

EXTRAORDINARY



BUITENGEWONE

Government Gazette

THE UNION OF SOUTH AFRICA

Staatskoerant

VAN DIE UNIE VAN SUID-AFRIKA

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

[Geregistreer by die Hoofposkantoor as 'n Nuusblad.]

VOL. CCIII.] PRICE 5c.

CAPE TOWN, 3RD MARCH, 1961.
KAAPSTAD, 3 MAART 1961.

PRYS 5c. [No. 6646.

DEPARTMENT OF THE PRIME MINISTER.

No. 395.] [3rd March, 1961.

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

	PAGE
No. 1 of 1961: Vyfhoek Management Amendment Act, 1961	2
No. 2 of 1961: Perishable Agricultural Produce Sales Act, 1961	4
No. 3 of 1961: Coloured Persons Communal Reserves Act, 1961	2

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 395.] [3 Maart 1961.

Hierby word bekend gemaak dat dit Sy Eksellensie die Goewerneur-generaal behaag het om sy goedkeuring te heg aan onderstaande Wette, wat hierby ter algemene inligting gepubliseer word:—

	BLADSY
No. 1 van 1961: Vyfhoek - bestuurswysigingswet, 1961	3
No. 2 van 1961: Wet op die Verkoop van Bederfbare Landbouprodukte, 1961	5
No. 3 van 1961: Wet op Gemeenskaplike Kleurlingreservate, 1961	3

No. 1, 1961.]

ACT

To amend the Vyfhoek Management Act, 1935.*(English text signed by the Governor-General.)
(Assented to 24th February, 1961.)*

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

Amendment of
section 18 of
Act 39 of 1935.

1. Section *eighteen* of the Vyfhoek Management Act, 1935, is hereby amended by the substitution for sub-section (2) of the following sub-section:

“(2) The said portion M shall as soon as possible after the commencement of the Vyfhoek Management Amendment Act, 1961, be transferred to the Northern Vyfhoek Management Board to be disposed of in such manner and on such conditions as may be agreed upon between the Minister and the said Board.”.

Short title.

2. This Act shall be called the Vyfhoek Management Amendment Act, 1961, and shall come into operation on a date to be fixed by the Governor-General by proclamation in the *Gazette*.

No. 3, 1961.]

ACT

To apply the Mission Stations and Communal Reserves Act, 1909, of the Cape of Good Hope, to coloured persons settlement areas within the meaning of the Coloured Persons Settlement Areas (Cape) Act, 1930, to repeal the latter Act and to provide for matters incidental thereto.

*(English text signed by the Governor-General.)
(Assented to 28th February, 1961.)*

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

Application of
Act 29 of 1909
(Cape) to areas
subject to Act
3 of 1930.

1. (1) The Mission Stations and Communal Reserves Act, 1909, of the Cape of Good Hope, shall apply to every area which has in terms of section *one* of the Coloured Persons Settlement Areas (Cape) Act, 1930, been declared to be a coloured persons settlement area, and for that purpose every such area shall be deemed to be a communal reserve within the meaning of the firstmentioned Act.

(2) The provisions of Part II of the said Mission Stations and Communal Reserves Act, 1909, shall be deemed to have been duly applied to every such area in terms of section *twenty* of that Act.

(3) Any person to whom a right of occupation in respect of land within an area referred to in sub-section (1) has been duly granted in terms of the Coloured Persons Settlement Areas (Cape) Act, 1930, shall for the purpose of the said Mission Stations and Communal Reserves Act, 1909, be deemed to be a registered occupier of such land in terms of the lastmentioned Act.

Repeal of Act
3 of 1930.

2. The Coloured Persons Settlement Areas (Cape) Act, 1930, is hereby repealed.

Short title and
commencement.

3. This Act shall be called the Coloured Persons Communal Reserves Act, 1961, and shall come into operation upon a date to be determined by the Governor-General by proclamation in the *Gazette*.

No. 1, 1961.]

WET

Tot wysiging van die Vyfhoek Bestuurswet, 1935.

*(Engelse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 24 Februarie 1961.)*

DIT WORD BEPAAL deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, soos volg:—

1. Artikel *agtien* van die Vyfhoek Bestuurswet, 1935, word hierby gewysig deur sub-artikel (2) deur die volgende sub-artikel te vervang: Wysiging van artikel 18 van Wet 39 van 1935.

„(2) Genoemde gedeelte M word so spoedig doenlik na die inwerkingtreding van die Vyfhoek-bestuurwysigingswet, 1961, aan die Vyfhoek-Noord Bestuursraad oorgedra om daarvoor te beskik op die wyse en op die voorwaardes waarop tussen die Minister en bedoelde Bestuursraad ooreengekom word.”.

2. Hierdie Wet heet die Vyfhoek-bestuurwysigingswet, 1961, Kort titel. en tree in werking op 'n datum wat die Goewerneur-generaal by proklamasie in die *Staatskoerant* bepaal.

No. 3, 1961.]

WET

Om die „Mission Stations and Communal Reserves Act, 1909”, van die Kaap die Goeie Hoop, op Kleurlingnederstellingstreke binne die bedoeling van die Wet op Kleurling-nederstellingstreke (Kaap), 1930, toe te pas, om laasbedoelde Wet te herroep, en om vir daarmee in verband staande aangeleenthede voorsiening te maak.

*(Engelse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 28 Februarie 1961.)*

DIT WORD BEPAAL deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, soos volg:—

1. (1) Die „Mission Stations and Communal Reserves Act, 1909”, van die Kaap die Goeie Hoop, is van toepassing op elke gebied wat kragtens artikel *een* van die Wet op Kleurlingnederstellingstreke (Kaap), 1930, tot 'n Kleurlingnederstellingstreke verklaar is, en vir dié doel word elke sodanige streek 'n „Communal reserve” binne die bedoeling van eersgenoemde Wet geag. Toepassing van Wet 29 van 1909 (Kaap) op gebiede onderworpe aan Wet 3 van 1930.

