conditions on which such articles may be sold or purchased; 65
- (e) the manner of branding, marking or labelling dairy produce or the vessels, wrappers or packages containing such produce; 70
- (f) the information which the owner or occupier of any premises registered under this Act, or of any place where dairy produce is produced, manufactured,

- (f) suiwelprodukte merk of van etikette voorsien op 'n wyse wat nie ingevolge hierdie Wet toegelaat word nie; of
- 5 (g) 'n perseel ten opsigte waarvan hy nie in besit van 'n geldige registrasiesertifikaat as 'n melkdepôt, roomdepôt, botterfabriek, kaasfabriek, proseskaasfabriek, margarienfabriek, kondensmelkfabriek, fabriek vir die herbewerking van botter of droëmelkfabriek ingevolge hierdie Wet is nie, as sulks gebruik; of
- 10 (h) 'n bepaling van hierdie Wet of van 'n regulasie oortree, of 'n verbod, opdrag of order gemaak of uitgevaardig volgens hierdie Wet oortree, of versuim om te voldoen aan so'n bepaling, opdrag of order waaraan hy verplig is om te voldoen, of so'n oortreding of versuim toelaat; of
- 15 (i) wanneer hy vir die doeleindes van 'n bepaling van hierdie Wet inligting verstrek, valse inligting verstrek; of
- 20 (j) iemand by die verrigting van 'n handeling wat hy uit kragte van hierdie Wet bevoeg is te verrig, op enige wyse belemmer of hinder of vrees aanjaag; of
- (k) weier om aan iemand op sy versoek 'n boek, dokument of artikel in sy besit of bewaring te oorhandig om ondersoek, gegradeer, getoets of gemerk te word of om daarvan 'n monster te neem, as so iemand volgens hierdie Wet bevoeg is om dit te ondersoek, te gradeer te toets of te merk of om daarvan 'n monster te neem, is aan 'n misdryf skuldig en waar geen spesiale straf bepaal is nie by veroordeling strafbaar met 'n boete van hoogstens
- 30 honderd pond.

103. Wanneer iemand veroordeel is weëns 'n misdryf teen of oortreding van of versuim om te voldoen aan 'n bepaling van hierdie Wet, kan die Minister onderstaande koste op so iemand verhaal afgesien van enige boete wat opgelê word, te wete—

- 35 (a) die redelike koste van versending van enige artikel vir ondersoek aan iemand wat by die verhoor wat uitgeloopt het op die veroordeling van eersgenoemde persoon ter sake dienende getuienis (hetsy mondelings of skriftelik) afgelê het aangaande die aard of toestand van daardie artikel;
- 40 (b) enige fooi volgens 'n voorgeskrewe tarief vir daardie ondersoek betaal;
- (c) enige koste deur 'n inspekteur beloop in verband met die vaststelling van enige ter sake dienende feit ten opsigte waarvan hy by die verhoor getuienis afgelê het en in verband met die bywoning van daardie verhoor.
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104. Die Minister kan enige van sy werksaamhede ingevolge hierdie Wet aan die Sekretaris van Landbou en Bosbou oordra.

Oordrag van Minister se bevoegdheid.

50 105. Die bepalings van hierdie Wet maak geen inbreuk op 'n bepaling van 'n wet op volksgesondheid of op die vervalsing van voedingsmiddels, en die bepalings van hierdie Wet word uitgelê as dienende ter aanvulling en nie ter vervanging van die bepalings van enige sodanige wet nie.

Hierdie Wet dien ter aanvulling van ander wette betreffende volksgesondheid of die vervalsing van eetware.

55 106. (1) Die Goewerneur-generaal kan regulasies uitvaardig omtrent enige aangeleentheid wat volgens hierdie Wet by regulasie voorgeskryf mag word, en regulasies waarin voorgeskryf word—

Administratiewe regulasies.

