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All Proclamations, Government and General Notices, published for the first time, are indicated by a * in the left-hand upper corner.

PROCLAMATION

BY HIS EXCELLENCY THE RIGHT HONOURABLE SIR PATRICK DUNCAN, A MEMBER OF HIS MAJESTY'S MOST HONOURABLE PRIVY COUNCIL, KNIGHT GRAND CROSS OF THE MOST DISTINGUISHED ORDER OF SAINT MICHAEL AND SAINT GEORGE, ONE OF HIS MAJESTY'S COUNSEL LEARNED IN THE LAW, DOCTOR OF LAWS, GOVERNOR-GENERAL OF THE UNION OF SOUTH AFRICA.

* No. 212, 1938.]

Under the powers vested in me by paragraph (a) of sub-section (1) of section *twenty-two* of the Marketing Act, 1937 (Act No. 26 of 1937), as amended, I hereby declare, proclaim and make known that the scheme appearing in the Schedule hereto, which has in terms of sub-section (1) of section *seventeen* of that Act been submitted to the Minister of Agriculture and Forestry by the Wheat Industry Control Board established under section *one* of the Wheat Industry Control Act, 1935 (Act No. 58 of 1935), and which has in terms of paragraph (c) of sub-section (3) of the aforesaid section *seventeen* been accepted with certain modifications by the said Minister, shall come into operation on the date of publication hereof.

GOD SAVE THE KING.

Given under my Hand and the Great Seal of the Union of South Africa at Pretoria this First day of October One thousand Nine hundred and Thirty-eight.

PATRICK DUNCAN,
Governor-General.

By Command of His Excellency the
Governor-General-in-Council.

D. REITZ.

SCHEDULE.

SCHEME FOR THE REGULATION OF THE PRODUCTION AND MARKETING OF WHEAT AND WHEATEN PRODUCTS IN TERMS OF THE MARKETING ACT, 1937.

Name and Scope of Scheme.

1. (1) This scheme shall be known as the Wheat Control Scheme and shall relate to wheat and wheaten products.

(2) The provisions of this scheme shall apply in the Union to the classes of persons hereinafter mentioned who are concerned in the production, threshing, manufacture or processing of wheat or wheaten products or who deal with wheat or wheaten products in the course of trade.

Alle Proklamasies, Goewerments- en Algemene Kennisgewings, wat vir die eerste maal gepubliseer word, is in die linkerbahoek met 'n * gemerk.

PROKLAMASIE

VAN SY EKSELLENSIE DIE HOOGDELAGBARE SIR PATRICK DUNCAN, LID VAN DIE MEES EERVOLLE GEHEIME RAAD VAN SY MAJESTEIT, GROOTERUISRIDDER VAN DIE MEES ONDERSKEIE ORDE VAN SINT MICHIËL EN SINT JORIS, EEN VAN SY MAJESTEIT SE ADVOKATE BELESE IN DIE REG, DOKTOR IN DIE REGTE, GOEWERNEUR-GENERAAL VAN DIE UNIE VAN SUID-AFRIKA.

* No. 212, 1938.]

Kragtens die bevoegdheid my verleen by paragraaf (a) van subartikel (1) van artikel *twee-en-twintig* van die Bemarkingswet, 1937 (Wet No. 26 van 1937), soos gewysig, verklaar, proklameer en maak ek hierby bekend dat die skema wat in die skedule hiervan verskyn, en wat kragtens subartikel (1) van artikel *sewentien* van daardie Wet aan die Minister van Landbou en Bosbou voorgelê is deur die Raad van Beheer oor die Koringnywerheid ingestel onder artikel *een* van die Wet op die Beheer oor die Koringnywerheid, 1935 (Wet No. 58 van 1935) en wat volgens paragraaf (c) van subartikel (3) van voornoemde artikel *sewentien* deur genoemde Minister aangeneem is met sekere wysigings, op die datum van publikasie hiervan in werking tree.

GOD BEHOEDE DIE KONING.

Gegee onder my Hand en die Grootseël van die Unie van Suid-Afrika te Pretoria, op hede die Eerste dag van Oktober Eenduisend Negehoenderd Agt-en-dertig.

PATRICK DUNCAN,
Goewerneur-generaal.

Op las van Sy Eksellensie die
Goewerneur-generaal-in-rade.

D. REITZ.

SKEDULE.

SKEMA VIR DIE REELING VAN DIE PRODUKSIE EN BEMARKING VAN KORING EN KORINGPRODUKTE KRAGTENS DIE BEMARKINGSWET, 1937.

Naam en Omvang van Skema.

1. (1) Hierdie skema heet die Koringreëlinskema en het betrekking op koring en koringprodukte.

(2) Die bepalinge van hierdie skema sal van toepassing wees in die Unie op die hierondergenoemde klasse persone wat betrokke is by die produksie, dors, vervaardiging of verwerking van koring of koringprodukte of wat as 'n besigheid met koring of koringprodukte handel.

Administration of Scheme and Constitution of Board.

2. This scheme shall be administered by the Wheat Industry Control Board, established under the Wheat Industry Control Act, 1935 (Act No. 58 of 1935), which shall for that purpose consist of fourteen members, to be appointed by the Governor-General, of whom—

- (a) five shall represent producers of wheat who are members of co-operative societies or companies (hereinafter referred to as the co-operative wheat producers' members), and shall be nominated in accordance with the provisions of section four;
- (b) three shall represent producers of wheat who are not members of co-operative societies or companies (hereinafter referred to as non-co-operative wheat producers' members), and shall be nominated in accordance with the provisions of section five;
- (c) three shall represent millers (hereinafter referred to as the millers' members), and shall be nominated in accordance with the provisions of section six;
- (d) one shall represent bakers (hereinafter referred to as the bakers' member), and shall be nominated in accordance with the provisions of section seven;
- (e) one shall represent consumers of wheat and wheaten products and shall be a person not directly or indirectly connected with the trade in wheat or wheaten products or the production of wheat or wheaten products, and shall be nominated by the Consumers' Advisory Committee;
- (f) one shall be an officer of the Department of Agriculture and Forestry, nominated by the Minister.

Advisers to the Board.

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

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

Nomination of Co-operative Wheat Producers' Members.

4. (1) Of the co-operative wheat producers' members—

- (a) three shall, subject to the provisions of sub-section (2), be nominated by co-operative societies and companies, which carry on business in the province of the Cape of Good Hope and a substantial proportion of whose business, in the opinion of the Minister, consists of transactions in wheat or wheaten products;
- (b) one shall be nominated, after mutual consultation, by co-operative societies and companies which carry on business in the province of the Orange Free State and a substantial proportion of whose business, in the opinion of the Minister, consists of transactions in wheat or wheaten products; and
- (c) one shall be nominated, after mutual consultation, by co-operative societies and companies which carry on business in the province of the Transvaal and a substantial proportion of whose business, in the opinion of the Minister, consists of transactions in wheat or wheaten products.