(2) Die bepalings van Deel II van genoemde „Mission Stations and Communal Reserves Act, 1909”, word geag behoorlik ooreenkomstig artikel *twintig* van daardie Wet op elke sodanige streek toegepas te wees.

(3) Iemand aan wie 'n okkupasiereg ten opsigte van grond binne 'n in sub-artikel (1) bedoelde streek behoorlik kragtens die Wet op Kleurling-nederstellingstreke (Kaap), 1930, toegestaan is, word by die toepassing van bedoelde „Mission Stations and Communal Reserves Act, 1909”, 'n „registered occupier” van daardie grond volgens laasbedoelde Wet geag.

2. Die Wet op Kleurling-nederstellingstreke (Kaap), 1930, word hierby herroep. Herroeping van Wet 3 van 1930.

3. Hierdie Wet heet die Wet op Gemeenskaplike Kleurling-reservate, 1961, en tree in werking op 'n datum wat die Goewerneur-generaal by proklamasie in die *Staatskoerant* bepaal. Kort titel en inwerkingtreding.

No. 2, 1961.]

ACT

To provide for the registration and control of certain persons in the trade relating to fresh fruit and vegetables, to prohibit certain acts in connection with such trade, and to provide for matters incidental thereto.

*(Afrikaans text signed by the Governor-General.)
(Assented to 24th February, 1961.)*

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

Definitions.

1. In this Act, unless the context otherwise indicates—

- (i) "applicant" includes a company; (i)
- (ii) "broker" means any person who for a consideration negotiates the purchase or the sale of any produce on behalf of the purchaser or the seller thereof, and who does not exercise control over the produce or the proceeds of the sale; (xi)
- (iii) "business day" means any day other than a Sunday or a public holiday; (iv)
- (iv) "commission agent" means any person who, for a commission, exercises control over and sells produce on behalf of another; (x)
- (v) "consignment" means any quantity of produce consisting of distinct units of the same kind of produce simultaneously entrusted to a commission agent for sale on behalf of any person; (iii)
- (vi) "dealer" means any person who as principal carries on the business of purchasing or selling produce in wholesale quantities, and includes any person referred to in sub-section (2) of section *two* or sub-section (1) of section *four* who is registered as a dealer; (viii)
- (vii) "department" means the Department of Agricultural Economics and Marketing; (v)
- (viii) "employee", in relation to a company which carries on business as a commission agent, broker or dealer, includes any director of the company; (xix)
- (ix) "local authority" means any institution or body contemplated in paragraph (vi) of section *eighty-five* of the South Africa Act, 1909; (xiii)
- (x) "Minister" means the Minister of Agricultural Economics and Marketing; (xii)
- (xi) "officer" means an officer as defined in section *one* of the Public Service Act, 1957 (Act No. 54 of 1957), who is in the service of the department; (ii)
- (xii) "prescribed" means prescribed by regulation under this Act; (xviii)
- (xiii) "produce" means any fresh fruit or vegetables as prescribed; (xiv)
- (xiv) "registration" means registration in terms of the provisions of this Act, and "registered" has a corresponding meaning; (xv)
- (xv) "salesman" means any person who is employed by a commission agent to sell produce or to represent him at a sale of produce by auction, but does not include a market master in charge of a market under the control of a local authority; (xvii)
- (xvi) "secretary" means the secretary for the department; (xvi)
- (xvii) "this Act" includes any regulation made under this Act; (ix)
- (xviii) "unit" means the quantity of any produce which, according to the custom prevailing at the place where such produce is sold, forms the basis upon which the price of such produce is calculated, except where produce is contained in an unbroken container, in which case such produce, as so contained, shall constitute a unit; (vi)
- (xix) "wholesale quantity", in relation to produce, means the quantity prescribed as the quantity constituting a wholesale quantity. (vii)

No. 2, 1961.]

WET

Om voorsiening te maak vir die registrasie en beheer van sekere persone betrokke by die handel met vars vrugte en groente, om sekere handelinge in verband met sodanige handel te verbied, en om voorsiening vir daarmee in verband staande aangeleenthede te maak.

(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 24 Februarie 1961.)

DIT WORD BEPAAL deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, soos volg:—