- 60 (a) die kwalifikasies, bevoegdheid en pligte van alle persone aangewys om bevoegdheid uit te oefen en pligte te vervul onder hierdie Wet;
- (b) die voorwaardes waarop en die wyse waarop monsters geneem moet word vir die doeleindes van inspeksie, ontleding of ondersoek ingevolge hierdie Wet en die wyse waarop sodanige monsters behandel of daarvoor beskik moet word;
- 65 (c) die eksaminering van kandidate vir sertifikate in die gradering en toets van suiwelprodukte en die pligte van houe van sodanige sertifikate;
- 70 (d) die samestelling, patrone en standaarde van artikels gebruik by die ondersoek of toets van melk of room, die toets en merk van sodanige artikels en die voorwaardes waarop sodanige artikels verkoop of gekoop mag word;
- 75 (e) die wyse waarop suiwelprodukte of die vate, omslae of pakkette wat sodanige produkte bevat, gemerk of van etikette voorsien moet word;
- (f) die inligting wat die eienaar of bewoner van 'n ingevolge hierdie Wet geregistreerde perseel of van 'n plek waar suiwelprodukte geproduseer, vervaardig, behandel,
- 80

- treated, handled or stored, or of any vehicle or vessel which contains or which has been used for the conveyance of dairy produce, shall furnish and the assistance which such owner or occupier shall render to an inspector in the performance of his duties ; 5
- (g) the charges which may be made for any grading or testing under this Act ;
- (h) the form of any book or document whatever to be used for the purposes of this Act ;
- (i) the manner in which the levy on farm dairy butter shall be paid ; 10
- (j) the manner in which the price of milk based on its butter-fat content or milk solids content shall be calculated ;
- (k) the weighing, grading, sampling and testing of dairy produce and the manner in which the result thereof shall be recorded or indicated ;
- (l) the requirements which shall be complied with in connection with the production, manufacture, treatment, handling, conveyance, storage, examination or testing of any produce mentioned in paragraph (r) and the manner in which any such dairy produce shall be treated, handled, conveyed, stored, examined or tested ; 20
- (m) the composition and standards of any substance which may be used in the manufacture or treatment of any dairy produce and the conditions of its sale and use ; 25
- (n) standards for the composition, purity and quality of any particular kind of dairy produce and of margarine ;
- (o) the manner in which premises, numbers and marks shall be registered under this Act ; 30
- (p) the structure, ventilation, lighting and equipment of premises registered under this Act or of any place where dairy produce is manufactured, produced, handled, or stored and the machinery, apparatus, instruments, appliances and utensils which shall be used in such premises or at such place, and generally the composition, pattern, construction, dimensions, weight and marking of any article intended for use in connection with the production, manufacture, treatment, handling, conveyance, or storage of dairy produce ; 35
- (q) the manner in which any premises or place mentioned in paragraph (p) or any article intended for use in connection with the production, manufacture, treatment, handling, storage or conveyance of dairy produce shall be used or dealt with or the condition in which it shall be maintained ; 40
- (r) any measures of whatever nature which the Governor-General may deem necessary— 50
- (i) to prevent the contamination or deterioration of any dairy produce or margarine intended for consumption by any person other than its producer and any member of his household ; or
- (ii) to prevent or regulate the sale (except for defined purposes) of any such dairy produce which is unwholesome or which is in a condition rendering it unsuitable for certain purposes or which is not of a composition, purity or quality prescribed therefor ; or 55
- (iii) to prevent the sale of any such dairy produce in circumstances which may mislead the purchaser as to its composition, nature or degree of purity or quality, or as to the place where or the person by whom it was made ; or 60
- (iv) to prevent or regulate the sale of any substance which is not dairy produce but which is similar to dairy produce ; 65
- (s) the nature and quality of the various packages for dairy produce. 70

Interpretation
of terms.