(2) One of the members of the board referred to in paragraph (a) of sub-section (1) shall be nominated, after mutual consultation, by co-operative societies and companies which, in the opinion of the Minister, are directly interested in the milling of wheat, and two of such members shall be nominated, after mutual consultation, by co-operative societies and companies which, in the opinion of the Minister, are not directly interested in the milling of wheat.

Nomination of Non-co-operative Wheat Producers' Members.

5. (1) Of the non-co-operative wheat producers' members one shall be nominated by an association which, in the opinion of the Minister, is representative of producers of wheat in the province of the Cape of Good Hope, who are not members of a co-operative society or company, one shall be nominated by an association which, in the opinion of the Minister, is representative of such producers in the province of the Transvaal, and one shall be nominated by an association which, in the opinion of the Minister, is representative of such producers in the province of the Orange Free State.

(2) Only a producer of wheat who, in the opinion of the Minister, derived a substantial proportion of his means of livelihood, during the period of three years immediately preceding his nomination, from the production of wheat, may be nominated under this section.

Nomination of Millers' Members.

6. (1) Two of the millers' members shall be nominated by the South African Federated Chamber of Industries, Incorporated, and the other member shall be nominated, after mutual consultation, by such associations of millers as, in the opinion of the Minister, are representative of millers each of whom ground, crushed, gristed or otherwise processed not more than fifteen thousand bags of wheat during the period of twelve months immediately preceding the nomination.

Uitvoering van Skema en Samestelling van Raad.

2. Die skema moet uitgevoer word deur die Raad van Beheer oor die Koringnywerheid ingestel volgens die Wet op die Beheer oor die Koringnywerheid, 1935 (Wet No. 58 van 1935), wat vir daardie doel sal bestaan uit veertien lede, deur die Goewerneur-generaal benoem, van wie—

- (a) vyf verteenwoordigers moet wees van koringprodusente wat lede is van koöperatiewe verenigings of maatskappye (hieronder die lede vir koöperatiewe koringprodusente genoem), genomineer te word volgens die bepalings van artikel vier;
- (b) drie verteenwoordigers moet wees van koringprodusente wat nie lede van koöperatiewe verenigings of maatskappye is nie (hieronder die lede vir nie-koöperatiewe koringprodusente genoem), genomineer te word volgens die bepalings van artikel vyf;
- (c) drie verteenwoordigers moet wees van meulenaars (hieronder die meulenaarslede genoem), genomineer te word volgens die bepalings van artikel ses;
- (d) een 'n verteenwoordiger moet wees van bakkers (hieronder die bakkerslid genoem), genomineer te word volgens die bepalings van artikel sewe;
- (e) een 'n verteenwoordiger moet wees van verbruikers van koring en koringprodukte en 'n persoon moet wees wat nie regstreeks of onregstreeks by die handel in koring of koringprodukte of in die produksie van koring of koringprodukte betrokke is nie en genomineer moet word deur die Adviserende Verbruikerskomitee;
- (f) een 'n amptenaar moet wees van die Departement van Landbou en Bosbou deur die Minister genomineer.

Adviseurs van die Raad.

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

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

Nominasie van Lede vir Koöperatiewe Koringprodusente.

4. (1) Van die lede vir koöperatiewe koringprodusente word—

- (a) drie, onderhewig aan die bepalings van sub-artikel (2), genomineer deur koöperatiewe verenigings en maatskappye wat sake doen in die provinsie die Kaap die Goeie Hoop en wie se besigheid, volgens oordeel van die Minister, vir 'n aansienlike gedeelte uit transaksies in koring of koringprodukte bestaan;
- (b) een, na onderlinge raadpleging, genomineer deur koöperatiewe verenigings en maatskappye wat sake doen in die provinsie Oranje-Vrystaat en wie se besigheid, volgens oordeel van die Minister, vir 'n aansienlike gedeelte uit transaksies in koring of koringprodukte bestaan;
- (c) een, na onderlinge raadpleging, genomineer deur koöperatiewe verenigings en maatskappye wat sake doen in die provinsie Transvaal en wie se besigheid, volgens oordeel van die Minister, vir 'n aansienlike gedeelte uit transaksies in koring of koringprodukte bestaan.

(2) Een van die lede van die raad waarna in paragraaf (a) van sub-artikel (1) verwys word, word genomineer, na onderlinge raadpleging, deur koöperatiewe verenigings en maatskappye wat, volgens oordeel van die Minister, by die maal van koring direk belang het, en twee van sodanige lede word genomineer, na onderlinge raadpleging, deur koöperatiewe verenigings en maatskappye wat, volgens oordeel van die Minister, geen direkte belang by die maal van koring het nie.

Nominasie van Lede vir Nie-koöperatiewe Koringprodusente.

5. (1) Van die lede vir nie-koöperatiewe koringprodusente word een genomineer deur 'n vereniging wat, volgens oordeel van die Minister, verteenwoordigend is van koringprodusente in die provinsie Kaap die Goeie Hoop wat nie lede van 'n koöperatiewe vereniging of maatskappy is nie, een word genomineer deur 'n vereniging wat, volgens oordeel van die Minister, verteenwoordigend is van sulke produsente in die provinsie Transvaal, en een word genomineer deur 'n vereniging, wat volgens oordeel van die Minister, verteenwoordigend is van sulke produsente in die provinsie Oranje-Vrystaat.

(2) Alleen 'n koringprodusent wat, volgens die oordeel van die Minister, 'n aansienlike gedeelte van sy lewensonderhoud gedurende die tydperk van drie jaar onmiddellik voorafgaande aan sy nominasie uit die produksie van koring verkry het, mag genomineer word onder hierdie artikel.

Nominasie van Meulenaarslede.

6. (1) Twee van die meulenaarslede word genomineer deur die South African Federated Chamber of Industries Incorporated, en die ander lid word, na onderlinge raadpleging, genomineer deur sulke verenigings van meulenaars wat, volgens die oordeel van die Minister, verteenwoordigend is van meulenaars elk waarvan hoogstens vyftienduizend sakke koring gedurende die tydperk van twaalf maande onmiddellik voorafgaande aan die nominasie gemaak, gebreek, tot gruis gemaak of andersins verwerk het.

(2) One of the two members who are, in terms of sub-section (1) to be nominated by the South African Federated Chamber of Industries, Incorporated, shall be nominated to represent millers in the province of the Cape of Good Hope, each of whom ground, crushed, gristed or otherwise processed more than fifteen thousand bags of wheat during the period of twelve months immediately preceding the nomination, and one of the said members shall be nominated to represent such millers in the remaining three provinces of the Union.

Nomination of Bakers' Member.

7. (1) If there is in existence in the Union an association which, in the opinion of the Minister, is representative of bakers, that association shall be entitled to nominate the bakers' member, or, if there is no such association in existence, the associations of bakers which exist in the Union and are recognised for this purpose by the Minister shall be entitled, after mutual consultation, to nominate the said member.

(2) No person who, in the opinion of the Minister, is directly interested in the milling of wheat shall be nominated under this section.

Notice to nominate Members.