1. In hierdie Wet, tensy uit die samehang anders blyk, **Woord- omskrywings.** beteken—

- (i) „applikant” ook ’n maatskappy; (i)
- (ii) „beampte” ’n beampte soos omskryf in artikel *een* van die Staatsdienswet, 1957 (Wet No. 54 van 1957), wat in diens van die departement is; (xi)
- (iii) „besending” enige hoeveelheid produkte wat uit afsonderlike eenhede van dieselfde soort produkte bestaan en wat gelyktydig aan ’n kommissie-agent vir verkoop ten behoeve van enige persoon toevertrou word; (v)
- (iv) „besigheidsdag” enige dag behalwe ’n Sondag of ’n openbare feesdag; (iii)
- (v) „departement” die Departement van Landbou-ekonomie en -bemarking; (vii)
- (vi) „eenheid” die hoeveelheid produkte wat volgens die heersende gebruik by die plek waar sodanige produkte verkoop word, die grondslag vorm waarvolgens die prys van sodanige produkte bereken word, behalwe waar produkte in ’n heel houer bevat is, in watter geval sodanige produkte aldus bevat, ’n eenheid uitmaak; (xviii)
- (vii) „groothandelhoeveelheid”, met betrekking tot produkte, die hoeveelheid voorgeskryf as die hoeveelheid wat ’n groothandelhoeveelheid uitmaak; (xix)
- (viii) „handelaar” iemand wat as prinsipaal die besigheid dryf van produkte in groothandelhoeveelhede te koop of te verkoop, en ook ’n in sub-artikel (2) van artikel *twee* of ’n in sub-artikel (1) van artikel *vier* bedoelde persoon wat as handelaar geregistreer is; (vi)
- (ix) „hierdie Wet” ook enige regulasie ingevolge hierdie Wet uitgevaardig; (xvii)
- (x) „kommissie-agent” iemand wat teen kommissie ten behoeve van iemand anders beheer oor produkte uitoefen en dit verkoop; (iv)
- (xi) „makelaar” iemand wat teen vergoeding die koop of die verkoop van enige produkte ten behoeve van die koper of verkoper daarvan behartig, en wat nie oor die produkte of die opbrengs van die verkoping beheer uitoefen nie; (ii)
- (xii) „Minister” die Minister van Landbou-ekonomie en -bemarking; (x)
- (xiii) „plaaslike bestuur” enige instelling of liggaam wat in paragraaf (vi) van artikel *vyf-en-tagtig* van die „Zuid-Afrika Wet”, 1909, beoog word; (ix)
- (xiv) „produkte” enige vars vrugte of groente soos voorgeskryf; (xiii)
- (xv) „registrasie” registrasie ingevolge die bepalinge van hierdie Wet, en het „geregistreer” ’n ooreenstemmende betekenis; (xiv)
- (xvi) „sekretaris” die sekretaris van die departement; (xvi)
- (xvii) „verkoopsman” iemand wat deur ’n kommissie-agent in diens gehou word om produkte te verkoop of om hom by ’n verkoping van produkte by veiling te verteenwoordig, maar nie ’n markmeester in bevel van ’n mark onder die beheer van ’n plaaslike bestuur nie; (xv)
- (xviii) „voorgeskrewe” of „voorgeskryf” soos voorgeskryf by regulasie ingevolge hierdie Wet; (xii)
- (xix) „werknemer”, met betrekking tot ’n maatskappy wat besigheid dryf as ’n kommissie-agent, makelaar of handelaar, ook enige direkteur van die maatskappy. (viii)

Business of commission agent, broker or dealer prohibited unless registered.

2. (1) No person, other than a local authority, shall carry on business as a commission agent, broker or dealer unless he is registered as such.

(2) The provisions of sub-section (1) shall not apply with reference to a person who as producer of produce himself sells that produce: Provided that such producer may apply for registration as a dealer, and if he is registered as a dealer, the provisions of this Act which are applicable in respect of a dealer shall apply also with reference to him.

(3) A partnership shall not be registered as such, but a partnership shall not as such carry on business as a commission agent, broker or dealer unless each member of the partnership is registered as such.

Application for and conditions of registration.

3. (1) Application for registration as a commission agent, broker or dealer shall be made to the secretary on the form and in the manner prescribed and shall be accompanied by the prescribed registration fee.

(2) An applicant shall furnish such particulars in connection with his application as the secretary may require.

(3) Subject to the provisions of section *six*, the secretary shall grant the application and issue a certificate of registration, as prescribed, to the applicant.

(4) Subject to the provisions of section *seven*, registration shall be of force for a period of twelve months from the date of issue of the relevant certificate of registration.

(5) A certificate issued under this section shall be subject to the conditions that may be prescribed.

Certain persons who are not dealers may apply to be registered as dealers.

4. (1) Any person who as principal carries on the business of purchasing or selling produce in quantities less than wholesale quantities may apply for registration as a dealer.

(2) If such person is registered as a dealer, the provisions of this Act which apply in respect of a dealer, shall apply also with reference to such person.

Renewal of registration.

5. (1) Application for the renewal of registration shall be made to the secretary on the form and in the manner prescribed and shall be accompanied by the prescribed renewal fee.

(2) Subject to the provisions of section *six*, the secretary shall grant the application and issue a certificate of renewal of registration as prescribed to the applicant.

(3) The provisions of sub-sections (2), (4) and (5) of section *three* shall *mutatis mutandis* apply with reference to any renewal of registration.

Registration may be refused in certain circumstances.

6. (1) The secretary may refuse an application for registration or the renewal of registration, as the case may be, if he is satisfied that—

- (a) the applicant or any employee of the applicant has contravened or has failed to comply with any provision of section *fourteen* or *seventeen*;
- (b) any previous registration of the applicant has been cancelled in terms of the provisions of this Act;
- (c) any registration of any person has been cancelled in terms of the provisions of this Act in consequence of any act or omission of the applicant or any person in the employ of the applicant;
- (d) any registration of any person who is an employee of the applicant has been cancelled in terms of the provisions of this Act;
- (e) the applicant has contravened or has failed to comply with any condition specified in his certificate of registration or certificate of renewal of registration;
- (f) the application contains a statement which is false in any material respect;
- (g) the applicant has been convicted of an offence involving fraud or dishonesty;
- (h) the applicant is an unrehabilitated insolvent; or
- (i) the applicant, in relation to his business as commission agent, broker or dealer, has been guilty of any other conduct which in the opinion of the secretary warrants the refusal of the application.

(2) The secretary may, for the purpose of determining whether any of the circumstances mentioned in sub-section (1) exist, defer a decision in connection with any application referred to in that sub-section for a period not exceeding thirty days from the date of the application.

2. (1) Niemand, behalwe 'n plaaslike bestuur, mag besigheid dryf as kommissie-agent, makelaar of handelaar nie tensy hy as sodanig geregistreer is.

Besigheid van kommissie-agent, makelaar of handelaar verbied tensy geregistreer.

(2) Die bepalings van sub-artikel (1) is nie van toepassing met betrekking tot iemand wat as produsent van produkte daardie produkte self verkoop nie: Met dien verstande dat sodanige produsent aansoek kan doen om registrasie as 'n handelaar, en as hy as 'n handelaar geregistreer word, is die bepalings van hierdie Wet wat ten opsigte van 'n handelaar van toepassing is, ook met betrekking tot hom van toepassing.

(3) 'n Vennootskap word nie as sodanig geregistreer nie, maar 'n vennootskap dryf nie as sodanig besigheid as kommissie-agent, makelaar of handelaar nie tensy elke lid van die vennootskap as sodanig geregistreer is.