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

- “Butter” mean the fatty food product commonly known as butter which is derived from milk ;
- “butter-fat” or “milk-fat” means the pure fat of milk ;
- “brand” in relation to any article, when used as a verb, means the placing on such article of any mark, representation, designation or description and when used as a noun, means any mark, representation, designa- 75

- gehanteer of bewaar word of van 'n voertuig of vat wat suiwelprodukte bevat of vir die vervoer daarvan gebruik is, moet verstrek en die hulp wat so'n eienaar of bewoner aan 'n inspekteur by die verrigting van sy pligte moet verleen;
- (g) die bedrae wat bereken mag word vir gradeer of toets volgens hierdie Wet;
- (h) die vorm van watter boek of dokument ook al wat vir die doeleindes van hierdie Wet gebruik moet word;
- (i) die wyse waarop die heffing op plaasmelkerybotter betaal moet word;
- (j) die wyse waarop die prys van melk op grondslag van die gehalte daarvan aan bottervet of aan melkvastestowwe bereken moet word;
- (k) die weeg, gradeer, neem van monsters en toets van suiwelprodukte en die wyse waarop die uitslag daarvan aangeteken of aangedui moet word;
- (l) die vereistes waaraan voldoen moet word in verband met die produksie, vervaardiging, behandeling, hantering, vervoer, bewaring, ondersoek of toets van produkte bedoel in paragraaf (r) en die wyse waarop sodanige produkte behandel, gehanteer, vervoer, bewaar, ondersoek of getoets moet word;
- (m) die samestelling en standarde van enige stof wat by die vervaardiging of behandeling van suiwelprodukte gebruik mag word en die voorwaardes van verkoop en gebruik daarvan;
- (n) standarde wat betref die samestelling, suiwerheid en kwaliteit van enige bepaalde soort suiwelproduk en van margarien;
- (o) die wyse waarop persele, nommers en merke onder hierdie Wet geregistreer moet word;
- (p) die bou, ventilasie, verligting en uitrusting van kragtens hierdie Wet geregistreeerde persele of van enige plek waar suiwelprodukte vervaardig, geproduseer, gehanteer of bewaar word en die masjinerie, apparaat, instrumente, toestelle en gereedskap wat in of by so'n plek gebruik moet word en oor die algemeen die samestelling, patroon, konstruksie, afmetings, gewig en merk van enige artikel bestem vir gebruik in verband met die produksie, vervaardiging, behandeling, hantering, vervoer of bewaring van suiwelprodukte;
- (q) die wyse waarop 'n in paragraaf (p) bedoelde perseel of plek of 'n artikel bestem vir gebruik in verband met die produksie, vervaardiging, behandeling, hantering, bewaring of vervoer van suiwelprodukte gebruik of behandel moet word of die toestand waarin dit gehou moet word;
- (r) enige maatrêls van watter aard ook al wat die Goewerneur-generaal nodig mag ag—
- (i) om besoedeling of bederf van suiwelprodukte of margarien bestem vir gebruik deur iemand anders as die produsent daarvan en enige lid van sy huisgesin, te verhoed; of
- (ii) om die verkoping (behalwe vir bepaalde doeleindes) van enige sodanige suiwelprodukte wat vir die gesondheid skadelik is of wat in so'n toestand is dat dit vir sekere doeleindes ongeskik is of wat nie van 'n daarvoor voorgeskrewe samestelling, suiwerheid of kwaliteit is nie, te belet of te reël; of
- (iii) om die verkoping te belet van enige sodanige suiwelprodukte onder omstandighede wat die koper sou kon mislei aangaande die samestelling, aard of mate van suiwerheid of kwaliteit daarvan, of aangaande die plek waar of die persoon deur wie dit vervaardig is; of
- (iv) om die verkoop van enige stof wat nie 'n suiwelproduk is nie maar wat van dergelijke aard is as 'n suiwelproduk te belet of te reël;
- (s) die aard en kwaliteit van die verskillende pakkette vir suiwelprodukte.

107. Tensy uit die samehang anders blyk, beteken in hierdie Verklaring van
Wet— uitdrukings.

- „botter”, die vetterige voedselproduk, algemeen bekend as botter, wat verkry word van melk;
- „bottervet” of „melkvet”, die suiwer vet van melk;
- „merk”, met betrekking tot enige artikel, wanneer as 'n werkwoord gebruik, die aanbring op so'n artikel van enige merk, voorstelling, aanduiding of beskrywing en, wanneer gebruik as 'n selfstandige naam-