8. Whenever a nomination in terms of paragraph (e) of section two or section four, five, six or seven becomes necessary, the Minister shall call upon the Consumers' Advisory Committee or the organization or association concerned, as the case may be, or cause it to be called upon, by notice in writing, to nominate, within a period fixed by such notice, such person or persons as it is entitled, in terms of the relevant section, to nominate for appointment to the board.

If no Suitable Persons nominated, Minister may nominate.

9. If any person nominated as aforesaid is, in the opinion of the Minister, not suitable for appointment as a member of the board, or, in the case of a nomination made under paragraph (e) of section two or under section five or seven, not qualified to be a member of the board, the Minister may refer that nomination back to the Consumers' Advisory Committee or the organization or association concerned, as the case may be, and call upon that Committee or organization or association to nominate some other person for appointment to the board, and if that Committee or organization or association thereupon again nominates a person who is, in the opinion of the Minister, not suitable or not qualified, as aforesaid, or whenever the Committee or organization or association fails to nominate any person, the Minister may himself, subject to the provisions of the aforesaid sections, nominate any person whom he considers fit to be a member of the board.

If no Organization or Association exists, Minister may nominate.

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

Tenure of Office of Members of the Board.

11. (1) The members of the board shall, subject to the provisions of sub-section (2), be appointed for a period of two years, provided that the member referred to in paragraph (f) of section two shall hold office during the Governor-General's pleasure.

(2) After the expiration of one year from the first appointment of the members of the board, two of the five members appointed in terms of paragraph (a) of section two, two of the three members appointed in terms of paragraph (b), two of the three members appointed in terms of paragraph (c), and one of the two members appointed in terms of paragraphs (d) and (e) of the said section, shall retire and the vacancies so arising shall be filled.

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

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

(5) Retiring members shall be eligible for reappointment.

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

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

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

(2) Een van die twee lede wat, kragtens subartikel (1) deur die South African Federated Chamber of Industries, Incorporated, benoem moet word, word genomineer om die meulenaars in die provinsie Kaap die Goeie Hoop te verteenwoordig, elk waarvan meer as vyftienduiseid sakke koring gemaal, gebreek, tot gruis gemaak of andersins verwerk het gedurende die tydperk van twaalf maande onmiddellik voorafgaande aan die nominasie, en een van genoemde lede word genomineer om sodanige meulenaars in die orige drie provinsies van die Unie te verteenwoordig.

Nominasie van Bakkerslid.

7. (1) Indien daar in die Unie 'n vereniging bestaan wat, volgens die oordeel van die Minister, verteenwoordigend is van bakkers, dan het daardie vereniging die reg om die bakkerslid te nomineer, of, indien daar nie so 'n vereniging bestaan nie, dan het die verenigings van bakkers wat wel in die Unie bestaan en vir hierdie doel deur die Minister erken word die reg om, na onderlinge raadpleging, genoemde lid te nomineer.

(2) Niemand wat, volgens oordeel van die Minister, direk belang by die maal van koring het nie mag onder hierdie artikel genomineer word nie.

Kennisgewing om Verteenwoordigers te Nomineer.

8. Wanneer 'n nominasie volgens paragraaf (e) van artikel twee of artikel vier, vyf, ses of sewe nodig word, moet die Minister die Adviserende Verbruikerskomitee of die betrokke organisasie of vereniging by skriftelike kennisgewing aansê of laat aansê om binne 'n tydperk in die aansegging vasgestel die persoon of persone te nomineer wat hy volgens die betrokke artikel geregtig is om vir aanstelling op die raad te nomineer.

Indien geen Geskikte Persoon Genomineer word nie kan Minister Nomineer.

9. Indien iemand, wat soos voormeld genomineer is, volgens die Minister se oordeel nie geskik is om as lid van die raad aangestel te word nie, of, in die geval van 'n nominasie kragtens paragraaf (e) van artikel twee of artikel vyf of sewe onbevoeg is om lid van die raad te wees, kan die Minister daardie nominasie terug verwys na die Adviserende Verbruikerskomitee of die betrokke organisasie of vereniging, soos die geval mag wees, en daardie komitee of organisasie of vereniging aansê om iemand anders vir aanstelling op die raad te nomineer, en indien daardie komitee of organisasie of vereniging daarop weer iemand nomineer wat volgens die Minister se oordeel ongeskik of onbevoeg is, soos voormeld, of wanneer die komitee of organisasie of vereniging in gebreke bly om iemand te nomineer, kan die Minister self, met inagneming van die bepalings van die voorgenoemde artikels, iemand nomineer wat hy geskik ag om lid van die raad te wees.

Indien geen Organisasie of Vereniging bestaan nie, kan Minister Nomineer.

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

Ampsduur van Lede van Raad.

11. (1) Die lede van die raad word, met inagneming van die bepalings van sub-artikel (2), vir 'n tydperk van twee jaar aangestel, met die verstande dat die lid, waarna in paragraaf (f) van artikel twee verwys word, sy amp sal beklee solank dit die Goewerneur-generaal behaag.

(2) Na verloop van een jaar vanaf die eerste aanstelling van lede van die raad, tree twee van die vyf lede aangestel kragtens paragraaf (a) van artikel twee, twee van die drie lede aangestel kragtens paragraaf (b), twee van die drie lede aangestel kragtens paragraaf (c), en een van die twee lede aangestel kragtens paragraaf (d) en (e) van genoemde artikel af, en die vakature wat aldus ontstaan, word gevul.

(3) Watter van die lede van die raad moet aftree ingevolge van sub-artikel (2) van hierdie artikel, moet deur die lot beslis word.

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

(5) Aftredende lede kan weer aangestel word.

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

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

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

Election and Tenure of Office of Chairman.

12. (1) The board shall at its first meeting and thereafter as occasion arises elect from amongst its members a chairman who shall hold office as such for a period of one year or until the expiration of the period for which he was appointed as a member of the board, whichever shall be the shorter period, and shall be eligible for reelection.

(2) Whenever for any reason the chairman is unable to perform his duties, the board shall elect another of its members to act as chairman for such period as it may determine.

Meetings of the Board.

13. (1) The first meeting of the board as reconstituted in terms of section two shall be held on a day and at a place to be appointed by the Minister.

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

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

(4) At the written request of not less than five members of the board, the chairman shall call a special meeting of the board to be held within fourteen days from the date of receipt of such written request, on a day and at a place to be appointed by him.

(5) The meetings of the board shall convened by notice given by or by direction of the chairman of the board or any official of the board authorised thereto by the board.

Quorum, Majority Decision and Chairman's Casting Vote.

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

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

Allowances of Members of the Board.

15. The members of the board (other than those in receipt of salaries from public funds) and any advisory members co-opted by the board shall be paid such allowances out of the funds of the board to meet the reasonable expenses to which they are put in connexion with the business of the board, as the board may, with the approval of the Minister, determine.

Committees of Board.

16. (1) The board may, with the consent of the Minister and subject to such conditions as the board may impose, appoint one or more committees from its members and invest any such committee with such of its powers as it may deem fit; provided that the board shall not be divested of any power with which it may invest any such committee.

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

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

Financial Year.

17. The financial year under this scheme shall be the period from the first day of October in each year to the thirtieth day of September in the following year.