3. (1) Aansoek om registrasie as 'n kommissie-agent, makelaar of handelaar word by die sekretaris op die voorgeskrewe vorm en wyse gedoen en word van die voorgeskrewe registrasiegeld vergesel.

Aansoek om en voorwaardes van registrasie.

(2) 'n Applikant verstrek die besonderhede in verband met sy aansoek wat die sekretaris verlang.

(3) Behoudens die bepalings van artikel ses, staan die sekretaris die aansoek toe en reik hy 'n sertifikaat van registrasie, soos voorgeskryf, aan die applikant uit.

(4) Behoudens die bepalings van artikel sewe, is registrasie van krag vir 'n tydperk van twaalf maande vanaf die datum van uitreiking van die betrokke sertifikaat van registrasie.

(5) 'n Sertifikaat kragtens hierdie artikel uitgereik, is onderhewig aan die voorwaardes wat voorgeskryf mag word.

4. (1) Iemand wat as prinsipaal die besigheid dryf van produkte in kleiner hoeveelhede as groothandelhoeveelhede te koop of te verkoop, kan aansoek doen om registrasie as 'n handelaar.

Sekere persone wat nie handelaars is nie, kan aansoek doen om as handelaars geregistreer te word.

(2) As so iemand as 'n handelaar geregistreer word, is die bepalings van hierdie Wet wat ten opsigte van 'n handelaar van toepassing is, ook met betrekking tot hom van toepassing.

5. (1) Aansoek om die hernuwing van registrasie word by die sekretaris op die voorgeskrewe vorm en wyse gedoen en word van die voorgeskrewe hernuwingsgeld vergesel.

Hernuwing van registrasie.

(2) Behoudens die bepalings van artikel ses, staan die sekretaris die aansoek toe en reik hy 'n sertifikaat van hernuwing van registrasie, soos voorgeskryf, aan die applikant uit.

(3) Die bepalings van sub-artikels (2), (4) en (5) van artikel drie is *mutatis mutandis* van toepassing met betrekking tot 'n hernuwing van registrasie.

6. (1) Die sekretaris kan 'n aansoek om registrasie of hernuwing van registrasie, na gelang van die geval, weier indien hy oortuig is dat—

Registrasie kan in sekere omstandighede geweier word.

- (a) die applikant of enige werknemer van die applikant enige bepaling van artikel veertien of sewentien oortree het of versuim het om daaraan te voldoen;
- (b) enige vorige registrasie van die applikant ingevolge die bepalings van hierdie Wet ingetrek is;
- (c) enige registrasie van enige persoon kragtens die bepalings van hierdie Wet ingetrek is as gevolg van 'n handeling of versuim van die applikant of enige persoon in diens van die applikant;
- (d) enige registrasie van iemand wat 'n werknemer van die applikant is, kragtens die bepalings van hierdie Wet ingetrek is;
- (e) die applikant enige voorwaarde vermeld in sy sertifikaat van registrasie of sertifikaat van hernuwing van registrasie oortree het of versuim het om daaraan te voldoen;
- (f) die aansoek 'n verklaring bevat wat in enige wesenlike opsig vals is;
- (g) die applikant skuldig bevind is aan 'n misdryf waarby bedrog of oneerlikheid betrokke is;
- (h) die applikant 'n ongerehabiliteerde insolvent is; of
- (i) die applikant, in verband met sy besigheid as kommissie-agent, makelaar of handelaar, skuldig is aan enige ander optrede wat na die oordeel van die sekretaris die weiering van die aansoek regverdig.

(2) Die sekretaris kan, ten einde te kan bepaal of enige van die in sub-artikel (1) bedoelde omstandighede bestaan, 'n besluit in verband met 'n aansoek vermeld in daardie sub-artikel uitstel vir 'n tydperk van hoogstens dertig dae vanaf die datum van die aansoek.

(3) Whenever a matter referred to in paragraph (a), (c), (d), (e) or (i) of sub-section (1) takes place in the course of the business of a partnership and the secretary is unable to determine whether any particular member of the partnership is responsible therefor, each member of that partnership shall, for the purposes of this section, be deemed to be so responsible, unless he can prove to the satisfaction of the secretary that he is not so responsible and that he could not have prevented such matter taking place.

Suspension or
cancellation of
registration.

7. (1) The Minister may suspend the registration of any commission agent, broker or dealer for any period specified by him, or cancel such registration, if he is satisfied with reference to such commission agent, broker or dealer that—

- (a) he has contravened or has failed to comply with any provision of section *fourteen* or *seventeen*;
- (b) his application for registration or renewal of registration contains a statement which is false in any material respect;
- (c) he has contravened or has failed to comply with any condition specified in his certificate of registration or certificate of renewal of registration;
- (d) he has been convicted of an offence involving fraud or dishonesty;
- (e) he is an unrehabilitated insolvent; or
- (f) he has, in relation to his business as commission agent, broker or dealer, been guilty of any other conduct which in the opinion of the Minister warrants the suspension or cancellation of his registration.

(2) The provisions of sub-section (3) of section *six* shall *mutatis mutandis* apply with reference to any matter referred to in paragraph (a), (c) or (f) of sub-section (1) of this section.

Registration
of salesmen.

8. (1) A commission agent shall not employ or have in his service a salesman who is not registered as such.

(2) An application for the registration of a salesman shall be made by the commission agent concerned to the secretary on the form and in the manner prescribed and shall be accompanied by the prescribed registration fee: Provided that no registration fee shall be payable in respect of a salesman who is registered by a local authority.

(3) Subject to the provisions of sub-section (4), the secretary shall grant the application and issue a certificate of registration to the applicant.

(4) The secretary may refuse an application for the registration of a salesman or he may suspend the registration of a salesman for a specified period or he may cancel such registration if he is satisfied that the applicant or the salesman has contravened or has failed to comply with any provision of section *fourteen* or that he has been convicted of an offence involving fraud or dishonesty.

