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

* No. 112, 1939.]

DAIRY PRODUCTS MARKETING SCHEME.

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), 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 Dairy Industry Control Board established under section one of the Dairy Industry Control Act, 1930 (Act No. 35 of 1930), 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 first day of August, 1939.

GOD SAVE THE KING.

Given under my Hand and the Great Seal of the Union of South Africa at Capetown this Seventh day of June 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 HOOGDELAGBARE 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. 112, 1939.]

SUIWELPRODUKTE BEMARKINGSKEMA.

Kragtens die bevoegdheid my verleen by paragraaf (a) van subartikel (1) van artikel twee-en-twintig van die Bemerkingswet, 1937 (Wet No. 26 van 1937), 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 Toesig op die Suiwelnwyerheid ingestel onder artikel een van die Wet op die Beheer van die Suiwelnwyerheid, 1930 (Wet No. 35 van 1930), en wat volgens paragraaf (c) van subartikel (3) van voornoemde artikel sewentien deur genoemde Minister aangeneem is met sekere wysigings, op die eerste dag van Augustus 1939 in werking tree.

GOD BEHOEDE DIE KONING.

Gegee onder my Hand en die Grootseël van die Unie van Suid-Afrika te Kaapstad, op hede die Sewende dag van Junie Eenduisend Negehonderd Nege-en-dertig.

PATRICK DUNCAN,
Goewerneur-generaal.

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

W. R. COLLINS.

SCHEDULE.

SCHEME FOR THE REGULATION OF THE PRODUCTION AND MARKETING OF DAIRY PRODUCTS AND MATTERS INCIDENTAL THERETO IN TERMS OF THE MARKETING ACT, 1937.

CHAPTER I.

NAME AND NATURE OF SCHEME, AREAS IN WHICH IT SHALL APPLY AND PRODUCTS TO WHICH IT SHALL RELATE.

Name and Scope of Scheme.

1. (1) The scheme shall be known as the Dairy Products Marketing Scheme and shall relate to—

- (a) creamery butter, factory cream, farm butter, farm dairy butter, factory cheese, cheese milk, farm cheese, process cheese, condensing milk, condensed milk and milk powder; and
- (b) fresh milk and fresh cream.

(2) The provisions of the scheme shall apply—

- (a) in the case of the classes of products mentioned in paragraph (a) of sub-section (1), throughout the Union; and
- (b) in the case of the classes of products mentioned in paragraph (b) of sub-section (1), in each of the following areas (hereinafter referred to as milk areas), namely—

- (i) the area consisting of the municipal areas of Capetown and Simonstown, the local board areas of Pinelands and Milnerton and the village management board areas of Fish Hoek, Parow, Goodwood and Bellville;
- (ii) the area consisting of the municipal areas of Port Elizabeth and Walmer;
- (iii) the area consisting of the municipal areas of East London and Cambridge and the village management board areas of Woodbrook and Amalinda;
- (iv) the municipal area of Kimberley;
- (v) the municipal area of Pretoria;
- (vi) the municipal area of Johannesburg;
- (vii) the municipal area of Germiston;
- (viii) the area consisting of the municipal areas of Randfontein, Krugersdorp and Roodepoort-Maraiburg;
- (ix) the municipal area of Durban;
- (x) the municipal area of Pietermaritzburg.

(3) The provisions of sections sixty-four, sixty-eight, seventy-one, seventy-two, seventy-three, seventy-four, seventy-five, seventy-six, seventy-seven, seventy-eight and eighty of this scheme shall not apply to any fresh milk producer who is a member of a co-operative society or company handling fresh milk or fresh cream on behalf of its members, but shall apply to that society or company in respect of any fresh milk or fresh cream delivered to it by its members as if it were a producer of such fresh milk or fresh cream, and any such society or company shall be deemed to be registered under section sixty-five.

Definitions of Products to which the Scheme relates and of Producers thereof.

2. In this scheme the expression "the Act" means the Marketing Act, 1937, and the regulations 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 Dairy Industry Control Board, established under the Dairy Industry Control Act, 1930, as reconstituted in terms of section three;
- "creamery" means a creamery as defined in the Dairy Industry Act, 1918;
- "creamery butter" means any butter manufactured in a creamery and any imported butter;
- "factory cream" means cream sold for manufacturing purposes to a butter manufacturer;
- "farm butter" means butter (other than farm dairy butter) manufactured in the Union elsewhere than in a creamery;
- "farm dairy butter" means butter manufactured elsewhere than in a creamery by any member or members of any one household during any period of twelve months commencing on the first day of every calendar month, after the date on which any levy imposed under sub-section (3) of section twenty-six becomes operative, during which more than fifty pounds of butter so manufactured by such member or members have been sold;
- "cheese factory" means a cheese factory as defined in the Dairy Industry Act, 1918;
- "factory cheese" means any cheese, not being process cheese, manufactured in a cheese factory and any imported cheese;
- "cheese milk" means milk sold for manufacturing purposes to a cheese manufacturer;
- "farm cheese" means cheese manufactured in the Union elsewhere than in a cheese factory;
- "fresh cheese" means cheese intended for immediate consumption in its fresh state without being subjected to any process of pressing or ripening;

SKEDULE.

SKEMA VIR DIE REËLING VAN DIE PRODUKSIE EN BEMARKING VAN SUIWELPRODUKTE EN AANGELEENTHEDE WAT DAARMEE IN VERBAND STAAN, KRAGTENS DIE BEMARKINGSWET, 1937.

HOOFSTUK I.

NAAM EN AARD VAN SKEMA, GEBIEDE WAARIN DIT VAN TOEPASSING IS, EN PRODUKTE WAAROP DIT BETREKKING HET.

Naam en Omvang van Skema.

1. (1) Die skema heet die Skema vir die Reëling van die Bemarking van Suiwelprodukte en het betrekking op—

- (a) fabrieksbotter, fabrieksroom, plaasbotter, plaasmelkerybotter, fabriekskaas, kaasmelk, plaaskaas, proséskaas, kondenseermelk, kondensmelk en melkpoeier; en
- (b) vars melk en vars room.

(2) Die bepalings van die skema is van toepassing—

- (a) in die geval van die klasse produkte genoem in paragraaf (a) van subartikel (1), in alle dele van die Unie; en
- (b) in die geval van die klasse produkte genoem in paragraaf (b) van subartikel (1), in elkeen van die volgende gebiede (hierna melkgebied genoem) naamlik—

- (i) die gebied bestaande uit die munisipale gebiede van Kaapstad en Simonstad, die gebiede onder beheer van die plaaslike rade van Pinelands en Milnerton en die dorpsbeheerraadgebiede van Vishoek, Parow, Goodwood en Bellville;
- (ii) die gebied bestaande uit die munisipale gebiede van Port Elizabeth en Walmer;
- (iii) die gebied bestaande uit die munisipale gebiede van Oos-Londen en Cambridge en die dorpsbeheerraadgebiede van Woodbrook en Amalinde;
- (iv) die munisipale gebied van Kimberley;
- (v) die munisipale gebied van Pretoria;
- (vi) die munisipale gebied van Johannesburg;
- (vii) die munisipale gebied van Germiston;
- (viii) die gebied bestaande uit die munisipale gebiede van Randfontein, Krugersdorp en Roodepoort-Maraiburg;
- (ix) die munisipale gebied van Vereeniging;
- (x) die munisipale gebied van Durban;
- (xi) die munisipale gebied van Pietermaritzburg.

(3) Die bepalings van artikels vier-en-sestig, agt-en-sestig, een-en-sewentig, twee-en-sewentig, drie-en-sewentig, vier-en-sewentig, vyf-en-sewentig, ses-en-sewentig, sewe-en-sewentig, agt-en-sewentig en tagtig van hierdie skema is nie van toepassing op 'n varsmelkprodusent wat lid is van 'n koöperatiewe vereniging of maatskappy wat vars melk of vars room ten behoeve van sy lede hanteer nie, maar is van toepassing op daardie vereniging of maatskappy ten opsigte van alle vars melk of vars room deur sy lede aan hom gelever asof hy self 'n produsent van daardie vars melk of vars room is, en so 'n vereniging of maatskappy word geag ooreenkomstig artikel vyf-en-sestig geregistreer te wees.

Omskrywing van Produkte waarop die Skema betrekking het en van Produsente daarvan.

2. In hierdie skema beteken die uitdrukking „die Wet” die Bemarkingswet, 1937, en die regulasies ingevolge daarvan uitgevaardig, en 'n uitdrukking waaraan in daardie Wet 'n betekenis gegee is, het, wanneer dit in hierdie skema gebruik word, dieselfde betekenis. Voorts, tensy in stryd met die samehang, beteken—

- „raad”, die Raad van Toesig op die Suiwelnywerheid ingestel ingevolge die Wet op die Beheer van die Suiwelnywerheid, 1930, en hersaamgestel ooreenkomstig artikel drie;
- „botterfabriek”, 'n botterfabriek soos in die „Zuivelnywerheid Wet, 1918”, omskryf;
- „fabrieksbotter”, botter in 'n botterfabriek vervaardig, en ingevoerde botter;
- „fabrieksroom”, room vir vervaardigingsdoeleindes aan 'n bottervervaardiger verkoop;
- „plaasbotter”, botter (uitgesonderd plaasmelkerybotter) in die Unie elders as in 'n botterfabriek vervaardig;
- „plaasmelkerybotter”, botter elders as in 'n botterfabriek vervaardig deur 'n lid of lede van een huishouding gedurende 'n tydperk van twaalf maande beginnende op die eerste dag van elke kalendermaand, na die datum waarop 'n heffing opgelê kragtens subartikel (3) van artikel ses-en-twintig van krag word, waarin meer as vyftig pond botter aldus vervaardig deur daardie lid of lede, verkoop is;
- „kaasfabriek”, 'n kaasfabriek soos in die „Zuivelnywerheid Wet, 1918”, omskryf;
- „fabriekskaas”, kaas, behalwe proseskaas, in 'n kaasfabriek vervaardig, en ingevoerde kaas;
- „kaasmelk”, melk vir vervaardigingsdoeleindes aan 'n kaasvervaardiger verkoop;
- „plaaskaas”, kaas in die Unie elders as in 'n kaasfabriek vervaardig;
- „vars kaas”, kaas bestem vir onmiddellike verbruik in sy vars toestand, sonder onderwerping aan 'n pers- of rypingsproses;

- "condensing milk" means milk sold for manufacturing purposes to the owner of a condensed milk factory or milk powder factory;
- "fresh cream" means any cream sold in any area defined in paragraph (b) of sub-section (2) of section one, other than cream sold for manufacturing purposes to a butter manufacturer or a cheese manufacturer, or to the owner of a condensed milk factory, milk powder factory or renovated butter factory, but does not include cream which has been sterilised and is contained in an airtight container;
- "fresh milk" means any milk sold in any area defined in paragraph (b) of sub-section (2) of section one, other than milk sold for manufacturing purposes to a butter manufacturer or a cheese manufacturer, or to the owner of a condensed milk factory, milk powder factory or renovated butter factory;
- "fresh milk producer" means any person who produces and sells fresh milk or fresh cream for resale;
- "fresh milk distributor" means any person who purchases fresh milk or fresh cream from a fresh milk producer for the purpose of resale or who separates the cream from fresh milk so purchased from the purpose of sale;
- "fresh milk producer-distributor" means any person who produces fresh milk or fresh cream for sale;
- "milk purveyor" means any person who purchases fresh milk or fresh cream for resale on his premises and delivery on such premises at the time of sale;
- "process cheese" means the product obtained by the mixing or blending of different quantities of cheese, whether of the same make, grade, quality or variety or of different makes, grades, qualities or varieties, or by the treatment of any quantity of cheese, whether or not obtained by so mixing or blending different quantities of cheese, irrespective of whether or not such product has been subjected to heat treatment or pasteurisation and whether or not any substance has been added thereto, and includes imported process cheese;
- "producer", in relation to—
- cheese milk, in this scheme also referred to as a "cheese milk producer", means any person who produces and sells cheese milk;
 - condensing milk, in this scheme also referred to as a "condensing milk supplier", means any person who produces and sells condensing milk;
 - creamery butter, in this scheme also referred to as a "butter manufacturer", means any person who manufactures creamery butter and includes any importer of butter;
 - factory cheese, in this scheme also referred to as a "cheese manufacturer", means any person who manufactures factory cheese and includes any importer of cheese;
 - factory cream, in this scheme also referred to as a "cream producer", means any person who produces and sells factory cream;
 - farm butter, in this scheme also referred to as a "farm butter-maker", means any person who manufactures and sells farm butter;
 - farm dairy butter, in this scheme also referred to as a "farm dairy butter maker", means any person who manufactures and sells farm dairy butter;
 - farm cheese, in this scheme also referred to as a "farm cheese-maker", means any person who manufactures and sells farm cheese;
 - process cheese, in this scheme also referred to as a "process cheese manufacturer", means any person who manufactures process cheese and includes any importer of process cheese;
 - condensed milk and milk powder, in this scheme also referred to as a "condensed milk manufacturer", means any person who manufactures condensed milk or milk powder and includes any importer of condensed milk or milk powder;
 - any product imported into the Union, in this scheme also referred to as an "importer", means any person who imports such product.

CHAPTER II.

ADMINISTRATION OF SCHEME.

Administration of Scheme and Constitution of Board.

3. (1) This scheme shall be administered by the Dairy Industry Control Board, established under the Dairy Industry Control Act, 1930 (Act No. 35 of 1930), which shall for that purpose consist of seventeen members, apart from any members who may be appointed in terms of paragraph (d) of sub-section (2) of section eighty-two, to be appointed by the Governor-General, of whom—

- four shall represent producers supplying cream to creameries (hereinafter referred to as the cream producers' members) who shall be nominated in accordance with the provisions of section four;
- three shall represent owners of creameries (hereinafter referred to as the butter manufacturers' members) who shall be nominated in accordance with the provisions of section five;

- kondenseermelk", melk vir vervaardigingsdoeleindes aan die eienaar van 'n kondensmelk- of melkpoeierfabriek verkoop;
 - vars room", room verkoop in 'n gebied omskryf in paragraaf (b) van subartikel (2) van artikel een, behalwe room vir vervaardigingsdoeleindes verkoop aan 'n bottervervaardiger of 'n kaasvervaardiger, of aan die eienaar van 'n kondensmelkfabriek, melkpoeierfabriek of fabriek vir die opnuutopmaak van botter, maar room wat gesteriliseer en in 'n lugdigte houer vervat is, is nie daaronder inbegrepe nie;
 - vars melk", melk verkoop in 'n gebied omskryf in paragraaf (b) van subartikel (2) van artikel een, behalwe melk vir vervaardigingsdoeleindes verkoop aan 'n bottervervaardiger of 'n kaasvervaardiger, of aan die eienaar van 'n kondensmelkfabriek, melkpoeierfabriek of fabriek vir die opnuutopmaak van botter;
 - varsmelkprodusent", iemand wat vars melk of vars room vir herverkoop produseer en verkoop;
 - varsmelkdistribueerder", iemand wat vars melk of vars room van 'n varsmelkprodusent koop met die doel om dit weer te verkoop, of wat die room van vars melk aldus gekoop vir verkoop afskei;
 - varsmelkprodusent-distribueerder", iemand wat vars melk of vars room vir verkoop produseer;
 - toonbank-melkhandelaar", iemand wat vars melk of vars room koop vir herverkoop op sy perseel en aflewer op daardie perseel tydens verkoop;
 - proseskaas", die produk verkry deur die meng of vermeng van verskillende hoeveelhede kaas, hetsy van dieselfde maaksel, graad, kwaliteit of soort of van verskillende maakselfs, grade, kwaliteite of soorte, of deur die behandeling van 'n hoeveelheid kaas, hetsy deur so 'n menging of vermenging van verskillende hoeveelhede kaas verkry of nie, afgesien daarvan of bedoelde produk aan hittebehandeling of pasteurisasie onderwerp was of nie en afgesien daarvan of enige stof daarby gevoeg is of nie, en ook ingevoerde proseskaas;
 - produsent", met betrekking tot—
- kaasmelk, in hierdie skema ook 'n "kaasmelkprodusent" genoem, iemand wat kaasmelk produseer en verkoop;
 - kondenseermelk, in hierdie skema ook 'n "kondenseermelkverskaffer" genoem, iemand wat kondenseermelk produseer en verkoop;
 - fabrieksbotter, in hierdie skema ook 'n "bottervervaardiger" genoem, iemand wat fabrieksbotter vervaardig, en ook 'n invoerder van botter;
 - fabriekskaas, in hierdie skema ook 'n "kaasvervaardiger" genoem, iemand wat fabriekskaas vervaardig, en ook 'n invoerder van kaas;
 - fabrieksroom, in hierdie skema ook 'n "roomprodusent" genoem, iemand wat fabrieksroom produseer en verkoop;
 - plaasbotter, in hierdie skema ook 'n "plaasbottermaker" genoem, iemand wat plaasbotter vervaardig en verkoop;
 - plaasmelkerybotter, in hierdie skema ook 'n "plaasmelkerybottermaker" genoem, iemand wat plaasmelkerybotter vervaardig en verkoop;
 - plaaskaas, in hierdie skema ook 'n "plaaskaasmaker" genoem, iemand wat plaaskaas vervaardig en verkoop;
 - proseskaas, in hierdie skema ook 'n "proseskaasvervaardiger" genoem, iemand wat proseskaas vervaardig, en ook 'n invoerder van proseskaas;
 - kondensmelk en melkpoeier, in hierdie skema ook 'n "kondensmelkvervaardiger" genoem, iemand wat kondensmelk of melkpoeier vervaardig, en ook 'n invoerder van kondensmelk of melkpoeier;
 - 'n produk in die Unie ingevoer, in hierdie skema ook "invoerder" genoem, iemand wat so 'n produk invoer.

HOOFSTUK II.

UITVOERING VAN SKEMA.

Uitvoering van Skema en Samestelling van Raad.

3. (1) Hierdie skema word uitgevoer deur die Raad van Toesig op die Suiwelnywerheid ingestel kragtens die Wet op die Beheer van die Suiwelnywerheid, 1930 (Wet No. 35 van 1930), wat vir daardie doel bestaan uit sewentien lede, afgesien van lede wat kragtens paragraaf (d) van sub-artikel (2) van artikel twee-en-tagtig aangestel kan word, deur die Goewerneur-generaal aangestel, van wie—

- vier verteenwoordigers moet wees van produsente wat room aan botterfabrieke verskaf (hierna die roomprodusentelede genoem) en genomineer moet word ooreenkomstig die bepalinge van artikel vier;
- drie verteenwoordigers moet wees van bottervervaardigerslede (hierna die bottervervaardigerslede genoem) en genomineer moet word ooreenkomstig die bepalinge van artikel vyf;

- (c) one shall represent makers of farm dairy butter (hereinafter referred to as the farm dairy butter-makers' member) who shall be nominated in accordance with the provisions of section *six*;
- (d) one shall represent producers supplying milk to cheese factories (hereinafter referred to as the cheese milk producers' member) who shall be nominated in accordance with the provisions of section *seven*;
- (e) one shall represent owners of cheese factories (hereinafter referred to as the cheese manufacturers' member) who shall be nominated in accordance with the provisions of section *eight*;
- (f) one shall represent producers supplying milk to condensed milk factories and milk powder factories (hereinafter referred to as the condensing milk suppliers' member) who shall be nominated in accordance with the provisions of section *nine*;
- (g) one shall represent owners of condensed milk factories and milk powder factories (hereinafter referred to as the condensed milk manufacturers' member) who shall be nominated in accordance with the provisions of section *ten*;
- (h) one shall represent fresh milk producers (hereinafter referred to as the fresh milk producers' member) who shall be nominated in accordance with the provisions of section *eleven*;
- (i) one shall represent fresh milk distributors (hereinafter referred to as the fresh milk distributors' member) who shall be nominated in accordance with the provisions of section *twelve*;
- (j) one shall represent fresh milk producer-distributors (hereinafter referred to as the fresh milk producer-distributors' member) who shall be nominated in accordance with the provisions of section *thirteen*;
- (k) one shall represent consumers of dairy products who shall be a person not directly or indirectly connected with the production of or the trade in dairy products and shall be nominated by the Consumers' Advisory Committee;
- (l) one shall be an officer in the Department of Agriculture and Forestry, nominated by the Minister.

(2) If the Superintendent of Dairying is not nominated as a member of the board under paragraph (1) of sub-section (1) he shall be an *ex officio* member of the board and shall in that capacity have the same rights as the other members of the board, except that he shall not have the right to vote at any meeting thereof.

(3) The Board may from time to time co-opt not more than two persons to serve as members of the board in an advisory capacity.

Nomination of Cream Producers' Members.

4. (1) Of the cream producers' members one shall be nominated in respect of each of the four provinces of the Union by an association of producers which, in the opinion of the Minister, is representative of producers of cream in that province.

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

Nomination of Butter Manufacturers' Members.

5. (1) Of the butter manufacturers' members—

- (a) one shall be nominated by an association of creameries operated by co-operative societies or companies which, in the opinion of the Minister, is representative of such creameries in the Union, or if there is no such association in existence, the creameries operated by co-operative societies or companies which exist in the Union shall be entitled, after mutual consultation, to nominate the said member; and
- (b) two shall be nominated by an association of butter manufacturers which, in the opinion of the Minister, is representative of the owners of proprietary creameries in the Union and of which at least seventy-five per cent. of the owners of proprietary creameries are members, or, if there is no such association in existence, by a conference of owners of proprietary creameries in the Union which shall be called by the Minister and shall be held at a time and place to be determined by him.

(2) At any conference called under paragraph (b) of sub-section (1), any owner of a creamery may be represented by proxy, and no such owner, whether present in person or represented by proxy, shall be entitled to vote in favour of more than one person for nomination, in terms of the said paragraph.

Nomination of Farm Dairy Butter-makers' Member.

6. The farm dairy butter-makers' member shall be nominated by an association, which, in the opinion of the Minister, is representative of farm dairy butter-makers in the Union.

Nomination of Cheese Milk Producers' Member.

7. (1) The cheese milk producers' member shall be nominated by an association, which, in the opinion of the Minister, is representative of cheese milk producers in the Union.

- (c) een 'n verteenwoordiger moet wees van plaasmelkerybottermakers (hierna die plaasmelkerybottermakerslid genoem) en genomineer moet word ooreenkomstig die bepalings van artikel *ses*;
- (d) een 'n verteenwoordiger moet wees van produsente wat melk aan kaasfabrieke verskaf (hierna die kaasmelkprodusentelid genoem) en genomineer moet word ooreenkomstig die bepalings van artikel *sewe*;
- (e) een 'n verteenwoordiger moet wees van kaasfabriekeienaars (hierna die kaasvervaardigerslid genoem) en genomineer moet word ooreenkomstig die bepalings van artikel *agt*;
- (f) een 'n verteenwoordiger moet wees van produsente wat melk aan kondensmelkfabrieke en melkpoeierfabrieke verskaf (hierna die kondenseermelkverskafferslid genoem) en genomineer moet word ooreenkomstig die bepalings van artikel *nege*;
- (g) een 'n verteenwoordiger moet wees van eienaars van kondensmelkfabrieke en melkpoeierfabrieke (hierna die kondensmelkvervaardigerslid genoem) en genomineer moet word ooreenkomstig die bepalings van artikel *tien*;
- (h) een 'n verteenwoordiger moet wees van varsmelkprodusente (hierna die varsmelkprodusentelid genoem) en genomineer moet word ooreenkomstig die bepalings van artikel *elf*;
- (i) een 'n verteenwoordiger moet wees van varsmelkdistribueerders (hierna die varsmelkdistribueerderslid genoem) en genomineer moet word ooreenkomstig die bepalings van artikel *twalf*;
- (j) een 'n verteenwoordiger moet wees van varsmelkprodusent-distribueerders (hierna die varsmelkprodusent-distribueerderslid genoem) en genomineer moet word ooreenkomstig die bepalings van artikel *dertien*;
- (k) een 'n verteenwoordiger moet wees van verbruikers van suiwelprodukte en iemand moet wees wat nie direk of indirek by die produksie van of die handel in suiwelprodukte betrokke is nie, en genomineer moet word deur die Adviserende Verbruikerskomitee;
- (l) een 'n amptenaar van die Departement van Landbou en Bosbou moet wees deur die Minister benoem.

(2) As die Superintendent van Suiwelbereiding nie kragtens paragraaf (1) van sub-artikel (1) as lid van die raad benoem word nie, is hy *ex officio* lid van die raad en oefen hy in daardie hoedanigheid dieselfde regte uit as die ander lede van die raad, behalwe dat hy nie die reg het om op 'n vergadering daarvan te stem nie.

(3) Die raad kan van tyd tot tyd hoogstens twee persone koöpteer om in 'n adviserende hoedanigheid as lede van die raad te dien.

Nominasie van Roomprodusentelede.

4. (1) Van die roomprodusentelede moet een ten opsigte van elk van die vier provinsies van die Unie genomineer word deur 'n vereniging van produsente wat volgens die oordeel van die Minister verteenwoordigend is van roomprodusente in daardie provinsie.

(2) Slegs 'n roomprodusent wat volgens die oordeel van die Minister gedurende die tydperk van twaalf maande onmiddellik voorafgaande aan sy nominasie gereeld room aan 'n botterfabriek verskaf het, kan ooreenkomstig hierdie artikel genomineer word.

Nominasie van Bottervervaardigerslede.