Auditors.

18. (1) The accounts of the board shall be audited from time to time, but not less than once every six months, by an accountant appointed by the Minister.

(2) Any person so appointed shall receive such remuneration as the board may determine.

Powers of the Board.

19. (1) The board shall have power—

- (a) to appoint such persons as it considers necessary to enable it to exercise its functions, at such remuneration and on such conditions as it may determine;
- (b) to appoint agents for the purpose of assisting it in the carrying out of its functions, at such remuneration and on such conditions as it may determine;
- (c) to acquire or hire any property which it considers necessary for the purpose of exercising its functions, and to dispose of or let any property which it has acquired;
- (d) to make out of its funds all payments which the board is required to incur or which it may incur in the exercise of its functions;
- (e) to require every person concerned in the production, threshing, marketing or processing of wheat or wheaten products to furnish the board with such information relating to wheat or wheaten products as may be available to such person and as the board may specify;
- (f) to create a reserve fund into which any surplus funds not required for immediate use may be paid, and to invest any surplus funds not required for immediate use;
- (g) to assist by grant or loan or otherwise any research work relating to the improvement, production, processing or marketing of wheat and wheaten products;

Verkiezing en Ampsduur van Voorsitter.

12. (1) Die raad moet op sy eerste vergadering en daarna soos dit nodig mag wees een van sy lede as voorsitter kies wat sy amp as sodanig vir een jaar sal beklee of tot verstryking van die tydperk waarvoor hy as lid van die raad aangestel is, watter tydperk die kortste mag wees, en wat herkiesbaar sal wees.

(2) As die voorsitter vir enige rede nie sy pligte kan nakom nie, moet die raad een van sy ander lede kies om as voorsitter te ageer vir sodanige tydperk as dit mag vasstel.

Vergaderings van die Raad.

13. (1) Die eerste vergadering van die raad soos hersaamgestel volgens artikel twee word gehou op 'n dag en plek deur die Minister vasgestel te word.

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

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

(4) Op skriftelike versoek van minstens vyf lede van die raad, moet die voorsitter 'n spesiale vergadering van die raad byeenroep binne veertien dae vanaf datum van ontvangs van bedoelde skriftelike versoek, gehou te word op 'n dag en plek wat hy bepaal.

(5) Die vergaderings van die raad word byeengeroep by kennisgewing deur of op las van die voorsitter van die raad of enige beamppte van die raad daartoe deur die raad gemagtig.

Kworum, Meerderheidsbeslissing en Beslissende Stem van Voorsitter.

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

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

Toelaes van Lede van die Raad.

15. Die lede van die raad (behalwe die wat uit staatsgelde salaris trek) en enige adviserende lede deur die raad gekoöpteer ontvang sodanige toelaes uit die fondse van die raad tot dekking van die redelike onkoste deur hulle beloop in verband met die sake van die raad, as wat die raad met die Minister se goedkeuring mog bepaal.

Komitees van Raad.

16. (1) Die raad kan, met die Minister se toestemming en onderhewig aan sulke voorwaardes as die raad mag opla, een of meer komitees uit sy lede aanstel, en aan so 'n komitee sodanige bevoegdheide van die raad opdra as wat die raad goedgevind; met die verstande dat die raad nie afstand doen van 'n bevoegdheid wat hy aan so 'n komitee opdra nie.

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

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

Boekjaar.

17. Die finansiële jaar onder hierdie skema sal die periode wees van die eerste dag van Oktober in elke jaar tot die dertigste dag van September in die volgende jaar.

Ouditeure.

18. (1) Die rekenings van die raad word van tyd tot tyd, maar minstens eenmaal elke ses maande, geouditeer deur 'n rekenmeester wat deur die Minister aangestel word.

(2) 'n Aldus aangestelde persoon ontvang die besoldiging wat die raad mog bepaal.

Bevoegdheide van die Raad.

19. (1) Die raad is bevoeg—

- (a) om die persone aan te stel wat hy nodig ag teneinde hom in staat te stel om sy werksaamhede te verrig, en wel teen die besoldiging en op die voorwaardes wat hy mog vasstel;
- (b) om agente aan te stel wat hom by die verrigting van sy werksaamhede kan help, en wel teen die besoldiging en op die voorwaardes wat hy mog vasstel;
- (c) om goed aan te skaf of te huur wat hy nodig ag vir die verrigting van sy werksaamhede en om enige aangeskafte goed van die hand te sit of te verhuur;
- (d) om uit sy gelde alle uitgawes te dek wat die raad moet of kan beloop vir die verrigting van sy werksaamhede;
- (e) om elke persoon wat betrokke is by die produksie, dors, bemarking of verwerking van koring of koringprodukte te gelas om aan die raad die inligting met betrekking tot koring of koringprodukte te verstrek waaroor bedoelde persoon beskik en wat die raad mag spesifiseer;
- (f) om 'n reserwe fonds te stig waarin enige surplusgelde wat nie vir onmiddellike gebruik nodig is nie betaal mag word, en om enige surplusgelde wat nie vir onmiddellike gebruik nodig is nie te belê;
- (g) om deur middel van toekenning of lening of op ander wyse hulp te verleen in verband met navorsingswerk met betrekking tot die verbetering, produksie, verwerking en bemarking van koring en koringprodukte;

- (h) to utilise its funds for any object which, in its opinion, is likely to encourage the internal consumption of wheat and wheat products and to assist the development and betterment of the wheat industry;
- (i) with the approval of the Minister, to borrow money to be used for the purpose of attaining the objects of this scheme;
- (j) to publish information in regard to the production and marketing of wheat and wheat products and generally to disseminate information concerning the wheat industry;
- (k) to buy wheat and wheat products;
- (l) to treat in such manner as it may deem fit, grade, pack, store, adapt for sale, insure, advertise and transport any wheat or wheat products which the board has bought, and to cause any wheat which it has bought to be ground, crushed, gristed or otherwise processed;
- (m) to sell, whether in its original form or processed wholly or in part, wheat and wheat products which it has bought, or withhold any part thereof from the market;
- (n) to enter into contracts for carrying out any work in connexion with the buying, selling, treating, grading, packing, storing, processing, adapting for sale, insuring, advertising and transporting of wheat or wheat products;
- (o) to accept money or property given to the board by way of donation, grant or otherwise and to utilise such money or property in such manner as the Minister may approve;
- (p) to co-operate with any person in doing any act which the board may perform, and to do on behalf of any other similar board any act which that board may perform;

(q) to advise the Minister as to—

- (i) the conditions regarding grades, standards of quality, methods of packing, and the marking of wheat or wheat products or any receptacle or cover containing wheat or wheat products, subject to which any wheat or wheat products may be sold or imported for sale;
- (ii) the prohibition, control or regulation of the importation or export of wheat or wheat products; and
- (iii) all matters relating to the marketing or processing of wheat or wheat products;

(r) to do all such other things as are incidental or conducive to the attainment or advancement of any object or incidental to any powers or functions mentioned in this scheme.

(2) The board shall exercise any powers conferred upon it by this section with due regard to the provisions of the Act and of this scheme.