(5) The provisions of sub-sections (2) and (5) of section *three* shall *mutatis mutandis* apply with reference to a registration under this section.

Registration
numbers.

9. There shall be allotted to each person upon any registration under this Act a registration number which shall be endorsed on the certificate of registration and, in the case of a renewal, on the certificate of renewal of registration.

Register.

10. A register shall be kept in the prescribed form and manner by an officer designated by the secretary for this purpose and such register shall state—

- (a) the name and business address of every person who is registered;
- (b) the registration number allotted to any such person in terms of section *nine*;
- (c) particulars of the security given by a commission agent in terms of section *eighteen*;
- (d) the date of cancellation or suspension of any registration;
- (e) in the case of a commission agent, broker or dealer, whether he is a member of a partnership and, if so, particulars of such partnership; and
- (f) such additional information as the secretary may consider necessary.

(3) Wanneer 'n in paragraaf (a), (c), (d), (e) of (i) van sub-artikel (1) bedoelde aangeleentheid in die loop van die besigheid van 'n vennootskap plaasvind en die sekretaris nie kan bepaal of 'n besondere lid van die vennootskap daarvoor aanspreeklik is nie, word elke lid van daardie vennootskap vir doeleindes van hierdie artikel geag aldus aanspreeklik te wees tensy hy tot oortuiging van die sekretaris kan bewys dat hy nie aldus aanspreeklik is nie en dat hy nie kon verhoed het dat bedoelde aangeleentheid plaasvind nie.

7. (1) Die Minister kan die registrasie van 'n kommissie-agent, makelaar of handelaar opskort vir enige tydperk deur hom bepaal, of so 'n registrasie intrek, indien hy met betrekking tot bedoelde kommissie-agent, makelaar of handelaar oortuig is dat—

Opskorting of intrekking van registrasie.

- (a) hy 'n bepaling van artikel *veertien* of *sewentien* oortree het of versuim het om daaraan te voldoen;
- (b) sy aansoek om registrasie of hernuwing van registrasie 'n verklaring bevat wat in 'n wesenlike opsig vals is;
- (c) hy enige voorwaarde vermeld in sy sertifikaat van registrasie of sertifikaat van hernuwing van registrasie oortree het of versuim het om daaraan te voldoen;
- (d) hy skuldig bevind is aan 'n misdryf waarby bedrog of oneerlikheid betrokke is;
- (e) hy 'n ongerehabiliteerde insolvent is; of
- (f) hy, in verband met sy besigheid as kommissie-agent, makelaar of handelaar, skuldig is aan enige ander optrede wat na die oordeel van die Minister die opskorting of intrekking van sy registrasie regverdig.

(2) Die bepalinge van sub-artikel (3) van artikel *ses* is *mutatis mutandis* van toepassing met betrekking tot enige in paragraaf (a), (c) of (f) van sub-artikel (1) van hierdie artikel bedoelde aangeleentheid.

8. (1) 'n Kommissie-agent mag nie 'n verkoopsman wat nie as sodanig geregistreer is, in sy diens neem of in sy diens aanhou nie.

Registrasie van verkoopsmanne.

(2) 'n Aansoek om die registrasie van 'n verkoopsman word deur die betrokke kommissie-agent by die sekretaris op die voorgeskrewe vorm en wyse gedoen en word van die voorgeskrewe registrasiegeld vergesel: Met dien verstande dat geen registrasiegeld betaalbaar is nie ten opsigte van 'n verkoopsman wat deur 'n plaaslike bestuur geregistreer word.

(3) Behoudens die bepalinge van sub-artikel (4), moet die sekretaris die aansoek toestaan en 'n sertifikaat van registrasie aan die applikant uitreik.

(4) Die sekretaris kan 'n aansoek om registrasie van 'n verkoopsman weier of die registrasie van 'n verkoopsman vir 'n bepaalde tyd opskort of sodanige registrasie intrek indien hy oortuig is dat die applikant of die verkoopsman 'n bepaling van artikel *veertien* oortree het of versuim het om daaraan te voldoen of dat hy skuldig bevind is aan 'n misdryf waarby bedrog of oneerlikheid betrokke is.

(5) Die bepalinge van sub-artikels (2) en (5) van artikel *drie* is *mutatis mutandis* van toepassing met betrekking tot 'n registrasie kragtens hierdie artikel.

9. Daar word aan elke persoon by enige registrasie kragtens hierdie Wet 'n registrasienommer toegeken wat op die sertifikaat van registrasie en, in die geval van 'n hernuwing, op die sertifikaat van hernuwing van registrasie geëndosseer word.

Registrasie-nommers.

10. 'n Register word in die voorgeskrewe vorm en op die voorgeskrewe wyse gehou deur 'n beambte wat deur die sekretaris vir hierdie doel aangewys is en sodanige register vermeld—

Register.

- (a) die naam en besigheidsadres van elke persoon wat geregistreer is;
- (b) die registrasienommer aan elke sodanige persoon ingevolge artikel *nege* toegeken;
- (c) besonderhede van die sekuriteit deur 'n kommissie-agent ingevolge artikel *agtien* verstrekk;
- (d) die datum van intrekking of opskorting van enige registrasie;
- (e) in die geval van 'n kommissie-agent, makelaar of handelaar, of hy 'n lid is van 'n vennootskap en, indien wel, besonderhede van sodanige vennootskap; en
- (f) sodanige addisionele inligting as wat die sekretaris noodsaaklik ag.

Surrender of certificate of registration or certificate of renewal.

11. Any person whose registration is cancelled or suspended in terms of any provision of this Act, shall surrender the relevant certificate of registration or certificate of renewal of registration to the secretary within seven days after the secretary in writing requests the surrender thereof.

Notice of cancellation or suspension to be published.