5. (1) Van die bottervervaardigerslede moet—

- (a) een genomineer word deur 'n vereniging van botterfabrieke bestuur deur koöperatiewe verenigings of maatskappye wat, volgens die oordeel van die Minister, verteenwoordigend is van sulke botterfabrieke in die Unie, of, as daar nie so 'n vereniging bestaan nie, is die botterfabrieke bestuur deur koöperatiewe verenigings of maatskappye wat in die Unie bestaan, geregtig om na onderlinge raadpleging bedoelde lid te nomineer; en
- (b) twee genomineer word deur 'n vereniging van bottervervaardigers wat volgens die oordeel van die Minister verteenwoordigend is van die eienaars van private botterfabrieke in die Unie en waarvan minstens vyfsewentig persent van die eienaars van private botterfabrieke lede is, of, as daar nie so 'n vereniging bestaan nie, deur 'n konferensie van eienaars van private botterfabrieke in die Unie wat belê moet word deur die Minister en gehou moet word op 'n tyd en plek deur hom bepaal.

(2) Op 'n konferensie kragtens paragraaf (b) van subartikel (1) belê, kan 'n eienaar van 'n botterfabriek deur iemand anders verteenwoordig word en so 'n eienaar, hetsy persoonlik teenwoordig of deur iemand anders verteenwoordig, is nie geregtig om ten gunste van meer as een persoon vir nominasie ooreenkomstig genoemde paragraaf te stem nie.

Nominasie van Plaasmelkerybottermakerslid.

6. Die plaasmelkerybottermakerslid moet genomineer word deur 'n vereniging wat volgens die oordeel van die Minister verteenwoordigend is van plaasmelkerybottermakers in die Unie.

Nominasie van Kaasmelkprodusentelid.

7. (1) Die kaasmelkprodusentelid moet genomineer word deur 'n vereniging wat volgens die oordeel van die Minister verteenwoordigend is van kaasmelkprodusente in die Unie.

(2) Only a producer of cheese milk who, in the opinion of the Minister, has regularly supplied cheese milk to a cheese factory during the period of twelve months immediately preceding his nomination, may be nominated under this section.

Nomination of Cheese Manufacturers' Member.

8. (1) The cheese manufacturers' member shall be nominated by an association of manufacturers of cheese which, in the opinion of the Minister, is representative of the owners of cheese factories in the Union and of which at least seventy-five per cent. of such owners are members, or, if there is no such association in existence, by a conference of owners of cheese factories in the Union which shall be called by the Minister and shall be held at a time and place to be determined by him.

(2) At any conference called under sub-section (1), any owner of a cheese factory may be represented by proxy.

Nomination of Condensing Milk Suppliers' member.

9. (1) If there is in existence in the Union an association which, in the opinion of the Minister, is representative of condensing milk suppliers, that association shall be entitled to nominate the condensing milk suppliers' member, or, if there is no such association in existence, the associations of condensing milk suppliers 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) Only a producer of condensing milk who, in the opinion of the Minister, has regularly supplied condensing milk to a condensed milk factory or a milk powder factory during the period of twelve months immediately preceding his nomination, may be nominated under this section.

Nomination of Condensed Milk Manufacturers' Member.

10. The condensed milk manufacturers' member shall be nominated by the owners of condensed milk factories and milk powder factories in the Union.

Nomination of Fresh Milk Producers' Member.

11. If there is in existence in the Union an association which, in the opinion of the Minister, is representative of fresh milk producers, that association shall be entitled to nominate the fresh milk producers' member, or, if there is no such association in existence, the associations of fresh milk producers 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.

Nomination of Fresh Milk Distributors' Member.

12. If there is in existence in the Union an association which, in the opinion of the Minister, is representative of fresh milk distributors, that association shall be entitled to nominate the fresh milk distributors' member, or, if there is no such association in existence, the associations of fresh milk distributors 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.

Nomination of Fresh Milk Producer-distributors' Member.

13. If there is in existence in the Union an association which, in the opinion of the Minister, is representative of fresh milk producer-distributors, that association shall be entitled to nominate the fresh milk producer-distributors' member, or, if there is no such association in existence, the associations of fresh milk producer-distributors 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.

Notice to Nominate Members.

14. Whenever a nomination in terms of paragraph (k) of sub-section (1) of section three or of section four, five, six, seven, eight, nine, ten, eleven, twelve or thirteen becomes necessary, the Minister shall call upon the Consumers' Advisory Committee or the association or person concerned, as the case may be, or cause it to be called upon, by notice in writing, to nominate, within the period fixed in 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 Person nominated, Minister may nominate.

15. 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 (k) of sub-section (1) of section three or under section four, seven or nine, not qualified to be a member of the board, the Minister may refer that nomination back to the Consumers' Advisory Committee or the association or person concerned, as the case may be, and call upon that Committee or association or person to nominate some other person for appointment to the board, and if that Committee or association or person 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 association or person fails to nominate a 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.

(2) Slegs 'n kaasmelkprodusent wat volgens die oordeel van die Minister gedurende die tydperk van twaalf maande onmiddellik voorafgaande aan sy nominasie gereeld kaasmelk aan 'n kaasfabriek verskaf het, kan ooreenkomstig hierdie artikel genomineer word.

Nominasie van Kaasvervaardigerslid.

8. (1) Die kaasvervaardigerslid moet genomineer word deur 'n vereniging van kaasvervaardigers wat volgens die oordeel van die Minister verteenwoordigend is van die eienaars van kaasfabrieke in die Unie en waarvan minstens vyf-en-sewentig persent van sulke eienaars lede is, of, as daar nie so 'n vereniging bestaan nie, deur 'n konferensie van eienaars van kaasfabrieke in die Unie en waarvan minstens vyf-en-sewentig word en gehou moet word op 'n tyd en plek deur hom bepaal.

(2) Op 'n konferensie ooreenkomstig subartikel (1) belê, kan 'n eienaar van 'n kaasfabriek deur iemand anders verteenwoordig word.

Nominasie van Kondenseermelkverskafferslid.

9. (1) As daar in die Unie 'n vereniging bestaan wat volgens die oordeel van die Minister, verteenwoordigend is van kondenseermelkverskaffers, is daardie vereniging geregtig om die kondenseermelkverskafferslid te nomineer, of, as daar nie so 'n vereniging bestaan nie, is die verenigings van kondenseermelkverskaffers wat in die Unie bestaan en vir hierdie doel deur die Minister erken word, geregtig om, na onderlinge raadpleging, bedoelde lid te nomineer.

(2) Slegs 'n kondenseermelkprodusent wat, volgens die oordeel van die Minister, gedurende die tydperk van twaalf maande onmiddellik voorafgaande aan sy nominasie gereeld kondenseermelk aan 'n kondensmelkfabriek of 'n melkpoeierfabriek verskaf het, kan ooreenkomstig hierdie artikel genomineer word.

Nominasie van Kondensmelkvervaardigerslid.

10. Die kondensmelkvervaardigerslid moet deur die eienaars van kondensmelkfabrieke en melkpoeierfabrieke in die Unie genomineer word.

Nominasie van Varsmelkprodusentelid.

11. As daar in die Unie 'n vereniging bestaan wat, volgens die oordeel van die Minister, verteenwoordigend is van die varsmelkprodusente, is daardie vereniging geregtig om die varsmelkprodusentelid te nomineer, of, as daar nie so 'n vereniging bestaan nie, is die verenigings van varsmelkprodusente wat in die Unie bestaan en vir hierdie doel deur die Minister erken word, geregtig om, na onderlinge raadpleging, bedoelde lid te nomineer.

Nominasie van Varsmelkdistribueerderslid.

12. As daar in die Unie 'n vereniging bestaan wat, volgens die oordeel van die Minister, verteenwoordigend is van varsmelkdistribueerders, is daardie vereniging geregtig om die varsmelkdistribueerderslid te nomineer, of, as daar nie so 'n vereniging bestaan nie, is die verenigings van varsmelkdistribueerders wat in die Unie bestaan en vir hierdie doel deur die Minister erken word, geregtig om, na onderlinge raadpleging, bedoelde lid te nomineer.

Nominasie van Varsmelkprodusent-distribueerderslid.

13. As daar in die Unie 'n vereniging bestaan wat, volgens die oordeel van die Minister, verteenwoordigend is van varsmelkprodusent-distribueerders, is daardie vereniging geregtig om die varsmelkprodusent-distribueerderslid te nomineer, of, as daar nie so 'n vereniging bestaan nie, is die verenigings van varsmelkprodusent-distribueerders wat in die Unie bestaan en vir hierdie doel deur die Minister erken word, geregtig om, na onderlinge raadpleging, bedoelde lid te nomineer.

Aansegging om Lede te Nomineer.

14. Wanneer 'n nominasie kragtens paragraaf (k) van sub-artikel (1) van artikel drie of van artikel vier, vyf, ses, sewe, agt, nege, tien, elf, twaalf of dertien nodig word moet die Minister die Adviserende Verbruikerskomitee of die betrokke vereniging of persoon, al na die geval, by skriftelike kennisgewing aansê of laat aansê om binne die tydperk in daardie kennisgewing bepaal die persoon of persone wat hy ooreenkomstig die desbetreffende artikel geregtig is te nomineer, vir aanstelling op die raad te nomineer.

Indien geen geskikte Persoon genomineer, kan Minister nomineer.

15. Indien iemand, genomineer soos voornoem, volgens die oordeel van die Minister nie geskik is vir aanstelling as 'n lid van die raad nie, of, in die geval van 'n nominasie gemaak ooreenkomstig paragraaf (k) van sub-artikel (1) van artikel drie of ooreenkomstig artikel vier, sewe of nege, nie bevoeg is om 'n lid van die raad te wees nie, kan die Minister daardie nominasie terugverwys na die Adviserende Verbruikerskomitee of die betrokke vereniging of persoon, al na die geval, en daardie Komitee of vereniging of persoon aansê om iemand anders vir aanstelling op die raad te nomineer, en indien daardie Komitee of vereniging of persoon daarna weer iemand nomineer wat volgens die oordeel van die Minister nie geskik of nie bevoeg is nie, soos voornoem, of wanneer die Komitee of vereniging of persoon in gebreke bly om iemand te nomineer, kan die Minister self, onderworpe aan die bepalings van voornoemde artikels, enigiemand nomineer wat hy geskik ag om 'n lid van die raad te wees.

If no Association exists, Minister may Nominate.

16. If the Minister is satisfied that an association such as is referred to in section four, six, seven, nine, eleven, twelve or thirteen 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.

17. (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 appointed in terms of paragraph (1) of sub-section (1) of section three 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 four members appointed in terms of paragraph (a) of sub-section (1) of section three, four of the nine members appointed in terms of paragraphs (c), (d), (e), (f), (g), (h), (i), (j) and (k) of the said sub-section, and that member appointed in terms of paragraph (b) of that sub-section who is referred to in paragraph (a) of sub-section (1) of section five, 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.

Election and Tenure of Office of Chairman.

18. (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 until such time as the chairman resumes his functions.

Meetings of Board.

19. (1) The first meeting of the board as reconstituted in terms of section three 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 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.

20. (1) Eleven 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 Board.

21. The members of the board 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 connection with the business of the board, as the board may, with the approval of the Minister, determine.

Committees of Board.

22. (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.

Indien geen vereniging bestaan nie, kan Minister nomineer.

16. Indien die Minister daarvan oortuig is dat 'n vereniging, soos in artikel vier, ses, sewe, nege, elf, twaalf of dertien bedoel, nie 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.

17. (1) Die lede van die raad word onderworpe aan die bepalings van sub-artikel (2), aangestel vir 'n tydperk van twee jaar; met dien verstande dat die lid ooreenkomstig paragraaf (1) van subartikel (1) van artikel drie aangestel, sy amp beklee solank dit die Goewerneur-generaal behaag.

(2) Na afloop van een jaar na die eerste aanstelling van lede op die raad, tree twee van die vier lede aangestel ooreenkomstig paragraaf (a) van subartikel (1) van artikel drie af, asook vier van die nege lede aangestel ooreenkomstig paragrafe (c), (d), (e), (f), (g), (h), (i), (j) en (k) van genoemde subartikel, en die lid aangestel ooreenkomstig paragraaf (b) van daardie subartikel en in paragraaf (a) van subartikel (1) van artikel vyf bedoel, en die vakatures wat aldus ontstaan, word gevul.

(3) Watter van die lede van die raad ingevolge subartikel (2) van hierdie artikel moet aftree, 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 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 ampswerksaamhede 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 werksaamhede verrig van die lid van wie hy as plaasvervanger aangestel is.

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

Verskiesing en Ampsduur van Voorsitter.

18. (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 herkiesbaar is.

(2) As die voorsitter om een of ander rede nie sy pligte kan nakom nie, moet die raad een van sy ander lede kies om as voorsitter op te tree tot tyd en wyl die voorsitter weer sy dienste hervat.

Vergaderings van Raad.

19. (1) Die eerste vergadering van die raad, soos hersaangestel ooreenkomstig artikel drie word gehou op 'n dag en plek wat deur die Minister vasgestel moet 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, wat gehou moet 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 binne veertien dae vanaf die datum van ontvangs van bedoelde skriftelike versoek, wat gehou moet 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 'n beampste van die raad deur die raad daartoe gemagtig.

Kworum, Meerderheidsbeslissing en Beslissende Stem van Voorsitter.

20. (1) Elf 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 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 die Raad.

21. Die lede van die raad en 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 mag bepaal.

Komitees van Raad.

22. (1) Die raad kan, met die Minister se toestemming en onderworpe aan die voorwaardes wat die raad mag opla, een of meer komitees uit sy lede aanstel, en na goeddunke van sy bevoegdheid 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) 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.

23. 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.

24. (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.

CHAPTER III.

ESTABLISHMENT OF LEVY FUNDS AND IMPOSITION OF LEVIES AND FINANCIAL PROVISIONS.

Establishment of Funds.

25. The board shall establish—

- (a) a butter levy fund into which shall be paid all amounts derived from levies imposed on creamery butter and farm dairy butter and from which shall be paid all expenses incurred directly in connection with the butter industry and such other amounts as are specially provided for in this scheme;
- (b) a cheese levy fund into which shall be paid all amounts derived from levies imposed on factory cheese, farm cheese and process cheese and from which shall be paid all expenses incurred directly in connection with the cheese industry;
- (c) a fresh milk levy fund for each of the areas mentioned in paragraph (b) of sub-section (2) of section one, and into which shall be paid all amounts derived from any levy imposed on fresh milk or fresh cream in that area, and from which shall be paid all expenses incurred directly in connection with the fresh milk industry in the area concerned;
- (d) a general fresh milk levy fund into which shall be paid from the various funds referred to in paragraph (c) *pro rata* to the revenue accrued to each of those funds during every financial year under the scheme, such amounts as the board may determine, and from which shall be paid all expenditure incurred directly in connection with the fresh milk industry generally;
- (e) a condensing milk levy fund into which shall be paid all amounts derived from levies imposed on condensing milk, condensed milk and milk powder, and from which shall be paid all expenses incurred directly in connection with the condensing milk industry;
- (f) a general fund into which shall from time to time be paid—
 - (i) such sums as the board may determine from the butter, cheese, general fresh milk and condensing milk levy funds, respectively, in proportion to the revenue accrued to such funds during each financial year under the scheme; and
 - (ii) revenues accruing to the board from any source other than levies,

and from which shall be paid all expenses not incurred directly in connection with the butter, cheese, fresh milk or condensing milk industry.

Imposition of Levies.

26. (1) The board may, with the approval of the Minister, and subject to the provisions of this section, impose on any product to which this scheme relates, a levy at such a rate as the board may determine, which levy shall be payable at such times and in such a manner as may be prescribed by regulation under the Act; provided that any levy imposed in respect of any such product of a particular class, grade or standard of quality, may differ from any such levy imposed in respect of any such product of any other class, grade or standard of quality; and provided, further, that any quantity of any such product which is exported may be exempted from any such levy or may be subjected to a levy which differs from the levy imposed in respect of any quantity of any such product which is intended for consumption in the Union.

(2) The levy on creamery butter shall not exceed one penny per pound of such butter and shall be payable by every butter manufacturer on the total quantity of such butter sold by him and by every importer of butter on the total quantity of butter imported and sold by him, other than butter imported from the mandated territory of South West Africa or any of the Protectorates of Bechuanaland, Swaziland and Basutoland, which shall, in accordance with the provisions of section eighty-two, be exempt from such levy.

(3) The levy on farm dairy butter shall not exceed one penny per pound of such butter and shall be payable by every farm dairy butter-maker on the total quantity of farm dairy butter sold by him.

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

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

Boekjaar.

23. Die boekjaar onder hierdie skema is die tydperk gereken vanaf die eerste dag van Oktober in elke jaar tot die dertigste dag van September in die volgende jaar.

Ouditeur.

24. (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 Persoon aldus aangestel, ontvang die besoldiging wat die raad mag bepaal.

HOOFSTUK III.

INSTELLING VAN HEFFINGSFONDSE EN OPLÊ VAN HEFFINGS, EN FINANSIËLE BEPALINGS.

Instelling van Fondse.

25. Die raad moet—

- (a) 'n botterheffingsfonds instel waarin alle bedrae verkry uit heffings opgelê op fabrieksbotter en plaasmelkerybotter gestort moet word, en waaruit alle koste direk in verband met die botterbedryf beloop, en die ander bedrae spesiaal in hierdie skema bepaal, betaal moet word;
- (b) 'n kaasheffingsfonds instel waarin alle bedrae verkry uit heffings opgelê op fabriekskaas, plaaskaas en proseskaas gestort moet word, en waaruit alle koste direk in verband met die kaasbedryf beloop, bestry moet word;
- (c) 'n varsmelkheffingsfonds instel vir elkeen van die gebiede in paragraaf (b) van subartikel (2) van artikel een genoem, waarin alle bedrae verkry uit 'n heffing opgelê op vars melk of vars room in daardie gebied gestort moet word, en waaruit alle koste direk in verband met die varsmelkbedryf in daardie gebied beloop, bestry moet word;
- (d) 'n algemene varsmelkheffingsfonds instel waarin uit die verskillende fondse in paragraaf (c) bedoel, die bedrae wat die raad mag vasstel, oorbetal moet word in verhouding tot die ontvangste van elkeen van daardie fondse gedurende elke boekjaar onder die skema, en waaruit alle koste direk in verband met die varsmelkbedryf in die algemeen beloop, bestry moet word;
- (e) 'n kondenseermelkheffingsfonds instel waarin alle bedrae verkry uit heffings opgelê op kondenseermelk gestort moet word, en waaruit alle koste direk in verband met die kondenseermelkbedryf beloop, bestry moet word;
- (f) 'n algemene fonds instel waarin van tyd tot tyd—
 - (i) bedrae wat die raad mag vasstel, onderskeidelik, uit die botter-, kaas-, algemene varsmelk- en kondenseermelkheffingsfondse, in verhouding tot die ontvangste van daardie fondse gedurende elke boekjaar onder die skema; en
 - (ii) bedrae wat aan die raad uit enige bron behalwe heffings toekom,

oorbetaal moet word, en waaruit alle koste nie direk in verband met die botter-, kaas-, varsmelk- of kondenseermelkbedryf aangegaan nie, bestry moet word.

Oplê van Heffings.

26. (1) Die raad kan, met die goedkeuring van die Minister en onderworpe aan die bepalinge van hierdie artikel, op 'n produk waarop hierdie skema betrekking het 'n heffing opgelê volgens so'n skaal as wat die raad mag vasstel, en bedoelde heffing is betaalbaar op die tye en wyse wat by regulasie ingevolge die Wet voorgeskryf mag word; met dien verstande dat 'n heffing opgelê ten opsigte van so'n produk van 'n besondere klas, graad of kwaliteitstandaard kan verskil van 'n heffing opgelê ten opsigte van so 'n produk van 'n ander klas, graad of kwaliteitstandaard; en met dien verstande verder dat 'n hoeveelheid van so 'n produk wat uitgevoer word, van so 'n heffing vrygestel mag word of onderworpe gemaak mag word aan 'n heffing wat verskil van die heffing opgelê ten opsigte van 'n hoeveelheid van so 'n produk wat vir verbruik binne die Unie bestem is.

(2) Die heffing op fabrieksbotter moet hoogstens een pennie per pond van bedoelde botter wees, en is betaalbaar deur elke bottervervaardiger op die totale hoeveelheid van sulke botter deur hom verkoop en deur elke invoerder van botter op die totale hoeveelheid botter deur hom ingevoer en verkoop, behalwe botter ingevoer uit die mandaatgebied van Suidwes-Afrika of enigeen van die protektoraat van Betsjoeanaland, Swaziland en Basoetoland wat ooreenkomstig die bepalinge van artikel twee-en-tagtig van daardie heffing vrygestel is.

(3) Die heffing op plaasmelkerybotter moet hoogstens een pennie per pond van bedoelde botter wees, en is betaalbaar deur elke plaasmelkerybottermaker op die totale hoeveelheid plaasmelkerybotter deur hom verkoop.

(4) The levy on factory cheese shall not exceed one penny per pound of such cheese and shall be payable by every cheese manufacturer on the total quantity of cheese sold by him and by every importer of cheese on the total quantity of cheese imported and sold by him, other than cheese imported from the Mandated Territory of South-West Africa or any of the Protectorate of Bechuanaland, Swaziland and Basutoland, which shall, in accordance with the provisions of section eighty-two, be exempt from such levy.

(5) The levy on farm cheese shall not exceed one penny per pound of such cheese and shall be payable by every farm cheese-maker on the total quantity of cheese sold by him.

(6) The levy on condensing milk shall not exceed one penny for every twenty-five gallons, or part thereof, of such milk purchased or otherwise acquired by a condensed milk manufacturer and shall be payable by every such manufacturer on the total quantity of such milk received by him.

(7) The levy on fresh milk or fresh cream shall not exceed one farthing per gallon of such milk and two pence per gallon of such cream, and shall be payable by the persons referred to in sub-section (2) of section sixty-eight.

Farm Cheese-makers and Farm Dairy Butter-makers to keep Records.

27. (1) Every farm cheese-maker shall keep a correct record (in such form as the board may prescribe) of the total quantity of green cheese and of the total quantity of fresh cheese manufactured by him and of the total quantity of milk or cream used in such manufacture on every day and shall, not later than the fifteenth day of every calendar month, submit to the board a correct copy of such record showing the quantity of green cheese (less ten per cent.) and the quantity of fresh cheese manufactured by him during the preceding calendar month.

(2) Whenever the board has imposed any levy on farm dairy butter, every farm dairy butter-maker shall keep a correct record (in such form as the board may prescribe) of the total quantity of farm dairy butter sold by him on every day, and shall not later than the third day of every calendar month transmit to the board a correct copy of the record so kept by him in respect of the preceding calendar month.

Liquidation of Scheme.

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

- (a) any assets of the board remaining after all its liabilities have been met, shall be disposed of in such manner as the Minister may determine; and
- (b) any deficit which may exist after all the assets of the board have been realised shall be made up by contributions from the persons liable for the payment of any levy imposed under section twenty-six in proportion to the amounts for which they respectively became so liable during the preceding twelve months.

CHAPTER IV.

REGISTRATION OF PRODUCERS.

Registration of Producers.

29. (1) No producer (other than a cream producer, cheese milk producer, farm butter-maker, condensing milk supplier or person who is required to be registered under section sixty-five) shall sell any product mentioned in section one unless he has been registered with the board, and no such producer 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.

(2) The board may approve of the registration of any producer under sub-section (1) on such conditions as it may determine, and may cancel the registration of any such producer 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.

(3) Whenever the board has approved of the registration of any producer under this section, it shall cause a certificate of registration in such form as it may prescribe, to be issued to such producer, 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 producer whose registration has been rejected or cancelled by the board under this section may appeal to the Minister against such rejection or cancellation.

CHAPTER V.

GENERAL POWERS AND FUNCTIONS OF THE BOARD.

General Powers of the Board.

30. The board may—

- (a) appoint such servants and acquire or hire such property as it may consider necessary for the proper performance of its functions and for the attainment of the objects of this scheme;

(4) Die heffing op fabriekskaas moet hoogstens een pennie per pond van bedoelde kaas wees, en is betaalbaar deur elke kaasvervaardiger op die totale hoeveelheid kaas deur hom verkoop, en deur elke invoerder van kaas op die totale hoeveelheid kaas deur hom ingevoer en verkoop, behalwe kaas ingevoer uit die mandaatgebied van Suidwes-Afrika of enigeen van die protektorate van Betsjoeanaland, Swaziland en Basutoland, wat ooreenkomstig die bepalinge van artikel twee-en-tagtig van daardie heffing vrygestel is.

(5) Die heffing op plaaskaas moet hoogstens een pennie per pond van bedoelde kaas wees, en is betaalbaar deur elke plaaskaasmaker op die totale hoeveelheid kaas deur hom verkoop.

(6) Die heffing op kondenseermelk moet hoogstens een pennie wees op elke vyf-en-twintig gallon, of gedeelte van hierdie hoeveelheid, van bedoelde melk deur 'n kondensmelkvervaardiger gekoop of andersins verkry, en is betaalbaar deur elke vervaardiger op die totale hoeveelheid melk deur hom ontvang.

(7) Die heffing op vars melk of vars room moet hoogstens een kwart pennie per gallon van bedoelde melk en twee pennies per gallon van bedoelde room wees, en is betaalbaar deur die persone in subartikel (2) van artikel agt-en-sestig bedoel.

Plaaskaasmakers en Plaasmelkerybottermakers moet Rekord hou.

27. (1) Elke plaaskaasmaker moet 'n juiste rekord hou (in die vorm wat die raad mag voorskryf) van die totale hoeveelheid onryp kaas en die totale hoeveelheid vars kaas elke dag deur hom vervaardig, en van die totale hoeveelheid melk of room elke dag vir die vervaardiging gebruik, en nie later as die vyftiende dag van elke kalendermaand nie, by die raad 'n juiste afskrif van daardie rekord indien wat die hoeveelheid onryp kaas (min tien persent) en die hoeveelheid vars kaas deur hom gedurende die voorgaande kalendermaand vervaardig, aantoon.