Levy on Wheat and Wheat Products.

20. (1) The board may, with the approval of the Minister, impose a levy on all wheat ground, crushed, gristed or otherwise processed, and may from time to time vary the levy; provided that the levy so imposed shall not exceed one shilling for every bag of wheat so ground, crushed, gristed or otherwise processed.

(2) Every person who grinds, crushes, grists or otherwise processes wheat, shall within thirty days after the close of every calendar month and subject to the provisions of sub-section (3) pay to the board a sum equal to the levy imposed under sub-section (1) on the total quantity of wheat ground, crushed, gristed or otherwise processed by him during the course of the preceding calendar month.

(3) The levy shall not be payable in respect of any wheat ground, crushed, gristed or otherwise processed by any producer thereof or by any person on his behalf and intended by such producer for consumption by himself and his household; provided that the exemption conferred by this sub-section—

- (a) shall not extend to more than thirty-five bags in all of wheat ground, crushed, gristed or otherwise processed during the course of any one calendar year for any one producer; and
- (b) shall apply only to wheat in respect of which there is transmitted to the board by the person who ground, crushed, gristed or otherwise processed such wheat, together with the return referred to in sub-section (5), a certificate, in a form prescribed by the Minister by regulation, signed by the producer thereof and declaring that he is the producer thereof and that he intends to use the product derived therefrom for consumption by himself and his household.

(4) Every person who grinds, crushes, grists or otherwise processes wheat, may recover from any person for whom he has ground, crushed, gristed or otherwise processed wheat any amount paid by him in levy in respect of such wheat so ground, crushed, gristed or otherwise processed.

(h) om sy gelde aan te wend vir enige doel wat, volgens sy oordeel, waarskynlik die binnelandse verbruik van koring en koringprodukte sal aanmoedig, en om die ontwikkeling en verbetering van die koringbedryf te bevorder;

(i) om, met die Minister se goedkeuring, geld te leen om gebruik te word om die doeleindes van die skema te bereik;

(j) om inligting insake die produksie en bemarking van koring en koringprodukte te publiseer en om in die algemeen inligting aangaande die koringbedryf bekend te maak;

(k) om koring en koringprodukte te koop;

(l) om koring en koringprodukte wat hy gekoop het, te behandel soos hy goedvind, te gradeer, te verpak, op te berg, vir verkoop geskik te maak, te verseker, te adverteer en te vervoer, en om enige koring wat hy gekoop het, te laat maal, breek, tot gruis maak of andersins verwerk;

(m) om koring en koringprodukte wat hy gekoop het, te verkoop, hetsy in sy oorspronklike vorm of in gedeeltelik of geheel en al verwerkte vorm, of 'n deel daarvan aan die mark te onthou;

(n) om kontrakte aan te gaan vir die verrigting van enige werk in verband met die koop, verkoop, behandeling, gradering, verpakking, opberging, verwerking, vir verkoop geskik te maak, versekering, adverteer en vervoer van koring en koringprodukte;

(o) om geld of eiendom wat by wyse van geskenk, toekenning of andersins aan die raad gegee word, aan te neem en om bedoelde geld of eiendom op 'n wyse wat die Minister mag goedkeur, aan te wend;

(p) om met enigeen mee te doen aan enige handeling wat die raad mag verrig, en om namens 'n ander soortgelyke raad enige handeling te verrig wat daardie raad kan verrig;

(q) om die Minister van advies te dien aangaande—

(i) die voorwaardes, wat betref grade, kwaliteitsstandaarde, verpakkingsmetodes en die merking van koring of koringprodukte of 'n houder of omhulsel wat koring of koringprodukte bevat, waarop koring of koringprodukte verkoop of vir verkoop ingevoer mag word;

(ii) verbod op, beheer of reëling van invoer of uitvoer van koring of koringprodukte; en

(iii) alle aangeleenthede betreffende die bemarking of verwerking van koring of koringprodukte;

(r) om alle ander dinge te doen, verbonde aan die verwesenliking of bevordering van 'n doel of gepaard gaande met 'n bevoegdheid of werksaamheid wat in hierdie skema gemeld is.

(2) Die raad sal die magte aan hom deur hierdie artikel toegeken uitgeoefen met behoorlike inagneming van die bepalinge van die Wet en van die skema.

Heffing op Koring en Koringprodukte.

20. (1) Die raad kan, met die Minister se goedkeuring, 'n heffing lê op alle koring gemaal, gebreek, tot gruis gemaak of andersins verwerk en kan die heffing van tyd tot tyd wysig; met die verstande dat die heffing aldus opgelê op elke sak koring gemaal, gebreek, tot gruis gemaak of andersins verwerk nie een sjieling per sak te bowe gaan nie.

(2) Behoudens die bepalinge van subartikel (3) moet iedereen wat koring maal, breek, tot gruis maak of andersins verwerk, binne dertig dae na verloop van elke kalendermaand aan die raad 'n bedrag betaal gelyk aan die heffing kragtens subartikel (1) gelê op die gehele hoeveelheid koring wat hy in die loop van die voorafgaande kalendermaand gemaal, gebreek, tot gruis gemaak of andersins verwerk het.

(3) Die heffing is nie betaalbaar nie ten opsigte van koring wat deur enige produsent daarvan of deur enige persoon ten behoeve van hom gemaal, gebreek, tot gruis gemaak of andersins verwerk word en wat deur daardie produsent bestem is vir sy eie verbruik en vir die verbruik van sy huisgesin; met die verstande dat die vrystelling deur hierdie subartikel verleen—

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

(b) van toepassing is alleen op koring ten opsigte waarvan deur die persoon wat daardie koring gemaal, gebreek, tot gruis gemaak of andersins verwerk het, tesame met die opgawe vermeld in subartikel (5), 'n deur die produsent daarvan ondertekende sertifikaat, in 'n deur die Minister by regulasie voorgeskrewe vorm, aan die raad toegesend word waarin bedoelde produsent verklaar dat hy die produsent daarvan is en dat hy voornemens is om die produk daarvan verkry te gebruik vir sy eie verbruik en vir die verbruik van sy huisgesin.

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

(5) The correctness of the amount paid in accordance with this section shall be supported by the person who ground, crushed, gristed or otherwise processed such wheat, by his transmitting to the board at the same time as payment is made a return, in a form prescribed by the Minister by regulation, showing the whole quantity of wheat which, during the course of the calendar month concerned, he has ground, crushed, gristed or otherwise processed, and if during any calendar month he has not ground, crushed, gristed or otherwise processed any wheat, he shall within thirty days after the close of that month, transmit to the board a nil return, in a form prescribed by regulation.

(6) Any person, who grinds, crushes, grists or otherwise processes wheat, who—

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

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

shall be guilty of an offence.

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

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

(9) Any person who makes a false statement in a certificate referred to in paragraph (b) of sub-section (3) shall be guilty of an offence.

Establishment of Fund.

21. The board shall establish a fund to be known as the wheat levy fund into which all amounts derived from the levy referred to in section twenty, as also all trading profits, commissions, brokerages, rentals and interest accruing to the board and any sums which may be placed at the disposal of the board shall be paid, and from which all payments by the board shall be made.