12. The secretary shall publish particulars of every cancellation or suspension of registration in the *Gazette* and in any prescribed official publication of the department.

Certain information to be furnished to secretary.

13. (1) A commission agent, broker or dealer shall forthwith notify the secretary—

- (a) of any change of his business address;
- (b) of the dissolution of a partnership of which he is a member;
- (c) if he becomes a member of a partnership; and
- (d) of any change in his staff of salesmen,

and the secretary shall alter the register referred to in section *ten* accordingly.

(2) A commission agent, broker or dealer shall furnish such additional information in regard to any matter referred to in sub-section (1) as the secretary may require.

Prohibitions.

14. (1) No commission agent, broker or dealer shall—

- (a) make use of any fraudulent practice in connection with the weighing, counting or other determination of the quantity of any produce received, purchased, sold or handled by him in the course of business;
- (b) wilfully misrepresent by word, deed or otherwise the kind, grade, quality or quantity of any produce received, purchased, sold or handled by him in the course of business; or
- (c) wilfully make any false or misleading statement in the course of business.

(2) No commission agent shall—

- (a) without sufficient cause fail, within a period of seven business days after he disposes of any produce or within such other period as may be specified in any written agreement between the parties concerned, to account correctly and in full to his principal for the proceeds of that produce;
- (b) destroy any produce entrusted to him for sale without first obtaining the written permission of—
 - (i) a health inspector having jurisdiction, or
 - (ii) the person designated for that purpose by the secretary;
- (c) subject to the provisions of section *fifteen*, directly or indirectly purchase any produce which has been entrusted to him for sale;
- (d) knowingly sell any produce which has been entrusted to him for sale, to any person in whose business he, his wife or partner or employee has any financial interest, without disclosing such fact when he accounts to his principal;
- (e) give, offer or undertake to give any purchaser any rebate in respect of the sale of produce entrusted to him;
- (f) sell by auction any produce entrusted to him for sale other than on a market under the control of a local authority or on premises let by a local authority as a market;
- (g) sell any produce which was entrusted to him for sale and which was put up for sale by auction and which did not attain the reserve price placed thereon and which remains unsold at the conclusion of the auction, by private treaty at a price which is lower than the highest bid received at that auction in respect of such produce, unless he has first obtained the written permission of the person designated by the secretary for that purpose; or

11. Iemand wie se registrasie ingevolge 'n bepaling van hierdie Wet ingetrek of opgeskort word, moet die betrokke sertifikaat van registrasie of sertifikaat van hernuwing van registrasie aan die sekretaris oorhandig binne sewe dae nadat die sekretaris skriftelik die oorhandiging daarvan versoek.

Oorhandiging van sertifikaat van registrasie of sertifikaat van hernuwing.

12. Die sekretaris moet besonderhede van elke intrekking of opskorting van registrasie in die *Staatskoerant* en in enige voorgeskrewe amptelike publikasie van die departement publiseer.

Kennisgewing van intrekking of opskorting moet gepubliseer word.

13. (1) 'n Kommissie-agent, makelaar of handelaar verstrek onverwyld kennis aan die sekretaris—

Sekere inligting moet aan sekretaris verstrek word.

- (a) van enige verandering van sy besigheidsadres;
- (b) van die ontbinding van 'n vennootskap waarvan hy 'n lid is;
- (c) as hy lid van 'n vennootskap word; en
- (d) van enige verandering in sy personeel van verkoopsmanne.

en die sekretaris wysig die in artikel *tien* bedoelde register dienoreenkomstig.

(2) 'n Kommissie-agent, makelaar of handelaar verstrek sodanige addisionele inligting ten opsigte van 'n in sub-artikel (1) genoemde aangeleentheid as wat die sekretaris verlang.

14. (1) Geen kommissie-agent, makelaar of handelaar—

Verbodsbepalings.

- (a) maak gebruik van enige bedrieglike praktyk in verband met die weeg, tel of ander vasstelling van die hoeveelheid produkte deur hom ontvang, gekoop, verkoop of gehanteer in die loop van besigheid nie;
- (b) maak opsetlik deur woord, daad of andersins enige wanvoorstelling betreffende die soort, graad, kwaliteit of hoeveelheid produkte deur hom ontvang, gekoop, verkoop of gehanteer in die loop van besigheid nie; of
- (c) maak opsetlik enige valse of misleidende verklaring in die loop van besigheid nie.

(2) Geen kommissie-agent—

- (a) bly sonder voldoende oorsaak in gebreke om binne 'n tydperk van sewe besigheidsdae nadat hy oor enige produkte beskik of binne sodanige ander tydperk as wat by skriftelike ooreenkoms tussen die betrokke partye bepaal mag wees, aan sy prinsipaal korrek en ten volle vir die opbrengs van daardie produkte rekenskap te gee nie;
- (b) vernietig enige produkte aan hom vir verkoop toevertrou nie sonder dat hy vooraf die skriftelike toestemming verkry van—
 - (i) 'n gesondheidsinspekteur met regsbevoegdheid, of
 - (ii) die persoon vir daardie doel deur die sekretaris aangewys;
- (c) koop, behoudens die bepalinge van artikel *vyftien*, regstreeks of onregstreeks enige produkte wat aan hom vir verkoop toevertrou is nie;
- (d) verkoop wetens produkte wat aan hom vir verkoop toevertrou is, aan iemand in wie se besigheid hy, sy vrou of vennoot of werknemer enige geldelike belang het nie, sonder om sodanige feit te openbaar wanneer hy aan sy prinsipaal rekenskap gee;
- (e) gee aan enige koper 'n korting of bied aan of onderneem om aan enige koper 'n korting toe te staan ten opsigte van die verkoop van produkte aan hom toevertrou nie;
- (f) verkoop by veiling enige produkte wat aan hom vir verkoop toevertrou is nie behalwe op 'n mark onder beheer van 'n plaaslike bestuur of op 'n perseel deur 'n plaaslike bestuur verhuur as 'n mark;
- (g) verkoop enige produkte wat aan hom vir verkoop toevertrou is en wat vir verkoop by veiling aangebied is en wat nie die reserweprys behaal het nie wat daarop geplaas is en wat by die sluiting van die veiling onverkoop is, uit die hand nie teen 'n prys wat minder is as die hoogste bod by sodanige veiling ten opsigte van daardie produkte verkry, tensy hy vooraf die skriftelike toestemming verkry het van die persoon deur die sekretaris vir die doel aangewys; of

- (h) except as provided under any regulation made in terms of paragraph (j) of sub-section (1) of section *twenty-six*, accept or request the payment of a commission from the buyer of any produce entrusted to him for sale.