(2) Wanneer die raad 'n heffing op plaasmelkerybotter gelê het, moet elke plaasmelkerybottermaker 'n juiste rekord (in die vorm wat die raad mag voorskryf) hou van die totale hoeveelheid plaasmelkerybotter elke dag deur hom verkoop, en nie later as die derde dag van elke kalendermaand nie, 'n juiste afskrif van die rekord aldus gedurende die vorige kalendermaand deur hom gehou aan die raad stuur.

Opheffing van Skema.

28. Ingeval hierdie skema opgehef word, moet—

- (a) alle bates van die raad wat oorbly na al sy skulde betaal is op so'n wyse van die hand gesit word as wat die Minister mag bepaal; en
- (b) 'n tekort wat mag bestaan nadat al die bates van die raad tot geld gemaak is, vergoed word deur hydraes van die persone wat aanspreeklik is vir die betaling van heffings kragtens artikel ses-en-twintig opgelê, in verhouding tot die bedrae waarvoor hulle onderskeidelik gedurende die voorgaande twaalf maande aldus aanspreeklik geword het.

HOOFSTUK IV.

REGISTRASIE VAN PRODUSENTE.

Registrasie van Producente.

29. (1) Geen produsent (behalwe 'n roomproducent, kaasmelkproducent, plaasbottermaker, kondenseermelkverskaffer of iemand wat ingevolge artikel vyf-en-sestig geregistreer moet wees) mag 'n produk in artikel een genoem, verkoop nie, tensy hy by die raad geregistreer is, en so'n produsent word nie aldus geregistreer nie tensy hy voldoen het aan die vereistes wat by regulasie kragtens die Wet voorgeskryf mag wees en die raad sy registrasie goedkeur.

(2) Die raad kan die registrasie van 'n produsent ingevolge subartikel (1) goedkeur op die voorwaardes wat hy mag bepaal, en kan die registrasie van so'n produsent kanselleer as hy 'n vereiste aldus voorgeskryf of 'n voorwaarde aldus bepaal of 'n bepalinge van hierdie skema, of 'n verbod, voorskrif of bevel ingevolge daarvan uitgevaardig, oortree het of in gebreke gebly het om daaraan te voldoen.

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

(4) 'n Registrasiesertifikaat ingevolge hierdie artikel uitgegeë, vervel op die dertigste dag van September eersvolgende na die datum van uitreiking, maar kan van tyd tot tyd deur die raad hernu word.

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

HOOFSTUK V.

ALGEMENE BEVOEGDHEDE EN FUNKSIES VAN DIE RAAD.

Algemene Bevoegdhe van die Raad.

30. Die raad kan—

- (a) die dienaars aanstel en die eiendom aanskaf of huur wat hy nodig ag vir die behoorlike verrigting van sy werksaamhede en vir die bereiking van die doel van hierdie skema;

- (b) 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) with the approval of the Minister, determine the allowances payable out of the funds of the board to its members;
- (d) with the approval of the Minister, and subject to the provisions of this scheme, borrow money to be used for the purpose of attaining the objects of this scheme and use any money derived from any levy imposed in terms of section *twenty-six* for any object which, in its opinion, will be to the advantage of persons interested in any product to which this scheme relates;
- (e) accept money or property given to the board by way of donation, grant or otherwise and utilise such money or property in such manner as the Minister may approve;
- (f) establish an information service in order to advise producers from time to time about marketing conditions in general or about the condition of any particular market;
- (g) co-operate with any person in doing any act which the board may perform, and do on behalf of any similar board any act which that board may perform;
- (h) require every person concerned in the production, marketing or processing of any product to which this scheme relates to furnish the board with such information relating to such product as may be available to such person and as the board may specify;
- (i) assist, by grant or loan or otherwise, any undertaking for preserving, processing, storing or conditioning any such product and any research work relating to the improvement, production, processing and marketing of any such product;
- (j) advise the Minister as to—
 - (i) the conditions regarding grades, standards of quality, methods of packing and the marking of any such product or any receptacle or cover containing it, subject to which any such product may be sold or imported for sale;
 - (ii) the prohibition, control or regulation of the importation or export of any such product; and
 - (iii) alle matters relating to the marketing or processing of any such product;
- (k) for the purpose of the enforcement of the provisions of this scheme, empower any person generally or in any particular case at all reasonable hours—
 - (i) to enter any place occupied by any producer of any product to which this scheme relates or by any person who is believed upon reasonable grounds to be such a producer, or enter any place where any quantity of any such product is kept by any person for any purpose other than its consumption by the owner thereof;
 - (ii) to inspect any such product and to examine all books and documents at any such place which are believed, upon reasonable grounds, to relate to such product;
 - (iii) to demand from the owner or custodian of any such product any information concerning such product; provided that no such person shall have access to any secret document relating to the manufacture of any such product;
 - (iv) to demand from the owner or custodian of any such book or document an explanation of any entry therein;
 - (v) to seize any books, documents or products which may afford evidence of any contravention of the provisions of this scheme or of any regulation made under the Act;
- (l) buy any product to which this scheme relates;
- (m) treat in such manner as it may deem fit, grade, pack, store, process, adapt for sale, insure, advertise and transport any product which it has bought;
- (n) sell, whether in its original form or processed wholly or in part, any product which it has bought, or withhold any part of it from the market; and
- (o) with the approval of the Minister, from time to time prohibit—
 - (i) any producer from selling any product to which this scheme relates which he has produced; or
 - (ii) any person from selling any such product produced by any person, 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 any particular class, grade or quantity of such product.
- (b) agente aanstel met die doel om hom by die verrigting van sy werksaamhede te help teen die vergoeding en op die voorwaardes wat hy mag vasstel.
- (c) met die goedkeuring van die Minister die toelaes vasstel wat uit die fondse van die raad aan sy lede betaalbaar is;
- (d) met die goedkeuring van die Minister en onderworpe aan die bepalings van hierdie skema, geld leen om aangewend te word vir die verwesenliking van die doel van hierdie skema, en gelde verkry uit 'n heffing opgelê ingevolge artikel *ses-en-twintig* gebruik vir enige doel wat, volgens sy mening, tot voordeel sal strek van persone wat belang het by 'n produk waarop hierdie skema betrekking het;
- (e) geld of eiendom aanneem wat by wyse van skenking, toekenning of andersins aan die raad gegee word, en daardie geld of eiendom op die wyse gebruik wat die Minister mag goedkeur;
- (f) 'n inligtingsdiens instel ten einde produsente van tyd tot tyd in te lig aangaande bemerkingstoestande oor die algemeen of aangaande die toestand van 'n besondere mark;
- (g) met enigeen meedoen aan 'n handeling wat die raad kan verrig, en namens 'n soortgelyke raad enige handeling verrig wat daardie raad kan verrig;
- (h) alle persone betrokke by die produksie, bemerking of verwerking van 'n produk waarop hierdie skema betrekking het, gelas om die raad te voorsien van die inligting insake bedoelde produk waarvoor bedoelde persoon beskik en wat die raad mag spesifiseer;
- (i) deur middel van toekenning of lening of op ander wyse hulp verleen aan ondernemings vir die bewaring, verwerking, opberging of bewerking van so'n produk en in verband met navorsingswerk met betrekking tot die verbetering, produksie, verwerking en bemerking van bedoelde produk;
- (j) die Minister van advies dien aangaande—
 - (i) die voorwaardes wat betref grade, kwaliteitstandaarde, verpakkingsmetodes en die merk van so'n produk of 'n houër of omhulsel wat dit bevat, waarop so'n produk verkoop of vir verkoop ingevoer mag word;
 - (ii) die verbod op, beheer of reëling van invoer of uitvoer van so'n produk; en
 - (iii) alle aangeleenthede betreffende die bemerking of verwerking van so'n produk;
- (k) vir die uitvoering van die bepalings van hierdie skema enigiemand in die algemeen of in 'n besondere geval magtig om op alle redelike tye—
 - (i) 'n plek te betree wat bewoon word deur 'n produsent van 'n produk waarop hierdie skema betrekking het of deur iemand wat op redelike gronde vermoed word so'n produsent te wees, of 'n plek te betree waar 'n hoeveelheid van so'n produk deur iemand gehou word vir 'n ander doel as verbruik daarvan deur die eienaar;
 - (ii) so'n produk te inspekteer en alle boeke en stukke op bedoelde plek na te gaan wat op redelike gronde vermoed word op so'n produk betrekking te hê;
 - (iii) van die eienaar van so'n produk of die persoon wat dit in sy bewaring het inligting aangaande daardie produk te eis; met dien verstande dat bedoelde persoon nie toegang sal hê tot 'n geheime dokument wat op die vervaardiging van so'n produk betrekking het nie;
 - (iv) van die eienaar van so'n boek of stuk of die persoon wat dit in sy bewaring het 'n verklaring van aantekeninge daarin te eis;
 - (v) beslag te lê op boeke, stukke of produkte wat bewys kan lewer van 'n oortreding van die bepalings van hierdie skema of van 'n regulasie uitgevaardig kragtens die Wet;
- (l) 'n produk koop waarop hierdie skema betrekking het;
- (m) 'n produk wat hy gekoop het op so'n wyse behandel as wat hy goed ag, gradeer, verpak, opberg, verwerk, vir verkoop geskik maak, verseker, adverteer en vervoer;
- (n) 'n produk wat hy gekoop het, verkoop, hetsy in die oorspronklike vorm of geheelal of gedeeltelik verwerk, of 'n gedeelte daarvan van die mark onthou; en
- (o) met die goedkeuring van die Minister van tyd tot tyd—
 - (i) 'n produsent verbied om 'n produk te verkoop wat hy geproduseer het en waarop hierdie skema betrekking het;
 - (ii) 'n persoon te verbied om so'n produk wat deur enigiemand geproduseer is, of enige graad, klas of hoeveelheid van daardie produk (hetsy in sy oorspronklike vorm of geheelal of gedeeltelik verwerk),

te verkoop teen 'n ander prys as 'n prys deur die raad vasgestel of teen 'n prys wat laer of hoër is as 'n prys deur die raad vasgestel vir 'n besondere klas, graad of hoeveelheid van daardie produk.

Differentiation between Areas and Classes of Products.

31. Any requirement or prohibition imposed or decision taken by the board which relates to any area within the Union, including any area defined in paragraph (b) of subsection (2) of section one or any specified portion of any such defined area, or to any class or grade of any product to which this scheme relates, may differ from any such requirement or prohibition or decision which relates to any other such area or any other class or grade of the said product.

Non-disclosure of Information by Board Members and Officials.

32. No member of the board and no servant or agent of the board shall, except in connection with the administration of this scheme or in connection with legal proceedings thereunder, disclose any information conveyed to the board in terms of this scheme.

CHAPTER VI.

SPECIAL RULES GOVERNING THE MARKETING OF CREAMERY BUTTER.

Sale only through Board.

33. The board may, with the approval of the Minister, prohibit any butter manufacturer from selling any creamery butter to any person or through any channel other than the board.

Pooling of Proceeds.

34. (1) Whenever the board has imposed any prohibition under section thirty-three, it shall conduct a monthly pool for the sale of creamery butter in accordance with the provisions of this section.

(2) As soon as may be after all the creamery butter manufactured during any calendar month has been sold, the board shall in respect of such butter of each grade determine—

(a) the net amount realised from the sale of the quantity of such butter sold in the Union, which shall be deemed to be the difference between the gross amount so realised and the sum of the amounts representing in respect of such butter—

(i) storage charges, at a rate to be determined by the board, which shall be paid to any butter manufacturer in respect of the storage of any such butter manufactured by him for a period in excess of sixty days after the close of the calendar month in which it was manufactured;

(ii) commission, at a rate to be determined by the board, which shall be utilised for defraying the expenditure (other than expenditure specially provided for in this section) incurred by the board in connection with the sale of such butter, and which shall include selling charges, storage charges, grading fees, insurance, delivery costs, *del credere* commission and the costs of operating the pool;

(iii) any amounts representing premiums, as fixed by the board, which may be realised in respect of the sale of unsalted butter or butter of a special grade, sold on behalf of particular butter manufacturers, which amounts shall be payable to such manufacturers;

(b) the net amount which would have been realised from the sale of the quantity of such butter which was sold outside the Union if it had been sold within the Union on the same terms as in the case of the quantity actually so sold;

(c) the anticipated export loss on all such butter sold outside the Union, by multiplying the amount which the board may from time to time estimate as the probable average export loss per pound on the anticipated total number of pounds of creamery butter to be manufactured during any financial year by the total number of pounds of such butter manufactured during that month,

and shall thereupon pay the amount representing the difference between the sum of the net amounts determined under paragraphs (a) and (b) and the amount determined under paragraph (c) to butter manufacturers who have during the said month manufactured butter of the grade in question, in proportion to the respective quantities of such butter so manufactured by them; provided that one farthing per pound less shall be so paid in respect of any such butter so manufactured for sale in bulk than in respect of any such butter so manufactured for sale in pats; and provided further that the amount so paid to any particular butter manufacturer shall be reduced by such an amount per pound of such butter so manufactured by him as is equal to the average amount (as determined by the board) paid by him in respect of transport costs, other than ocean freight, per pound of creamery butter despatched by him for sale during the period of twelve months ending on the thirtieth day of September immediately preceding the date on which this scheme comes into operation, which average amount shall in respect of

Onderskeiding tussen gebiede en klasse van produkte.

31. 'n Voorskrif van of 'n verbod opgelê of 'n besluit geneem deur die raad met betrekking tot enige gebied binne die Unie, insluitende 'n gebied omskryf in paragraaf (b) van subartikel (2) van artikel een of 'n gespesifiseerde gedeelte van so'n omskrewe gebied, of betreffende 'n klas of graad van 'n produk waarop hierdie skema betrekking het kan verskil van so'n voorskrif of verbod of besluit wat betrekking het op 'n ander dergelyke gebied of 'n ander klas of graad van bedoelde produk.

Nie-bekendmaking van inligting deur Raadslede en Beampptes.

32. Geen lid van die raad en geen dienaar of agent van die raad mag, behalwe in verband met die uitvoering van hierdie skema of in verband met regsdinge onder die skema, inligting ingevolge hierdie skema aan die raad verstrek, bekendmaak nie.

HOOFSTUK VI.

SPESIALE REÛLS BETREFFENDE DIE BEMARKING VAN FABRIEKSBOTTER.

Verkoop alleen deur die Raad.

33. Die raad kan, met die goedkeuring van die Minister, 'n bottervervaardiger verbied om fabriekbotter aan 'n ander persoon of deur 'n ander kanaal as die raad te verkoop.

„Pool” van Ontvangste.

34. (1) Wanneer die raad ingevolge artikel drie-en-dertig 'n verbod opgelê het, moet hy ooreenkomstig die bepalinge van hierdie artikel 'n maandelikse „pool” vir die verkoop van fabrieksbutter bestuur.

(2) So gou doenlik na al die fabrieksbutter gedurende 'n kalendermaand vervaardig, verkoop is, moet die raad ten opsigte van daardie botter van elke graad—

(a) die netto-bedrag vasstel wat verkry is uit die verkoop van die hoeveelheid van daardie botter wat in die Unie verkoop is, wat geag word die verskil te wees tussen die bruto-bedrag aldus verkry en die som van die bedrae verteenwoordigende ten opsigte van daardie botter—

(i) opbergingskoste teen 'n skaal deur die raad vasgestel, wat betaal moet word aan 'n bottervervaardiger ten opsigte van die opberging, vir 'n tydperk van meer as sestig dae na afloop van die kalendermaand waarin dit vervaardig is, van die hoeveelheid van daardie botter deur hom vervaardig;

(ii) kommissie, teen 'n skaal deur die raad vasgestel, wat gebruik moet word vir die bestryding van die onkoste (behalwe koste waarvoor spesiaal in hierdie artikel voorsiening gemaak word) deur die raad beloop in verband met die verkoop van daardie botter, met inbegrip van verkoopskoste, opbergingskoste, graderingsfooie, assuransië, afleweringkoste, *del credere* kommissie en die koste om die „pool” te bestuur;

(iii) bedrae bestaande uit premies, soos deur die raad vasgestel, wat verkry mag word ten opsigte van die verkoop van ongesoute botter of botter van 'n spesiale graad, ten behoeve van besondere bottervervaardigers verkoop, watter bedrae aan bedoelde vervaardigers betaal moet word;

(b) die netto-bedrag vasstel wat verkry sou gewees het uit die verkoop van die hoeveelheid van daardie botter wat buite die Unie verkoop is indien dit binne die Unie verkoop was op dieselfde voorwaardes as in die geval van die hoeveelheid werklik aldus verkoop;

(c) die verwagte uitvoerverlies op al daardie botter wat buite die Unie verkoop is, vasstel, deur die bedrag wat die raad van tyd tot tyd skat as die waarskynlike gemiddelde uitvoerverlies per pond op die totale aantal ponde fabrieksbutter wat na verwagting gedurende 'n boekjaar vervaardig sal word, te vermenigvuldig met die totale aantal ponde van daardie botter gedurende daardie maand vervaardig,

en daarna die bedrag wat die verskil verteenwoordig tussen die som van die netto-bedrae bepaal kragtens paragrafe (a) en (b) en die bedrag bepaal kragtens paragraaf (c) aan bottervervaardigers wat gedurende bedoelde maand botter van die betrokke graad vervaardig het, oorbetaal in verhouding tot die onderskeie hoeveelhede van daardie botter aldus deur hulle vervaardig; met dien verstande dat een kwart pennie per pond minder aldus oorbetaal moet word ten opsigte van daardie botter aldus vervaardig vir verkoop in bulk as ten opsigte van daardie botter aldus vervaardig vir verkoop in pakkies; en met dien verstande verder dat die bedrag aldus aan 'n besondere bottervervaardiger oorbetaal, verminder moet word deur 'n bedrag per pond van daardie botter aldus deur hom vervaardig wat gelykstaan met die gemiddelde bedrag (soos deur die raad vasgestel) deur hom betaal ten opsigte van vervoerkoste, behalwe skeepsvrage, per pond fabrieksbutter deur hom vir verkoop versend gedurende die tydperk van twaalf maande eindigende op die dertigste dag van September onmiddellik voorafgaande aan die datum waarop hierdie skema van krag word, watter gemiddelde bedrag ten opsigte van botter wat ter voldoening aan 'n kennis-

such butter exported from the Union by or on behalf of any butter manufacturer in pursuance of a notification under sub-section (4) of section *thirteen* of the Dairy Industry Control Act, 1930, as amended, be determined as if that butter had been despatched from the creamery of that butter manufacturer to the nearest port of export.

(3) As soon as may be after all the creamery butter manufactured during any financial year under this scheme has been sold, the board shall—

- (a) ascertain the total export loss on all butter of all grades, including farm dairy butter, for that financial year, which shall be deemed to be the difference between—
 - (i) the net amount which, if calculated on the basis specified in paragraph (a) of sub-section (2), would have been realised from the sale of all the creamery butter of whatever grade sold outside the Union during that financial year; and
 - (ii) the net amount actually realised from the sale of all butter sold outside the Union during that financial year, by deducting from the gross amount so realised, storage charges and commission on the same basis as is specified in paragraph (a) of sub-section (2) in respect of creamery butter sold in the Union, and all expenses incurred in connection with the sale of such butter outside the Union, excluding railage to the place from which it was exported;
- (b) ascertain the average export loss per pound of such butter by dividing the said total export loss by the total number of pounds of creamery butter manufactured during that financial year plus the total number of pounds of farm dairy butter sold during that financial year;
- (c) transfer from the butter levy fund an amount calculated by multiplying the average export loss per pound of such butter, as ascertained under paragraph (b), by the total number of pounds of farm dairy butter sold during the aforesaid financial year, or such lesser amount as the board may determine;

and shall thereupon ascertain the difference between the said total export loss and the amount representing the anticipated total export loss for the financial year in question, on butter of all grades, as determined under paragraph (c) of sub-section (2) plus the amount transferred from the butter levy fund in terms of paragraph (c) of this sub-section, and, if such total export loss is less than the sum of the last-mentioned two amounts, distribute the amount representing the said difference amongst butter manufacturers who have manufactured creamery butter during the said financial year in proportion to the respective quantities of such butter so manufactured by them, or, if the said difference is greater than such lastmentioned two amounts, recover the amount representing the said difference from such butter manufacturers in the aforesaid proportion.

(4) If the anticipated export loss as determined by the board under paragraph (c) of sub-section (2) is varied during the course of any financial year, the board shall, after making the adjustments provided for in sub-section (3), determine the total amount of the actual export loss which would have been borne by each butter manufacturer on the quantity of creamery butter manufactured by him during that financial year, had he been required to bear so much of that loss per pound of creamery butter manufactured by him as is equal to the amount ascertained under paragraph (a), less the amount transferred from the butter levy fund in terms of paragraph (c), of the lastmentioned sub-section divided by the total number of pounds of creamery butter sold during the financial year in question, and shall thereupon, if the total amount determined as provided herein in respect of any such butter manufacturer is less than the amount of the said export loss actually borne by that manufacturer, pay the amount representing the difference to such manufacturer, or, if the amount so determined exceeds the amount of the said export loss actually borne by that manufacturer, recover the amount of the difference from the said manufacturer.

(5) As soon as may be after all the creamery butter manufactured during any financial year under this scheme has been sold, the board shall determine the total amount which would have been deducted in commission in respect of such butter sold on behalf of each butter manufacturer if there had been so deducted per pound of such butter an amount equal to the average expenditure per pound actually incurred by the board in connection with the sale of all creamery butter manufactured during that financial year, and shall thereupon, if the total amount which would have been so deducted is less than the amount actually deducted in respect of commission on the butter sold on behalf of the manufacturer concerned, pay the excess to that manufacturer, or, if the amount which would have been so deducted exceeds the amount actually so deducted, recover the deficit from that manufacturer.

(6) All transport costs (as approved by the board) on creamery butter after despatch thereof by any butter manufacturer on the direction of the board, shall be met from the amounts deducted in respect of transport costs in terms of sub-section (2), and if, after all the creamery butter manufactured during any financial year under this scheme has been

gewing ingevolge subartikel (4) van artikel *dertien* van die Wet op die Beheer van die Suivelnywerheid, 1930, soos gewysig, deur of ten behoeve van 'n bottervervaardiger uit die Unie uitgevoer is, vasgestel moet word asof daardie botter van die botterfabriek van daardie bottervervaardiger na die naaste uitvoerhawe versend was.

(3) Sodra doenlik na al die fabrieksbotter gedurende 'n boekjaar onder hierdie skema vervaardig, verkoop is, moet die raad—

- (a) die totale uitvoerverlies op alle botter van alle grade, insluitende plaasmelkerybotter, vir daardie boekjaar bepaal, wat geag word die verskil te wees tussen—
 - (i) die netto-bedrag wat, indien bereken op die grondslag gespesifiseer in paragraaf (a) van subartikel (2), verkry sou gewees het uit die verkoop van al die fabrieksbotter van watter graad ookal wat gedurende daardie boekjaar buite die Unie verkoop is; en
 - (ii) die netto-bedrag werklik verkry uit die verkoop van alle botter wat gedurende daardie boekjaar buite die Unie verkoop is, deur van die bruto-bedrag aldus verkry, opbergingskoste en kommissie op dieselfde basis as wat in paragraaf (a) van subartikel (2) ten opsigte van fabrieksbotter in die Unie verkoop, gespesifiseer is, en alle koste behoort in verband met die verkoop van daardie botter buite die Unie, behalwe spoorvrug na die plek vanwaar dit uitgevoer is, af te trek;
- (b) die gemiddelde uitvoerverlies per pond van daardie botter bereken deur bedoelde totale uitvoerverlies te deel deur die totale aantal ponde fabrieksbotter gedurende daardie boekjaar vervaardig plus die totale aantal ponde plaasmelkerybotter gedurende daardie boekjaar verkoop;
- (c) van die botterheffingsfonds 'n bedrag, bereken deur die gemiddelde uitvoerverlies per pond van daardie botter, soos vasgestel kragtens paragraaf (b), te vermenigvuldig met die totale aantal ponde plaasmelkerybotter gedurende die voornoemde boekjaar verkoop, of so 'n mindere bedrag as wat die raad mag vasstel, oorplaas;

en daarna moet die raad die verskil bepaal tussen bedoelde totale uitvoerverlies en die bedrag wat die verwagte totale uitvoerverlies op botter van alle grade soos bepaal kragtens paragraaf (c) van subartikel (2) vir die betrokke boekjaar verteenwoordig, plus die bedrag ooreenkomstig paragraaf (c) van hierdie subartikel uit die botterheffingsfonds oorgeplaas, en, indien die totale uitvoerverlies minder is as die som van laasgenoemde twee bedrae, die bedrag wat bedoelde verskil verteenwoordig onder die bottervervaardigers wat gedurende bedoelde boekjaar fabrieksbotter vervaardig het, verdel in verhouding tot die onderskeie hoeveelhede van daardie botter aldus deur hulle vervaardig, of, indien bedoelde totale uitvoerverlies groter is as die som van laasgenoemde twee bedrae, die bedrag wat bedoelde verskil verteenwoordig, in die voornoemde verhouding op bedoelde bottervervaardigers verhaal.