Prohibition of Sale of Wheat and Wheat Products by Producers.

22. (1) The board may, with the approval of the Minister, prohibit any producer of wheat from selling any wheat or wheat products to any person other than the board.

(2) For the purpose of this section the board may, from time to time, appoint agents on such conditions as it may determine to purchase wheat and wheat products from producers of wheat on its behalf; provided that, whenever the board has imposed any prohibition under sub-section (1), the board shall, subject to conditions which may be different from those determined in the case of other agents, appoint every co-operative society or company which handles wheat or wheat products on behalf of its members as an agent under this sub-section.

(3) Notwithstanding any prohibition imposed under this section, the board may at any time by permit authorise any producer of wheat to sell such quantities of wheat as it may determine for seed purposes, on such conditions as it may specify.

Fixation of Prices.

23. The board may, with the approval of the Minister, from time to time prohibit any person from selling wheat or any wheat product or any grade, class or quantity thereof (whether in its original form or wholly or partly processed) at a price other than a price fixed by the board or at a price below or above a price fixed by the board for such wheat or wheat product or for that particular class, grade or quantity thereof.

Registration of Millers.

24. (1) Every person dealing in the course of trade with wheat or wheat products, who grinds, crushes, grists or otherwise processes any wheat shall register with the board, and no such person shall be so registered unless he has complied with such requirements as may be prescribed by regulation under the Act and the board approves of his registration.

(5) Die juistheid van die ingevolge hierdie artikel betaalde bedrag word deur die persoon wat daardie koring gemaal, gebreek, tot gruis gemaak of andersins verwerk het, gestaaf deur toesending aan die raad op dieselfde tyd waarop betaling geskied van 'n opgawe, in 'n deur die Minister by regulasie voorgeskrewe vorm, aantoonende die gehele hoeveelheid koring wat hy in die loop van die betrokke kalendermaand gemaal, gebreek, tot gruis gemaak of andersins verwerk het; en indien hy gedurende een of ander kalendermaand geen koring gemaal, gebreek, tot gruis gemaak of andersins verwerk het nie, moet hy binne dertig dae na verloop van daardie maand 'n nulopgawe, in 'n by regulasie voorgeskrewe vorm, aan die raad toesend.

(6) Iedereen wat koring maal, breek, tot gruis maak of andersins verwerk, wat—

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

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

is aan 'n misdryf skuldig.

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

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

(9) Iemand wat 'n valse verklaring maak in 'n sertifikaat bedoel in paragraaf (b) van subartikel (3) is aan 'n misdryf skuldig.

Instelling van 'n Fonds.

21. Die raad moet 'n fonds instel onder die benaming van die koringheffingsfonds, waarin alle bedrae verkry uit die heffing bedoel in artikel twintig, asook alle handelswinste, kommissies, makelaarslone, huurgete en rente wat aan die raad oploop, en alle bedrae wat tot beskikking van die raad gestel word, gestort moet word, en waaruit alle uitbetalings deur die raad moet geskied.

Verbod op die Verkoop van Koring en Koringprodukte deur Producente.

22. (1) Die raad kan, met die Minister se goedkeuring, enige produsent van koring belet om koring of koringprodukte te verkoop of andersins van die hand te sit aan enige persoon anders dan die raad.

(2) Vir die doeleindes van die artikel kan die raad, van tyd tot tyd, agente aanstel op sulke voorwaardes soos hy mag bepaal om namens hom koring en koringprodukte van produsente van koring te koop; met die verstande dat, wanneer die raad enige verbod kragtens subartikel (1) opgelê het, moet die raad, onderhewig aan voorwaardes wat mag verskil van die voorwaardes bepaal in die geval van ander agente, elke kooperatiewe vereniging of maatskappy wat koring of koringprodukte namens sy lede hanteer as agent aanstel onder hierdie subartikel.

(3) Nieteenstaande enige verbod opgelê onder hierdie artikel, mag die raad ter enige tyd by wyse van 'n permit enige produsent van koring magtig om sulke hoeveelhede koring, soos hy mag bepaal, vir saad doeleindes te verkoop op sulke voorwaardes as wat hy mag spesifiseer.

Vasstelling van Pryse.

23. Die raad kan, met die Minister se goedkeuring, van tyd tot tyd enige persoon belet om koring of enige koringprodukt of enige graad, klas of hoeveelheid daarvan (hetsy in sy oorspronklike of in gedeeltelik of geheel en al verwerkte vorm), te verkoop teen 'n ander prys as 'n prys deur die raad vasgestel of teen 'n hoër of laer prys as 'n prys deur die raad vasgestel vir sulke koring of koringprodukt of vir die besondere klas, graad of hoeveelheid daarvan.

Registrasie van Meulenaars.

24. (1) Elke persoon wat as 'n besigheid handel met koring of koringprodukte en wat koring maal, breek, tot gruis maak of andersins verwerk, moet registreer by die raad, en geen persoon sal aldus geregistreer word nie, tensy hy voldoen het aan die voorskrifte wat by regulasie onder die Wet voorgeskryf mag word en die raad sy registrasie goedkeur.

(2) The board may approve of the registration of any person under sub-section (1) on such conditions as it may determine, and may cancel the registration of any such person if he has contravened or failed to comply with any requirement prescribed in the Act or in this scheme or any condition determined by the board; provided that the board shall not impose any limitation upon the quantity of wheat which may be ground, crushed, gristed or otherwise processed by any person registered under this section, except with the consent of the Minister.

(3) Whenever the board has approved of the registration of any person under this section, it shall cause a certificate of registration, in such form as it may prescribe, to be issued to such person, and if the board has approved of such registration subject to any conditions, it shall cause such conditions to be specified in the relevant certificate of registration.

(4) A certificate of registration issued under this section shall expire on the thirtieth day of September immediately succeeding the date of its issue, but may from time to time be renewed by the board.

(5) Any person whose registration has been rejected or cancelled by the board under this section, may appeal to the Minister against such rejection or cancellation.

Regulation of Trade in Wheaten Products.

25. (1) The board may, with the approval of the Minister, prohibit any person from selling any wheaten product except under authority of a permit issued by the board, unless such wheaten product has been purchased from a person who is the holder of such a permit.

(2) An application for the issue of a permit in terms of this section shall be in such form as may be prescribed by the board.

(3) The issue of any such permit shall be in the discretion of the board, which may grant such a permit with or without conditions as it may deem fit.

(4) Any permit issued in terms of this section shall expire on the thirtieth day of September immediately succeeding the date of its issue and shall specify—

- (a) the quantity of the wheaten products which may be sold in terms of such permit; and
- (b) the premises at which the business authorised by such permit may be conducted;

and no person shall conduct any business authorised by such permit elsewhere than at the premises so specified.

(5) Any permit issued in terms of this section shall be subject to cancellation by the board if the holder thereof has contravened or failed to comply with any provision of this scheme or any condition imposed under sub-section (3) or any regulation made in terms of the Act.

Purchase and Sale of Wheat and Wheaten Products.

