

EXTRAORDINARY



BUITENGEWONE

THE UNION OF SOUTH AFRICA Government Gazette

Staatskoerant VAN DIE UNIE VAN SUID-AFRIKA

[Registered at the General Post Office as a Newspaper.]

[Geregistreer by die Hoofposkantoor as 'n Nuusblad.]

VOL. CXVI.] PRICE 6d. PRETORIA, 21 APRIL 1939 PRYS 6d. [No. 2629.]

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 COUNCIL LEARNED IN THE LAW, DOCTOR OF LAWS, GOVERNOR-GENERAL OF THE UNION OF SOUTH AFRICA.

* No. 77, 1939.]

Under the powers vested in me by section *twenty-three* read with 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 (to replace with amendments the Mealie Control Scheme published under Proclamation No. 131 of 1938 as amended by Proclamation No. 187 of 1938) which has in terms of sub-section (1) of the said section *twenty-three* of that Act been submitted to the Minister of Agriculture and Forestry by the Mealie Industry Control Board established under section *one* of the Mealie Control Amendment Act, 1935 (Act No. 59 of 1935) and which has in terms of sub-section (4) of the aforesaid section *twenty-three* read with paragraph (c) of sub-section (1) of section *seventeen* of the said Act been accepted with certain modifications by the said Minister, shall come into operation on the first day of May, 1939.

Proclamations Nos. 131 and 187 of 1938 are hereby repealed.

GOD SAVE THE KING.

Given under my Hand and the Great Seal of the Union of South Africa at Capetown this Twenty-first day of April One thousand Nine hundred and Thirty-nine.

PATRICK DUNCAN,
Governor-General.

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

W. R. COLLINS.

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

PROKLAMASIE

VAN SY EKSELLENSIE DIE HOOGEDELAGBARE SIR PATRICK DUNCAN, LID VAN DIE MEES EERVOLLE GEHEIME RAAD VAN SY MAJESTEIT, GROOTKRUISRIDDER VAN DIE MEES ONDER-SKEIE ORDE VAN SINT MICHEL 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. 77, 1939.]

Kragtens die bevoegdheid my verleen by artikel *drie-en-twintig* saam gelees met paragraaf (a) van subartikel (1) van artikel *twee-en-twintig* van die Bemerkingswet, 1937 (Wet No. 26 van 1937), soos gewysig, verklaar, proklameer en maak ek hierby bekend dat die skema (ter vervanging met wysigings van die Mieliereëlinskema, gepubliseer by Proklamasie No. 131 van 1938, soos gewysig by Proklamasie No. 187 van 1938), wat in die Skedule hiervan verskyn en wat kragtens subartikel (1) van artikel *drie-en-twintig* van daardie Wet aan die Minister van Landbou en Bosbou voorgelê is deur die Raad van Beheer oor die Mielienywerheid, ingestel onder artikel *een* van die Mieliereëlings Wysigingswet, 1935 (Wet No. 59 van 1935), en wat ooreenkomstig subartikel (4) van voornoemde artikel *drie-en-twintig*, saam gelees met paragraaf (c) van subartikel (1) van artikel *sewentien* van genoemde Wet deur genoemde Minister aangeneem is met sekere wysigings, op die eerste dag van Mei 1939 in werking tree.

Proklamasies Nos. 131 en 187 van 1938 word hierby herroep.

GOD BEHOEDE DIE KONING.

Gegee onder my Hand en die Grootseël van die Unie van Suid-Afrika te Kaapstad, op hede die Een-en-twintigste dag van April Eenduisend Nege-honderd Nege-en-dertig.

PATRICK DUNCAN,
Goewerneur-generaal.

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

W. R. COLLINS.

in terms of paragraphs (c), (d), (e) and (f), and one of the members appointed in terms of paragraphs (g) and (h) of section two, 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 not longer than a period of three months as from the expiration of the first-mentioned period.

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

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

(7) Whenever the Minister is satisfied that any member of the board is prevented by illness, absence or any other cause from performing the duties of his office, the Minister may appoint any other person whom he considers suitable to act as the deputy of that member while he is so prevented.

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

Election and Tenure of Office of Chairman.

15. (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 re-election.

(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.

Meetings of the Board.

16. (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, or the chairman, if authorised thereto by the board, may from time to time determine.

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

(4) At the written request of not less than seven 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 be convened by notice given by or by direction of the chairman of the board or any official of the board authorised thereto by the board.

Quorum, Majority decision and Chairman's Casting Vote.

17. (1) Thirteen members of the board appointed in terms of section two 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 Board.

18. The members of the board, including any advisory members co-opted by the board, shall receive such allowances out of the funds of the board to meet the reasonable expenses to which they are put in connection with the business of the board, as the board may, with the approval of the Minister determine.

Committees of Board.

19. (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) Whenever any such committee is appointed, the board shall designate one of the members of the committee to act as chairman thereof, and the chairman so designated may at any time, with the approval of the chairman of the board, convene a meeting of the committee to be held on a day and at a place to be appointed by him.

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

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

Financial Year.

20. The financial year under this scheme shall be the period from the first day of May in each year to the thirtieth day of April in the following year.

(c), (d), (e) en (f), en een van die lede aangestel kragtens paragrafe (g) en (h) van artikel twee af, en die vakatures wat aldus ontstaan, word gevul.

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

(4) By verstryking van die tydperk waarvoor lede aangestel is, bly hulle hul amp beklee totdat hul opvolgers aangestel is maar vir 'n tydperk wat nie langer is as drie maande na verstryking van die eersgenoemde tydperk 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 ander rede, verhinder word om sy ampswerkzaamhede te verrig, kan die Minister iemand anders wat hy geskik ag, aanstel om as plaasvervanger van daardie lid op te tree solank hy aldus verhinder word.

(8) Wanneer 'n raadslid sonder die raad se verlof van drie agtereenvolgende raadsvergaderings afwesig was 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.

Verkieping en Ampsduur van Voorsitter.

15. (1) Die raad kies op sy eerste vergadering en daarna soos dit nodig mag wees uit sy lede 'n voorsitter wat daardie amp beklee vir een jaar of tot verstryking van die tydperk waarvoor hy as lid van die raad aangestel is, na gelang watter tydperk die kortste is, en wat daarna herkies kan word.

(2) Wanneer die voorsitter om een of ander rede nie sy pligte kan waarneem nie, moet die raad een van sy ander lede kies om as voorsitter op te tree.

Vergaderings van die Raad.

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

(2) Alle daaropvolgende vergaderings van die raad word gehou op die tye en plekke wat die raad of die voorsitter, indien deur die raad daartoe gemagtig, 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 deur hom vasgestel.

(4) Op skriftelike versoek van minstens sewe lede van die raad, moet die voorsitter 'n spesiale vergadering van die raad byeenroep, gehou te word binne veertien dae vanaf datum van ontvangs van bedoelde skriftelike versoek 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 'n beampte van die raad deur die raad daartoe gemagtig.

Kworum, Meerderheids Beslissing en Beslissende Stem van Voorsitter.