(4) As die verwagte uitvoerverlies soos kragtens paragraaf (c) van subartikel (2) deur die raad bepaal, in die loop van 'n boekjaar gewysig word, moet die raad, nadat hy die vereffenings gemaak het waarvoor in subartikel (3) voorsiening gemaak word, die totale bedrag van die werklike uitvoerverlies vasstel wat deur elke bottervervaardiger gedra sou gewees het op die hoeveelheid fabrieksbotter deur hom gedurende daardie boekjaar vervaardig, as hy verplig was om soveel van daardie verlies per pond fabrieksbotter deur hom vervaardig, te dra as wat gelykstaan aan die bedrag ingevolge paragraaf (a) vasgestel, min die bedrag oorgeplaas uit die botterheffingsfonds ooreenkomstig paragraaf (c) van laasgenoemde subartikel gedeel deur die total aantal ponde fabrieksbotter gedurende die betrokke boekjaar verkoop, en daarna, indien die totale bedrag vasgestel soos hierin bepaal in die geval van so'n bottervervaardiger minder is as die bedrag van bedoelde uitvoerverlies werklik deur daardie vervaardiger gedra, die bedrag wat die verskil verteenwoordig aan bedoelde vervaardiger betaal, of, indien die bedrag aldus vasgestel hoër is as die bedrag van bedoelde uitvoerverlies werklik deur daardie vervaardiger gedra, die bedrag van die verskil op bedoelde vervaardiger verhaal.

(5) So gou doenlik na al die fabrieksbotter gedurende 'n boekjaar onder hierdie skema vervaardig, verkoop is, moet die raad die totale bedrag vasstel wat as kommissie ten opsigte van die hoeveelheid van daardie botter ten behoeve van elke bottervervaardiger verkoop, afgetrek sou gewees het, indien daar aldus per pond van daardie botter 'n bedrag afgetrek was wat gelykstaan aan die gemiddelde koste per pond werklik deur die raad behoort in verband met die verkoop van alle fabrieksbotter gedurende daardie boekjaar vervaardig, en daarna, indien die totale bedrag wat aldus afgetrek sou gewees het minder is as die bedrag werklik afgetrek ten opsigte van kommissie op die botter ten behoeve van die betrokke vervaardiger verkoop, die saldo aan daardie vervaardiger uitbetaal, of, indien die bedrag wat aldus afgetrek sou gewees het, hoër is as die bedrag werklik aldus afgetrek, die tekort op daardie vervaardiger verhaal.

(6) Alle vervoerkoste (soos deur die raad goedgekeur) ten opsigte van fabrieksbotter na versending daarvan deur 'n bottervervaardiger op las van die raad, moet bestry word uit die bedrae afgetrek ten opsigte van vervoerkoste ooreenkomstig subartikel (2), en indien, na al die fabrieksbotter gedurende 'n boekjaar onder hierdie skema vervaardig, verkoop is, die som

sold, the sum of the amounts so deducted in respect of all the creamery butter so manufactured exceeds the expenses incurred in connection with such transport, the excess shall be distributed amongst butter manufacturers in proportion to the quantities of butter so manufactured by them, or, if the sum of the amounts so deducted is less than the expenses so incurred, the deficit shall be recovered from such butter manufacturers in the same proportion.

(7) Except as may be convenient for purposes of export, the board shall use every endeavour to ensure that creamery butter manufactured by different butter manufacturers shall as far as possible be sold in approximately equal proportions.

(8) The board may at any time before the proceeds of the sale of creamery butter manufactured during any calendar month have been distributed as provided in this section, make advances to butter manufacturers who manufactured creamery butter during that calendar month in proportion to the quantities of butter of each grade so manufactured by them; provided that the board may require adequate security from such butter manufacturers, which security may take into account the stocks of creamery butter held by each butter manufacturer.

(9) For the purpose of this section—

- (a) any creamery butter held in stock by a butter manufacturer at the date on which any prohibition under section thirty-three becomes operative, shall be deemed to have been manufactured on that date;
- (b) all the creamery butter of any grade manufactured during any calendar month, or during any financial year under this scheme, shall be deemed to have been sold as soon as a quantity of creamery butter of that grade equal to the quantity so manufactured has been sold in addition to a quantity equal to the quantity manufactured during the immediately preceding calendar month or financial year;
- (c) imported butter shall, subject to the provisions of paragraph (f), be deemed to have been manufactured in the Union during the calendar month during which it is imported into the Union;
- (d) any creamery butter shall be included in the pool for butter of the grade in which it is delivered for sale on the directions of the board, or, if it is not so delivered within ninety days after the end of the calendar month in which it was manufactured, in the pool for the grade in which it is found to be on the expiration of that period;
- (e) transport costs in respect of butter manufactured in any creamery established after this section comes into operation, shall for the purpose of sub-section (2) be determined by the board on such basis as it may deem equitable;
- (f) any butter which has during any calendar month or during any financial year under this scheme been manufactured in the mandated territory of South-West Africa or in any of the Protectorates of Bechuanaland, Swaziland and Basutoland and to which the provisions of this section apply in accordance with and subject to the terms of section eighty-two, shall be deemed to have been manufactured in the Union during that calendar month or financial year, as the case may be.

Returns.

35. Every butter manufacturer shall forward to the board, on Monday of every week, a return, in a form prescribed by the board, showing—

- (a) the quantity of creamery butter of each grade manufactured by him during the week ending at the close of business on the preceding Saturday;
- (b) the quantity of creamery butter of each grade held in stock by him at the close of business on the preceding Saturday;
- (c) the quantity of creamery butter of each grade despatched by him, on the direction of the board, during the week ending at the close of business on the preceding Saturday, the names and addresses of the persons to whom creamery butter was so despatched, the quantity of creamery butter of each grade despatched to each such person and the date of such despatch:

Provided that whenever any calendar month does not end on a Saturday, the return for the last week of that calendar month shall be submitted on the first day of the succeeding calendar month for the period from the preceding Saturday to the last day of the preceding calendar month and the return for the first week of the succeeding calendar month shall be for the period from the first day of that month to the close of business on the first Saturday of that month.

CHAPTER VII.

SPECIAL RULES GOVERNING THE MARKETING OF FACTORY CHEESE AND FARM CHEESE.

Sale only through Board.

36. The board may, with the approval of the Minister, prohibit any cheese manufacturer or farm cheese-maker from selling any factory cheese or farm cheese to any person or through any channel other than the board.

van die bedrae aldus afgetrek ten opsigte van al die fabrieksbotter aldus vervaardig, hoër is as die onkoste in verband met bedoelde vervoer beloop, moet die saldo onder bottervervaardigers verdeel word in verhouding tot die hoeveelhede botter aldus deur hulle vervaardig, of, indien die som van die bedrae aldus afgetrek minder is as die onkoste aldus beloop, moet die tekort in dieselfde verhouding op bedoelde bottervervaardigers verhaal word.

(7) Behalwe vir sover dit vir uitvoerdoeleindes gerieflik mag wees, moet die raad alles in sy vermoë doen om te verseker dat fabrieksbotter deur verskillende bottervervaardigers vervaardig sover moontlik in ongeveer gelyke verhouding verkoop word.

(8) Die raad kan te eniger tyd voordat die ontvangstes uit die verkoop van fabrieksbotter gedurende 'n kalendermaand vervaardig, volgens voorskrif van hierdie artikel verdeel is, aan bottervervaardigers wat gedurende daardie kalendermaand fabrieksbotter vervaardig het, voorskotte maak in verhouding tot die hoeveelhede botter van elke graad aldus deur hulle vervaardig; met dien verstande dat die raad toereikende sekuriteit van bedoelde bottervervaardigers kan eis en by die bepaling van daardie sekuriteit kan rekening gehou word met die voorrade fabrieksbotter deur elke bottervervaardiger gehou.

(9) Vir die toepassing van hierdie artikel word—

- (a) fabrieksbotter wat deur 'n bottervervaardiger in voorraad gehou word op die datum waarop 'n verbod kragtens artikel drie-en-dertig van krag word, geag op daardie datum vervaardig te gewees het;
- (b) al die fabrieksbotter van enige graad vervaardig gedurende 'n kalendermaand of gedurende 'n boekjaar onder hierdie skema, geag verkoop te gewees het sodra 'n hoeveelheid fabrieksbotter van daardie graad gelykstaande aan die hoeveelheid aldus vervaardig, verkoop is, benewens n hoeveelheid gelyk aan die hoeveelheid gedurende die onmiddellik voorgaande kalendermaand of boekjaar vervaardig;
- (c) onderworpe aan die bepaling van paragraaf (f), ingevoerde botter geag in die Unie vervaardig te gewees het gedurende die kalendermaand waarin dit in die Unie ingevoer is;
- (d) fabrieksbotter ingesluit in die „pool” vir botter van die graad waarin dit op las van die raad vir verkoop gelewer word, of, indien dit nie binne negentig dae na die einde van die kalendermaand waarin dit vervaardig is aldus gelewer is nie, in die „pool” vir die graad waarin dit by verstryking van daardie tydperk gevind word;
- (e) vervoerkoste ten opsigte van botter vervaardig in 'n botterfabriek opgerig na hierdie artikel van krag geword het, vir die doel van subartikel (2) deur die raad vasgestel op 'n basis wat hy billik ag;
- (f) botter wat gedurende 'n kalendermaand of gedurende 'n boekjaar onder hierdie skema in die mandaatgebied van Suidwes-Afrika of enigeen van die protektorate van Betsjoeanaland, Swaziland en Basotoland vervaardig is en waarop die bepaling van hierdie artikel van toepassing is ooreenkomstig en onderworpe aan die bepaling van artikel twee-en-tagtig, geag in die Unie vervaardig te gewees het gedurende daardie kalendermaand of boekjaar, soos die geval mag wees.

Opgawes.

35. Elke bottervervaardiger moet op Maandag van elke week en in die vorm voorgeskryf deur die raad, aan die raad 'n opgawe stuur aantonende—

- (a) die hoeveelheid fabrieksbotter van elke graad deur hom vervaardig gedurende die week eindigende tydens die sluiting van besigheid op die vorige Saterdag;
- (b) die hoeveelheid fabrieksbotter van elke graad deur hom in voorraad gehou tydens die sluiting van besigheid op die vorige Saterdag;
- (c) die hoeveelheid fabrieksbotter van elke graad op las van die raad deur hom gedurende die week eindigende tydens die sluiting van besigheid op die vorige Saterdag versend, die name en adresse van die persone aan wie fabrieksbotter aldus versend is, die hoeveelheid fabrieksbotter van elke graad aan elkeen van daardie persone versend en die datum van elkeen van daardie versendings:

Met dien verstande dat wanneer 'n kalendermaand nie op 'n Saterdag eindig nie, die opgawe vir die laaste week van daardie kalendermaand ingedien moet word op die eerste dag van die eersvolgende kalendermaand ten opsigte van die tydperk vanaf die vorige Saterdag tot die laaste dag van die vorige kalendermaand, en die opgawe vir die eerste week van die eersvolgende kalendermaand moet strek oor die tydperk vanaf die eerste dag van daardie maand tot die sluiting van besigheid op die eerste Saterdag van daardie maand.

HOOFSTUK VII.

SPESIALE REËLS BETREFFENDE DIE BEMARKING VAN FABRIEKSKAAS EN PLAASKAAS.

Verkoop alleen deur die Raad.

36. Die raad kan, met die goedkeuring van die Minister, 'n kaasvervaardiger of plaaskaasmaker verbied om fabriekskaas of plaaskaas aan 'n ander persoon of deur 'n ander kanaal as die raad te verkoop.

Pooling of Proceeds.

37. (1) Whenever the board has imposed any prohibition under section *thirty-six*, it shall conduct a monthly pool for the sale of factory cheese and farm cheese in accordance with the provisions of this section.

(2) As soon as may be after all the cheese manufactured during any calendar month has been sold, the board shall in respect of such cheese of each class and grade determine—

(a) the net amount realised from the sale of the quantity of such cheese sold in the Union, which shall be deemed to be the difference between the gross amount so realised and the sum of the amounts representing in respect of such cheese—

(i) commission, at a rate to be determined by the board, which shall be utilised for defraying the expenditure (other than expenditure specially provided for in this section) incurred by the board in connection with the sale of such cheese, and which shall include selling charges, storage charges, grading fees, insurance, delivery costs, *del credere* commission and the costs of operating the pool;

(ii) any amounts representing transport costs, as approved by the board, in respect of cheese despatched by any cheese manufacturer or farm cheesemaker on the directions of the board;

(iii) any amounts representing premiums, as fixed by the board, which may be realised in respect of the sale of small cheeses or cheese of a special grade sold on behalf of particular cheese manufacturers or farm cheesemakers, which amounts shall be payable to such manufacturers or farm cheesemakers;

(iv) any amount which would, at the average rate paid by way of transport costs on cheese manufactured during that calendar month and despatched on the directions of the board, have been payable on cheese manufactured by any cheese manufacturer and used by him for the manufacture of process cheese, which amount shall be paid to that cheese manufacturer;

(b) the net amount which would have been realised from the sale of the quantity of such cheese which was sold outside the Union if it had been sold within the Union on the same terms as in the case of the quantity actually so sold less an amount representing transport costs, as approved by the board, in respect of cheese despatched by any cheese manufacturer or farm cheesemaker on the direction of the board;

(c) the anticipated export loss on all such cheese sold outside the Union, by multiplying the amount which the board may from time to time estimate as the probable average export loss per pound on the anticipated total number of pounds of cheese to be manufactured during any financial year by the total number of pounds of such cheese manufactured during that month;

and shall thereupon pay the amount representing the difference between the sum of the net amounts determined under paragraphs (a) and (b) and the amount determined under paragraph (c) to cheese manufacturers and farm cheese-makers who have during the said month manufactured cheese of the class and grade in question, in proportion to the respective quantities of such cheese so manufactured by them.

(3) As soon as may be after all the cheese manufactured during any financial year under this scheme has been sold, the board shall ascertain the total export loss on all cheese of all classes and grades for that financial year, which shall be deemed to be the difference between—

(a) the net amount which, if calculated on the basis specified in paragraph (a) of sub-section (2), would have been realised from the sale of all such cheese sold outside the Union during that financial year; and

(b) the net amount actually realised from the sale of all such cheese sold outside the Union during that financial year, by deducting from the gross amount so realised, commission on the same basis as is specified in paragraph (a) of sub-section (2) in respect of cheese sold in the Union, and all expenses incurred in connection with the sale of such cheese;

and shall thereupon ascertain the difference between the said total export loss and the amount representing the anticipated total export loss for the financial year in question on cheese of all grades, as determined under paragraph (c) of sub-section (2), and, if such total export loss is less than the lastmentioned amount, distribute the amount representing the said difference amongst cheese manufacturers and farm cheese-makers who have manufactured cheese during the said financial year in proportion to the respective quantities of such cheese so manufactured by them, or, if the said difference is greater than such lastmentioned amount, recover the amount representing the said difference from such cheese manufacturers and farm cheese-makers in the aforesaid proportion.

„Pool” van Ontvangste.

37. (1) Wanneer die raad kragtens artikel *ses-en-dertig* 'n verbod opgelê het, moet hy ooreenkomstig die bepalinge van hierdie artikel 'n maandelikse „pool” vir die verkoop van fabriekskaas en plaskaas bestuur.

(2) So gou doenlik na al die kaas wat gedurende 'n kalendermaand vervaardig is, verkoop is, moet die raad ten opsigte van sulke kaas van elke klas en graad—

(a) die netto-bedrag vasstel wat verkry is uit die verkoop van die hoeveelheid van sulke kaas wat in die Unie verkoop is, wat geag word die verskil te wees tussen die bruto-bedrag aldus verkry en die som van die bedrae verteenwoordigende ten opsigte van sulke kaas—

(i) kommissie, teen 'n skaal deur die raad vasgestel, wat gebruik moet word vir die bestryding van die onkoste (behalwe koste waarvoor spesiaal in hierdie artikel voorsiening gemaak word) deur die raad behoep in verband met die verkoop van sulke kaas, met inbegrip van verkoopskoste, opbergingskoste, graderingsfooie, assuransië, afleweringkoste, *del credere* kommissie en die koste om die „pool” te bestuur;

(ii) bedrae bestaande uit vervoerkoste, soos deur die raad goedgekeur, in verband met kaas deur 'n kaasvervaardiger of plaaskaasmaker op las van die raad versend;

(iii) bedrae bestaande uit premies, soos deur die raad vasgestel, wat verkry mag word ten opsigte van die verkoop van klein kasies of kaas van 'n spesiale graad ten behoeve van besondere kaasvervaardigers of plaaskaasmakers verkoop, watter bedrae aan bedoelde vervaardigers of plaaskaasmakers betaal moet word;

(iv) 'n bedrag wat, teen die gemiddelde tarief betaal by wyse van vervoerkoste van kaas gedurende daardie kalendermaand vervaardig en op las van die raad versend, betaalbaar sou gewees het op kaas deur 'n kaasvervaardiger vervaardig en deur hom vir die vervaardiging van proseskaas gebruik, watter bedrag aan daardie kaasvervaardiger betaal moet word;

(b) die netto-bedrag vasstel wat verkry sou gewees het uit die verkoop van die hoeveelheid van sulke kaas wat buite die Unie verkoop is indien dit binne die Unie verkoop was op dieselfde voorwaardes as in die geval van die hoeveelheid werklik aldus verkoop, min 'n bedrag wat vervoerkoste verteenwoordig, soos goedgekeur deur die raad, ten opsigte van kaas deur 'n kaasvervaardiger of plaaskaasmaker op las van die raad versend;

(c) die verwagte uitvoerverlies op al sulke kaas wat buite die Unie verkoop is, vasstel, deur die bedrag wat die raad van tyd tot tyd skat as die waarskynlike gemiddelde uitvoerverlies per pond op die totale aantal ponde kaas wat na verwagting gedurende 'n boekjaar vervaardig sal word, te vermenigvuldig met die totale aantal ponde van sulke kaas gedurende daardie maand vervaardig;

en daarna die bedrag wat die verskil verteenwoordig tussen die som van die netto-bedrae bepaal kragtens paragrafe (a) en (b) en die bedrag bepaal kragtens paragraaf (c) aan kaasvervaardigers en plaaskaasmakers wat gedurende bedoelde maand kaas van die betrokke klas en graad vervaardig het, oorbetal in verhouding tot die onderskeie hoeveelhede van sulke kaas aldus deur hulle vervaardig.

(3) So gou doenlik na al die kaas gedurende 'n boekjaar onder hierdie skema vervaardig, verkoop is, moet die raad die totale uitvoerverlies op alle kaas van alle klasse en grade vir daardie boekjaar vasstel, wat geag word die verskil te wees tussen—

(a) die netto-bedrag wat, indien bereken op die grondslag gespesifiseer in paragraaf (a) van subartikel (2), verkry sou gewees het uit die verkoop van al sulke kaas wat gedurende daardie boekjaar buite die Unie verkoop is; en

(b) die netto-bedrag werklik verkry uit die verkoop van al sulke kaas wat gedurende daardie boekjaar buite die Unie verkoop is, deur van die bruto-bedrag aldus verkry kommissie op dieselfde basis as wat in paragraaf (a) van subartikel (2) ten opsigte van kaas in die Unie verkoop, gespesifiseer is, en alle koste in verband met die verkoop van sulke kaas behoep, af te trek;

en daarna moet die raad die verskil bepaal tussen bedoelde totale uitvoerverlies en die bedrag wat die verwagte totale uitvoerverlies vir die betrokke boekjaar op kaas van alle grade, soos bepaal ooreenkomstig paragraaf (c) van subartikel (2), verteenwoordig en, indien bedoelde totale uitvoerverlies minder is as laasgenoemde bedrag, die bedrag wat genoemde verskil verteenwoordig onder kaasvervaardigers en plaaskaasmakers wat kaas gedurende daardie boekjaar vervaardig het, verdeel in verhouding tot die onderskeie hoeveelhede van sulke kaas aldus deur hulle vervaardig, of indien bedoelde totale uitvoerverlies groter is as bedoelde laasgenoemde bedrag, die bedrag wat die bedoelde verskil verteenwoordig in die voornoemde verhouding op sulke kaasvervaardigers en plaaskaasmakers verhaal.

(4) If the anticipated export loss as determined under paragraph (c) of sub-section (2) is varied during the course of any financial year, the board shall, after making the adjustments provided for in sub-section (3), determine the total amount of the actual export loss which would have been borne by each cheese manufacturer or farm cheese-maker on the total quantity of cheese sold on his behalf during that financial year, had he been required to bear so much of that loss per pound of cheese sold on his behalf as is equal to the amount ascertained under sub-section (3) divided by the total number of pounds of cheese sold during the financial year in question, and shall thereupon, if the total amount determined as provided herein in respect of any such manufacturer or farm cheese-maker is less than the amount of the said export loss actually borne by that manufacturer or farm cheese-maker, pay the amount representing the difference to such manufacturer or farm cheese-maker, or, if the amount so determined exceeds the amount of the said export loss actually borne by that manufacturer or farm cheese-maker, recover the amount of the difference from the said manufacturer or farm cheese-maker.

(5) As soon as may be after all the cheese manufactured during any financial year under this scheme has been sold, the board shall determine the total amount which would have been deducted in commission in respect of such cheese sold on behalf of each cheese manufacturer or farm cheese-maker if there had been so deducted per pound of such cheese an amount equal to the average expenditure per pound actually incurred by the board in connection with the sale of all cheese manufactured during that financial year, and shall thereupon, if the total amount which would have been so deducted is less than the amount actually deducted in respect of commission on the cheese sold on behalf of the manufacturer or farm cheese-maker concerned, pay the excess to that manufacturer or farm cheese-maker, or, if the amount which would have been so deducted exceeds the amount actually so deducted, recover the deficit from that manufacturer or farm cheese-maker.

(6) Except as may be convenient for purposes of export, the board shall use every endeavour to ensure that cheese manufactured by different cheese manufacturers or farm cheese-makers shall as far as possible be sold in approximately equal proportions.

(7) The board may, at any time before the proceeds of the sale of cheese manufactured during any calendar month have been distributed as provided in this section, make advances to cheese manufacturers and farm cheese-makers who manufactured cheese during that calendar month in proportion to the quantities of cheese of each class and grade so manufactured by them; provided that the board may require adequate security from such cheese manufacturers or farm cheese-makers, which security may take into account the stocks of cheese held by each cheese manufacturer or farm cheese-maker.

(8) For the purpose of this section—

- (a) any cheese held in stock by a cheese manufacturer or farm cheese-maker at the date on which any prohibition under section *thirty-six* becomes operative, shall be deemed to have been manufactured on that date;
- (b) all the cheese of any class and grade manufactured during any calendar month, or during any financial year under this scheme, shall be deemed to have been sold as soon as a quantity of cheese of that class and grade equal to the quantity so manufactured has been sold in addition to a quantity equal to the quantity manufactured during the immediately preceding calendar month or financial year;
- (c) "cheese" shall mean Gouda cheese, Cheddar cheese, and any other hard-pressed cheese, whether or not used by the manufacturer thereof in the production of process cheese, but shall not include Roquefort cheese or imported cheese of any class not ordinarily manufactured in the Union or imported process cheese;
- (d) imported cheese shall, subject to the provisions of paragraph (f), be deemed to have been manufactured in the Union during the calendar month during which it is imported into the Union;
- (e) any cheese of any class shall be included in the pool for the class and grade in which it is delivered for sale on the directions of the board;
- (f) any cheese which has during any calendar month or during any financial year under this scheme been manufactured in the mandated territory of South West Africa or in any of the Protectorates of Bechuanaland, Swaziland and Basutoland and to which the provisions of this section apply in accordance with and subject to the terms of section *eighty-two*, shall be deemed to have been manufactured in the Union during that calendar month or financial year, as the case may be.

Returns.

38. Every cheese manufacturer or farm cheesemaker shall forward to the board, on Wednesday of every week, a return in a form prescribed by the board, showing—

- (a) the respective quantities of factory cheese and farm cheese of each kind manufactured by him during the week ending at the close of business on the preceding Saturday;

(4) As die verwagte uitvoerverlies soos vasgestel ooreenkomstig paragraaf (c) van subartikel (2) in die loop van 'n boekjaar gewysig word, moet die raad nadat by die vereffening gemaak het waarvoor in subartikel (3) voorsiening gemaak word, die totale bedrag van die werklike uitvoerverlies vasstel wat deur elke kaasvervaardiger of plaaskaasmaker gedra sou gewees het op die totale hoeveelheid kaas ten behoeve van hom gedurende daardie boekjaar verkoop, indien hy verplig was om soveel van daardie verlies per pond kaas ten behoeve van hom verkoop, te dra, as wat gelykstaan aan die bedrag vasgestel ooreenkomstig subartikel (3) gedeel deur die totale aantal ponde kaas gedurende die betrokke boekjaar verkoop, en daarna, indien die totale bedrag vasgestel soos hierin bepaal, in die geval van so'n vervaardiger of plaaskaasmaker minder is as die bedrag van bedoelde uitvoerverlies werklik deur daardie vervaardiger of plaaskaasmaker gedra, die bedrag wat die verskil verteenwoordig aan bedoelde vervaardiger of plaaskaasmaker betaal, of, indien die bedrag aldus vasgestel hoër is as die bedrag van bedoelde uitvoerverlies werklik deur daardie vervaardiger of plaaskaasmaker gedra, die bedrag van die verskil op bedoelde vervaardiger of plaaskaasmaker verhaal.

(5) So gou doenlik na al die kaas gedurende 'n boekjaar onder hierdie skema vervaardig, verkoop is, moet die raad die totale bedrag vasstel wat as kommissie ten opsigte van sulke kaas ten behoeve van elke kaasvervaardiger of plaaskaasmaker verkoop, afgetrek sou gewees het indien daar aldus per pond van sulke kaas 'n bedrag afgetrek was wat gelykstaan aan die gemiddelde koste per pond werklik deur die raad beloop in verband met die verkoop van alle kaas gedurende daardie boekjaar vervaardig en daarna, indien die totale bedrag wat aldus afgetrek sou gewees het minder is as die bedrag werklik afgetrek ten opsigte van kommissie op die kaas ten behoeve van die betrokke vervaardiger of plaaskaasmaker verkoop, die saldo aan daardie vervaardiger of plaaskaasmaker uitbetaal, of indien die bedrag wat aldus afgetrek sou gewees het, hoër is as die bedrag werklik aldus afgetrek, die tekort op daardie vervaardiger of plaaskaasmaker verhaal.