- tion or description appearing upon or used in connection with any dairy produce ;
- "cheese" means the product made from curd obtained from whole milk by coagulating the casein thereof with lactic acid, rennet or other suitable enzyme ; 5
- "cheese factory" means a cheese factory registered under this Act ;
- "condensed milk" means milk which has been concentrated by the evaporation of a portion of its water content ;
- "condensed milk factory" means a condensed milk factory registered under this Act ; 10
- "cream" means that portion of milk, rich in milk-fat, which has been separated therefrom ;
- "cream depot" means a cream depot registered under this Act ; 15
- "cream cheese" means cheese which, having been manufactured from either cream or milk or both, contains at least sixty per cent. of milk fat in its dry matter ;
- "creamery" means a creamery registered under this Act ; 20
- "creamery butter" means butter manufactured in a creamery ;
- "dairy produce" means milk or any product of milk or cream and includes ice cream ;
- "dried milk" means the dry substance produced by the desiccation of milk ; 25
- "dried milk factory" means a dried milk factory registered under this Act ;
- "farm butter" means any butter made elsewhere than in a creamery, other than farm dairy butter ; 30
- "farm dairy butter" means any butter made elsewhere than in a creamery by any member or members of any one household and sold during any one month in quantity in excess of fifty pounds ;
- "fresh cheese" means cheese which is manufactured and intended for immediate consumption in its fresh state without being subjected to any process of pressing or ripening ; 35
- "fresh milk" means milk sold within a defined milk area to a person other than the owner of a creamery, cheese factory, condensed milk factory, powdered milk factory or renovated butter factory for manufacturing purposes ; 40
- "grade," when used as a verb, means the classification of dairy produce according to quality, and "grading" and "graded" have a corresponding meaning and when used as a noun, "grade" means the quality class of any dairy produce ; 45
- "ice cream" means a frozen product made from cream and or milk, with or without the addition of any other food or of any natural flavouring or of any stabiliser, and includes any frozen product intended for human consumption of which cream or milk forms a part ; 50
- "inspector" means a person designated as such under this Act by the Minister ; 55
- "margarine" means any edible substance made from vegetable or animal fats or oils or from a mixture thereof and includes all substances capable of being used as a substitute for butter but does not include a pure vegetable or animal fat or oil which is in its original form and is named and described as such ; 60
- "margarine factory" means a margarine factory registered under this Act ;
- "milk" means the milk of a bovine ;
- "milk depot" means a milk depot registered under this Act ; 65
- "Minister" means the Minister of Agriculture and Forestry or any other Minister of State acting in his stead ;
- "owner" includes a part or co-owner and the owner's agent or representative, and in relation to any creamery, cream depot, milk depot, cheese factory, process cheese factory, condensed milk factory, dried milk factory, renovated butter factory, margarine factory, butter dairy, cheese dairy, cold stores, warehouse, vehicle or vessel, includes the person having the control or management thereof ; 70 75