17. (1) Dertien lede van die raad aangestel kragtens artikel twee 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 besluit van die raad uit; met dien verstande dat by 'n staking van stemme die voorsitter benewens sy beraadslagende stem ook 'n beslissende stem het.

Toelaes van Lede van Raad.

18. Die lede van die raad en enige adviserende lede deur die raad gekoöpteer, ontvang die toelaes uit die fondse van die raad, tot dekking van die redelike onkoste deur hulle beloop in verband met die sake van die raad, wat die raad met die Minister se goedkeuring mag bepaal.

Komitees van Raad.

19. (1) Die raad kan, met die Minister se toestemming en onderworpe aan die voorwaardes wat die raad mag opleë, een of meer komitees uit sy lede aanstel, en na goeddunke van sy bevoegdheide aan so'n komitee oordra; met dien verstande dat die raad nie afstand doen van 'n bevoegdheid wat hy aan so'n komitee oordra nie.

(2) Wanneer so'n komitee aangestel word, moet die raad een van die lede van die komitee aanwys om as voorsitter op te tree, en die voorsitter aldus aangewys kan te eniger tyd, met goedkeuring van die voorsitter van die raad, 'n vergadering van die komitee belê, gehou te word op 'n dag en plek wat hy vasstel.

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

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

Boekjaar.

20. Die boekjaar onder hierdie skema is die tydperk vanaf die eerste dag van Mei in elke jaar tot die dertigste dag van April in die volgende jaar.

Auditors.

21. (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 out of the funds of the board as the board may determine.

Powers of the Board.

22. (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 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;
- (f) to assist by grant or loan or otherwise, any research work relating to the improvement, production, processing or marketing of mealies and mealie products;
- (g) to utilise its funds for any object which in its opinion is likely to encourage the internal consumption of mealies or mealie products and to assist the development and betterment of the mealie industry;
- (h) with the approval of the Minister, to borrow money to be used for the purpose of attaining the objects of this scheme;
- (i) to publish information in regard to the production and marketing of mealies and mealie products, and generally to disseminate information concerning the mealie industry;
- (j) to buy mealies and mealie products;
- (k) to treat in such manner as it may deem fit, grade, pack, store, adapt for sale, insure, advertise or transport any mealies or mealie products which the board has bought, and to cause to be ground, crushed, gristed or otherwise processed, any mealies which it has bought;
- (l) to sell, whether in its original form or processed wholly or in part, mealies or mealie products which it has bought, or withhold any part thereof from the market;
- (m) 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;
- (n) 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;
- (o) to act as agent for the receipt and sale of mealies and mealie products;
- (p) to require every person concerned in the production, threshing, shelling, marketing, grinding, crushing, gristing or otherwise processing of mealies or mealie products to furnish the board with such information relating to mealies or mealie products as may be available to such person and as the board may specify;
- (q) to advise the Minister as to—
 - (i) the conditions regarding grades, standards of quality, methods of packing, and the marking of mealies and mealie products, or any receptacle or cover containing mealies or mealie products, subject to which any mealies or mealie products may be sold or imported for sale;
 - (ii) the prohibition, control or regulation of the importation or export of mealies and mealie products; and
 - (iii) all matters relating to the marketing or processing of mealies and mealie products;
- (r) to do all such other things as are incidental or conducive to the attainment of any object or incidental to any powers or functions mentioned in this scheme.

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

Differentiation between Areas.

23. Any requirement or prohibition imposed or decision taken by the board which relates to any area within the Union, may differ from any such requirement or prohibition or decision which relates to any other such area.

Ouditeure.

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

(2) 'n Aldus aangestelde persoon ontvang die besoldiging uit die gelde van die raad wat die raad mag bepaal.

Bevoegdhede van die Raad.

22. (1) Die raad is bevoeg—

- (a) om die persone aan te stel wat hy nodig ag ten einde hom in staat te stel om sy werksaamhede te verrig, en wel teen die besoldiging en op die voorwaardes wat hy mag bepaal;
- (b) om agente aan te stel met die doel om hom by die verrigting van sy werksaamhede te help, en wel teen die besoldiging en op die voorwaardes wat hy mag bepaal;
- (c) om die eiendom aan te skaf of te huur wat hy nodig ag vir die verrigting van sy werksaamhede en om aangeskafte eiendom 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 'n reserwe fonds in te stel waarin 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;
- (f) 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 of bemarking van mielies en mielieprodukte;
- (g) om sy gelde aan te wend vir enige doel wat, volgens sy oordeel, bereken is om die binnelandse verbruik van mielies of mielieprodukte aan te moedig, en om die ontwikkeling en verbetering van die mieliebedryf te bevorder;
- (h) om met die Minister se goedkeuring geld te leen wat aangewend moet word ter verwesenliking van die doel van hierdie skema;
- (i) om inligting insake die produksie en bemarking van mielies en mielieprodukte te publiseer en om in die algemeen inligting aangaande die mieliebedryf bekend te maak;
- (j) om mielies en mielieprodukte te koop;
- (k) om mielies en mielieprodukte 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 of te vervoer, en om mielies wat hy gekoop het, te laat maal, breek, tot gruis maak of andersins verwerk;
- (l) om mielies en mielieprodukte wat hy gekoop het, te verkoop, hetsy in sy oorspronklike vorm of in gedeeltelik of geheelenaal verwerkte vorm, of 'n deel daarvan aan die mark te onthou;
- (m) om geld of eiendom wat by wyse van geskenk, toekenning of andersins aan die raad gegee word, aan te neem en om daardie geld of eiendom op 'n wyse wat die Minister mag goedkeur, aan te wend;
- (n) om met enigen mee te doen aan enige handeling wat die raad kan verrig, en om namens 'n ander soortgelyke raad enige handeling te verrig wat daardie raad kan verrig;
- (o) om as agent vir die ontvangs en verkoping van mielies en mielieprodukte op te tree;
- (p) om elke persoon wat betrokke is by die produksie, dors, afmaak, bemarking, maal, breek, tot gruis maak of andersins verwerking van mielies of mielieprodukte te gelas om aan die raad die inligting met betrekking tot mielies of mielieprodukte te verstrek waarvoor bedoelde persoon beskik en wat die raad mag spesifiseer;
- (q) om die Minister van advies te dien aangaande—
 - (i) die voorwaardes, wat betref grade, kwaliteitstandaarde, verpakkingsmetodes en die merking van mielies en mielieprodukte of 'n houër of omhulsel wat mielies of mielieprodukte bevat, waarop mielies of mielieprodukte verkoop of vir verkoop ingevoer mag word;
 - (ii) die verbod op, of beheer of reëling van invoer of uitvoer van mielies en mielieprodukte; en
 - (iii) alle aangeleenthede betreffende die bemarking of verwerking van mielies en mielieprodukte;
- (r) om alle ander dinge te doen, verbonde aan die verwesenliking van 'n doel of gepaard gaande met 'n bevoegdheid of werksaamheid wat in hierdie skema gemeld is.