(6) Behalwe vir sover dit vir uitvoerdoeleindes gerieflik mag wees, moet die raad alles in sy vermoë doen om te verseker dat kaas deur verskillende kaasvervaardigers of plaaskaasmakers vervaardig sover moontlik in ongeveer gelyke verhouding verkoop word.

(7) Die raad kan te eniger tyd voordat die ontvangstes uit die verkoop van kaas gedurende 'n kalendermaand vervaardig, volgens voorskrif van hierdie artikel verdeel is, aan kaasvervaardigers en plaaskaasmakers wat gedurende daardie kalendermaand kaas vervaardig het, voorskotte maak in verhouding tot die hoeveelheid kaas van elke klas en graad aldus deur hulle vervaardig; met dien verstande dat die raad toereikende sekuriteit van bedoelde kaasvervaardigers of plaaskaasmakers kan eis, en by die bepaling van daardie sekuriteit kan rekening gehou word met die voorraade kaas deur elke kaasvervaardiger of plaaskaasmaker gehou.

(8) Vir die toepassing van hierdie artikel word—

- (a) kaas wat deur 'n kaasvervaardiger of plaaskaasmaker in voorraad gehou word op die datum waarop 'n verbod ooreenkomstig artikel *ses-en-dertig* van krag word, geag op daardie datum vervaardig te gewees het;
- (b) alle kaas van enige klas en graad gedurende 'n kalendermaand of gedurende 'n boekjaar onder hierdie skema vervaardig, geag verkoop te gewees het sodra 'n hoeveelheid kaas van daardie klas en graad gelykstaande aan die hoeveelheid aldus vervaardig, verkoop is, benewens 'n hoeveelheid gelyk aan die hoeveelheid gedurende die onmiddellik voorgaande kalendermaand of boekjaar vervaardig;
- (c) onder „kaas" verstaan Goudakaas, Cheddarkaas en alle ander hardgeperste kaas, of dit deur die vervaardiger in die vervaardiging van proseskaas gebruik is of nie, maar Roquefortkaas of ingevoerde kaas van 'n klas wat nie gewoonlik in die Unie vervaardig word nie of ingevoerde proseskaas is nie daaronder inbegrepe nie;
- (d) onderworpe aan die bepalings van paragraaf (f), ingevoerde kaas geag in die Unie vervaardig te gewees het gedurende die kalendermaand waarin dit in die Unie ingevoer is;
- (e) kaas van enige klas ingesluit in die „pool" vir die klas en graad waarin dit op las van die raad vir verkoop gelever word;
- (f) kaas wat gedurende 'n kalendermaand of gedurende 'n boekjaar onder hierdie skema in die mandaatgebied van Suidwes-Afrika of enige van die protektorate van Betsjoeanaland, Swaziland en Basoetoland vervaardig is en waarop die bepalings van hierdie artikel van toepassing is ooreenkomstig en onderworpe aan die bepalings van artikel *twee-en-tagtig*, geag in die Unie vervaardig te gewees het gedurende daardie kalendermaand of boekjaar, soos die geval mag wees.

Opgawes.

38. Elke kaasvervaardiger of plaaskaasmaker moet op Woensdag van elke week aan die raad 'n opgawe verstrek in 'n vorm deur die raad voorgeskryf, aantonende—

- (a) die onderskeie hoeveelhede fabriekskaas en plaaskaas van elke soort deur hom vervaardig gedurende die week eindigende met die sluiting van besigheid op die vorige Saterdag;

- (b) the respective quantities of factory cheese and farm cheese of each kind and grade held in stock by him at the close of business on the preceding Saturday;
- (c) the respective quantities of factory cheese and farm cheese of each kind and grade despatched by him, on the direction of the board, during the week ending at the close of business on the preceding Saturday, the name and address of every person to whom such cheese was so despatched, the quantity of each of the different kinds of such cheese of each grade despatched to each such person and the date of such despatch;

Provided that whenever any calendar month does not end on a Saturday, the return for the last week of that calendar month shall be submitted on the third day of the succeeding calendar month for the period from the preceding Saturday to the last day of the preceding calendar month and the return for the first week of the succeeding calendar month shall be for the period from the first day of that month to the close of business on the first Saturday of that month.

CHAPTER VIII.

SPECIAL RULES GOVERNING THE MARKETING OF FACTORY CREAM.

Purchase of Factory Cream.

39. The board may require any butter manufacturer, not being a co-operative society or company, to pay for all factory cream purchased by him from any cream producer on the basis of its butterfat content and at such prices as may be fixed by the board.

Producer to bear Transport Charges.

40. Any butter manufacturer shall deduct from any amount payable by him to a cream producer in respect of cream received by him from such producer, any railrage or other transport charges which he may have paid on or incurred in connection with the transport of such cream; provided such other transport charges shall not be less than the rates charged by the South African Railways and Harbours Administration for similar services.

Payment to Producers.

41. Any butter manufacturer shall pay a cream producer for all cream purchased from that producer not later than the fifteenth day of the month following that on which the cream was received by him.

Bonus to Producers.

42. No butter manufacturer shall pay a cream producer any bonus on cream purchased from that producer, except at the end of such manufacturer's financial year, and any bonus so paid, shall, except in the case of a creamery operated by a co-operative society or company, be in proportion to the total quantity of cream purchased from each cream producer during that financial year.

CHAPTER IX.

SPECIAL RULES GOVERNING THE MARKETING OF CHEESE MILK.

Purchase of Cheese Milk.

43. The board may prohibit any cheese manufacturer, not being a co-operative society or company, from purchasing cheese milk from a cheese milk producer at a price other than a price fixed by the board.

Producer to bear Transport Charges.

44. Any cheese manufacturer shall deduct from any amount payable by him to a cheese milk producer in respect of cheese milk received by him from such producer, any railrage or other transport charges which he may have paid on such milk or which he may have incurred in connection with the transport of such milk; provided such other transport charges shall not be less than the rates charged by the South African Railways and Harbours Administration for similar services.

Payment to Producers.

45. Any cheese manufacturer shall pay a cheese milk producer for all cheese milk purchased from that producer, not later than the fifteenth day of the month following that during which the milk was received by him.

Bonus to Producers.

46. No cheese manufacturer shall pay a cheese milk producer any bonus on cheese milk purchased from that producer except at the end of such manufacturer's financial year, and any bonus so paid, shall, except in the case of a cheese factory operated by a co-operative society or company, be in proportion to the total quantity of cheese milk purchased from each cheese milk producer during that financial year.

CHAPTER X.

SPECIAL RULES GOVERNING THE MARKETING OF CONDENSING MILK.

Purchase of Condensing Milk.

47. The board may prohibit any condensed milk manufacturer from purchasing condensing milk from any condensing milk supplier at a price other than a price fixed by the board.

- (b) die onderskeie hoeveelhede fabriekskaas en plaaskaas van elke soort en graad deur hom in voorraad gehou met die sluiting van besigheid op die vorige Saterdag;
- (c) die onderskeie hoeveelhede fabriekskaas en plaaskaas van elke soort en graad deur hom op las van die raad gedurende die week eindigende met die sluiting van besigheid op die vorige Saterdag, versend, die naam en adres van elke persoon aan wie sulke kaas aldus versend is, die hoeveelheid van elk van die verskillende soorte van sulke kaas van elke graad aan elkeen van daardie persone versendend en die datum van daardie versending;

Met dien verstande dat wanneer 'n kalendermaand nie op 'n Saterdag eindig nie, die opgawe vir die laaste week van daardie kalendermaand ingedien moet word op die derde dag van die eersvolgende kalendermaand vir die tydperk vanaf die vorige Saterdag tot die laaste dag van die vorige kalendermaand, en die opgawe vir die eerste week van die eersvolgende kalendermaand moet strek oor die tydperk vanaf die eerste dag van daardie maand tot die sluiting van besigheid op die eerste Saterdag van daardie maand.

HOOFSTUK VIII.

SPESIALE REËLS IN VERBAND MET DIE BEMARKING VAN FABRIEKSRROOM.

Aankoop van Fabrieksroom.

39. Die raad kan 'n bottervervaardiger wat nie 'n koöperatiewe vereniging of maatskappy is nie, gelas om vir alle fabrieksroom deur hom van 'n roomprodusent gekoop, te betaal op grondslag van die bottervetgehalte daarvan en teen die pryse wat die raad mag vasstel.

Produsent moet Vervoerkoste dra.

40. 'n Bottervervaardiger moet van enige bedrag deur hom aan 'n produsent betaalbaar ten opsigte van room deur hom van so 'n produsent ontvang, spoorvrag of ander vervoerkoste aftrek wat hy betaal het op of beloop het in verband met die vervoer van daardie room; met dien verstande dat bedoelde ander vervoerkoste nie minder mag wees as die vraggeld deur die Suid-Afrikaanse Spoorweg en Hawens Administrasie vir soortgelyke dienste bereken nie.

Betaling aan Produsente.

41. 'n Bottervervaardiger moet 'n roomprodusent vir alle room van daardie produsent gekoop, betaal nie later as die vyftiende dag van die maand onmiddellik na dié waarin die room deur hom ontvang is nie.

Bonus aan Produsente.

42. Geen bottervervaardiger mag aan 'n roomprodusent 'n bonus betaal op room van daardie produsent gekoop nie, behalwe aan die einde van daardie vervaardiger se boekjaar, en 'n bonus aldus betaal moet, behalwe in die geval van 'n botterfabriek deur 'n koöperatiewe vereniging of maatskappy bestuur, in verhouding wees met die totale hoeveelheid room gedurende daardie boekjaar van elke roomprodusent gekoop.

HOOFSTUK IX.

SPESIALE REËLS IN VERBAND MET DIE BEMARKING VAN KAASMEELK.

Aankoop van Kaasmeelk.

43. Die raad kan 'n kaasvervaardiger wat nie 'n koöperatiewe vereniging of maatskappy is nie, belet om kaasmeelk van 'n kaasmeelkprodusent te koop teen 'n ander prys as 'n prys deur die raad vasgestel.

Produsent moet Vervoerkoste dra.

44. 'n Kaasvervaardiger moet van enige bedrag deur hom betaalbaar aan 'n kaasmeelkprodusent ten opsigte van kaasmeelk deur hom van so 'n produsent ontvang, spoorvrag en ander vervoerkoste aftrek wat hy betaal het op of beloop het in verband met die vervoer van daardie melk; met dien verstande dat bedoelde ander vervoerkoste nie minder mag wees as die vraggeld deur die Suid-Afrikaanse Spoorweg en Hawens Administrasie vir soortgelyke dienste bereken nie.

Betaling aan Produsente.

45. 'n Kaasvervaardiger moet 'n kaasmeelkprodusent vir alle kaasmeelk van daardie produsent gekoop, betaal nie later as die vyftiende dag van die maand onmiddellik na dié waarin die kaasmeelk deur hom ontvang is nie.

Bonus aan Produsente.

46. Geen kaasvervaardiger mag aan 'n kaasmeelkprodusent 'n bonus betaal op kaasmeelk van daardie produsent gekoop nie, behalwe aan die einde van daardie vervaardiger se boekjaar, en 'n bonus aldus betaal moet, behalwe in die geval van 'n kaasfabriek deur 'n koöperatiewe vereniging of maatskappy bestuur, in verhouding wees met die totale hoeveelheid kaasmeelk van elke kaasmeelkprodusent gedurende daardie boekjaar gekoop.

HOOFSTUK X.

SPESIALE REËLS IN VERBAND MET DIE BEMARKING VAN KONDENSEERMELK.

Aankoop van Kondenseermelk.

47. Die raad kan 'n kondenseermelkvervaardiger belet om kondenseermelk van 'n kondenseermelkverskaffer te koop teen 'n ander prys as 'n prys deur die raad vasgestel.

Producer to bear Transport Charges.

48. Any condensed milk manufacturer shall deduct from any amount payable by him to a condensing milk supplier in respect of condensing milk received by him from such supplier, any railage or other transport charges which he may have paid on or incurred in connection with the transport of such milk; provided such other transport charges shall not be less than the rates charged by the South African Railways and Harbours Administration for similar services.

Payment to Producers.

49. Any condensed milk manufacturer shall pay a condensing milk supplier for all condensing milk purchased from that supplier not later than the fifteenth day of the month following that during which the milk was received by him.

Bonus to Producers.

50. No condensed milk manufacturer shall pay a condensing milk supplier any bonus on condensing milk purchased from that supplier, except at the end of such manufacturer's financial year.

Returns.

51. Any condensed milk manufacturer shall, not later than the fifteenth day of every month, submit to the board a return showing the name and address of every condensing milk supplier from whom condensing milk was purchased during the preceding month, the quantities of milk so purchased from every supplier and the amount paid to each such supplier.

CHAPTER XI.

SPECIAL RULES GOVERNING THE MARKETING OF FARM BUTTER AND FARM DAIRY BUTTER.

Sale of Farm Dairy Butter.

52. (1) The board may, with the approval of the Minister, prohibit any farm dairy butter-maker, in such area or areas as the board may determine, from selling any farm dairy butter to any person other than the board or otherwise than through an agent appointed by the board.

(2) For the purpose of this section the board may, from time to time, appoint agents at such places and on such conditions as it may determine for the purchase or sale of farm dairy butter.

Establishment of Renovated Butter Factories.

53. The board may establish renovated butter factories at such places as it may decide for the purpose of renovating or processing farm butter or farm dairy butter, or enter into contracts with butter manufacturers to renovate or process farm butter or farm dairy butter on its behalf.

The Board may Buy Farm Butter and Farm Dairy Butter.

54. Whenever the board has established a renovated butter factory or entered into a contract with a butter manufacturer to renovate or process farm butter or farm dairy butter on its behalf, it may purchase farm butter or farm dairy butter in such markets and at such prices, which prices may be based on the quality of the farm butter or farm dairy butter purchased, as it may decide, and may sell or otherwise deal with such renovated butter; provided that any profits made or losses sustained shall be credited or debited, as the case may be, to the butter levy fund.

CHAPTER XII.

SPECIAL RULES GOVERNING THE MARKETING OF FRESH MILK AND FRESH CREAM.

Establishment and Constitution of Milk Committees.

55. (1) For every milk area there shall be established a committee (hereinafter referred to as a milk committee) which shall consist of eight members, to be appointed by the board, of whom—

- two shall be fresh milk producers, registered as such in respect of the milk area in question in terms of section sixty-five, who shall be elected by fresh milk producers so registered;
- two shall be fresh milk distributors so registered, who shall be elected by fresh milk distributors so registered;
- two shall be fresh milk producer-distributors so registered, who shall be elected by fresh milk producer-distributors so registered;
- one shall be a medical officer of health in the milk area in question (or his deputy), nominated by the local authority or local authorities having jurisdiction in that area; and
- one shall be a person not directly or indirectly connected with the production of or the trade in fresh milk or fresh cream and shall be nominated by the board:

Produsent moet Vervoerkoste dra.

48. 'n Kondensmelkvervaardiger moet van enige bedrag deur hom betaalbaar aan 'n kondenseermelkverskaffer ten opsigte van kondenseermelk deur hom van so'n verskaffer ontvang, spoorvrag of ander vervoerkoste aftrek wat hy betaal het op of behoort te betaal in verband met die vervoer van daardie melk; met dien verstande dat bedoelde ander vervoerkoste nie minder mag wees as die vraggeld deur die Suid-Afrikaanse Spoorweg en Hawens Administrasie vir soortgelyke dienste bereken nie.

Betaling aan Produsente.

49. 'n Kondensmelkvervaardiger moet 'n kondenseermelkverskaffer vir alle kondenseermelk van daardie verskaffer gekoop, betaal nie later as die vyftiende dag van die maand onmiddellik na dié waarin die melk deur hom ontvang is nie.

Bonus aan Produsente.

50. Geen kondensmelkvervaardiger mag aan 'n kondenseermelkverskaffer 'n bonus betaal op kondenseermelk van daardie verskaffer gekoop nie, behalwe aan die einde van daardie vervaardiger se boekjaar.

Opgawes.

51. 'n Kondensmelkvervaardiger moet nie later as die vyftiende dag van elke maand nie by die raad 'n opgawe indien aantoonende die naam en adres van elke kondenseermelkverskaffer van wie gedurende die voorgaande maand kondenseermelk gekoop is, die hoeveelheid melk aldus van elke verskaffer gekoop en die bedrag aan elke verskaffer betaal.

HOOFSTUK XI.

SPESIALE REËLS IN VERBAND MET DIE BEMARKING VAN PLAASBOTTER EN PLAASMELKERYBOTTER.

Verkoop van Plaasmelkerybotter.

52. (1) Die raad kan, met die goedkeuring van die Minister, 'n plaasmelkerybottermaker in die gebied of gebiede wat die raad mag bepaal, belet om plaasmelkerybotter aan iemand anders as die raad, of op 'n ander wyse as deur 'n agent deur die raad aangestel, te verkoop.

(2) Vir die toepassing van hierdie artikel kan die raad van tyd tot tyd agente op die plekke en op die voorwaardes wat hy mag vasstel, vir die koop of verkoop van plaasmelkerybotter aanstel.

Oprigting van Fabriek vir die Opnuutopmaak van Botter.

53. Die raad kan fabriek vir die opnuutopmaak van botter oprig op die plekke wat hy mag besluit met die doel om plaasbotter of plaasmelkerybotter opnuut op te maak of te verwerk, of kontrakte aangaan met bottervervaardigers om plaasbotter of plaasmelkerybotter namens hom opnuut op te maak of te verwerk.

Die Raad kan Plaasbotter of Plaasmelkerybotter Koop.

54. Wanneer die raad 'n fabriek vir die opnuutopmaak van botter opgerig het of met 'n bottervervaardiger 'n kontrak aangegaan het om plaasbotter of plaasmelkerybotter namens hom opnuut op te maak of te verwerk, kan hy plaasbotter of plaasmelkerybotter op die marke en teen die pryse koop wat hy mag besluit, watter pryse gebaseer kan wees op die kwaliteit van die plaasbotter of plaasmelkerybotter wat gekoop word, en bedoelde opnuutopgemaakte botter verkoop of op ander wyse daarmee handel; met dien verstande dat winste gemaak of verliese gely op krediet van die botterheffingsfonds geplaas moet word of daarteen gedebiteer moet word, al na die geval.

HOOFSTUK XII.

SPESIALE REËLS IN VERBAND MET DIE BEMARKING VAN VARS MELK EN VARS ROOM.

Instelling en Samestelling van Melkkomitees.

55. (1) Vir elke melkgebied moet daar 'n komitee ingestel word (hierna 'n melkkomitee genoem) wat bestaan uit agt lede, deur die raad aangestel te word, van wie—

- twee varsmelkprodusente moet wees, as sulks ten opsigte van die betrokke melkgebied geregistreer ooreenkomstig artikel vyf-en-sestig, wat deur aldus geregistreerde varsmelkprodusente gekies moet word;
- twee varsmelkdistribueerders moet wees wat aldus geregistreer is en deur varsmelkdistribueerders aldus geregistreer, gekies moet word;
- twee varsmelkprodusent-distribueerders moet wees wat aldus geregistreer is en deur varsmelkprodusent-distribueerders aldus geregistreer, gekies moet word;
- een 'n mediese gesondheidsbeampte in die betrokke melkgebied (of sy plaasvervanger) moet wees, genomineer deur die plaaslike owerheid of plaaslike owerhede wat in daardie gebied gesag uitoefen; en
- een 'n persoon moet wees wat nie direk of indirek by die produksie van of die handel in vars melk of vars room betrokke is nie en deur die raad genomineer moet word:

Provided that, where in the opinion of the board the requirements of any milk area do not warrant the establishment of a milk committee constituted as provided in this sub-section, the board may, in respect of any milk committee for that area, reduce the number of representatives of the interests referred to in paragraph (a), (b) or (c) from two to one, and that the board may at any time vary the number of representatives of the interests referred to in any of the said paragraphs.

(2) For the purpose of the election of the first members of any milk committee referred to in paragraph (a), (b) or (c) of sub-section (1), every fresh milk producer, fresh milk distributor or fresh milk producer-distributor who has, during the period of three months immediately preceding the date of the election, regularly sold fresh milk or fresh cream in the milk area in question, shall be deemed to be registered in terms of section *sixty-five*.

Election of Fresh Milk Producers' Representatives on Milk Committees.

56. (1) Whenever the appointment of any member of a milk committee referred to in paragraph (a) of sub-section (1) of section *fifty-five* becomes necessary, the secretary of the board shall by notice in one or more newspapers circulating in the milk area in question, invite fresh milk producers registered or deemed to be registered in respect of that area under section *sixty-five* to submit to him, in writing, on or before a date specified in the notice, the names and addresses of such persons as they may wish to nominate for election for such appointment.

(2) No nomination submitted in pursuance of any notice published under sub-section (1) shall be considered unless it is supported by the signatures of at least five per cent. of the fresh milk producers registered or deemed to be registered as aforesaid, and is accompanied by a statement signed by the person nominated to the effect that he is prepared to accept such nomination.

(3) As soon as may be after the date specified in any such notice as aforesaid, the secretary of the board shall fix times and places for the holding of polls for the election, from amongst the candidates nominated in pursuance of the said notice, of such a number of persons as may be required to be appointed to the milk committee concerned, and shall thereupon by like notice publish the names and addresses of all the candidates so nominated and the times and places so fixed; provided that, if the number of candidates so nominated does not exceed the number so required to be appointed, no poll shall be held and the board shall declare the persons so nominated to be duly elected, and if the number of persons so nominated is less than the number so required, the board may itself nominate additional fresh milk producers registered as aforesaid, up to the number so required, for appointment to the milk committee concerned.

(4) Any poll held in pursuance of a notice under sub-section (3) shall be conducted under the supervision of the secretary of the board or a person designated by him for the purpose, and any fresh milk producer registered or deemed to be registered as aforesaid may—

- (a) attend at any place specified in that notice at any time during the hours mentioned therein and obtain from the person under whose supervision the poll is conducted a ballot paper specially prepared for the purpose; or
- (b) at any time after the publication of that notice by written request obtain from the secretary of the board such a ballot paper,

on which he may record one vote in favour of each of so many of the candidates nominated as aforesaid as may be required to be appointed to the milk committee concerned, and which he may thereupon deposit in a sealed ballot box provided for the purpose at any place where the poll is held during the hours fixed for the poll or transmit to the secretary of the board through the post under registered cover within three days before the date of the poll.

(5) The result of any election held under this section shall be ascertained by the secretary of the board.

(6) If at any election held under this section one person is to be elected, the candidate in whose favour the highest number of votes is cast shall be deemed to have been duly elected, and, if two persons are to be elected, the candidates in whose favour the highest and the second highest numbers of votes, respectively, are cast shall be deemed to have been so elected, and in the event of equal numbers of votes being cast in favour of two or more candidates, so that, where one person is to be elected, no single candidate has a majority, or, where two persons are to be elected, no two candidates have majorities over the remaining candidates, the person or persons to be declared elected shall be determined by the drawing of lots; provided, always, that no candidate shall be declared elected in preference to any other candidate in whose favour a higher number of votes has been cast.

Met dien verstande dat, waar, volgens die oordeel van die raad, die behoeftes van 'n melkgebied nie die instelling van 'n melkkomitee saamgestel soos in hierdie subartikel bepaal, regverdig nie, die raad ten opsigte van 'n melkkomitee vir daardie gebied die aantal verteenwoordigers van die belange in paragraaf (a), (b) of (c) genoem, van twee tot een kan verminder, en dat die raad te eniger tyd die aantal verteenwoordigers van die belange in enigeen van die vermelde paragrafe genoem, kan verander.

(2) Vir die doel van die verkiesing van die eerste lede van 'n melkkomitee bedoel in paragraaf (a), (b) of (c) van subartikel (1), word elke varsmelkprodusent, varsmelkdistribueerder of varsmelkprodusent-distribueerder wat gedurende die tydperk van drie maande onmiddellik voorafgaande aan die verkiesingsdatum gereeld vars melk of vars room in die betrokke melkgebied verkoop het, geag ooreenkomstig artikel *vyf-en-sestig* geregistreer te wees.

Verkiesing van Varsmelkprodusentverteenwoordigers op Melkkomitees.

56. (1) Wanneer die aanstelling van 'n lid van 'n melkkomitee bedoel in paragraaf (a) van subartikel (1) van artikel *vyf-en-vyftig* nodig word, moet die sekretaris van die raad by kennisgewing in een of meer koerante in omloop in die betrokke melkgebied, varsmelkprodusente wat ten opsigte van daardie gebied kragtens artikel *vyf-en-sestig* geregistreer is of geag word geregistreer te wees, aansê om op of voor 'n datum in die kennisgewing gespesifiseer die name en adresse van persone wat hulle vir verkiesing tot sodanige aanstelling wens te nomineer, skriftelik by hom in te dien.

(2) Geen nominasie ingedien na aanleiding van 'n kennisgewing kragtens subartikel (1) gepubliseer, word in aanmerking geneem nie, tensy dit ondersteun word deur die handtekening van minstens vyf persent van die varsmelkprodusente soos voornoem geregistreer of geag geregistreer te wees, en vergesel is van 'n verklaring onderteken deur die genomineerde persoon ten effekte dat hy bereid is om nominasie te aanvaar.