(3) No dealer shall without sufficient cause fail, within the period specified in any agreement between him and the seller of any produce or, if no period is specified, within a period of twenty-one days after delivery to him of the produce, to account correctly and in full, to such seller for the proceeds of that produce.

Purchase of
produce by
commission
agent.

15. (1) A commission agent may with the written consent of a principal who has entrusted produce to him for sale, purchase any quantity of that produce for himself or on behalf of another person, whether by private treaty or at an auction at which he is not himself the auctioneer or acting as a person entitled to conduct an auction.

(2) A commission agent who purchases produce as contemplated in sub-section (1), shall—

- (a) in the case where he purchases produce by auction on behalf of another person, forthwith when he purchases the produce furnish to the auctioneer or person conducting the auction, the name of the person on whose behalf he has bought the produce; and
- (b) when he accounts to his principal, disclose to the said principal whether he has bought the produce for himself or on behalf of another person, whether he has bought that produce by private treaty or by auction.

(3) The auctioneer or person conducting the auction who is referred to in paragraph (a) of sub-section (2) shall, in addition to complying with the provisions of the Livestock and Produce Sales Act, 1956 (Act No. 37 of 1956), in so far as the said provisions apply with reference to produce as defined in this Act, endorse the name furnished to him by the commission agent under paragraph (a) of sub-section (2) of this section and the name of the said commission agent on the sales note mentioned in section *three* of the said Livestock and Produce Sales Act, 1956.

Reports by
commission
agents to their
principals.

16. Whenever any produce is not disposed of within three business days after receipt thereof, a commission agent shall forthwith advise his principal in writing of the quantity and condition of such produce, and similar reports shall be submitted weekly thereafter until such produce is disposed of.

Records.

17. A commission agent, broker or dealer shall maintain, in either of the official languages of the Union, adequate books of the conduct of his business as such, and shall keep each such book, together with the vouchers, receipts and other documents that relate to any entry appearing therein, for a period of at least three years after the last entry in respect of any transaction has been made in such book.

Security by
commission
agent.

18. No person, other than a local authority, shall carry on the business of a commission agent unless he has given the prescribed security to fulfil any obligation that may arise towards any person who has entrusted produce to him for sale: Provided that in the case of a co-operative agricultural society or a co-operative agricultural company registered in terms of the provisions of the Co-operative Societies Act, 1939 (Act No. 29 of 1939), security shall be given only in respect of business conducted by such society or company with persons who are not members thereof, and that where such society or company trades with its members only, no security shall be given.

Commission
agent to keep
trust account.

19. A commission agent, other than a local authority, shall keep a trust account in the prescribed manner in which the proceeds of any sale of produce on behalf of his principal shall be deposited: Provided that in the case of a partnership only one such trust account shall be kept in respect of the business of such partnership.

- (h) aanvaar of versoek, behalwe soos bepaal by enige regulasie uitgevaardig kragtens paragraaf (j) van sub-artikel (1) van artikel *ses-en-twintig*, die betaling van 'n kommissie van die koper van enige produkte aan hom vir verkoop toevertrou nie.

(3) Geen handelaar bly sonder voldoende oorsaak in gebreke om binne die tydperk bepaal in enige ooreenkoms tussen hom en die verkoper van enige produkte of, as geen tydperk bepaal is nie, binne 'n tydperk van een-en-twintig dae na lewering van die produkte aan hom, aan sodanige verkoper korrek en ten volle vir die opbrengs van daardie produkte rekenskap te gee nie.

15. (1) 'n Kommissie-agent kan met die skriftelike toestemming van 'n prinsipaal wat produkte aan hom vir verkoop toevertrou het, enige hoeveelheid van daardie produkte vir homself of ten behoeve van 'n ander persoon koop, hetsy uit die hand of by 'n veiling waarby hy nie self die afslaer is of as persoon optree wat geregtig is om 'n veiling te hou nie.

Koop van produkte deur kommissie-agent.

(2) 'n Kommissie-agent wat produkte koop soos in sub-artikel (1) beoog, moet—

- (a) in die geval waar hy by veiling produkte ten behoeve van 'n ander persoon koop, onverwyld wanneer hy die produkte koop aan die afslaer of persoon wat die veiling behartig die naam van die persoon verstrekt ten behoeve van wie hy die produkte gekoop het; en

- (b) wanneer hy aan sy prinsipaal rekenskap gee, aan bedoelde prinsipaal openbaar of hy die produkte vir homself of ten behoeve van 'n ander persoon gekoop het, hetsy hy daardie produkte uit die hand of by veiling gekoop het.

(3) Die in paragraaf (a) van sub-artikel (2) bedoelde afslaer of persoon wat die veiling behartig, moet, benewens nakoming van die bepalings van die Wet op die Verkoop van Lewende Hawe en Produkte, 1956 (Wet No. 37 van 1956), vir sover as wat bedoelde bepalings van toepassing is met betrekking tot produkte soos in hierdie Wet omskryf, die naam deur die kommissie-agent kragtens paragraaf (a) van sub-artikel (2) van hierdie artikel aan hom verstrekt en die naam van bedoelde kommissie-agent op die verkoopsnota aanteken wat in artikel drie van bedoelde Wet op die Verkoop van Lewende Hawe en Produkte, 1956, genoem word.