(2) Die raad moet die bevoegdhede wat volgens hierdie artikel aan hom verleen is, uitoefen met behoorlike inagneming van die bepalinge van die Wet en van hierdie skema.

Onderskeiding tussen Gebiede.

23. 'n Voorskrif van, of verbod opgelê of besluit geneem deur die raad met betrekking tot 'n gebied binne die Unie, kan verskil van so'n voorskrif of verbod of besluit met betrekking tot 'n ander dergelyke gebied.

Levy on Mealies Ground, Gristed, Crushed or Otherwise Processed.

24. (1) The board may, with the approval of the Minister, impose a levy on all mealies ground, crushed, gristed or otherwise processed by any person dealing in the course of trade with mealies or mealie products, and may from time to time vary the levy; provided that the levy so imposed shall not exceed one penny for every bag of mealies so ground, crushed, gristed or otherwise processed.

(2) Every person dealing in the course of trade with mealies or mealie products, who grinds, crushes, grists or otherwise processes mealies, 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 in terms of sub-section (1) on all mealies ground, crushed, gristed or otherwise processed by him during that calendar month.

(3) The levy shall not be payable in respect of any mealies 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 or his household or the feeding of livestock belonging to him; provided that the exemption conferred by this sub-section in respect of mealies ground, crushed, gristed or otherwise processed by any person on behalf of a producer of mealies shall apply only to mealies in respect of which there is transmitted to the board by the person who ground, crushed, gristed or otherwise processed such mealies, 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 such ground, crushed, gristed or processed mealies for consumption by himself and his household and the feeding of livestock belonging to him.

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

(5) Every person dealing in the course of trade with mealies or mealie products, who grinds, crushes, grists or otherwise processes mealies, shall—

- (a) within thirty days after the close of every calendar month; and
- (b) if any amount is under sub-section (2) payable to the board by such person in respect of mealies ground, crushed, gristed or otherwise processed by him during that calendar month, at the same time as that amount is paid,

transmit to the board a return, in a form prescribed by the Minister by regulation, showing the whole quantity of mealies which, during the course of that calendar month, he has ground, crushed, gristed or otherwise processed, and any person who has, during any calendar month within a financial year under this scheme, ground, crushed, gristed or otherwise processed mealies, shall, in respect of each subsequent calendar month within that year during which he has not ground, crushed, gristed or otherwise processed mealies, transmit to the board, within seven days after the close of that month, a nil return in a form prescribed by regulation; provided that no return shall be required to be so transmitted by any producer of mealies in respect of mealies ground, crushed, gristed or otherwise processed by him during any calendar month and intended for consumption by himself or his household or the feeding of livestock belonging to him.

(6) Any person who grinds, crushes, grists or otherwise processes mealies, 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) Any person who wilfully makes a false statement in a certificate referred to in sub-section (3) shall be guilty of an offence.

Levy on Mealies and Mealie Products Purchased from Producers.

25. (1) The board may, with the approval of the Minister, impose a levy on all mealies or mealie products delivered to or received by any person dealing with mealies or mealie products in the course of trade, as the result of a purchase or other acquisition from a producer of mealies and may from time to time vary the levy.

(2) The levy imposed on mealies or mealie products under sub-section (1) shall be payable to the board at such times and in such manner as may be prescribed by regulation under the Act by the person to whom such mealies or mealie products are delivered or by whom such mealies or mealie products are

Heffing op Mielies Gemaal, Gebreek, tot Gruis Gemaak of Andersins Verwerk.

24. (1) Die raad kan met die Minister se goedkeuring 'n heffing lê op alle mielies gemaal, gebreek, tot gruis gemaak of andersins verwerk deur 'n persoon wat as 'n besigheid met mielies of mielieprodukte handel, en kan die heffing van tyd tot tyd wysig; met dien verstande dat die heffing aldus opgelê op elke sak mielies gemaal, gebreek, tot gruis gemaak of andersins verwerk, nie een pennie per sak te bowe gaan nie.

(2) Behoudens die bepalings van subartikel (3), moet iedereen wat as 'n besigheid met mielies of mielieprodukte handel en wat mielies 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 mielies wat hy gedurende daardie kalendermaand gemaal, gebreek, tot gruis gemaak of andersins verwerk het.

(3) Die heffing is nie betaalbaar ten opsigte van mielies wat deur enige produsent daarvan of deur enige persoon ten behoeve van hom gemaal, gebreek, tot gruis gemaak of andersins verwerk word nie en wat deur daardie produsent bestem is vir sy eie verbruik en vir die verbruik van sy huisgesin en om vee wat aan hom behoort te voer; met dien verstande dat die vrystelling deur hierdie subartikel verleë ten opsigte van mielies gemaal, gebreek, tot gruis gemaak of andersins verwerk deur enige persoon ten behoeve van 'n produsent van mielies van toepassing is alleen op mielies ten opsigte waarvan deur die persoon wat daardie mielies 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 aldus gemaalde, gebreekte, tot gruis gemaakte of andersins verwerkte mielies te gebruik vir sy eie verbruik en vir die verbruik van sy huisgesin en om vee wat aan hom behoort te voer.

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

(5) Iedereen wat as 'n besigheid met mielies of mielieprodukte handel en wat mielies maal, breek, tot gruis maak of andersins verwerk, moet—

- (a) binne dertig dae na verloop van elke kalendermaand; en
- (b) indien 'n bedrag onder subartikel (2) deur so 'n persoon betaalbaar is aan die raad ten opsigte van mielies deur hom gedurende daardie kalendermaand gemaal, gebreek, tot gruis gemaak of andersins verwerk, terselfdertyd as wat daardie bedrag betaal word,

'n opgawe aan die raad toesend, in 'n deur die Minister by regulasie voorgeskrewe vorm, aantonende die gehele hoeveelheid mielies wat hy gedurende die loop van daardie kalendermaand gemaal, gebreek, tot gruis gemaak of andersins verwerk het, en 'n persoon wat gedurende enige kalendermaand van 'n boekjaar onder hierdie skema mielies gemaal, gebreek, tot gruis gemaak of andersins verwerk het, moet ten opsigte van elke daaropvolgende kalendermaand van daardie jaar waarin hy nie mielies gemaal, gebreek, tot gruis gemaak of andersins verwerk het nie, 'n nulpogawe, in 'n by regulasie voorgeskrewe vorm, aan die raad toesend binne sewe dae na verloop van daardie maand; met dien verstande dat geen opgawe aldus toegesend behoeft te word deur 'n produsent van mielies ten opsigte van mielies deur hom gedurende enige kalendermaand gemaal, gebreek, tot gruis gemaak of andersins verwerk nie en bestem vir sy eie verbruik of die verbruik van sy huisgesin of die voer van vee wat aan hom behoort.

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

- (a) opsetlik versuim om die volle bedrag, wat ten opsigte van heffing ingevolge 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) Iemand wat opsetlik 'n valse verklaring maak in 'n sertifikaat bedoel in subartikel (3) is aan 'n misdryf skuldig.

Heffing op Mielies en Mielieprodukte gekoop van Produsente.