(3) So gou doenlik na die datum in so 'n kennisgewing soos voornoem gespesifiseer, moet die sekeretaris van die raad tye en plekke vasstel vir die hou van stemmings vir die verkiesing, vanuit die kandidate na aanleiding van genoemde kennisgewing genomineer, van so'n aantal persone as wat nodig mag wees vir aanstelling op die betrokke melkkomitee, en daarna by soortgelyks kennisgewing die name en adresse van al die kandidate aldus genomineer sowel as die tye en plekke aldus vasgestel, bekendmaak; met dien verstande dat, indien die aantal kandidate aldus genomineer nie meer is as die aantal aldus vir aanstelling vereis nie, geen stemming gehou word nie en die raad die persone aldus genomineer as behoorlik gekies verklaar, en indien die aantal persone aldus genomineer minder is as die aantal aldus vereis, die raad self verdere varsmelkprodusente wat geregistreer is soos voornoem, tot die aantal aldus vereis, vir aanstelling op die betrokke melkkomitee kan nomineer.

(4) 'n Stemming gehou na aanleiding van 'n kennisgewing kragtens subartikel (3) moet gehou word onder toesig van die sekretaris van die raad of 'n persoon vir die doel deur hom aangewys, en 'n varsmelkprodusent wat geregistreer is of geag word geregistreer te wees soos voornoem, kan—

- (a) 'n plek in daardie kennisgewing gespesifiseer op enige tyd gedurende die ure daarin genoem, besoek en van die persoon onder wie se toesig die stemming gehou word 'n stembriefte verkry wat spesiaal vir die doel opgestel is; of
- (b) te eniger tyd na die publikasie van daardie kennisgewing op skriftelike versoek aan die sekretaris van die raad so'n stembriefte verkry,

waarop hy een stem kan uitbring ten gunste van elkeen van soveel van die kandidate genomineer soos voornoem as wat nodig mag wees vir aanstelling op die betrokke melkkomitee, en daarna, gedurende die ure vir die stemming vasgestel, kan plaas in 'n verseelde stembus vir die doel verskaf op enige plek waar die stemming gehou word of binne drie dae voor die datum van die stemming per geregistreerde pos aan die sekretaris van die raad kan toestuur.

(5) Die uitslag van 'n verkiesing kragtens hierdie artikel gehou, moet deur die sekretaris van die raad vasgestel word.

(6) Indien by 'n verkiesing kragtens hierdie artikel gehou, een persoon gekies moet word, word die kandidaat ten gunste van wie die grootste aantal stemme uitgebring word as behoorlik verkies beskou, en indien twee persone gekies moet word, word die kandidate ten gunste van wie die grootste en die tweede grootste aantal stemme onderskeidelik uitgebring word, as aldus gekies beskou, en ingeval 'n gelyke aantal stemme ten gunste van twee of meer kandidate uitgebring word, sodat, waar een persoon gekies moet word, geen kandidaat 'n meerderheid, of, waar twee persone gekies moet word, geen twee kandidate meerderhede oor die ander kandidate het nie, moet deur die lot beslis word watter persoon of persone as gekies verklaar moet word; met dien verstande altyd dat geen kandidaat as gekies verklaar word bo 'n ander kandidaat ten gunste van wie 'n groter aantal stemme uitgebring was nie.

(7) Notwithstanding anything contained in this section, the Minister may at any time, on the recommendation of the board, direct, in the case of any particular milk area, that the members to be appointed to the milk committee for that area under paragraph (a) of sub-section (1) of section fifty-five, be nominated in accordance with the provisions of section fifty-seven, and thereupon the said provisions shall *mutatis mutandis* apply in respect of the nomination of such members.

Election of Distributors and Producers-distributors to Milk Committees.

57. (1) Whenever the appointment of any member of a milk committee referred to in paragraph (b) or (c) of sub-section (1) of section fifty-five becomes necessary, the secretary of the board shall by notice in one or more newspapers circulating in the milk area in question, call a meeting of fresh milk distributors or fresh milk producer-distributors, as the case may be, to be held at a time and place specified in the notice, for the purpose of electing one or more such distributors or producer-distributors, as may be required, for such appointment.

(2) Any such meeting shall be presided over by the secretary of the board or a person designated by him for the purpose and voting thereat shall take place by ballot.

(3) The result of any such ballot shall be ascertained by the person presiding at the meeting in question and shall be made known to the meeting.

Chairman of Milk Committees.

58. (1) Every milk committee 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 to the committee, whichever shall be the shorter period, and shall be eligible for re-election.

(2) Whenever the chairman of a milk committee is unable to perform his functions, the committee shall elect another of its members to act as chairman.

Tenure of Office of Members of Milk Committees.

59. (1) The members of a milk committee shall hold office for a period of two years, but shall be eligible for re-election; provided that 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.

(2) Whenever for any reason the office of any member of a milk committee becomes vacant before the expiration of the period for which he was appointed, the board may, subject to the provisions of sub-section (1) of section fifty-five, appoint any other person whom it considers suitable to represent the interests concerned, to fill the vacancy until the expiration of the period for which the vacating member was appointed.

(3) Whenever the board is satisfied that any member of a milk committee is prevented by illness, absence or any other cause from performing the duties of his office, the board may, subject to the provisions of sub-section (1) of section fifty-five, appoint any other person whom it considers suitable to represent the interests concerned, 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.

(4) Whenever a member of a milk committee has, without its leave, absented himself from three consecutive ordinary meetings thereof, he shall cease to be a member of the committee.

Meetings of Milk Committees.

60. (1) The first meeting of any milk committee shall be held at a time and place to be appointed by the chairman of the board.

(2) All subsequent meetings of a milk committee shall be held at such times and places as the committee or the chairman thereof shall from time to time determine; provided that any such committee shall meet at least once every month.

Quorum, Majority Decision and Chairman's Casting Vote.

61. (1) The quorum for any meeting of a milk committee shall be five of the members thereof if the committee consists of eight members, four of such members if the committee consists of less than eight but not less than six members, and three of such members if the committee consists of less than six members.

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

(3) The proceedings at meetings of any milk committee shall be controlled by the chairman of that committee.

(7) Ondanks andersluidende bepalings in hierdie artikel, kan die Minister te eniger tyd op aanbeveling van die raad in die geval van 'n besondere melkgebied gelas dat die lede wat kragtens paragraaf (a) van subartikel (1) van artikel vyf-en-vyftig op die melkkomitee vir daardie streek aangestel moet word, genomineer moet word ooreenkomstig die bepalings van artikel sewe-en-vyftig, en daarna is bedoelde bepalings *mutatis mutandis* van toepassing op die nominasie van daardie lede.

Verkiezing van Distribueerders en Producent-distribueerders op Melkkomitees.

57. (1) Wanneer die aanstelling van 'n lid van 'n melkkomitee bedoel in paragraaf (b) of (c) van subartikel (1) van artikel vyf-en-vyftig nodig word, moet die sekretaris van die raad by kennisgewing in een of meer koerante in omloop in betrokke melkgebied, 'n vergadering van varsmelkdistribueerders of varsmelkproducent-distribueerders, soos die geval mag wees, belê, gehou te word op 'n tyd en plek in die kennisgewing gespesifiseer, vir die verkiezing van een of meer sodanige distribueerders of producent-distribueerders as wat vir sodanige aanstelling nodig mag wees.

(2) Op so'n vergadering moet die sekretaris van die raad of 'n persoon deur hom vir die doel aangewys as voorsitter optree en stemming op so'n vergadering moet deur middel van stembriefies geskied.

(3) Die uitslag van so'n verkiezing moet deur die voorsitter van die betrokke vergadering vasgestel en aan die vergadering bekendgemaak word.

Voorsitter van Melkkomitees.

58. (1) Elke melkkomitee moet op sy eerste vergadering en daarna wanneer dit nodig word uit sy lede 'n voorsitter kies wat sy amp as sulks beklee vir 'n tydperk van een jaar of tot verstryking van die tydperk waarvoor hy op die komitee aangestel was, watter ookal die kortste tydperk is, en wat herkiesbaar is.

(2) Wanneer die voorsitter van 'n melkkomitee nie in staat is om sy pligte waar te neem nie, moet die komitee een van sy ander lede kies om as voorsitter op te tree.

Ampsduur van Lede van Melkkomitees.

59. (1) Die lede van 'n melkkomitee beklee hul amp vir 'n tydperk van twee jaar, maar is herkiesbaar; met dien verstande dat by verstryking van die tydperk waarvoor lede aangestel was, hulle hul amp bly beklee tot hul opvolgers aangestel is, maar in geen geval vir 'n verder tydperk van meer as drie maande nie.

(2) Wanneer die setel van 'n lid van 'n melkkomitee om een of ander rede vakant word voor verstryking van die tydperk waarvoor hy aangestel is, kan die raad onderworpe aan die bepalings van subartikel (1) van artikel vyf-en-vyftig, 'n ander persoon wat hy geskik ag om die betrokke belange te verteenwoordig, aanstel om die vakature te vul tot verstryking van die tydperk waarvoor die uittredende lid aangestel was.

(3) Wanneer die raad bevind dat 'n lid van 'n melkkomitee weens siekte, afwesigheid of 'n ander oorsaak verhinder word om sy amppligte te vervul, kan die raad, onderworpe aan die bepalings van subartikel (1) van artikel vyf-en-vyftig, 'n ander persoon wat hy geskik ag om die betrokke belange te verteenwoordig, aanstel om as plaasvervanger van daardie lid op te tree terwyl hy aldus verhinder word, en gedurende die tydperk wat die plaasvervanger aldus optree, vervul hy die funksies van die lid ten opsigte van wie hy as plaasvervanger aangestel was.

(4) Wanneer 'n lid van 'n melkkomitee sonder verlof van die komitee van drie agtereenvolgende gewone vergaderings van die komitee afwesig was, hou hy op om lid van die komitee te wees.

Vergaderings van Melkkomitees.

60. (1) Die eerste vergadering van 'n melkkomitee moet gehou word op 'n tyd en plek deur die voorsitter van die raad bepaal.

(2) Alle latere vergaderings van 'n melkkomitee moet gehou word op die tye en plekke wat die komitee of die voorsitter daarvan van tyd tot tyd bepaal; met dien verstande dat so'n komitee minstens eenkeer elke maand moet vergader.

Kworum, Meerderheidsbeslissing en Beslissende Stem van Voorsitter.

61. (1) Die kworum vir 'n vergadering van 'n melkkomitee is vyf van die lede daarvan as die komitee uit agt lede bestaan, vier van daardie lede as die komitee uit minder as agt, maar nie minder as ses lede bestaan nie, en drie van daardie lede as die komitee uit minder as ses lede bestaan.

(2) Die beslissing van die meerderheid van die lede van 'n melkkomitee op 'n vergadering daarvan teenwoordig, maak die besluit van so'n komitee uit; met dien verstande dat in die geval van 'n staking van stemme die voorsitter van so'n komitee benewens sy beraadslagende stem ook 'n beslissende stem het.

(3) Die verrigtings op vergaderings van 'n melkkomitee word deur die voorsitter van daardie komitee beheer.

Functions of Milk Committees.

62. The functions of a milk committee shall be—

- (a) to receive applications for registration of fresh milk producers, fresh milk distributors and fresh milk producer-distributors and to advise and make recommendations thereon to the board;
- (b) to advise and make recommendations to the board as to the steps to be taken for the general regulation and improvement of the fresh milk industry in the milk area in question;
- (c) generally to advise and make recommendations to the board on all matters pertaining to the fresh milk industry;
- (d) to exercise general surveillance over the fresh milk industry in the milk area in respect of which the committee has been established; and
- (e) to exercise such powers and to perform such duties as may be assigned to it by the board.

Allowances of Members of a Milk Committee.

63. The members of a milk committee shall out of the funds of the board receive such allowances as the board may determine, which allowances may differ in respect of different milk areas.

Prohibition on Sale of Fresh Milk and Fresh Cream.

64. (1) No person (other than a milk purveyor or, in respect of fresh milk or fresh cream sold for consumption on the premises of the seller, a person in possession of a licence referred to in item 5 or item 20 of the Second Schedule to the Licences Consolidation Act, 1925) shall sell fresh milk or fresh cream in any milk area, unless he has been registered as a fresh milk producer, fresh milk producer-distributor or fresh milk distributor and unless such milk or cream has been produced by a fresh milk producer or a fresh milk producer-distributor registered as aforesaid.

(2) The board may prohibit—

- (a) any fresh milk producer from selling fresh milk or fresh cream in any milk area to any person other than a fresh milk distributor registered as aforesaid;
- (b) any fresh milk producer-distributor from selling fresh milk or fresh cream in any milk area to any fresh milk distributor or, except in such quantities as may from time to time be authorised by the board, to any fresh milk producer-distributor;
- (c) any fresh milk distributor from selling fresh milk or fresh cream in any milk area to any fresh milk producer-distributor, except in such quantities as may from time to time be authorised by the board;
- (d) any milk purveyor from selling fresh milk or fresh cream in any milk area, unless—
 - (i) such milk or cream has been purchased by him from a fresh milk distributor or a fresh milk producer-distributor and has been delivered to him in sealed containers bearing the name and address of the fresh milk distributor or fresh milk producer-distributor from whom he has purchased it; and
 - (ii) such milk or cream is sold and delivered by him on his premises in the containers in which he received it and with the seal thereon intact.

(3) Whenever the board has imposed any prohibition under paragraph (b) or (c) of sub-section (2), it may from time to time authorise any fresh milk producer-distributor to purchase a quantity of fresh milk or fresh cream not exceeding in the aggregate during any period of three calendar months twenty per cent. of the total quantity sold by him during the said period, from any other fresh milk producer-distributor or from any fresh milk distributor or from the surplus milk pool referred to in section seventy-four.

(4) A prohibition imposed under paragraph (a) of sub-section (2) shall not apply to the sale of fresh milk or fresh cream by a fresh milk producer to any hospital or similar institution supported wholly or partly by public funds; provided that the quantities of fresh milk and fresh cream which may be so sold by any such producer shall not exceed the quotas, if any, which may have been assigned to that producer under section seventy-one.

Registration of Milk Producers, Producer-distributors and Distributors.

65. (1) Any fresh milk producer, fresh milk producer-distributor or fresh milk distributor in a milk area may in writing apply to the milk committee established for that area for registration under this scheme.

Any such application shall be in the form prescribed by the board.

(2) A milk committee shall forward every such application submitted to it, together with its recommendation thereon and the reasons for such recommendation, to the board as soon as possible after receipt thereof.

Funksies van Melkkomitees.

62. Dit is die funksie van 'n melkkomitee om—

- (a) aansoek te ontvang vir die registrasie van varsmelk-produisente, varsmelkdistribueerders en varsmelk-produisent-distribueerders en om die raad daaromtrent te adviseer en van aanbevelings te voorsien;
- (b) die raad te adviseer en van aanbevelings te voorsien in verband met die stappe wat gedoen moet word vir die algemene regulering en verbetering van die varsmelkbedryf in die betrokke melkgebied;
- (c) die raad in die algemeen te adviseer en van aanbevelings te voorsien aangaande alle aangeleenthede betreffende die varsmelkbedryf;
- (d) algemene toesig te hou oor die varsmelkbedryf in die melkgebied ten opsigte waarvan die komitee ingestel is;
- (e) die bevoegdhede uit te oefen en die pligte te vervul wat die raad aan hom mag oordra.

Toelaes aan Lede van 'n Melkkomitee.

63. Die lede van 'n melkkomitee ontvang uit die fondse van die raad die toelaes wat die raad mag bepaal, watter toelaes ten opsigte van verskillende melkgebiede kan verskil.

Verbod op die Verkoop van Vars Melk en Vars Room.

64. (1) Niemand (behalwe 'n toonbank-melkhandelaar of, in die geval van vars melk of vars room vir verbruik op die perseel van die verkoper verkoop, 'n persoon in besit van 'n lisensie bedoel in item 5 of item 20 van die Tweede Bylae tot die Lisensies Konsolidasiewet, 1925) mag vars melk of vars room in 'n melkgebied verkoop nie tensy hy as 'n varsmelkproduisent, varsmelkproduisent-distribueerder of varsmelkdistribueerder geregistreer is en tensy sulke melk of room geproduseer is deur 'n varsmelkproduisent of 'n varsmelkproduisent-distribueerder geregistreer soos voornoem.

(2) Die raad kan—

- (a) 'n varsmelkproduisent verbied om vars melk of vars room in 'n melkgebied te verkoop aan enigiemand behalwe 'n varsmelkdistribueerder geregistreer soos voornoem;
- (b) 'n varsmelkproduisent-distribueerder verbied om vars melk of vars room in 'n melkgebied te verkoop aan 'n varsmelkdistribueerder of, behalwe in hoeveelhede wat die raad van tyd tot tyd mag toelaat, aan 'n varsmelkproduisent-distribueerder;
- (c) 'n varsmelkdistribueerder verbied om vars melk of vars room in 'n melkgebied aan 'n varsmelkproduisent-distribueerder te verkoop, behalwe in hoeveelhede wat die raad van tyd tot tyd mag toelaat;
- (d) 'n toonbank-melkhandelaar verbied om vars melk of vars room in 'n melkgebied te verkoop, tensy—
 - (i) sulke melk of room deur hom van 'n varsmelkdistribueerder of 'n varsmelkproduisent-distribueerder gekoop is en aan hom gelever is in verseelde houers met die naam en adres daarop van die varsmelkdistribueerder of varsmelkproduisent-distribueerder van wie hy dit gekoop het; en
 - (ii) sulke melk of room deur hom op sy perseel verkoop en gelever word in die houers waarin hy dit ontvang het met die verseëling ongeskonde.

(3) Wanneer die raad 'n verbod kragtens paragraaf (b) of (c) van sub-artikel (2) opgelê het, kan hy 'n varsmelkproduisent-distribueerder van tyd tot tyd magtig om 'n hoeveelheid vars melk of vars room wat altesame gedurende enige tydperk van drie kalendermaande nie meer as twintig persent is van die totale hoeveelheid deur hom gedurende genoemde tydperk verkoop nie, te koop van 'n ander varsmelkproduisent-distribueerder of van 'n varsmelkdistribueerder of van die surplus-melk-, pool " in artikel vier-en-sewentig bedoel.

(4) 'n Verbod opgelê kragtens paragraaf (a) van sub-artikel (2) is nie van toepassing op die verkoop van vars melk of vars room deur 'n varsmelkproduisent aan 'n hospitaal of dergelike inrigting wat geheel of gedeeltelik deur openbare fondse onderhou word nie; met dien verstande dat die hoeveelhede vars melk en vars room wat aldus deur so 'n produisent verkoop mag word nie meer mag wees as die kwotas wat, indien wel, aan daardie produisent ingevolge artikel een-en-sewentig toegewys is nie.

Registrasie van Melkproduisente, Produisent-distribueerders en Distribueerders.

65. (1) 'n Varsmelkproduisent, varsmelkproduisent-distribueerder of varsmelkdistribueerder in 'n melkgebied kan by die melkkomitee vir daardie gebied ingestel skriftelik aansoek doen om registrasie onder hierdie skema.

So 'n aansoek moet in die vorm wees deur die raad voorgeskryf.

(2) 'n Melkkomitee moet elke sodanige aansoek by hom ingedien, tesame met sy aanbevelings daarop en die redes vir daardie aanbeveling, so gou moontlik na ontvangs daarvan aan die raad deurstuur.

(3) The board may, subject to the provisions of this section, grant any such application with or without conditions, as it may determine, or may reject any such application or deal with it in such other manner as it may deem fit.

(4) If in respect of any milk area the board has under sub-section (2) of section *seventy-one* assigned quotas of fresh milk and fresh cream to fresh milk producers, no fresh milk producer-distributor shall thereafter be registered in respect of that milk area until such time as, in the opinion of the board, the consumption needs of the said area exceed the quantities estimated by the board in terms of paragraph (a) of the aforesaid sub-section or the quantities estimated by the board in terms of paragraph (b) of the said sub-section are not being supplied by producer-distributors registered in respect of that milk area.

(5) If the board has granted any such application, it shall cause a certificate of registration, in such form as it may prescribe, to be issued to the applicant, and if any such application has been granted subject to any conditions, the board shall cause such conditions to be specified in the relevant certificate of registration.

(6) Any certificate of registration issued under sub-section (4) shall specify the premises at which the business authorised thereby may be conducted, and no such business shall be conducted by any person registered under this section, elsewhere than at the premises specified in his certificate of registration; provided that the board may in its discretion at any time authorise the transfer of any such business to other premises, in which event it shall cause the relevant certificate of registration to be endorsed accordingly.

(7) A certificate of registration issued under this section may be cancelled by the board if the holder thereof has contravened or failed to comply with any requirements prescribed by regulation under paragraph (a) of sub-section (1) of section *nineteen* of the Act or any condition specified in in such certificate.

(8) The board and the milk committee concerned shall record, in a register to be kept for the purpose, the full name and address of every person to whom a certificate of registration has been issued in terms of this section and particulars of the premises in respect of which such certificate has been issued, and the full name and address of every person whose application for registration has been rejected and the reasons for such rejection.

(9) If any person registered under this section transfers the business in respect of which he has been so registered to any other person, the board shall, at the written request of the parties concerned, cancel the certificate of registration issued to such first-mentioned person and issue a fresh certificate in respect of that business to such latter person, and the quotas of fresh milk and fresh cream, if any, which may have been assigned to such firstmentioned person in terms of section *seventy-one* shall thereupon be deemed to have been assigned to such latter person.

(10) Any fresh milk producer, fresh milk producer-distributor or fresh milk distributor may appeal to the Minister against the rejection of his application for registration or the cancellation of his registration by the board.

Applicants to comply with the Local Authority Regulations.

66. No person shall be registered as a fresh milk producer, fresh milk producer-distributor or fresh milk distributor under section *sixty-five* unless he has complied with all the regulations of the local authority in the milk area in question governing the production, distribution and sale of fresh milk and fresh cream in the said area, and has obtained any permit, licence or registration necessary under the said regulations.

Duration and Renewal of Certificates of Registration.

67. A certificate of registration issued under section *sixty-five* shall expire on the thirty-first day of December next succeeding the date of its issue, but may, in the discretion of the board, be renewed for further periods; provided that when the holder of any such certificate has applied for its renewal, the certificate shall continue to be in full force and effect until such time as it has been renewed or until the holder thereof has been notified in writing by the board that the renewal has been refused.

Returns required from Producer-distributors, Producers and Distributors.

68. (1) Every fresh milk producer-distributor or fresh milk distributor registered under section *sixty-five* shall keep a correct record, in such form as the board may prescribe, of the respective quantities of fresh milk and fresh cream sold by him for cash every day and of the prices charged therefor, and of the name and address of each person to whom he has sold fresh milk or fresh cream on credit every day and the respective quantities of fresh milk and fresh cream so sold to each such person and the prices charged therefor, and shall keep such record available at all reasonable times for inspection by an officer appointed by the board.

(3) Die raad kan, onderworpe aan die bepalings van hierdie artikel, so 'n aansoek met of sonder voorwaardes toestaan, soos hy mag bepaal, of so 'n aansoek van die hand wys of daarmee handel op sodanige ander wyse as wat hy goed ag.

(4) Indien die raad kragtens subartikel (2) van artikel *een-en-sewentig* ten opsigte van 'n melkgebied kwotas vir vars melk en vars room aan varsmelkprodusente toegewys het, mag geen varsmelkprodusent-distribueerder daarna ten opsigte van daardie melkgebied geregistreer word nie tot tyd en wyl, volgens die oordeel van die raad, die verbruiksbehoefes van bedoelde gebied groter is as die hoeveelhede deur die raad geskat ooreenkomstig paragraaf (a) van die voormelde subartikel of die hoeveelhede deur die raad geskat ooreenkomstig paragraaf (b) van genoemde subartikel nie deur produsent-distribueerders ten opsigte van daardie melkgebied geregistreer, verskak word nie.

(5) Indien die raad so 'n aansoek toegestaan het, moet hy 'n registrasiesertifikaat in so 'n vorm as wat hy mag voorskryf aan die applikant laat uitreik, en indien so 'n aansoek onderworpe aan voorwaardes toegestaan is, moet die raad daardie voorwaardes in die betrokke registrasiesertifikaat laat spesifiseer.

(6) In 'n registrasiesertifikaat kragtens subartikel (4) uitgereik, moet die perseel gespesifiseer word waarop die besigheid daardeur gemagtig, gedryf mag word, en geen sodanige besigheid mag deur enigiemand kragtens hierdie artikel geregistreer elders gedryf word as op die perseel in sy registrasiesertifikaat gespesifiseer; met dien verstande dat die raad na goeddunke te eniger tyd die oorsprong van so 'n besigheid na 'n ander perseel kan magtig, in watter geval hy die registrasiesertifikaat dienoreenkomstig moet laat endosseer.

(7) 'n Registrasiesertifikaat kragtens hierdie artikel uitgereik, kan deur die raad ingetrek word as die houer daarvan 'n vereiste voorgeskryf by regulasie kragtens paragraaf (a) van subartikel (1) van artikel *negentien* van die Wet of 'n voorwaarde in so 'n sertifikaat gespesifiseer of 'n bepaling van hierdie skema of 'n verbod, voorskrif of bevel daaronder uitgevaardig, oortree het of in gebreke gebly het om daaraan te voldoen.

(8) Die raad en die betrokke melkkomitee moet in 'n register wat vir die doel gehou moet word, die volle naam en adres van elke persoon aan wie 'n registrasiesertifikaat kragtens hierdie artikel uitgereik is en besonderhede van die perseel ten opsigte waarvan so 'n sertifikaat uitgereik is, en die volle naam en adres van elke persoon wie se aansoek om registrasie verwerp is en die redes vir die verwerping, aanteken.