- woord, enige merk, voorstelling, aanduiding of beskrywing wat op 'n suiwelprodukt voorkom of in verband daarmee gebruik word;
- 5 „kaas”, die produkt gemaak van wrongel verkry van volmelk deur die kasieën daarvan met melksuur, stremisel of ander geskikte ensiem te laat stol;
- „kaasfabriek”, 'n kragtens hierdie Wet geregistreerde kaasfabriek;
- 10 „kondensmelk”, melk wat gekonsentreer is deur verdamping van 'n gedeelte van die watergehalte daarvan;
- „kondensmelkfabriek”, 'n kragtens hierdie Wet geregistreerde kondensmelkfabriek;
- „room”, die melkvet-houdende deel van melk, wat daarvan afgeskei is;
- 15 „roomdepôt”, 'n kragtens hierdie Wet geregistreerde roomdepôt;
- „roomkaas”, kaas wat of van room of van melk of van beide melk en room vervaardig is en minstens sestig persent melkvet in sy droëstowwe bevat;
- 20 „botterfabriek”, 'n kragtens hierdie Wet geregistreerde botterfabriek;
- „fabrieksbotter”, botter wat in 'n botterfabriek vervaardig is;
- „suiwelprodukte”, melk of enige produkt van melk of room, met inbegrip van roomys;
- 25 „gedroogde melk”, die droë stof verkry deur die droging van melk;
- „droëmelkfabriek”, 'n kragtens hierdie Wet geregistreerde droëmelkfabriek.
- 30 „plaasbotter”, botter wat elders as in 'n botterfabriek vervaardig is en wat nie plaasmelkerybotter is nie;
- „plaasmelkerybotter”, botter wat elders as in 'n botterfabriek vervaardig is deur 'n lid of lede van 'n bepaalde huisgesin en wat in 'n afsonderlike maand in groter hoeveelhede as vyftig pond verkoop word;
- 35 „vars kaas”, kaas wat vervaardig en bestem is vir onmiddellike verbruik in sy vars toestand, sonder aan enige pers- of rypingsproses onderwerp te word;
- „vars melk”, melk wat binne 'n bepaalde melkstreek verkoop word vir vervaardigingsdoeleindes aan iemand anders as die eienaar van 'n botterfabriek, kaasfabriek, kondensmelkfabriek, melkpoeierfabriek of fabriek vir die herbewerk van botter;
- 40 „gradeer”, wanneer gebruik as 'n werkwoord, die klassifisering van suiwelprodukte volgens kwaliteit, en „gradering” en „gegradeer” het ooreenstemmende betekenisse; en wanneer gebruik as 'n selfstandige naamwoord beteken „graad” die kwaliteitsaanduiding van 'n suiwelprodukt;
- 45 „roomys”, 'n bevroese produkt gemaak van room en/of melk, met of sonder byvoeging van enige ander voedingstof of van natuurlike smaakmiddels of van enige stabiliseermiddel, en daaronder word inbegrepe enige bevroese produkt bestem vir menslike verbruik waarvan room of melk 'n deel uitmaak;
- 50 „inspekteur”, 'n deur die Minister kragtens hierdie Wet as sulks aangewese persoon;
- „margarien”, enige eetbare stof gemaak van plantaadige of diervet of -olie of van 'n mengsel daarvan en daaronder is inbegrepe alle stowwe wat geskik is vir gebruik in plaas van botter, maar suiwer plantaadige of diervet of -olie wat in sy oorspronklike vorm is en as sulks genoem en beskryf word, is nie daaronder inbegrepe nie;
- 55 „margariefabriek”, 'n kragtens hierdie Wet geregistreerde margariefabriek;
- „melk”, die melk van 'n bees;
- „melkdepôt”, 'n kragtens hierdie Wet geregistreerde melkdepôt;
- 60 „Minister”, die Minister van Landbou en Bosbou of 'n ander Staatsminister wat wettiglik namens hom optree;
- „eienaar”, ook 'n gedeeltelike of mede-eienaar en die eienaar se agent of verteenwoordiger, en daarby word, met betrekking tot 'n botterfabriek, roomdepôt, melkdepôt, kaasfabriek, proseskaasfabriek, kondensmelkfabriek, droëmelkfabriek fabriek vir die herbewerking van botter, margariefabriek, bottermakery, kaasmakery, koelkamer, bewaarplaas, voertuig of vaartuig, die persoon inbegrepe wat met die toesig daarvoor of bestuur daarvan belas is;
- 75
- 80

- "package" means anything in which dairy produce is contained or enclosed ;
- "prescribed" means prescribed by this Act or by regulation ;
- "process cheese" means the product obtained by the mixing or blending of two or more quantities of cheese of different grades, qualities, varieties or makes, whether or not subjected to treatment by pasteurisation and with or without the addition of any other substances which may be added thereto in terms of any regulation ;
- "proprietary" means belonging to a person or to an association of persons which is not registered under any Union law relating to the registration of co-operative societies ;
- "regulation" means a regulation made and in force under this Act ;
- "renovated butter" means the product obtained by the re-working or re-churning of butter or the mixing or blending of two or more quantities of butter of different grades, qualities or makes and includes ghee and all other butter which has been melted, clarified or refined by any process of treatment whatsoever ;
- "renovated butter factory" means a renovated butter factory registered under this Act ;
- "retail" in relation to any sale denotes that such sale is to the consumer of the article sold ;
- "sell" includes to offer, advertise, keep, expose, transmit, convey, deliver, or prepare for sale and an exchange or any disposal for any consideration whatever, and the words "seller," "selling," "sale" and "sold" have a corresponding meaning ;
- "this Act" includes any proclamation issued thereunder and any regulation made thereunder.