25. (1) Die raad kan met die goedkeuring van die Minister 'n heffing lê op alle mielies of mielieprodukte geleverd aan of ontvang deur 'n persoon wat as 'n besigheid handel met mielies of mielieprodukte as gevolg van aankoop of verkryging op ander wyse van 'n produsent van mielies en kan die heffing van tyd tot tyd wysig.

(2) Die heffing opgelê op mielies of mielieprodukte onder subartikel (1) is aan die raad betaalbaar op die tye en wyse wat by regulasie kragtens die Wet voorgeskryf mag word deur die persoon aan wie daardie mielies of mielieprodukte geleverd word of deur wie daardie mielies of mielieprodukte ontvang

received, or, if such mealies or mealie products are so delivered to or received by a person resident outside the Union, by the producer by whom such mealies or mealie products are so delivered or from whom such mealies or mealie products are so received.

Establishment of Fund.

26. The board shall establish a fund, to be known as the Maize Levy Fund, into which all amounts derived from the levies referred to in sections *twenty-four* and *twenty-five*, 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.

Supplementary Payment to Producers.

27. (1) The board shall, out of the moneys derived from the levy imposed under section *twenty-five*, remit to every person who has exported mealies or mealie products, an amount equal to the levy on the total quantity of mealies and mealie products so exported by him, and shall utilise the balance of the said moneys, less such an amount, not exceeding five per cent. thereof, as the board may determine, for the purpose of supplementary payments to producers of mealies in such areas as the board may determine, on any mealies produced and sold or otherwise disposed of by them during any financial year under this scheme, whether such mealies are so sold or otherwise disposed of in the form of mealies or in the form of mealie products.

(2) Any supplementary payment under sub-section (1) shall be on a scale to be fixed by the board on the basis of the quantity of mealies and mealie products sold by each producer of mealies during the financial year in respect of which that supplementary payment is made, and subject to the condition that the scale may provide that any producer who has sold a quantity of mealies or mealie products, may receive a supplementary payment per bag of mealies or mealie products so sold which exceeds the supplementary payment received per bag of mealies or mealie products by any producer who has sold a greater quantity of mealies or mealie products, and that no such payment shall be made in respect of mealies or mealie products sold by any producer in excess of a quantity to be fixed by the board; provided, always, that the total amount of the supplementary payment received by any producer who has during the financial year in question sold a quantity of mealies or mealie products shall not exceed the total amount of the supplementary payment received by any producer who has during that financial year sold a greater quantity of mealies or mealie products; and provided, further, that no such supplementary payment shall be made to any producer of mealies in respect of mealies produced by him in a Native area or in respect of mealie products derived from mealies so produced, but in lieu thereof the board shall create a special account into which it shall, in respect of every financial year under this scheme, pay an amount calculated by multiplying the average of the scale per bag of mealies or mealie products at which supplementary payments are, during that financial year, made to different producers in respect of mealies produced by them outside Native areas, or in respect of mealie products derived from mealies so produced, by a number representing the total number of bags of mealies or mealie products produced in Native areas and sold by producers of mealies to persons registered with the board in terms of section *twenty-eight* or to the board itself, and shall devote any moneys in such special account to such purposes as the board may, in consultation with the Department of Native Affairs, consider to be to the advantage of producers of mealies in Native areas, and as may be approved by the Minister.

(3) No supplementary payment shall be made under sub-section (1) in respect of mealies or mealie products sold or otherwise disposed of by any producer, unless such mealies or mealie products have been sold to a person registered with the board in terms of section *twenty-eight*, or to the board itself, and unless that producer has transmitted to the board the original delivery note issued to him in terms of sub-section (2) of section *thirty-three* by the person who purchased or otherwise acquired such mealies or mealie products, and unless the board is satisfied that the mealies were produced on land owned or leased by that producer or that he is a *bona fide* farmer.

(4) For the purpose of this section, the board may advance to any producer of mealies, who has during any financial year under this scheme sold any mealies or mealie products, such amounts as it may determine against any supplementary payment which may during that financial year become payable to that producer.

Registration of Certain Persons dealing in the course of Trade with Mealies or Mealie Products.

28. (1) No person dealing in the course of trade with mealies or mealie products shall—

- (a) purchase or otherwise acquire mealies or mealie products from a producer of mealies;
- (b) grind, crush, grist or otherwise process mealies;

word, of, indien daardie mielies of mielieprodukte aldus gelewer word aan of ontvang word deur 'n persoon woonagtig buite die Unie, deur die produsent deur wie daardie mielies of mielieprodukte aldus gelewer word of van wie daardie mielies of mielieprodukte aldus ontvang word.

Instelling van Fonds.

26. Die raad moet 'n fonds instel onder die benaming van die Mielieheffingsfonds, waarin alle bedrae verkry uit die heffings bedoel in artikels *vier-en-twintig* en *vyf-en-twintig* asook alle handelswinste, kommissie, makelaarsloon, huurgelde en rente wat aan die raad oploop, en al'e bedrae wat tot beskikking van die raad gestel word, gestort moet word, en waaruit alle uitbetalings deur die raad moet geskied.

Aanvullende Betaling aan Produsente.

27. (1) Die raad moet, uit die gelde verkry uit die heffing opgelê kragtens artikel *vyf-en-twintig*, aan elke persoon wat mielies of mielieprodukte uitgevoer het, 'n bedrag oorbetaal gelyk aan die heffing op die gehele hoeveelheid mielies of mielieprodukte deur hom aldus uitgevoer, en moet die balans van bedoelde gelde, min so'n bedrag as die raad vasstel maar nie meer as vyf persent daarvan nie, aanwend vir die doel om, in die gebiede wat die raad mag bepaal, aanvullende betalings te maak aan produsente van mielies op enige mielies deur hulle geproduseer en gedurende 'n boekjaar onder hierdie skema verkoop of andersins van die hand gesit, hetsy daardie mielies aldus verkoop of andersins van die hand gesit is in die vorm van mielies of in die vorm van mielieprodukte.