(9) Indien 'n persoon wat kragtens hierdie artikel geregistreer is die besigheid ten opsigte waarvan hy aldus geregistreer is aan 'n ander persoon oormak, moet die raad op skriftelike versoek van die betrokke partye die registrasiesertifikaat wat aan die eersgenoemde persoon uitgereik was, kanselleer en 'n nuwe sertifikaat ten opsigte van daardie besigheid aan die laasgenoemde persoon uitreik, en die kwotas vir vars melk en vars room wat, indien wel, aan eersgenoemde persoon toegewys was ooreenkomstig artikel *een-en-sewentig* word daarna geag aan die laasgenoemde persoon toegewys te gewees het.

(10) 'n Varsmelkprodusent, varsmelkprodusent-distribueerder of varsmelkdistribueerder kan by die Minister appél aanteken teen die verwerping van sy aansoek om registrasie of die intrekking van sy registrasie deur die raad.

Applikante moet die Regulasies van Plaaslike Owerhede nakom.

66. Niemand word as 'n varsmelkprodusent, varsmelkprodusent-distribueerder of varsmelkdistribueerder kragtens artikel *vyf-en-sestig* geregistreer nie, tensy hy voldoen het aan al die regulasies van die plaaslike owerheid in die betrokke melkgebied betreffende die produksie, distribusie en verkoop van vars melk en vars room in bedoelde gebied, en 'n permit, lisensie of registrasie wat kragtens genoemde regulasies nodig is, verkry het.

Termyn en Hernuwing van Registrasiesertifikate.

67. 'n Registrasiesertifikaat kragtens artikel *vyf-en-sestig* uitgereik, vervel op die een-en-dertigste dag van Desember eersvolgende op die datum van uitreiking, maar kan na goeddunke van die raad vir verdere tydperke hernu word; met dien verstande dat wanneer die houer van so 'n sertifikaat om hernuwing daarvan aansoek gedoen het, die sertifikaat van krag bly tot tyd en wyl dit hernu is of die houer daarvan deur die raad skriftelik in kennis gestel is dat hernuwing geweier is.

Opgawes vereis van Produsent-distribueerders, Produsente en Distribueerders.

68. (1) Elke varsmelkprodusent-distribueerder of varsmelkdistribueerder kragtens artikel *vyf-en-sestig* geregistreer, moet, in 'n vorm voorgeskryf deur die raad, 'n juiste rekord hou van die onderskeie hoeveelhede vars melk en vars room deur hom elke dag vir kontant verkoop en van die pryse daarvoor gevra, en van die naam en adres van elke persoon aan wie hy elke dag vars melk of vars room op krediet verkoop het en die onderskeie hoeveelhede vars melk en vars room aldus aan elke sodanige persoon verkoop en die pryse daarvoor gevra, en moet daardie rekord op alle redelike tye vir insae deur 'n beamppte deur die raad aangestel, beskikbaar hou.

(2) Whenever the board has imposed a levy on fresh milk and fresh cream in respect of any milk area—

(a) every fresh milk producer-distributor registered in respect of that area under section *sixty-five* shall, once in every calendar month and not later than the fifteenth day of that month, transmit to the board, and also to the milk committee established for that area, a correct statement (in such form as the board may prescribe) of the respective quantities of fresh milk and fresh cream sold by him during the preceding calendar month, and of the quantity of fresh milk used by him for the production of fresh cream sold by him to any person other than the owner of a creamery, cream depôt or cheese factory, during the preceding calendar month, and shall pay to the board the levy imposed by it on fresh milk and fresh cream on the total quantity of fresh milk sold by him and on the total quantity of fresh cream as aforesaid at such times and in such manner as may be prescribed by regulation under the Act; and

(b) every fresh milk distributor so registered shall, once in every calendar month, not later than the fifteenth day of that month, transmit to the board and also to the milk committee established for that area a correct statement (in such form as the board may prescribe) of the name and address of every person from whom he purchased or received fresh milk or fresh cream during the preceding calendar month, and of the quantities of fresh milk and fresh cream, respectively, so purchased or received from each such person, and shall pay to the board the levy imposed by it on fresh milk and fresh cream on the total quantities of fresh milk and fresh cream, respectively, sold by him, at such times and in such manner as may be prescribed by regulation under the Act.

(3) Every fresh milk producer registered as such in respect of any milk area in terms of section *sixty-five* shall, once in every calendar month, not later than the eighth day of that month, transmit to the board and the milk committee for that area a correct statement (in such form as the board may prescribe) showing the name and address of every person to whom he sold fresh milk or fresh cream during the preceding calendar month, and of the quantities of fresh milk and fresh cream, respectively, so sold to each such person and of the prices charged therefor.

(4) Every fresh milk distributor shall issue to any fresh milk producer in respect of each quantity of fresh milk or fresh cream delivered to him by that producer, a delivery note showing the date of delivery, the name and address of the producer concerned and the respective quantities of fresh milk and fresh cream delivered.

Levy Exemptions.

69. (1) No levy shall be payable on any quantity of fresh milk or fresh cream in respect of which a levy has already been paid.

(2) No levy shall be payable on fresh milk or fresh cream, or on any cream separated from such milk, if it is sold for manufacturing purposes to the owner of a creamery, cheese factory or condensed milk factory, renovated butter factory or milk powder factory, unless it is used for the making of ice-cream.

(3) No levy shall be payable on fresh milk or fresh cream delivered to the surplus milk pool referred to in section *seventy-four* and not sold by the pool to a fresh milk distributor or fresh milk producer-distributor.

Power to Purchase and Sell Milk and Cream.

70. The board may at any time purchase and sell or otherwise dispose of fresh milk or fresh cream for the purpose of regulating supplies or stabilising prices thereof or otherwise attaining the objects of this scheme within any milk area, and any profit or loss made in respect of any such transaction shall be credited or debited, as the case may be, to the milk levy fund established in terms of section *twenty-five* in respect of that milk area.

Quota to Fresh Milk Producers.

71. (1) The board may, with the approval of the Minister, prohibit any fresh milk producer from selling any fresh milk or fresh cream in any milk area, except in such quantities as the board may from time to time determine.

(2) For the purpose of sub-section (1), the board shall estimate the respective quantities of fresh milk and fresh cream which will be—

- (a) required daily to meet the ordinary consumption needs of the milk area in question;
- (b) supplied daily by fresh milk producer-distributors registered in respect of that milk area under section *sixty-five*,

(2) Wanneer die raad 'n heffing op vars melk en vars room ten opsigte van 'n melkgebied opgelê het moet—

(a) elke varsmelkprodusent-distribueerder kragtens artikel *vyf-en-sestig* ten opsigte van daardie gebied geregistreer, eenkeer in elke kalendermaand en nie later as die vyftiende dag van daardie maand nie, aan die raad, asook aan die melkkomitee vir daardie gebied ingestel, 'n juiste opgawe stuur (in 'n vorm deur die raad voorgeskryf) van die onderskeie hoeveelhede vars melk en vars room deur hom gedurende die vorige kalendermaand verkoop, en van die hoeveelheid vars melk deur hom gebruik vir die produksie van vars room deur hom gedurende die vorige kalendermaand verkoop aan iemand anders as die eienaar van 'n botterfabriek, roomdepôt of kaasfabriek, en aan die raad die heffing, deur die raad opgelê op vars melk en vars room, op die tye en op die wyse wat by regulasie kragtens die Wet voorgeskryf mag wees, betaal op die totale hoeveelheid vars melk deur hom verkoop en op die totale hoeveelheid vars melk deur hom gebruik vir die produksie van vars room soos voornoem; en

(b) elke varsmelkdistribueerder wat aldus geregistreer is, eenkeer in elke kalendermaand, nie later as die vyftiende dag van daardie maand nie, aan die raad asook aan die melkkomitee vir daardie gebied ingestel 'n juiste opgawe stuur (in die vorm voorgeskryf deur die raad) van die naam en adres van elke persoon van wie hy gedurende die vorige kalendermaand vars melk of vars room gekoop of ontvang het, en van die hoeveelhede vars melk en vars room onderskeidelik aldus van elke sodanige persoon gekoop of ontvang, en aan die raad die heffing, deur die raad opgelê op vars melk en vars room, op die tye en op die wyse wat by regulasie kragtens die Wet voorgeskryf mag wees, betaal op die totale hoeveelheid vars melk en vars room onderskeidelik deur hom verkoop.

(3) Elke varsmelkprodusent as sulks ten opsigte van 'n melkgebied ingevolge artikel *vyf-en-sestig* geregistreer, moet eenkeer in elke kalendermaand, nie later as die agtste dag van daardie maand nie, aan die raad en die melkkomitee vir daardie gebied 'n juiste opgawe stuur (in 'n vorm deur die raad voorgeskryf) aantonende die naam en adres van elke persoon aan wie hy gedurende die vorige kalendermaand vars melk of vars room verkope het, en die hoeveelhede vars melk en vars room onderskeidelik aldus aan elke sodanige persoon verkoop en die pryse daarvoor gevra.

(4) Elke varsmelkdistribueerder moet aan elke varsmelkprodusent ten opsigte van elke hoeveelheid vars melk of vars room aan hom deur daardie produsent gelewer 'n aflewingsbrief uitreik aantonende die datum van aflewering, die naam en adres van die betrokke produsent en die onderskeie hoeveelhede vars melk en vars room gelewer.

Vrystelling van Heffings.

69. (1) Geen heffing is betaalbaar op 'n hoeveelheid vars melk of vars room ten opsigte waarvan reeds 'n heffing betaal is nie.

(2) Geen heffing is betaalbaar op vars melk of vars room of op room van sulke melk afgeskei as dit vir vervaardigingsdoeleindes aan die eienaar van 'n botterfabriek, kaasfabriek of kondensmelkfabriek, fabriek vir die opnuutmaak van botter, of melkpoefabriek verkoop is nie, tensy dit vir die maak van roomys gebruik word.

(3) Geen heffing is betaalbaar op vars melk of vars room wat aan die surplusmelk-, pool " in artikel *vier-en-sewentig* vermeld, gelewer en nie deur die „pool " aan 'n varsmelkdistribueerder of varsmelkprodusent-distribueerder verkoop is nie.

Bevoegdheid om Melk en Room te Koop en te Verkoop.

70. Die raad kan te eniger tyd vars melk of vars room koop en verkoop of op 'n ander wyse van die hand sit met die doel om voorrade te reguleer of die pryse daarvan te stabiliseer of om op 'n ander wyse die doeleindes van hierdie skema binne 'n melkgebied te verwesenlik, en enige wins of verlies uit so 'n transaksie word, al na die geval, gekrediteer of gedebiteer aan die melkheffingsfonds ooreenkomstig artikel *vyf-en-twintig* ten opsigte van daardie gebied ingestel.

Kwota aan Varsmelkprodusente.

71. (1) Die raad kan, met die goedkeuring van die Minister, 'n varsmelkprodusent belet om vars melk of vars room in 'n melkgebied te verkoop, behalwe in hoeveelhede wat die raad van tyd tot tyd mag vasstel.

(2) Vir die toepassing van subartikel (1) moet die raad die onderskeie hoeveelhede vars melk en vars room skat wat—

- (a) daaglik nodig sal wees om in die gewone verbruiksbehoefes van die betrokke melkgebied te voorsien;
- (b) daaglik verskaf sal word deur varsmelkprodusent-distribueerders wat kragtens artikel *vyf-en-sestig* ten opsigte van daardie melkgebied geregistreer is,

and shall thereupon allocate the respective quantities by which the quantities estimated under paragraph (a) exceed the quantities estimated under paragraph (b) amongst fresh milk producers registered in respect of that milk area under section *sixty-five* and shall for that purpose determine the respective daily quantities of fresh milk and fresh cream (in this scheme referred to as quotas) to be assigned to each such producer on the basis of the respective quantities of fresh milk and fresh cream sold by him in that milk area during the preceding twelve months, but with due regard to the daily quantities so sold by him during the period of lowest supplies, as determined by the board, within the said period of twelve months; provided that the board may at any time vary the quota of fresh milk or fresh cream assigned to any fresh milk producer under this sub-section.

Milk Sales Fund.

72. Whenever the board has assigned quotas to fresh milk producers in any milk area in terms of section *seventy-one*, the board shall establish a milk sales fund for that area into which, as provided by sections *seventy-six* and *seventy-seven*, all moneys due by fresh milk distributors to fresh milk producers in respect of the purchase of fresh milk or fresh cream, shall be paid out of which fresh milk producers shall be paid.

Milk Sales Register.

73. In connection with any milk sales fund established under section *seventy-two*, the board shall maintain a register, to be known as a milk sales register, in which shall be recorded all particulars regarding the sales of fresh milk or fresh cream by fresh milk producers in the milk area in question.

Surplus Milk Pool.

74. (1) The board may in respect of any milk area establish and conduct a surplus milk pool to which any fresh milk producer registered in respect of that milk area in terms of section *sixty-five*, may deliver fresh milk or fresh cream produced by him in excess of the daily quota assigned to him under section *seventy-one* or to which any fresh milk distributor or fresh milk producer-distributor so registered may deliver fresh milk or fresh cream purchased or produced by him in excess of the quantity of which he can dispose.

(2) Any fresh milk or fresh cream delivered to the surplus milk pool may be utilised by the board for such purposes as it may deem fit and may be disposed of by the board at such prices and on such conditions as it may determine.

(3) Whenever the board has established a surplus milk pool in any milk area, it may prohibit any fresh milk producer from selling in that milk area fresh milk or fresh cream in excess of the quota assigned to him under section *seventy-one* except through that surplus milk pool.

(4) The proceeds derived by the board from the disposal of fresh milk and fresh cream delivered to the surplus milk pool (other than the proceeds of fresh milk or fresh cream which forms part of the quota assigned to any fresh milk producer under sub-section (2) of section *seventy-one* and which has been delivered to the said pool by any fresh milk distributor and has subsequently been purchased from the said pool by any fresh milk distributor, which proceeds shall be paid into the milk sales fund established under section *seventy-two*), less such costs as may be incurred in the disposal thereof, shall be paid into a special account and shall be distributed to fresh milk producers and fresh milk producer-distributors who have delivered fresh milk or fresh cream to the said pool in proportion to the respective quantities so delivered by them.

Fixing of Prices for Fresh Milk or Fresh Cream.

75. (1) The board may, with the approval of the Minister, prohibit any fresh milk producer from selling in any milk area any class or grade of fresh milk or fresh cream which he has produced at a price other than a price fixed by the board, and may fix different prices for fresh milk or fresh cream derived from cows which have been tested and have been found free from tuberculosis and fresh milk or fresh cream derived from cows not so tested or for fresh milk or fresh cream which has been or is required to be pasteurised or otherwise treated before or after delivery or in respect of cases where deliveries are effected more than once per day.

(2) The board may, with the approval of the Minister, prohibit any fresh milk distributor or fresh milk producer-distributor or milk purveyor from selling any class or grade of fresh milk or fresh cream in any milk area at a price other than a price fixed by the board or below or above a price fixed by the board, and may fix different prices for fresh milk or fresh cream sold in retail, semi-wholesale or wholesale quantities and for fresh milk or fresh cream sold for cash, coupons or on credit, and may for that purpose determine in respect of any milk area the quantity of fresh milk or fresh cream which shall constitute a retail, semi-wholesale or wholesale quantity.

en daarna die onderskeie hoeveelhede waarmee die hoeveelhede geskat onder paragraaf (a) die hoeveelhede geskat onder paragraaf (b) oorskry, verdeel onder varsmelkprodusente kragtens artikel *vyf-en-sestig* ten opsigte van daardie melkgebied geregistreer, en vir daardie doel moet die raad die onderskeie daaglikse hoeveelhede vars melk en vars room (in hierdie skema kwotas genoem) aan elke sodanige produsent toegewys te word, vasstel op grondslag van die onderskeie hoeveelhede vars melk en vars room gedurende die voorgaande twaalf maande deur hom in daardie melkgebied verkoop, maar met behoorlike inagneming van die daaglikse hoeveelhede aldus deur hom verkoop gedurende die tydperk van laagste voorrade binne bedoelde tydperk van twaalf maande, soos deur die raad bepaal; met dien verstande dat die raad te eniger tyd die kwota van vars melk of vars room kragtens hierdie subartikel aan 'n varsmelkprodusent toegewys, kan wysig.

Melkverkoopingsfonds.

72. Wanneer die raad kragtens artikel *een-en-sewentig* aan varsmelkprodusente in 'n melkgebied kwotas toegewys het, moet die raad 'n melkverkoopingsfonds vir daardie gebied instel waarin, soos deur artikels *ses-en-sewentig* en *sewe-en-sewentig* bepaal, alle gelde deur varsmelkdistribueerders aan varsmelkprodusente verskuldig ten opsigte van die aankoop van vars melk of vars room, gestort moet word en waaruit varsmelkprodusente betaal moet word.

Melkverkoopingsregister.

73. In verband met 'n melkverkoopingsfonds kragtens artikel *twee-en-sewentig* ingestel, moet die raad 'n register aanhou, 'n melkverkoopingsregister genoem, waarin alle besonderhede betreffende die verkopings van vars melk of vars room deur varsmelkprodusente in die betrokke melkgebied aangeteken moet word.

Surplusmelk-, pool."

74. (1) Die raad kan ten opsigte van 'n melkgebied 'n surplusmelk-, pool" instel en bestuur waaraan 'n varsmelkprodusent kragtens artikel *vyf-en-sestig* ten opsigte van daardie gebied geregistreer, vars melk of vars room deur hom geproduseer of die daaglikse kwota kragtens artikel *een-en-sewentig* aan hom toegewys, mag lewer of waaraan 'n varsmelkdistribueerder of varsmelkprodusent-distribueerder aldus geregistreer vars melk of vars room deur hom gekoop of geproduseer of die hoeveelhede wat hy van die hand kan sit, mag lewer.

(2) Vars melk of vars room aan die surplusmelk-, pool" gelewer kan deur die raad gebruik word vir die doeleindes wat hy goed ag en kan deur die raad teen die pryse en op die voorwaardes wat hy mag vasstel, van die hand gesit word.

(3) Wanneer die raad in 'n melkgebied 'n surplusmelk-, pool" ingestel het, kan hy 'n varsmelkprodusent belet om in daardie melkgebied, behalwe deur daardie surplusmelk-, pool", vars melk of vars room of die kwota kragtens artikel *een-en-sewentig* aan hom toegewys, te verkoop.

(4) Die ontvangstes van die raad uit die afset van vars melk en vars room aan die surplusmelk-, pool" gelewer (behalwe ontvangstes uit vars melk of vars room wat deel uitmaak van die kwota kragtens sub-artikel (2) van artikel *een-en-sewentig* aan 'n varsmelkprodusent toegewys en wat aan genoemde "pool" deur 'n varsmelkdistribueerder gelewer is en daarna van genoemde "pool" deur 'n varsmelkdistribueerder gekoop is, watter ontvangstes gestort moet word in die melkverkoopingsfonds kragtens artikel *twee-en-sewentig* ingestel) min die koste wat in verband met die afset daarvan beloop mag word, moet in 'n spesiale rekening inbetaal word en onder varsmelkprodusente en varsmelkprodusent-distribueerders wat vars melk of vars room aan genoemde "pool" gelewer het, verdeel word in verhouding tot die onderskeie hoeveelhede aldus deur hulle gelewer.

Vasstelling van Pryse vir Vars Melk of Vars Room.

75. (1) Die raad kan met die goedkeuring van die Minister 'n varsmelkprodusent verbied om in 'n melkgebied vars melk of vars room van enige klas of graad wat hy geproduseer het, te verkoop teen 'n ander prys as 'n prys deur die raad vasgestel en kan verskillende pryse vasstel vir vars melk of vars room afkomstig van koeie wat getoets en vry van tuberkulose bevind is en vir vars melk of vars room afkomstig van koeie wat nie aldus getoets is nie of vir vars melk of vars room wat voor of na aflewering gepasteuriseer of andersins behandel is of gepasteuriseer of andersins behandel moet word of in gevalle waar afleverings meer as eenkeer per dag gemaak word.

(2) Die raad kan met die goedkeuring van die Minister 'n varsmelkdistribueerder of varsmelkprodusent-distribueerder of toonbank-melkhandelaar verbied om vars melk of vars room van enige klas of graad in 'n melkgebied te verkoop teen 'n ander prys as 'n prys deur die raad vasgestel of teen 'n prys hoër of laer as 'n prys deur die raad vasgestel, en kan verskillende pryse vasstel vir vars melk of vars room in kleinhandels-, semigroothandels- of groothandelshoeveelhede verkoop of vir vars melk of vars room teen kontant, vir koepons of op krediet verkoop, en kan vir daardie doel ten opsigte van 'n melkgebied die hoeveelheid vars melk of vars room vasstel wat 'n kleinhandels-, semigroothandels- of groothandelshoeveelheid uitmaak.

(3) The board may, with the approval of the Minister, prohibit any person from selling fresh milk or fresh cream for consumption on the premises of the seller, at a price other than a price fixed by the board or below or above a price fixed by the board.

(4) No person shall offer, give or receive any discount, rebate or other consideration to or from any person in connection with the purchase or sale of fresh milk or fresh cream in any milk area.

Payments by Distributors.

76. (1) Whenever the board has in respect of any milk area established a milk sales fund under section *seventy-two*, every fresh milk distributor shall at such date in every calendar month as the board may specify, but not later than the fifteenth day of each month, pay to the board for the credit of the milk sales fund of the milk area in question an amount equal to the value of the fresh milk and fresh cream purchased and received by him from fresh milk producers, and not delivered to the surplus milk pool, during the preceding calendar month at the prices fixed by the board in terms of sub-section (1) of section *seventy-five*.

(2) For the purpose of sub-section (1), every fresh milk distributor shall once in every calendar month, but not later than the eighth day of each month, transmit to the board (in such form as the board may prescribe) a correct statement of the respective quantities of fresh milk and fresh cream of each class received by him from fresh milk producers during the preceding calendar month and of the name and address of each fresh milk producer from whom he has so received fresh milk or fresh cream and the respective quantities of fresh milk and fresh cream of each class so received from each such fresh milk producer.

Payment to Producers from Milk Sales Fund.

77. (1) As soon as possible after the close of each calendar month, every fresh milk producer registered in respect of a milk area for which a milk sales fund has been established shall be paid from the said fund an amount representing his proportionate share of that fund calculated on the basis of the respective quantities of fresh milk and fresh cream of each class delivered by him to fresh milk distributors during that calendar month in pursuance of the quotas assigned to him under sub-section (2) of section *seventy-one*; provided that the quantities of fresh milk and fresh cream in respect of which payment is made to any particular fresh milk producer shall not, together with any quantities of fresh milk and fresh cream which may have been sold by him to any hospital or similar institution supported wholly or partly by public funds, exceed the quotas assigned to that producer as aforesaid.

(2) If any fresh milk distributor fails to pay into the milk sales fund during any month any amount which may be so payable by him during that month in terms of sub-section (1) of section *seventy-six*, the board shall realise the security furnished by such milk distributor in terms of section *seventy-nine* and pay therefrom into the milk sales fund the amount which such distributor should have paid to the fund; provided that, whenever the security so realised is less than the amount so payable, the deficit shall be borne by fresh milk producers having claims against the fund for that month in proportion to their respective claims; provided further that any amount subsequently recovered from such fresh milk distributor by the board shall be paid into the milk sales fund for the month during which the recovery is made and paid to fresh milk producers as if the said amount were part of the fund for that month.

Information to be Supplied.

78. The board may at any time require any fresh milk producer, fresh milk producer-distributor or fresh milk distributor registered in respect of any milk area to furnish it with such estimates, returns or other information relating to fresh milk or fresh cream as the board may specify.

Milk Distributor to furnish Security.

79. No person shall be registered as a fresh milk distributor in any milk area unless he has given such security for the fulfilment of his obligations towards any person from whom he may purchase fresh milk or fresh cream as may be prescribed by regulation under the Act.

Allocation of Quotas to New Fresh Milk Producers.

80. If the board has under sub-section (2) of section *seventy-one* assigned quotas to fresh milk producers registered under section *sixty-five* in respect of any milk area, it may thereafter similarly assign such quotas to any fresh milk producer subsequently so registered; provided that the board shall not, in assigning such quotas, reduce the quotas previously assigned to any fresh milk producer; provided further that any such subsequently registered fresh milk producer to whom no quota has been assigned may deliver to the surplus milk pool any fresh milk or fresh cream produced by him.

(3) Die raad kan met die goedkeuring van die Minister enigiemand belet om vars melk of vars room vir verbruik op die perseel van die verkoper te verkoop teen 'n ander prys as 'n prys deur die raad vasgestel of teen 'n prys hoër of laer as 'n prys deur die raad vasgestel.

(4) Niemand mag in 'n melkgebied aan of van enigiemand in verband met die koop of verkoop van vars melk of vars room 'n afslag, korting of ander voordeel gee of ontvang nie.

Betalings deur Distribueerders.

76. (1) Wanneer die raad kragtens artikel *twee-en-sewentig* ten opsigte van 'n melkgebied 'n melkverkopingsfonds ingestel het, moet elke varsmelkdistribueerder op 'n datum in elke kalendermaand soos die raad mag spesifiseer, maar nie later as die vyftiende dag van elke maand nie, aan die raad ten bate van die melkverkopingsfonds van die betrokke melkgebied 'n bedrag betaal gelykstaande aan die waarde van die vars melk en vars room deur hom gedurende die vorige kalendermaand van varsmelkprodusente teen die pryse deur die raad vasgestel ooreenkomstig sub-artikel (1) van artikel *vyf-en-sewentig*, gekoop en ontvang, maar nie aan die surplusmelk-, pool" gelewer nie.