Laws repealed.

108. The laws specified in the Second Schedule to this Act are hereby repealed : Provided that—

- (a) sub-section (4) of section *twenty* of the Dairy Industry Control Act, 1930, shall remain in force till the thirty-first day of August, 1935 ;
- (b) all offices, appointments, proclamations, regulations, orders, registers, records, notices, registrations, instruments and generally all acts of authority which were made or performed or which originated under any of the said laws, and which are in existence or in force at the commencement of this Act, and which could be performed or originate under this Act shall be deemed to have been performed or to have originated under this Act ;
- (c) all matters and proceedings commenced under any such law, and pending or in progress at the commencement of this Act, shall be dealt with as if such laws had not been repealed.

Short title.

109. This Act shall be known as the Dairy Industry Act, 1935.

First Schedule.

Areas defined for the purposes of section *sixty-eight* of this Act.

Area No. 1. Transvaal Province.

Area No. 2. Natal Province.

Area No. 3. Orange Free State Province.

Area No. 4. Western Cape Province, comprising the magisterial districts of—

Clanwilliam
Piquetberg
Hopefield
Malmesbury
Tulbagh
Wellington
Paarl
Stellenbosch
Cape Town
Caledon
Bredasdorp
Robertson
Worcester
Montagu
Ceres
Wynberg
Simonstown

Sutherland
Fraserburg
Laingsburg
Ladismith
Swellendam
Riversdale
Mossel Bay
Oudtshoorn
Prince Albert
Beaufort West
Victoria West
Willowmore
Uniondale
Knysna
George

- „pakket”, enigiets waarin suiwelprodukte bevat of ingesluit is ;
- „voorgeskryf”, by hierdie Wet of by regulasie voorgeskryf ;
- 5 „proseskaas”, die produk verkry deur die vermenging van twee of meer hoeveelhede kaas van verskillende graad, kwaliteit, soort of maaksel, hetsy dit al dan nie deur middel van pasteurisasie behandel word nie, en met of
- 10 volgens enige regulasie daarby gevoeg mag word ;
- „eiendoms”, behorende aan 'n persoon of aan 'n vereniging van persone wat nie kragtens enige Unie-wet betreffende die registrasie van koöperatiewe verenigings geregistreer is nie ;
- 15 „regulasie”, 'n regulasie uitgevaardig en van krag ingevolge hierdie Wet ;
- „herbewaterde botter”, die produk verkry deur botter weer deur te werk of oor te karring of deur twee of meer hoeveelhede botter van verskillende graad,
- 20 kwaliteit of maaksel te vermeng, en daaronder word inbegrepe „ghee” en alle ander botter wat deur middel van enige proses van behandeling hoegenaamd gesmelt, verhelder of gesuiwer is ;
- „fabriek vir die herbewerking van botter”, 'n kragtens hierdie Wet geregistreerde fabriek vir die herbewerking van botter ;
- 25 „klein maat”, met betrekking tot 'n verkoping, dat die artikel aan die verbruiker daarvan verkoop word ;
- „verkoop”, ook aanbied, adverteer, hou, uitstal, versend, vervoer, aflewer of vir verkoop berei en teen enige vergoeding hoegenaamd verruil of van die hand sit, en die woorde „ verkoper” of „verkoop” het ooreenstemmende betekenis ;
- 30 „hierdie Wet”, ook enige proklamasie en enige regulasie daaronder uitgevaardig ;
- 35