(2) 'n Aanvullende betaling kragtens subartikel (1) moet geskied op 'n skaal deur die raad vasgestel te word op grondslag van die hoeveelheid mielies en mielieprodukte deur elke produsente van mielies verkoop gedurende die boekjaar ten opsigte waarvan daardie aanvullende betaling gemaak word, en onderworpe aan die voorwaarde dat die skaal mag voorsiening maak dat 'n produsent wat 'n hoeveelheid mielies of mielieprodukte verkoop het, 'n aanvullende betaling kan ontvang per sak mielies of mielieprodukte aldus verkoop wat hoër is as die aanvullende betaling per sak mielies of mielieprodukte ontvang deur 'n produsent wat 'n groter hoeveelheid mielies of mielieprodukte verkoop het, en dat geen betaling gemaak word ten opsigte van mielies of mielieprodukte deur 'n produsent verkoop bowe 'n hoeveelheid deur die raad vasgestel nie; met dien verstande, altoos, dat die gehele bedrag ontvang aan aanvullende betaling deur 'n produsent wat gedurende die betrokke boekjaar 'n hoeveelheid mielies of mielieprodukte verkoop het, nie hoër mag wees as die gehele bedrag ontvang aan aanvullende betaling deur 'n produsent wat gedurende daardie boekjaar 'n groter hoeveelheid mielies of mielieprodukte verkoop het nie; en met dien verstande, verder, dat geen aanvullende betaling gemaak word aan 'n produsent van mielies ten opsigte van mielies deur hom in 'n natuurlike gebied geproduseer nie of ten opsigte van produkte verkry uit mielies aldus geproduseer nie, maar in plek daarvan moet die raad 'n spesiale rekening open waarin dit, ten opsigte van elke boekjaar onder hierdie skema, 'n bedrag moet stort wat bereken moet word deur die gemiddelde van die skaal per sak mielies of mielieprodukte waarteen aanvullende betalings gedurende daardie boekjaar aan verskillende produsente gemaak word ten opsigte van mielies deur hulle buitekant natuurlike gebiede geproduseer of ten opsigte van produkte verkry uit mielies aldus geproduseer, te vermenigvuldig met 'n getal verteenwoordigende die gehele aantal sakke mielies of mielieprodukte geproduseer in natuurlike gebiede en verkoop deur produsente van mielies aan persone wat by die raad geregistreer is ooreenkomstig artikel *agt-en-twintig* of aan die raad self, en die raad moet die gelde in so'n spesiale rekening bestee vir die doeleindes wat hy, in oorleg met die Departement van Naturelle Sake, meen tot die voordeel te wees van produsente van mielies in natuurlike gebiede, en wat die Minister mag goedkeur.

(3) Geen aanvullende betaling word kragtens subartikel (1) ten opsigte van mielies of mielieprodukte wat deur 'n produsent verkoop of andersins van die hand gesit is, gemaak nie tensy daardie mielies of mielieprodukte verkoop is aan 'n persoon wat by die raad ooreenkomstig artikel *agt-en-twintig* geregistreer is, of aan die raad self, en tensy daardie produsent die oorspronklike afleveringsbrief aan hom ooreenkomstig subartikel (2) van artikel *drie-en-dertig* uitgereik deur die persoon wat daardie mielies of mielieprodukte gekoop of andersins verkry het, aan die raad toegestuur het, en tensy die raad tevrede is dat die mielies geproduseer is op grond wat die eiendom van daardie produsent is of deur hom gehuur word of dat hy 'n *bona fide* boer is.

(4) Vir die doel van hierdie artikel kan die raad die bedrae wat die raad vasstel aan 'n produsent van mielies wat gedurende 'n boekjaar onder hierdie skema mielies of mielieprodukte verkoop het, voorskiet op 'n aanvullende betaling wat gedurende daardie boekjaar aan daardie produsent betaalbaar mag word.

Registrasie van sekere Persone wat as 'n Besigheid met Mielies of Mielieprodukte handel.

28. (1) Niemand wat as 'n besigheid handel met mielies of mielieprodukte mag—

- (a) mielies of mielieprodukte koop of andersins verkry van 'n produsent van mielies;
- (b) mielies maal, breek, tot gruis maak of andersins verwerk;

(c) export mealies or mealie products; or
(d) act as a broker in mealies or mealie products, unless he has been registered with the board; provided that the prohibition under paragraph (b) shall not apply to any producer of mealies who grinds, crushes, grists or otherwise processes mealies solely for consumption by himself or his household or for the feeding of his livestock.

(2) No person shall be registered under this section unless he has complied with such requirements as may be prescribed by regulation under the Act, and the board approves of his registration.

(3) The board may approve of the registration of any person under this section 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 so prescribed or any condition so determined or any provision of this scheme or any prohibition, requirement or order issued thereunder.

(4) 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.

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

(6) 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.

Classes of Persons to whom Provisions Apply.

29. The provisions of section twenty-eight shall also apply—

(a) to any person, including any co-operative society or co-operative company, in respect of any mealies or mealie products received by such person, society or company from any producer to be held or disposed of for and on behalf of such producer;

(b) to any person, including any co-operative society or company, in respect of any mealies or mealie products received by such person, society or company from any producer and delivered by such person, society or company to the market-master or other person in charge of a public market established by a municipality or other local authority to be offered for sale on behalf of such producer; and

(c) to any municipality or other local authority by which a public market has been established, in respect of mealies or mealie products received by the market-master or other person in charge of such market from the producer thereof, otherwise than through a person referred to in paragraph (b) of this section for sale on behalf of such producer,

but shall not apply to the Railways and Harbours Administration in respect of mealies or mealie products held or received by it for conveyance or storage.

Exporters' Permit.

30. The board may prohibit any person from exporting mealies or mealie products except under the authority of a permit issued by the board.

Sale of mealies by Board.

31. (1) The board may sell any mealies or mealie products 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 establish a reserve of mealies and mealie products to provide 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 mealies or mealie products which it has purchased.

Brokers' Note.

32. (1) Whenever a contract for the purchase and sale of mealies or mealie products is concluded by a broker, he shall insert on the relevant broker's note—

(a) the number of the certificate of registration issued to him by the board;

(b) immediately after the seller's name—

(i) if the seller is a producer, the words "a producer"; and

(ii) if the seller is a person registered under section twenty-eight, the capacity in which he has been so registered and the number of the certificate of registration issued to him by the board;

(c) immediately after the purchaser's name, if the purchaser is a person registered under section twenty-eight, the capacity in which he has been so registered and the number of the certificate of registration issued to him by the board.

(c) mielies of mielieprodukte uitvoer; of

(d) as 'n makelaar in mielies of mielieprodukte optree,

tensy hy by die raad geregistreer is; met dien verstande dat die verbod kragtens paragraaf (b) nie van toepassing is op 'n produsent van mielies wat mielies maal, breek, tot gruis maak of andersins verwerk uitsluitlik vir sy eie verbruik of die verbruik van sy huisgesin of die voer van sy vee.

(2) Niemand word kragtens hierdie artikel geregistreer nie tensy hy voldoen het aan die voorskrifte wat by regulasie onder die Wet voorgeskryf mag word en die raad sy registrasie goedkeur.

(3) Die raad kan die registrasie van 'n persoon ingevolge hierdie artikel goedkeur op die voorwaardes wat hy mag bepaal, en kan die registrasie van so'n persoon kanselleer as hy 'n voorskrif aldus voorgeskryf, of 'n voorwaarde aldus bepaal, of 'n bepaling van hierdie skema of 'n verbod, voorskrif of bevel ingevolge daarvan uitgevaardig, oortree het of in gebreke gebly het om daaraan te voldoen.

(4) Wanneer die raad die registrasie van 'n persoon ingevolge hierdie artikel goedgekeur het, moet hy 'n registrasiesertifikaat, in die vorm wat hy mag voorskryf, aan daardie persoon laat uitreik, en as die raad bedoelde registrasie onderworpe aan voorwaardes goedgekeur het, moet die raad bedoelde voorwaardes in die betrokke registrasiesertifikaat laat spesifiseer.