(2) Vir die doel van sub-artikel (1) moet elke varsmelkdistribueerder eenkeer in elke kalendermaand maar nie later as die agtste dag van elke maand nie, aan die raad (in 'n vorm deur die raad voorgeskryf) 'n juiste opgawe toestuur van die onderskeie hoeveelhede vars melk en vars room van elke klas gedurende die vorige kalendermaand deur hom van varsmelkprodusente ontvang en van die naam en adres van elke varsmelkprodusent van wie hy aldus vars melk of vars room ontvang het en van die onderskeie hoeveelhede vars melk en vars room van elke klas aldus deur hom van elke sodanige varsmelkprodusent ontvang.

Betaling aan Produsente uit Melkverkopingsfonds.

77. (1) Sodra moontlik na afloop van elke kalendermaand moet aan elke varsmelkprodusent geregistreer ten opsigte van 'n melkgebied waarvoor 'n melkverkopingsfonds ingestel is, uit genoemde fonds 'n bedrag betaal word wat sy proporsionele aandeel in daardie fonds verteenwoordig soos bereken op grondslag van die onderskeie hoeveelhede vars melk en vars room van elke klas deur hom gedurende daardie kalendermaand aan varsmelkdistribueerders gelewer ooreenkomstig die kwotas kragtens sub-artikel (2) van artikel *een-en-sewentig* aan hom toegewys; met dien verstande dat die hoeveelhede vars melk en vars room ten opsigte waarvan aan 'n besondere varsmelkprodusent betaling geskied, nie tesame met hoeveelhede vars melk en vars room wat hy mag verkoop het aan 'n hospitaal of dergelyke inrigting geheel en al of gedeeltelik deur openbare fondse ondersteun, die kwotas aan daardie produsent toegewys soos voornoem te howe gaan nie.

(2) Indien 'n varsmelkdistribueerder in gebreke bly om gedurende enige maand in die melkverkopingsfonds 'n bedrag te stort wat kragtens subartikel (1) van artikel *ses-en-sewentig* gedurende daardie maand deur hom aldus betaalbaar is, moet die raad die sekuriteit deur so 'n melkdistribueerder kragtens artikel *nege-en-sewentig* gestel, tot geld maak, en daaruit in die melkverkopingsfonds die bedrag inbetaal wat so 'n distribueerder daarin moes gestort het; met dien verstande dat wanneer die sekuriteit aldus tot geld gemaak minder is as die bedrag aldus betaalbaar, die tekort deur varsmelkprodusente wat eise teen die fonds vir daardie maand het, gedra moet word in verhouding tot hul onderskeie eise; met dien verstande verder dat enige bedrag wat later deur die raad op so 'n varsmelkdistribueerder verhaal word in die melkverkopingsfonds vir die maand waarin die verhaal geskied, inbetaal moet word en aan varsmelkprodusente uitbetaal moet word asof bedoelde bedrag 'n gedeelte van die fonds vir daardie maand uitmaak.

Inligting moet verstrek word.

78. Die raad kan te eniger tyd 'n varsmelkprodusent, varsmelkprodusent-distribueerder of varsmelkdistribueerder wat ten opsigte van 'n melkgebied geregistreer is, gelas om die raad te voorsien van die ramings, opgawes of ander inligting betreffende vars melk of vars room wat die raad mag spesifiseer.

Melkdistribueerder moet Sekuriteit stel.

79. Niemand word in 'n melkgebied as 'n varsmelkdistribueerder geregistreer nie tensy hy sodanige sekuriteit stel vir die nakoming van sy verpligtings teenoor enigiemand van wie hy vars melk of vars room mag koop, as wat by regulasie kragtens die Wet voorgeskryf mag word.

Toewysing van Kwotas aan nuwe Varsmelkprodusente.

80. Indien die raad kragtens sub-artikel (2) van artikel *een-en-sewentig* aan varsmelkprodusente kragtens artikel *vyf-en-sestig* ten opsigte van 'n melkgebied geregistreer, kwotas toegewys het, kan hy daarna insgelyks aan 'n varsmelkprodusent daarna aldus geregistreer sulke kwotas toewys; met dien verstande dat die raad nie by die toewysing van sulke kwotas die kwotas tevore aan 'n varsmelkprodusent toegewys mag verminder nie; met dien verstande verder dat so 'n varsmelkprodusent wat later geregistreer is en aan wie geen kwota toegewys is nie aan die surplusmelk-, pool" vars melk of vars room deur hom geproduseer, mag lewer.

CHAPTER XIII.

OFFENCES AND PENALTIES.

Offences and Penalties.

81. Any person who—

- (a) contravenes or fails to comply with any provision of this scheme or any prohibition, requirement or order issued thereunder; or
- (b) in any manner obstructs or hinders or intimidates any person in the performance of any act which he is authorised to perform by virtue of this scheme; or
- (c) refuses to deliver to any person at his request for examination, grading, sampling, testing or marking, any book, document or article in his possession or custody which such person is, by virtue of this scheme, empowered to examine, grade, sample, test or mark; or
- (d) wilfully fails to comply with any condition attached to any certificate of registration issued to him under this scheme; or
- (e) fails to pay, within the stipulated time, any levy imposed under this scheme,

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

CHAPTER XIV.

EXPORT BUTTER AND CHEESE IN TRANSIT
FROM ADJOINING TERRITORIES.*Application of Sections thirty-four and thirty-seven to Butter and Cheese manufactured in neighbouring Territories.*

82. (1) The provisions of sections *thirty-four* and *thirty-seven* shall apply to any butter or cheese which has been produced in the mandated territory of South West Africa (hereinafter referred to as the territory) or in any of the Protectorates of Bechuanaland, Swaziland and Basutoland (hereinafter referred to as the protectorates) and which arrives in any part of the Union, including the port of Walvis Bay, in transit from the territory or any such protectorate to a destination other than the Union, in the same manner as if that butter or cheese had been produced in the Union.

(2) It shall be a condition of the application of the said provisions that—

- (a) the administration of the territory or the protectorates shall—
 - (i) provide for the imposition on all butter and cheese produced in the territory or in any such protectorate of levies at least equal to the levies imposed under section *twenty-six* on butter and cheese produced in the Union;
 - (ii) provide for the exemption from any levies imposed on butter and cheese produced in the territory or in any such protectorate of any butter and cheese imported into the territory or any such protectorate from the Union;
 - (iii) prohibit the export of butter and cheese from the territory or any such protectorate to or through the Union, except as the board may direct;
 - (iv) provide for the registration of butter manufacturers, farm dairy butter-makers, cheese manufacturers and farm cheese-makers in the territory or the protectorates on the same terms as are or may be prescribed under or by virtue of section *twenty-nine* in respect of butter manufacturers, farm dairy butter-makers, cheese manufacturers and farm cheese-makers in the Union;
 - (v) require butter manufacturers, farm dairy butter-makers, cheese manufacturers and farm cheese-makers in the territory or the protectorates to submit to the board returns similar to those required to be submitted to the board in terms of sections *thirty-five* and *thirty-eight* or in terms of any requirement imposed under paragraph (h) of section *thirty*; and
 - (vi) prescribe penalties for any contravention of these provisions, such penalties to be at least equal to those prescribed in terms of the Act or this scheme for similar contraventions in the Union;
- (b) all butter and cheese exported to the Union from the territory or the protectorates shall be exempt from any levies imposed under section *twenty-six* on butter and cheese produced in the Union or imported into the Union from any place other than the territory or the protectorates;

HOOFSTUK XIII.

OORTREDINGS EN STRAWWE.

Oortredings en Strawwe.

81. Enigiemand wat—

- (a) 'n bepaling van hierdie skema of 'n verbod, voorskrif of bevel ingevolge daarvan uitgevaardig, oortree of in gebreke bly om daaraan te voldoen; of
- (b) op enige wyse iemand by die verrigting van 'n handeling waartoe hy kragtens hierdie skema gemagtig is, belemmer of hinder of bedreig; of
- (c) weier om aan 'n persoon op sy versoek 'n boek, stuk of artikel vir nasien, gradering, monsterring, toetsing of merking, te lewer wat in sy besit of bewaring is en wat daardie persoon kragtens hierdie skema gemagtig is om na te sien, te gradeer, te monster, te toets of te merk; of
- (d) opsetlik in gebreke bly om aan 'n voorwaarde verbonde aan 'n registrasiesertifikaat kragtens hierdie skema aan hom uitgereik, te voldoen; of
- (e) in gebreke bly om binne die vasgestelde tyd 'n heffing te betaal wat kragtens hierdie skema opgelê is,

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

HOOFSTUK XIV.

UITVOERBOTTER EN -KAAS ONDERWEG VAN
AANGRENSENDE GEBIEDE.*Toepassing van Artikels vier-en-dertig en sewe-en-dertig op Botter en Kaas in aanliggende Gebiede vervaardig.*

82. (1) Die bepalings van artikels *vier-en-dertig* en *sewe-en-dertig* is van toepassing op alle botter of kaas wat in die mandaatgebied van Suidwes-Afrika (hierna die gebied genoem) of in enigeen van die protektorate van Betsjoeanaland, Swaziland en Basotoland (hierna die protektorate genoem) geproduseer is en wat in 'n deel van die Unie, inbegrepe die hawe van Walvisbaai, aankom onderweg van die gebied of protektoraat na 'n ander bestemming as die Unie, op dieselfde wyse asof daardie botter of kaas in die Unie geproduseer was.

(2) Die toepassing van genoemde bepalings is onderworpe aan die voorwaarde dat—

- (a) die administrasie van die gebied of die protektorate—
 - (i) voorsiening maak vir die oplê, op alle botter en kaas in die gebied of in enige sodanige protektoraat geproduseer, van heffings minstens gelykstaande aan die heffings kragtens artikel *ses-en-twintig* opgelê op botter en kaas wat in die Unie geproduseer is;
 - (ii) voorsiening maak vir die vrystelling van heffings opgelê op botter en kaas in die gebied of in enige sodanige protektoraat geproduseer, van botter en kaas uit die Unie in die gebied of in so 'n protektoraat ingevoer;
 - (iii) die uitvoer van botter en kaas van die gebied of so 'n protektoraat na of deur die Unie verbied, behalwe soos die raad mag gelas;
 - (iv) voorsiening maak vir die registrasie van bottervervaardigers, plaasmelkery-bottermakers, kaasvervaardigers en plaaskaasmakers in die gebied of protektorate op dieselfde voorwaardes as wat kragtens of ingevolge artikel *nege-en-twintig* ten opsigte van bottervervaardigers, plaasmelkery-bottermakers, kaasvervaardigers en plaaskaasmakers in die Unie voorgeskryf is of mag word;
 - (v) bottervervaardigers, plaasmelkery-bottermakers, kaasvervaardigers en plaaskaasmakers in die gebied of protektorate gelas om aan die raad opgawes te verstrek soortgelyk aan die wat ooreenkomstig die bepalings van artikels *vyf-en-dertig* en *agt-en-dertig* of ooreenkomstig enige voorskrif kragtens paragraaf (h) van artikel *dertig* aan die raad verstrek moet word; en
 - (vi) strawwe voorskryf vir enige oortreding van hierdie bepalings, watter strawwe minstens gelykwaardig moet wees aan dié wat kragtens die Wet of hierdie skema vir soortgelyke oortredings in die Unie voorgeskryf is;
- (b) alle botter en kaas uit die gebied of protektorate na die Unie uitgevoer, vrygestel moet wees van heffings kragtens artikel *ses-en-twintig* opgelê op botter en kaas in die Unie geproduseer of van enige ander plek as die gebied of die protektorate in die Unie ingevoer;

(c) at the end of every financial year under this scheme there shall be paid, insofar as the territory is concerned, by the administration of the territory, and, insofar as the protectorates are concerned, by the administration of the protectorates—

(i) into the butter levy fund referred to in paragraph (a) of section *twenty-five* an amount equal to the amount which would have been payable by way of levy under sub-section (2) of section *twenty-six*, on the total quantity of creamery butter manufactured in the territory or in the protectorates, as the case may be, and exported to or through the Union during the said financial year, if such creamery butter had been manufactured and sold in the Union, plus the amount which would have been payable, by way of levy under sub-section (3) of the said section, on the total quantity of farm dairy butter manufactured in the territory or in the protectorates, as the case may be, and exported to the Union during the said financial year, if such farm dairy butter had been produced and sold in the Union;

(ii) to the board, for distribution amongst butter manufacturers who have manufactured or who are in terms of section *thirty-four* deemed to have manufactured creamery butter in the Union during the said financial year, in proportion to the quantities of such butter so manufactured or deemed to have been manufactured by them, an amount calculated by multiplying the average export loss per pound on butter exported from the Union, as ascertained under paragraph (b) of sub-section (3) of section *thirty-four*, by a number equal to the total number of pounds of creamery butter manufactured in the territory or in the protectorates, as the case may be, less the total number of pounds thereof exported to or through the Union, during the financial year in question, plus the total number of pounds of farm dairy butter sold in the territory or in the protectorates, as the case may be, and not exported to the Union during the said financial year;

(iii) into the cheese levy fund referred to in paragraph (b) of section *twenty-five* an amount equal to the amount which would have been payable by way of levy under sub-sections (4) and (5) of section *twenty-six* on the total quantities of factory cheese and farm cheese manufactured in the territory or in the protectorates, as the case may be, or imported into the territory or into the protectorates, as the case may be, from any place other than the Union during the aforesaid financial year, if that factory cheese and farm cheese had been manufactured in the Union;

(d) the administration of the territory and the administration of the protectorates shall each be entitled to appoint one person as a member of the board in addition to the members referred to in section *three*, and any member so appointed shall have the same rights as other members of the board in relation to any matter which affects such territory or the protectorates (whichever he represents) as well as the Union, but shall not have the right to vote on any matter which, in the opinion of the chairman of the board, does not affect the territory or the protectorates, as the case may be.

(3) For the purpose of determining the average amount in respect of transport costs by which the amount paid to butter manufacturers shall be reduced in terms of the second proviso to sub-section (2) of section *thirty-four*—

(a) in the case of the territory, all creamery butter exported from the territory by any particular butter manufacturer during the period of twelve months ending on the thirtieth day of September immediately preceding the date on which this scheme comes into operation shall be deemed to have been exported to the Union, and the transport costs thereon, including ocean freight to any port in the Union, shall be calculated to the point of destination in the Union; provided that the average amount of such transport costs in respect of any creamery butter which has, during the said period, been exported to a place other than the Union by that butter manufacturer in pursuance of an export determination under sub-section (2) of section *eight* of South West Africa Ordinance, No. 16 of 1931, as amended by Ordinance No. 4 of 1932, shall be determined as if that butter had been despatched from the creamery of that butter manufacturer to the nearest port of export; and

(c) aan die end van elke boekjaar onder hierdie skema daar, vir sover dit die gebied betref deur die administrasie van die gebied en, vir sover dit die protektorate betref deur die administrasie van die protektorate—

(i) in die botterheffingsfonds in paragraaf (a) van artikel *vyf-en-twintig* vermeld 'n bedrag betaal word gelykstaande aan die bedrag wat by wyse van heffing kragtens sub-artikel (2) van artikel *ses-en-twintig* op die totale hoeveelheid fabrieksbotter in die gebied of in die protektorate vervaardig, soos die geval mag wees, en gedurende bedoelde boekjaar na of deur die Unie uitgevoer, betaalbaar sou gewees het indien daardie fabrieksbotter in die Unie vervaardig en verkoop was, plus die bedrag wat by wyse van heffing kragtens sub-artikel (3) van genoemde artikel op die totale hoeveelheid plaasmelkerybotter in die gebied of in die protektorate vervaardig, soos die geval mag wees, en gedurende bedoelde boekjaar na die Unie uitgevoer, betaalbaar sou gewees het indien daardie plaasmelkerybotter in die Unie geproduseer en verkoop was;

(ii) aan die raad vir verdeling onder bottervervaardigers wat gedurende bedoelde boekjaar in die Unie fabrieksbotter vervaardig het of wat kragtens artikel *vier-en-dertig* geag word gedurende bedoelde boekjaar in die Unie fabrieksbotter vervaardig te hê, in verhouding tot die hoeveelhede sulke botter aldus vervaardig of as aldus deur hulle vervaardig geag, 'n bedrag betaal word, bereken deur die gemiddelde uitvoerverlies per pond op botter uit die Unie uitgevoer, soos vasgestel kragtens paragraaf (b) van sub-artikel (3) van artikel *vier-en-dertig*, te vermenigvuldig met 'n getal gelyk aan die totale aantal ponde fabrieksbotter in die gebied of in die protektorate vervaardig, soos die geval mag wees, min die totale aantal ponde daarvan na of deur die Unie gedurende die betrokke boekjaar uitgevoer, plus die totale aantal ponde plaasmelkerybotter in die gebied of in die protektorate verkoop, soos die geval mag wees, en nie gedurende bedoelde boekjaar na die Unie uitgevoer nie;

(iii) in die kaasheffingsfonds in paragraaf (b) van artikel *vyf-en-twintig* genoem 'n bedrag betaal word gelykstaande aan die bedrag wat by wyse van heffings kragtens subartikels (4) en (5) van artikel *ses-en-twintig* op die totale hoeveelhede fabriekskaas en plaaskaas in die gebied of in die protektorate vervaardig, soos die geval mag wees, of in die gebied of in die protektorate, soos die geval mag wees, van 'n ander plek as die Unie gedurende bedoelde boekjaar ingevoer, betaalbaar sou gewees het indien daardie fabriekskaas en plaaskaas in die Unie vervaardig was;

(d) die administrasie van die gebied en die administrasie van die protektorate elk geregtig is om een persoon aan te stel as 'n lid van die raad benewens die lede in artikel *drie* bedoel, en 'n lid aldus aangestel het dieselfde regte as ander lede van die raad met betrekking tot enige aangeleentheid wat die gebied of die protektorate (watter hy ookal verteenwoordig) sowel as die Unie raak, maar het nie die reg om te stem oor 'n aangeleentheid wat volgens die oordeel van die voorsitter van die raad nie die gebied of protektorate raak nie, soos die geval mag wees.

(3) Vir die bepaling van die gemiddelde bedrag ten opsigte van vervoerkoste dwarsdeur die bedrag betaal aan bottervervaardigers ooreenkomstig die tweede voorbehoud tot sub-artikel (2) van artikel *vier-en-dertig* verminder moet word, word—

(a) in die geval van die gebied, alle fabrieksbotter deur 'n besondere bottervervaardiger uit die gebied uitgevoer gedurende die tydperk van twaalf maande eindigende op die dertigste dag van September onmiddellik voorafgaande aan die datum waarop hierdie skema in werking tree, geag na die Unie uitgevoer te gewees het, en word die vervoerkoste daarop, met inbegrip van skeepsvrag na enige hawe in die Unie, bereken tot by die punt van bestemming in die Unie; met dien verstande dat die gemiddelde bedrag van bedoelde vervoerkoste ten opsigte van fabrieksbotter gedurende genoemde tydperk deur daardie bottervervaardiger ter voldoening aan 'n uitvoerbepaling kragtens sub-artikel (2) van artikel *agt* van Suidwes-Afrika Ordinansie No. 16 van 1931, soos gewysig deur Ordinansie No. 4 van 1932, na 'n ander plek as die Unie uitgevoer, bereken moet word asof daardie botter vanaf die fabriek van daardie bottervervaardiger na die naaste uitvoerhawe versend was; en

(b) in the case of the protectorates, such average amount shall, in respect of creamery butter which has, during the period of twelve months ending on the thirtieth day of September immediately preceding the date on which this scheme comes into operation, been exported by any butter manufacturer to a place other than the Union for the purpose of giving effect to any export determination under section *thirteen* of the Dairy Industry Control Act, 1930, be determined as if that butter had been despatched from the creamery of that butter manufacturer to the nearest port of export.

(4) Whenever during any financial year under this scheme the average transport costs, as approved by the board in terms of sub-paragraph (ii) of paragraph (a) of sub-section (2) of section *thirty-seven*, per pound of cheese manufactured in the territory and despatched on the directions of the board, exceed such average transport costs per pound of cheese manufactured in the Union, the amounts which have during that financial year been paid to cheese manufacturers and farm cheese-makers, after making all the adjustments provided for in the said section, shall be further adjusted so that cheese manufacturers and farm cheese-makers in the territory will receive on an average per pound of cheese manufactured by them an amount so much less than the average amount received by cheese manufacturers and farm cheese-makers in the Union, as such average transport costs in respect of cheese manufactured in the territory is more than such average transport costs in respect of cheese manufactured in the Union during that financial year.

(b) in die geval van die protektorate, sodanige gemiddelde bedrag ten opsigte van fabrieksbutter gedurende die tydperk van twaalf maande eindigende op die dertigste dag van September onmiddellik voorafgaande aan die datum waarop hierdie skema in werking tree, deur enige bottervervaardiger in nakoming van 'n uitvoerbepaling kragtens artikel *dertien* van die Wet op die Beheer van die Suiwelnywerheid, 1930, na 'n ander plek as die Unie uitgevoer, bereken asof daardie botter van die fabriek van daardie bottervervaardiger na die naaste uitvoerhawe versend was.

(4) Wanneer die gemiddelde vervoerkoste soos goedgekeur deur die raad kragtens sub-paragraaf (ii) van paragraaf (a) van subartikel (2) van artikel *sewe-en-dertig*, per pond kaas in die gebied vervaardig en op las van die raad versend, gedurende 'n boekjaar onder hierdie skema hoër is as sodanige gemiddelde vervoerkoste per pond kaas in die Unie vervaardig, word die bedrae wat gedurende daardie boekjaar aan kaasvervaardigers en plaaskaasmakers betaal is na al die vereffeninge gemaak is waarvoor in genoemde artikel voorsiening gemaak word, verder vereffen sodat kaasvervaardigers en plaaskaasmakers in die gebied gemiddeld per pond kaas deur hulle vervaardig 'n bedrag ontvang wat soveel minder is as die gemiddelde bedrag deur kaasvervaardigers en plaaskaasmakers in die Unie ontvang, as wat sodanige gemiddelde vervoerkoste ten opsigte van kaas vervaardig in die gebied hoër is as sodanige gemiddelde vervoerkoste ten opsigte van kaas gedurende daardie boekjaar in die Unie vervaardig.

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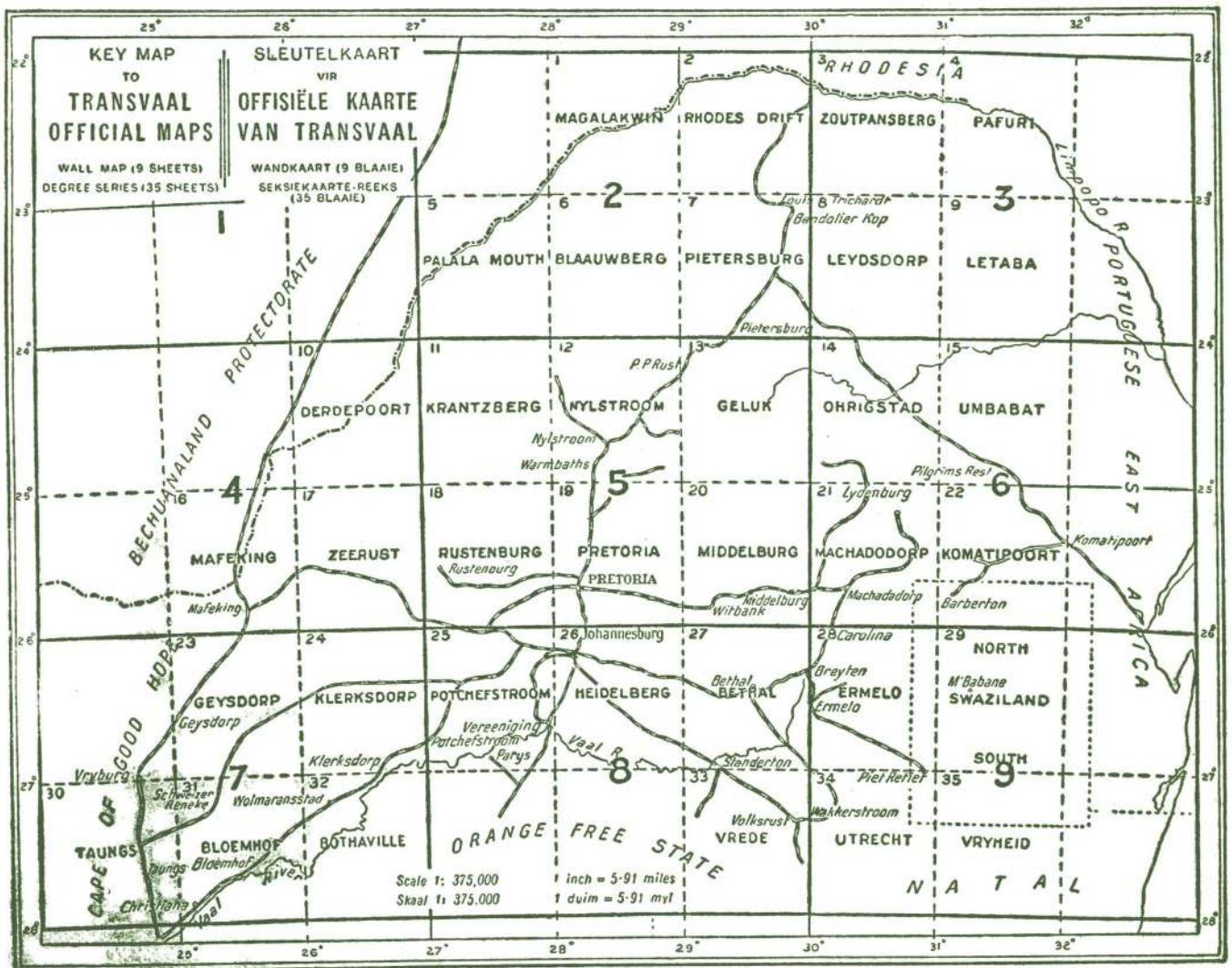
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