108. Die in die Tweede Bylae tot hierdie Wet genoemde Wette herroep. wette word hierby herroep : Met dien verstande—

- (a) dat sub-artikel (4) van artikel *twintig* van die Wet op die Beheer van die Suiwelnywerheid 1930, van krag bly tot die een-en-dertigste dag van Augustus 1935 ;
- 40 (b) dat alle ampte, aanstellings, proklamasies, regulasies, orders, registers, aantekenings, kennisgewings, registrasies, instrumente en oor die algemeen alle gesaghebbende handelings wat gemaak of verrig is of ontstaan het kragtens enigeen van bedoelde wette en wat tydens die inwerkingtreding van hierdie Wet geldig of van krag is, en wat kragtens hierdie Wet verrig kon geword of kon ontstaan het, geag word kragtens hierdie verrig te gewees het of ontstaan te gehad het ;
- 50 (c) dat alle sake en gedinge begin ingevolge so'n Wet en aanhangig of aan die gang tydens die inwerkingtreding van hierdie Wet, behandel word asof bedoelde wette nie herroep gewees het nie.

55 109. Hierdie Wet heet die Suiwelwet, 1935.

Kort titel.

Eerste Bylae.

Streke omskryf vir die toepassing van artikel *agt-en-sestig* van hierdie Wet :

Streek No. 1 Provinsie Transvaal.

Streek No. 2 Provinsie Natal.

Streek No. 3 Provinsie Oranje-Vrystaat.

Streek No. 4 Westelike Kaaprovinsie, bestaande uit die magistraatsdistrikte—

Clanwilliam
Piketberg
Hopefield
Malmesbury
Tulbagh
Wellington
Paarl
Stellenbosch
Kaapstad
Caledon
Bredasdorp
Robertson
Worcester
Montagu
Ceres
Wynberg
Simonstad

Sutherland
Fraserburg
Laingsburg
Ladismith
Swellendam
Riversdal
Mosselbaai
Oudtshoorn
Prins Albert
Beaufort Wes
Victoria Wes
Willowmore
Uniondale
Knysna
George

Area No. 5. Eastern Cape Province, comprising the magisterial

districts of—

Humansdorp

Steytlerville

Uitenhage

Jansenville

Aberdeen

Graaff Reinet

Murraysburg

Richmond

De Aar

Philipstown

Alexandria

Bathurst

Albany

Peddie

East London

Kingwilliamstown

Victoria East

Fort Beaufort

Adelaide

Bedford

Sterkstroom

Cathcart

Area No. 6. North-Western Cape Province, comprising the

magisterial districts of—

Van Rhynsdorp

Namaqualand

Kenhardt

Calvinia

Williston

Prieska

Kuruman

Gordonia

Bechuanaland

Carnarvon

Area No. 7. Comprising the magisterial districts of—

Mount Ayliff

Mount Fletcher

Mount Frere

Qumbu

Tsolo

Mqanduli

Elliotdale

Idutywa

Willowvale

Tabankulu

Flagstaff

Butterworth

Area No. 8. Comprising the magisterial districts of—

Umzimkulu

Mount Currie

Colesberg

Hanover

Middelburg

Steynsburg

Albert

Maraisburg

Cradock

Pearston

Somerset East

Port Elizabeth

Stutterheim

Queenstown

Glen Grey

Tarka

Molteno

Wodehouse

Elliott

Maclear

Barkly East

Herschel

Lady Grey

Aliwal North

Hopetown

Herbert

Barkly West

Kimberley

Hay

Britstown

Taungs

Vryburg

Mafeking

Bizana

Libode

Port St. John

Ngqeleni

Umtata

Engcobo

Nqamakwe

Tsomo

St. Marks

Xalanga

Kentani

Lusikisiki

Matatiele

Second Schedule.

LAWS REPEALED.

No. and Year of Law.	Short title of law.
Act No. 16 of 1918.	Dairy Industry Act, 1918.
Act No. 14 of 1926.	Dairy Industry Act, 1918, (Amendment) Act, 1926.
Act No. 35 of 1930.	Dairy Industry Control Act, 1930.
Act No. 2 of 1931.	Dairy Industry Control (Amendment) Act, 1931.
Act No. 7 of 1932.	Dairy Industry Control (Amendment) Act, 1932.
Act No. 51 of 1934.	Dairy Industry Control (Amendment) Act, 1934.
Act No. 60 of 1935.	Dairy Industry Control Amendment Act, 1935.