(5) 'n Registrasiesertifikaat ingevolge hierdie artikel uitgereik, vervall op die dertigste dag van April eersvolgende na die datum van uitreiking, maar kan van tyd tot tyd deur die raad hernu word.

(6) 'n Persoon wie se registrasie deur die raad ingevolge hierdie artikel verwerp of gekanselleer is, kan by die Minister teen die verwerping of kansellering appèl aanteken.

Klasse Persone op wie Bepalings van Toepassing is.

29. Die bepalinge van artikel agt-en-twintig is ook van toepassing op—

(a) elke persoon, inbegrepe 'n koöperatiewe vereniging of koöperatiewe maatskappy, ten opsigte van mielies of mielieprodukte deur daardie persoon, vereniging of maatskappy van 'n produsent ontvang om vir of ten behoeve van daardie produsent gehou of van die hand gesit te word;

(b) elke persoon, inbegrepe 'n koöperatiewe vereniging of maatskappy, ten opsigte van mielies of mielieprodukte wat deur daardie persoon, vereniging of maatskappy van 'n produsent ontvang is en aan die markmeester of ander persoon in beheer van 'n openbare mark, opgerig deur 'n munisipaliteit of ander plaaslike bestuur, deur daardie persoon, vereniging of maatskappy gelewer is om ter verkoop aangebied te word ten behoeve van bedoelde produsent; en

(c) elke munisipaliteit of ander plaaslike bestuur deur wie 'n openbare mark opgerig is, ten opsigte van mielies of mielieprodukte wat deur die markmeester of ander persoon in beheer van daardie mark van die produsent daarvan ontvang is, langs 'n ander weg dan deur 'n persoon vermeld in paragraaf (b) van hierdie artikel, om ten behoeve van daardie produsent verkoop te word,

maar is nie van toepassing nie op die Administrasie van Spoorweë en Hawens ten opsigte van mielies of mielieprodukte wat hy vir vervoer of oorgang hou of ontvang.

Uitvoerderspermit.

30. Die raad kan enigiemand belet om mielies of mielieprodukte uit te voer, behalwe op gesag van 'n permit uitgereik deur die raad.

Verkoop van Mielies deur Raad.

31. (1) Die raad kan enige mielies of mielieprodukte wat hy gekoop het, verkoop aan die persone teen die pryse en op die voorwaardes en vir die doeleindes soos hy, van tyd tot tyd, bepaal.

(2) Die raad kan 'n reserwe mielies en mielieprodukte daarstel as voorsorgsmaatregel teen droogte of ander onvoorsiene omstandighede.

(3) Die raad kan self of deur agente deur hom aangestel, mielies of mielieprodukte wat hy aangekoop het, vir uitvoer verkoop of uitvoer teen die pryse wat hy vasstel.

Makelaarsbriewe.

32. (1) Wanneer 'n kontrak vir die koop en verkoop van mielies of mielieprodukte deur 'n makelaar gesluit word, moet hy op die betrokke makelaarsbrief aantoon—

(a) die nommer van die registrasiesertifikaat aan hom uitgereik deur die raad;

(b) onmiddellik na die verkoper se naam—

(i) as die verkoper 'n produsent is, die woorde „'n produsent"; en

(ii) as die verkoper 'n persoon is wat onder artikel agt-en-twintig geregistreer is, die hoedanigheid waarin hy aldus geregistreer is en die nommer van die registrasiesertifikaat aan hom uitgereik deur die raad;

(c) onmiddellik na die koper se naam, as die koper 'n persoon is wat onder artikel agt-en-twintig geregistreer is, die hoedanigheid waarin hy aldus geregistreer is en die nommer van die registrasiesertifikaat aan hom uitgereik deur die raad.

(2) Every broker shall at the close of every day on which he has concluded any contract for the sale of mealies or mealie products, transmit to the board a copy of each such contract.

Records to be Kept.

33. (1) Every person registered or required to be registered under section *twenty-eight*, shall record in the Afrikaans or English language each day in a book kept in a form prescribed by the board—

- (a) the name and address of every person from who he has during that day purchased or otherwise acquired or received any mealies or mealie products, and the quantity of mealies and of each kind of mealie product so purchased or otherwise acquired or received from each such person;
- (b) whether any such person is or is not a producer;
- (c) where mealies or mealie products have been purchased or otherwise acquired from a person registered under section *twenty-eight*, the capacity in which he has been so registered and the number of the certificate of registration issued to him by the board;
- (d) the name and address of every person to whom he has during that day disposed of any mealies or mealie products, and the quantity of mealies and of each kind of mealie product so disposed of to each such person, and if that person has been registered under section *twenty-eight*, the capacity in which he has been so registered and the number of the certificate or registration issued to him by the board:

Provided that, in respect of mealies or mealie products purchased or otherwise acquired or received from or disposed of to different persons on any particular day in quantities not exceeding, in the case of any such person, one bag of mealies or of any particular mealie product, it shall be a sufficient compliance with the requirements of this sub-section if such person records in the aforesaid book—

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

(2) Every person who purchases or otherwise acquires or receives mealies or mealie products from a producer of mealies shall—

- (a) make or cause to be made, in triplicate, in the Afrikaans or English language, in a form prescribed by the board, a delivery note in favour of the seller, stating—
 - (i) the name and address of the buyer;
 - (ii) the number of the certificate of registration issued to the buyer by the board;
 - (iii) the date of the delivery note;
 - (iv) the full name and address of the seller;
 - (v) the quantity and grade of the mealies and of each kind of mealie product so purchased;
 - (vi) the price per bag;
 - (vii) the place of delivery of the mealies or mealie products; and
 - (viii) the date of the purchase note or contract;
- (b) issue to the seller the original of the delivery note made in respect of the mealies or mealie products so purchased;
- (c) transmit to the board the duplicate copy of such delivery note; and
- (d) retain the third copy for completing the records to be kept by him in terms of this section.

(3) All delivery notes made by any person in terms of sub-section (2) shall be numbered consecutively.

(4) Every person who grinds, crushes, grists or otherwise processes mealies, whether for his own account or on behalf of any other person, shall record in the Afrikaans or English language each day in a book kept specially for this purpose—

- (a) the name and address of each person on whose behalf any such mealies were ground, crushed, gristed, or otherwise processed, and the weight of the mealies so ground, crushed, gristed or otherwise processed on behalf of each such person; and
- (b) the weight of mealies ground, crushed, gristed or otherwise processed by him during that day, either on his own behalf or on behalf of any other person, and the total weight of each kind of mealie product so obtained;

Provided that the requirements under this sub-section shall not apply to a producer of mealies or a *bona fide* farmer who grinds, crushes, grists or otherwise processes mealies for consumption by himself or his household or the feeding of his livestock.

(2) Elke makelaar moet aan die end van elke dag waarop hy enige kontrakte vir die verkoping van mielies of mielieprodukte gesluit het, 'n afskrif van elke sodanige kontrak aan die raad toestuur.

Rekords gehou te word.