26. (1) The board may sell any wheat or wheaten product which it has purchased to such persons at such prices and on such conditions and for such purposes as it may from time to time determine.

(2) The board may apply any wheat or wheaten products to the establishment of a reserve of wheat and wheaten products against scarcity due to drought or other unforeseen circumstances.

(3) The board may itself, or through agents appointed by it, sell for export or export at such prices as it may determine any wheat or wheaten products.

Threshing Machines.

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

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

(3) Every person who ceases to be the owner of a threshing machine shall notify the board in writing of that fact within fourteen days after the date on which he ceased to be the owner of such machine and shall further notify the board in writing of the name and address of the person to whom he disposed of such machine.

(4) Every person who is the owner of a threshing machine shall within seven days after the close of every week of threshing, transmit to the board in a form prescribed by the Minister by regulation, a return showing the full name and address of every person on whose behalf he has threshed wheat during that week by means of that machine, the number of bags of wheat so threshed on behalf of each such person, and any other information which may be so prescribed, and if during any such week no wheat was threshed by means of that machine, he shall within seven days after the close of that week transmit to the board a nil return in the form so prescribed.

(5) The correctness of the quantity of wheat shown in any such return as having been threshed on behalf of any person shall be certified on such return by that person or his duly authorised representative.

(6) Any person who contravenes or fails to comply with any of the provisions of this section, shall be guilty of an offence.

(2) Die raad mag die registrasie van enige persoon onder subartikel (1) goedkeur op sulke voorwaardes soos hy mag bepaal, en mag die registrasie van enige sulke persoon kanselleer as hy enige voorwaardes voorgeskryf in die Wet of in hierdie skema of enige voorwaarde deur die raad bepaal oortree of versuim het om daaraan te voldoen; met die verstande dat die raad geen beperking op die hoeveelheid koring wat gemaal, gebreek, tot gruis gemaak of andersins verwerk mag word deur enige persoon onder hierdie artikel geregistreer mag opleë nie, behalwe met die toestemming van die Minister.

(3) Wanneer die raad die registrasie van enige persoon onder hierdie artikel goedgekeur het, moet hy 'n sertifikaat van registrasie, in sulke vorm soos hy mag voorskryf, aan sulke persoon laat uitreik, en as die raad sulke registrasie goedgekeur het onderhewig aan enige voorwaardes, moet hy sulke voorwaardes in die betrokke sertifikaat van registrasie laat spesifiseer.

(4) 'n Sertifikaat van registrasie uitgereik onder hierdie artikel sal verstryk op die dertigste dag van September onmiddellik volgende op die datum van sy uitreiking, maar mag deur die raad van tyd tot tyd hernu word.

(5) Enige persoon wie se registrasie deur die raad verwerp of gekanselleer is onder hierdie artikel, mag na die Minister appelleer teen sodanige verwerping of kansellasië.

Regulering van die Handel in Koringprodukte.

25. (1) Die raad kan, met die Minister se goedkeuring, enige persoon belet om enige koringproduk te verkoop behalwe op gesag van 'n permit deur die raad uitgereik tensy sulke koringproduk gekoop is van 'n persoon wat die houer van so 'n permit is.

(2) 'n Aansoek om die uitreiking van 'n permit kragtens hierdie artikel moet in die vorm wees wat deur die raad voorgeskryf mag word.

(3) Die uitreiking van enige sulke permit sal in die diskresie van die raad wees, wat sulke 'n permit met of sonder voorwaardes volgens sy goeddunke mag toestaan.

(4) 'n Permit uitgereik kragtens hierdie artikel sal verstryk op die dertigste dag van September onmiddellik volgende op die datum van sy uitreiking en moet spesifiseer—

- (a) die hoeveelheid van koringprodukte wat kragtens so 'n permit verkoop mag word; en
- (b) die perseel waar die deur daardie permit gemagtigde besigheid gedryf mag word;

en geen persoon mag besigheid wat deur so 'n permit gemagtig word, elders dryf as op die perseel aldus gespesifiseer nie.

(5) 'n Permit uitgereik kragtens hierdie artikel is onderhewig aan kansellasië deur die raad indien die houer daarvan 'n bepaling van die skema of 'n voorwaarde opgelê onder subartikel (3) of 'n regulasie uitgevaardig kragtens die Wet oortree of versuim het om daaraan te voldoen.

Koop en Verkoop van Koring en Koringprodukte.

26. (1) Die raad kan enige koring of koringprodukte wat hy gekoop het verkoop aan sulke persone teen sulke pryse en op sulke voorwaardes en vir sulke doeleindes soos hy, van tyd tot tyd, mag bepaal.

(2) Die raad kan enige koring of koringprodukte gebruik om 'n reserwe van koring en koringprodukte te hou as voorsorgsmaatregel teen droogte of ander onvoorsiene omstandighede.

(3) Die raad kan self of deur agente deur hom aangestel enige koring of koringprodukte vir uitvoer verkoop of uitvoer teen sulke pryse wat hy mag vasstel.

Dorsmasjiene.

27. (1) Iedereen wat by die inwerkingtreding van hierdie skema die eienaar van 'n dorsmasjiën is, moet die raad skriftelik van daardie feit in kennis stel binne dertig dae na sulke inwerkingtreding.

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

(3) Iedereen wat ophou om die eienaar van 'n dorsmasjiën te wees, moet die raad skriftelik van daardie feit in kennis stel binne veertien dae na die datum waarop hy opgehou het om die eienaar van daardie dorsmasjiën te wees, en moet die raad bowendien skriftelik in kennis stel van die naam en adres van die persoon aan wie daardie dorsmasjiën van die hand gesit is.

(4) Iedereen wat die eienaar is van 'n dorsmasjiën, moet binne sewe dae na verloop van elke week van dors aan die raad op 'n vorm deur die Minister by regulasie voorgeskryf 'n opgawe stuur aantonende die volle naam en adres van elke persoon ten behoeve van wie hy gedurende daardie week met daardie masjiën koring gedors het, die aantal sakke koring aldus gedors vir elk sulke persoon en enige ander inligting wat aldus voorgeskryf mag word, en indien gedurende enige sulke week geen koring met daardie masjiën gedors is nie, moet hy binne sewe dae na die verloop van daardie week 'n nul-opgawe in die vorm aldus voorgeskryf aan die raad stuur.

(5) Die juistheid van die hoeveelheid koring in enige sodanige opgawe aangetoon as synde gedors ten behoeve van enige persoon sal deur daardie persoon of sy behoorlik gemagtigde verteenwoordiger op sulke opgawe gesertifiseer word.

(6) Iemand wat 'n bepaling van hierdie artikel oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig.

Records.

28. Any person who grinds, crushes, grists or otherwise processes wheat, whether for his own account or on behalf of any other person, shall record in the English or Afrikaans language each day in a book kept specially for the purpose—

- (a) the weight of wheat ground, crushed, gristed or otherwise processed by him for his own account during that day, and the total weight of each kind of wheat product so obtained; and
- (b) the name and address of each person on whose behalf any wheat was ground, gristed, crushed or otherwise processed, and the weight of the wheat so ground, crushed, gristed or otherwise processed on behalf of each such person.