BILL

To amend section two of the Girls' and Mentally Defective Women's Protection Act, 1916.

(To be introduced by MORRIS ALEXANDER, Esq., K.C., M.P.)

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 2 of Act No. 3 of 1916.

1. Section two of the Girls' and Mentally Defective Women's Protection Act, 1916, is hereby amended by the deletion from the first proviso to that section of the words: "the girl at the time of the commission of the offence charged was a prostitute, or that".

Short title.

2. This Act may be cited for all purposes as the Girls' and Mentally Defective Women's Protection Act, 1916, Amendment Act, 1936.

Streek No. 5. Oostelike Kaapprovinsie bestaande uit die magi-

straatsdistrikte—	
Humansdorp	Colesberg
Steytlerville	Hanover
Uitenhage	Middelburg
Jansenville	Steynsburg
Aberdeen	Albert
Graaff-Reinet	Maraisburg
Murraysburg	Craddock
Richmond	Pearston
De Aar	Somerset Oos
Phillipstown	Port Elizabeth
Alexandria	Stutterheim
Bathurst	Queenstown
Albany	Glen Grey
Peddie	Tarka
Oos-Londen	Molteno
Kingwilliamstown	Wodehouse
Victoria Oos	Elliot
Fort Beaufort	Maclear
Adelaide	Barkly Oos
Bedford	Herschel
Sterkstroom	Lady Grey
Cathcart	Aliwal Noord

Streek No. 6. Noordwestelike Kaapprovinsie bestaande uit die magistraatsdistrikte—

Van Rhynsdorp	Hopetown
Namakwaland	Herbert
Kenhardt	Barkly Wes
Calvinia	Kimberley
Williston	Hay
Prieska	Britstown
Kuruman	Taungs
Gordonia	Vryburg
Betsjoeanaland	Mafeking
Carnarvon	

Streek No. 7. Bestaande uit die magistraatsdistrikte—

Mount Ayliff	Bizana
Mount Fletcher	Libode
Mount Frere	Port St. John
Qumbu	Ngqeleni
Tsolo	Umtata
Mqanduli	Engcobo
Elliotdale	Nqamakwe
Idutywa	Tsomo
Willowvale	St. Marks
Tabankulu	Xalanga
Flagstaff	Kentani
Butterworth	Lusikisiki

Streek No. 8. Bestaande uit die magistraatsdistrikte—

Umzimkulu	Matatiele
Mount Currie	

Tweede Bylae.

WETTE HERROEP.

No. en Jaar van Wet.	Kort Titel van Wet.
Wet No. 16 van 1918	„Zuivelnijverheid Wet, 1918”.
Wet No. 14 van 1926.	„Zuivelnijverheidswet, 1918, Wijzigingswet, 1926”.
Wet No. 35 van 1920.	Wet op die Beheer van die Suiwelnywerheid, 1930.
Wet No. 2 van 1931.	Beheer van die Suiwelnywerheid Wysigingswet, 1931.
Wet No. 7 van 1932.	Suiwelnywerheid Wysigingswet, 1932.
Wet No. 51 van 1934.	Suiwelnywerheid Wysigingswet, 1934.
Wet No. 60 van 1935.	Suiwelnywerheid Wysigingswet, 1935.

WETSONTWERP

Tot Wysiging van artikel twee van die „Meisjes en Geestelik Gekrenkte Vrouwen Bescherminswet, 1916.”

(Ingedien te word deur die WelEd. Heer MORRIS ALEXANDER, K.C., L.V.)

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

- Artikel twee van die „Meisjes en Geestelik Gekrenkte Wysiging van Vrouwen Bescherminswet, 1916” word hiermee gewysig deur artikel 2 van Wet No. 3 van 1916. uit die eerste voorbehoud van daardie artikel die volgende woorde te skrap : „het meisje ten tijde van het plegen van het ten laste gelegde misdrijf een geprostitueerde was, of dat”.
- Hierdie Wet kan vir alle doeleindes aangehaal word as Kort titel. 10 die Meisies en Geestelik Gekrenkte Vroue Beskermingswet, 1916, Wysigingswet, 1936.