33. (1) Iedereen wat ingevolge artikel *agt-en-twintig* geregistreer is of geregistreer moet wees, moet in Afrikaans of Engels, in 'n boek wat in 'n deur die raad voorgeskrewe vorm gehou word, elke dag aanteken—

- (a) die naam en adres van elke persoon van wie hy gedurende daardie dag mielies of mielieprodukte gekoop of op ander wyse verkry of ontvang het, en die hoeveelheid mielies en van elke soort mielieproduk aldus gekoop of op ander wyse verkry of ontvang van elke sodanige persoon;
- (b) of daardie persoon 'n produsent is al dan nie;
- (c) waar mielies of mielieprodukte gekoop of andersins verkry is van 'n persoon wat onder artikel *agt-en-twintig* geregistreer is, die hoedanigheid waarin hy aldus geregistreer is en die nommer van die registrasiesertifikaat aan hom uitgereik deur die raad;
- (d) die naam en adres van elke persoon aan wie hy gedurende daardie dag mielies of mielieprodukte van die hand gesit het, en die hoeveelheid mielies en van elke soort mielieproduk wat hy aldus op daardie dag aan elke sodanige persoon van die hand gesit het, en indien daardie persoon onder artikel *agt-en-twintig* geregistreer is, die hoedanigheid waarin hy aldus geregistreer is en die nommer van die registrasiesertifikaat aan hom uitgereik deur die raad:

Met dien verstande dat, ten opsigte van mielies of mielieprodukte wat op 'n besondere dag van verskillende persone gekoop of op ander wyse verkry of ontvang is of aan verskillende persone van die hand gesit is in hoeveelhede van hoogstens een sak mielies of van 'n besondere mielieproduk in die geval van enige sodanige persoon, dit 'n afdoende voldoening aan die voorskrifte van hierdie subartikel sal wees indien daardie persoon in voormelde boek aanteken—

- (i) die gehele hoeveelheid mielies en van elke soort mielieproduk wat hy aldus op daardie dag van alle sodanige persone wat produsente van mielies is, gekoop of op ander wyse verkry of ontvang het;
- (ii) die gehele hoeveelheid mielies en van elke soort mielieproduk wat hy aldus op daardie dag van alle sodanige persone wat nie produsente van mielies is nie, gekoop of op ander wyse verkry of ontvang het; en
- (iii) die gehele hoeveelheid mielies en van elke soort mielieproduk wat hy aldus op daardie dag aan alle sodanige persone van die hand gesit het.

(2) Iedereen wat mielies of mielieprodukte van 'n produsent van mielies koop of op ander wyse verkry of ontvang, moet—

- (a) op 'n deur die raad voorgeskrewe vorm in triprikaat in Afrikaans of Engels, in afleveringsbrief ten gunste van die verkoper uitmaak of laat uitmaak waarin vermeld word—
 - (i) die naam en adres van die koper;
 - (ii) die nommer van die registrasiesertifikaat aan die koper uitgereik deur die raad;
 - (iii) die datum van die afleveringsbrief;
 - (iv) die volle naam en adres van die verkoper;
 - (v) die hoeveelheid en graad van die mielies en van elke soort mielieproduk aldus gekoop;
 - (vi) die prys per sak;
 - (vii) die afleveringsplek van die mielies of mielieprodukte; en
 - (viii) die datum van die verkopingsbrief of kontrak;
- (b) die oorspronklike kopie van die afleveringsbrief uitgemaak ten opsigte van die mielies of mielieprodukte aldus gekoop, aan die verkoper lewer;
- (c) die duplikaat van die afleveringsbrief aan die raad toestuur; en
- (d) die derde kopie behou ten einde die rekords wat hy volgens hierdie artikel moet hou, te voltooi.

(3) Alle afleveringsbriewe deur 'n persoon ingevolge subartikel (2) uitgemaak, moet in volgorde genummer word.

(4) Iedereen wat mielies 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 Afrikaans of Engels aanteken—

- (a) die naam en adres van elke persoon ten behoeve van wie mielies gemaal, gebreek, tot gruis gemaak of andersins verwerk is, en die gewig van die mielies wat aldus gemaal, gebreek, tot gruis gemaak of andersins verwerk is ten behoeve van elkeen van daardie persone; en
- (b) die gewig mielies wa op daardie dag deur hom vir sy eie rekening of ten behoeve van iemand anders gemaal, gebreek, tot gruis gemaak of andersins verwerk is, en die totale gewig van elke soort mielieproduk aldus verkry;

Met dien verstande dat die voorskrifte onder hierdie subartikel nie van toepassing is nie op 'n produsent van mielies of 'n *bona fide* boer wat mielies maal, breek, tot gruis maak of andersins verwerk vir verbruik deur homself of sy huisgesin of die voer van sy vee.

Examination of Books and Inspection of Mealies in Stock.

34. (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 mealies or mealie products, or any person who grinds, crushes, grists or otherwise processes mealies, or any person who is believed upon reasonable grounds to be dealing in the course of trade with mealies or mealie products, or to be grinding, crushing, gristing or otherwise processing mealies, or upon any premises, land or place in or on which any mealies or mealie products are kept by any such person, and may inspect all mealies and mealie products and examine all books, accounts and documents there being, and may require a statement of the history and an explanation of the presence of any such mealies or mealie products, and an explanation of any entries or documents referring or suspected to refer to mealies or mealie products, and seize any such books, accounts and documents and mealies or mealie 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 or explanation of any matter referred to in sub-section (1) of this section shall be guilty of an offence.

Offences and Penalties.

35. (1) 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.

(2) Any person convicted of an offence under this scheme shall be liable to a fine not exceeding one hundred pounds.

Regulations.

36. The Minister may make regulations prescribing the form of any document to be used for the purposes of section twenty-four.

Definitions.

37. 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 Mealie Industry Control Board, established under the Mealie Control Amendment Act, 1935, as reconstituted in terms of section two;

"producer", in relation to mealies, means the person by whom or on whose behalf such mealies were grown; provided, however, that the person to whom mealies were 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 mealies were grown, shall be deemed to be the producer of such mealies;

"bag of mealies" means such weight of mealies whether or not contained in a sack or other container, as may be fixed for a bag of mealies under the Weights and Measures Act, 1922 (Act No. 32 of 1922);

"mealie product" means mealie meal and any of the following products if manufactured exclusively from mealies and containing no admixture of cob or other portions of the plant—

- (a) mealie flour;
- (b) crushed or cracked mealies;
- (c) mealie grits;
- (d) mealies or bakers' cones;
- (e) mealie rice;
- (f) samp;
- (g) germ meal;
- (h) hominy chop;
- (i) mealie bran,

and 193 lb. net weight of any mealie product, as defined above, shall be considered to be the equivalent of a bag of mealies;

"mealie merchant" means any person dealing with mealies or mealie products in the course of trade whose business consists of the purchase and sale of mealies, but does not include a co-operative society or company, a broker, an exporter of mealies or a miller;

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

"exporter of mealies" means any person, a substantial part of whose business consists of the exporting of mealies or mealie products, but does not include a co-operative society or company or a miller;

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

Insae van Boeke en Inspeksie van Mielies in Voorraad.