Examination of Books and Inspection of Wheat in Stock.

29. (1) Any person generally or specially authorised thereto by the board may at all reasonable hours enter upon the premises of, or any land or place occupied by any person dealing in the course of trade with wheat or wheat products or any person who grinds, crushes, grists or otherwise processes wheat, or any person who is believed upon reasonable grounds to be dealing in the course of trade with wheat or wheat products, or to be grinding, crushing, gristing or otherwise processing wheat, or upon any premises, land or place in or on which any wheat or wheat products are kept by any person, and may inspect all wheat and wheat products and examine all books, accounts and documents there being, and may require a statement of the history and an explanation of the presence of any such wheat or wheat products, and an explanation of any entries or documents referring or suspected to refer to wheat or wheat products, and seize any such books, accounts and documents and wheat or wheat products as may afford evidence of any contravention of, or failure to comply with the provisions of this scheme or any prohibition, requirement or order issued thereunder, and may make extracts from and copies of all such entries or documents as may afford evidence of any such contravention.

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

Offences and Penalties.

30. Any person who contravenes or fails to comply with any provision of this scheme or any prohibition, requirement or order issued thereunder shall be guilty of an offence and on conviction be liable to a fine not exceeding one hundred pounds.

Definitions.

31. In this scheme, the expression "the Act" means the Marketing Act, 1937, and the regulations made thereunder, and any expression to which in that Act a meaning has been assigned, bears, when used in this scheme, the same meaning; further, unless inconsistent with the context—

- "board" means the board established under section one of the Wheat Industry Control Act, 1935, as reconstituted in terms of section two;
- "producer", in relation to wheat, means the person by whom or on whose behalf such wheat was grown; provided, however, that the person to whom wheat was supplied as a consideration or a part of the consideration for the right to use any land on which or on a part whereof such wheat was grown shall be deemed to be the producer of such wheat;
- "bag of wheat" means two hundred pounds weight of wheat whether or not contained in a sack or other container;
- "threshing machine" means any machine which can be used for threshing wheat, whether or not it can be used for any other purpose.

Liquidation of Scheme.

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

- (a) any assets of the board after all its debts have been paid shall be handed over to the Minister and the assets so handed over shall be utilised by the Minister in his discretion for the advancement of the wheat industry; and
- (b) any deficit which may exist after all the assets of the board have been realised shall be borne by the producers to whom the scheme applies, *pro rata* to the number of bags of wheat or wheat products sold by such producers or on their behalf during the period of three years immediately preceding the date of discontinuance of the scheme or during the period during which the scheme was in operation, whichever shall be the shorter period.

Rekords.

28. Elke persoon wat koring maal, breek, tot gruis maak of andersins verwerk, hetsy vir eie rekening of ten behoeve van iemand anders, moet elke dag in 'n boek wat spesiaal vir die doel gehou word, in Engels of Afrikaans aanteken—

- (a) die gewig koring wat op daardie dag deur hom vir sy eie rekening gemaal, gebreek, tot gruis gemaak of andersins verwerk is, en die totale gewig van elke soort koringprodukt aldus verkry; en
- (b) die naam en adres van elke persoon ten behoeve van wie koring gemaal, gebreek, tot gruis gemaak of andersins verwerk is, en die gewig van die koring wat aldus gemaal, gebreek, tot gruis gemaak of andersins verwerk is ten behoeve van elk sulke persoon.

Insage van Boeke en Inspeksie van Koring in Voorraad.

29. (1) Iemand wat algemeen of spesiaal daartoe gemagtig is deur die raad, kan op alle redelike tye 'n perseel of grond of 'n plek betree wat in okkupasie is van 'n persoon wat as 'n besigheid handel dryf met koring of koringprodukte of enige persoon wat koring maal, tot gruis maak, breek of andersins verwerk of van iemand wat op redelike gronde gemeen word as 'n besigheid handel te dryf met koring of koringprodukte, of koring te maal, tot gruis te maak, te breek of andersins te verwerk, of 'n perseel of grond of plek betree waarin of waarop koring of koringprodukte deur iemand gehou word, en kan alle koring en koringprodukte aldaar inspekteer en alle boeke, rekenings en dokumente aldaar insien en 'n uiteensetting eis van die geskiedenis en 'n uitleg eis van die aanwesigheid van daardie koring of koringprodukte en 'n uitleg eis van inskrywings of dokumente wat betrekking het of verdink word betrekking te hê op koring of koringprodukte en beslag lê op boeke, rekenings en dokumente en koring of koringprodukte, wat bewys mag oplewer van 'n oortreding van of versuim om te voldoen aan die bepalinge van hierdie skema, of enige verbod, voorskrif of bevel daarunder uitgereik en kan uittreksels uit en afskrifte van alle inskrywings of dokumente maak wat bewys mag oplewer van so 'n oortreding.

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

Oortredings en Strawwe.

30. Iemand wat 'n bepaling van hierdie skema of 'n verbod, voorskrif of bevel daarunder uitgevaardig oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig en by veroordeling strafbaar met 'n boete van hoogstens honderd pond.

Woordomskrywing.

31. In die skema beteken die uitdrukking „die Wet” die Bemerkingswet, 1937, en die regulasies daarunder uitgevaardig, en enige uitdrukking waaraan in daardie Wet 'n betekenis toegevoeg is, het, wanneer dit in hierdie skema gebruik word, dieselfde betekenis; voorts, tensy dit in stryd is met die samehang, beteken—

- „raad” die raad ingestel onder artikel een van die Wet op die Beheer oor die Koringnywerheid, 1935, soos hersaamgestel kragtens artikel twee;
- „produsent” met betrekking tot koring, die persoon deur of ten behoeve van wie daardie koring verbou is; met die verstande, egter, dat die persoon aan wie koring gelewer is as vergoeding of as deel van die vergoeding vir die reg om grond waarop of op 'n deel waarvan die koring verbou is, te gebruik sal beskou word as die produsent van daardie koring;
- „sak koring” tweehonderd pond gewig koring, hetsy al dan nie in 'n sak of ander houër vervat;
- „dorsmasjien” enige masjien, wat gebruik kan word om koring te dors, hetsy dit vir enige ander doel gebruik kan word al dan nie.

Opheffing van Skema.

32. Ingeval hierdie skema opgehef word—

- (a) word alle bate van die raad, nadat al sy skulde betaal is, aan die Minister oorhandig en die aldus oorhandigde bate word deur die Minister na goeddunke vir die bevordering van die koringbedryf aangewend; en
- (b) word enige tekort wat mag bestaan nadat al die bate van die raad tot geld gemaak is, gedra deur alle produsente op wie die skema van toepassing is, *pro rata* volgens die getal sakke koring of koringprodukte deur sulke produsente verkoop of ten behoeve van bedoelde produsente verkoop gedurende die tydperk van drie jaar onmiddellik voorafgaande die datum van opheffing van die skema of gedurende die tydperk wat die skema van toepassing was, watter ook al die kortste tydperk mag wees.