34. (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 met mielies of mielieprodukte of 'n persoon wat mielies maal, tot gruis maak, breek of andersins verwerk of van iemand wat op redelike gronde vermoed word as 'n besigheid te handel met mielies of mielieprodukte, of mielies te maal, tot gruis te maak, te breek of andersins te verwerk, of 'n perseel of grond of plek betree waarin of waarop mielies of mielieprodukte deur so'n persoon gehou word, en kan alle mielies en mielieprodukte aldaar inspekteer en alle boeke, rekenings en dokumente aldaar insien en 'n uiteensetting eis van die geskiedenis en 'n uitleg eis van die aanwesigheid van daardie mielies of mielieprodukte en 'n uitleg eis van inskrywings of dokumente wat betrekking het of vermoed word betrekking te hê op mielies of mielieprodukte en beslag lê op boeke, rekenings en dokumente en mielies of mielieprodukte, wat bewys mag oplewer van 'n oortreding van of versuim om te voldoen aan die bepalings van hierdie skema, of 'n verbod, voorskrif of bevel daaronder uitgevaardig 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 daaronder geëis word, of wat 'n valse verklaring maak of laat maak of 'n valse uitleg verstrek of laat verstrek betreffende 'n aangeleentheid bedoel in subartikel (1) van hierdie artikel, is aan 'n misdryf skuldig.

Oortredings en Strawwe.

35. (1) Iemand wat 'n bepaling van hierdie skema of 'n verbod, voorskrif of bevel daaronder uitgevaardig oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig.

(2) Iemand wat weens 'n misdryf volgens hierdie skema veroordeel word is strafbaar met 'n boete van hoogstens honderd pond.

Regulasies.

36. Die Minister kan regulasies uitvaardig ter bepaling van die vorm van enige dokument wat by die toepassing van artikel vier-en-twintig gebruik moet word.

Woordomskriving.

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

„raad”, die Raad van Beheer oor die Mielienywerheid

ingestel ingevolge die Mielie-Reëlings Wysigingswet,

1935, soos hersaamgestel ooreenkomstig artikel twee;

„produsent”, met betrekking tot mielies, die persoon deur of ten behoeve van wie daardie mielies verbou is; met dien verstande, egter, dat die persoon aan wie mielies gelewer is as vergoeding of as deel van die vergoeding vir die reg om grond waarop of op 'n deel waarvan die mielies verbou is, te gebruik, geag word die produsent van daardie mielies te wees;

„sak mielies”, mielies van so'n gewig, hetsy al dan nie in 'n sak of ander houer vervat, as wat vir 'n sak mielies vasgestel mag wees kragtens die „Wet op Maten en Gewichten, 1922” (Wet No. 32 van 1922);

„mielieproduk”, mieliemeel en enigeen van die volgende produkte indien dit uitsluitlik van mielies vervaardig is en geen mielielkoppe of ander dele van die mielielplant bevat nie—

- (a) mieliemeelblom;
- (b) gebreekte of gekraakte mielies;
- (c) mielielgruis;
- (d) „mealie or bakers' cones”;
- (e) mielierys;
- (f) stampmielies;
- (g) kiemmel;
- (h) „hominy chop”;
- (i) mielieliesemels,

en 193 lb. netto gewig van enige mielieproduk soos hierbo omskryf, word geag gelyk aan 'n sak mielies te wees;

„mielielkoopman”, 'n persoon wat as 'n besigheid handel met mielies of mielieprodukte en wie se besigheid bestaan uit die koop en verkoop van mielies, maar 'n koöperatiewe vereniging of maatskappy, 'n makelaar, 'n mielieluitvoerder of 'n meulenaar is nie daaronder ingegrepe nie;

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

„mielieluitvoerder”, iemand van wie die besigheid vir 'n belangrike deel bestaan uit die uitvoer van mielies of mielieprodukte, maar 'n koöperatiewe vereniging of maatskappy of 'n meulenaar is nie daaronderingegrepe nie;

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

"export" means export to any country, territory or region beyond the borders of the Union, other than Basutoland or Swaziland, the Bechuanaland Protectorate or the Mandated Territory of South-West Africa;

"Native area" means any area scheduled under the Natives Land Act, 1913, as amended, and all land owned by the South African Native Trust established under the Native Trust and Land Act, 1936;

"delivered" or "received", for the purpose of section twenty-five, includes—

- (a) delivered to the grain elevator system either directly on behalf of the person to whom delivery is intended, or on behalf of his nominee;
- (b) transferred by delivery of a grain elevator receipt;
- (c) delivered directly to the person to whom delivery is intended or to his nominee;
- (d) delivered at the premises of any person or at some other place for or on his behalf or to his order; provided that no delivery or receipt shall be deemed to have taken place until such time as removal from the property or premises of the producer making delivery has been effected.

Liquidation of Scheme.

38. 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 mealie industry;
- (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 benefit derived in respect of mealies or mealie products sold by such producers or on their behalf during the period within which the scheme has been in operation.

Repeal of Scheme Published under Proclamation No. 131 of 1938.

39. The scheme published under Proclamation No. 131 of 1938, as amended by Proclamation No. 187 of 1938, is hereby repealed.

"uitvoer", uitvoer na enige land, gebied of streek buite die grense van die Unie, behalwe Basoetoland, Swaziland, die Betsjoeanaland-Protectoraat of die Mandaatgebied Suidwes-Afrika;

"naturellegebied", 'n gebied geskeduleer onder die „Naturellen Grond Wet, 1913", soos gewysig, en alle grond wat die eiendom is van die Suid-Afrikaanse Natureltrust ingestel kragtens die Naturelle Trust-en Grondwet, 1936;

"gelewer" of „ontvang", vir die toepassing van artikel vyf-en-twintig, ook—

- (a) gelewer aan die graansuierselsel hetsy direk ten behoeve van die persoon vir wie aflewering bedoel is of ten behoeve van die persoon deur hom benoem;
- (b) oorgedra deur aflewering van 'n graansuiersertifikaat;
- (c) gelewer direk aan die persoon vir wie aflewering bedoel is of die persoon deur hom benoem;
- (d) gelewer by die perseel van 'n persoon of by 'n ander plek vir of ten behoeve van hom of aan sy order; met dien verstande dat geen aflewering of ontvangs geag word plaasgevind te hê nie tot tyd en wyl verwydering van die eiendom of perseel van die produsent geskied het nie.

Opheffing van Skema.

38. 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 goeë dunnke vir die bevordering van die mieliebedryf aangewend;
- (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 voordeel verkry ten opsigte van mielies of mielieprodukte deur of ten behoeve van bedoelde produsente verkoop gedurende die tydperk waarin die skema van krag was

Herroeping van Skema gepubliseer by Proklamasie No. 131 van 1938.

39. Die skema gepubliseer by Proklamasie No. 131 van 1938, soos gewysig by Proklamasie No. 187 van 1938, word hierby herroep.

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