16. Wanneer daar nie oor enige produkte binne drie besigheidsdae na ontvangs daarvan beskik is nie, stel 'n kommissie-agent onverwyld sy prinsipaal skriftelik van die hoeveelheid en toestand van daardie produkte in kennis, en soortgelyke verslae word daarna weekliks verstrekt totdat daar oor bedoelde produkte beskik is.

Verslae deur kommissie-agente aan hul prinsipale.

17. 'n Kommissie-agent, makelaar of handelaar hou in enige van die amptelike tale van die Unie voldoende boek van die dryf van sy besigheid as sodanig, en moet elke sodanige boek, tesame met die bewysstukke, kwitansies en ander stukke wat op enige inskrywing daarin betrekking het, behou vir 'n tydperk van minstens drie jaar nadat die laaste inskrywing ten opsigte van enige transaksie in sodanige boek gemaak is.

Aantekeninge.

18. Niemand, behalwe 'n plaaslike bestuur, mag die besigheid van kommissie-agent dryf nie tensy hy die voorgeskrewe sekuriteit verstrekt het om enige verpligting na te kom wat mag ontstaan teenoor iemand wat produkte aan hom vir verkoop toevertrou het: Met dien verstande dat in die geval van 'n koöperatiewe landbouvereniging of 'n koöperatiewe landboumaatskappy geregistreer ingevolge die bepalings van die Wet op Koöperatiewe Verenigings, 1939 (Wet No. 29 van 1939), sekuriteit verstrekt word slegs ten opsigte van besigheid wat so 'n vereniging of maatskappy dryf met persone wat nie lede daarvan is nie, en dat waar so 'n vereniging of maatskappy slegs met sy lede besigheid dryf, geen sekuriteit verstrekt word nie.

Sekuriteit deur kommissie-agent.

19. 'n Kommissie-agent, behalwe 'n plaaslike bestuur, hou 'n trustrekening op die voorgeskrewe wyse waarin die opbrengs van enige verkoop van produkte ten behoeve van sy prinsipaal gestort word: Met dien verstande dat in die geval van 'n vennootskap slegs een sodanige trustrekening gehou word ten opsigte van die besigheid van sodanige vennootskap.

Kommissie-agent moet trustrekening hou.

Certain irregularities may be summarily investigated for purposes of settling claim for damages.

20. If any person alleges to an officer designated under section *twenty-one* that a contravention of this Act or a breach of any contract relating to the purchase or sale of produce has taken place and that he has or may suffer damages in consequence of such contravention or breach, such officer may summarily investigate the allegation and shall, if he is satisfied that the allegation is not unfounded, report the matter to a person designated by the secretary under this section for the purpose of attempting to effect a settlement between the parties in regard to the matter of damages.

Inspections.

21. (1) The secretary may designate any officer to perform the functions referred to in sub-section (2) with reference to any particular district or area.

(2) The person designated under sub-section (1) may at any reasonable time—

- (a) enter the place of business of a commission agent, broker or dealer;
- (b) examine any book or other document which relates to the business of a commission agent, broker or dealer, and require from the commission agent, broker or dealer concerned or the custodian of such book or document, an explanation of any entry therein;
- (c) question any person whom he reasonably believes to be in possession of information relating to any contravention or alleged contravention of any provision of this Act;
- (d) require the production of any account, invoice or other document issued by a commission agent, broker or dealer in the course of his business as such, and an explanation of any entry therein, from the owner or custodian thereof;
- (e) make extracts from and copies of any book or document referred to in paragraph (b) or (d) and for the purposes of any proceedings against any person, seize any such book or document; and
- (f) require the production of any certificate of registration or certificate of renewal of registration issued in terms of the provisions of this Act, from the holder or custodian thereof.

Preservation of secrecy.

22. No person shall disclose any information obtained in the discharge of his powers or duties under this Act, except—

- (a) to the extent to which it may be necessary for the proper administration of this Act, or
- (b) for the purposes of any legal proceedings thereunder.

Offences and penalties.

23. Any person who—

- (a) contravenes or fails to comply with the provisions of section *two*, sub-section (1) of section *eight*, section *eleven*, *thirteen*, *fourteen*, *fifteen*, *sixteen*, *seventeen*, *eighteen*, *nineteen* or *twenty-two*;
- (b) in any application made in terms of this Act, knowingly makes or causes to be made a statement which is false in a material respect;
- (c) contravenes or fails to comply with any condition of his registration;
- (d) falsely holds himself out to be an officer designated under section *twenty-one*;
- (e) refuses or fails without sufficient cause to answer fully and satisfactorily to the best of his knowledge and belief any lawful question put to him by an officer designated under section *twenty-one* in the exercise of his powers, or gives an answer to any such question or makes any relevant statement to such officer which is false in any material particular knowing such answer or such statement to be false;
- (f) refuses or fails without sufficient cause to comply with any lawful requirement of an officer designated under section *twenty-one* in the exercise of his powers; or
- (g) hinders or obstructs any officer in the discharge of his powers or duties under this Act,

shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred pounds or to imprisonment for a period not exceeding one year, or to both such fine and such imprisonment.

20. As iemand teenoor 'n beampte wat kragtens artikel *een-en-twintig* aangewys is, beweer dat 'n oortreding van hierdie Wet of die nie-nakoming van 'n kontrak betreffende die koop of verkoop van produkte plaasgevind het en dat hy as gevolg van sodanige oortreding of nie-nakoming skade gely het of mag ly, kan sodanige beampte die bewering summier ondersoek en, indien hy oortuig is dat die bewering nie ongegrond is nie, rapporteer hy die geval aan 'n persoon wat deur die sekretaris kragtens hierdie artikel aangewys is vir die doel om 'n skikking tussen die partye betreffende die kwessie van skadevergoeding te probeer bewerkstellig.

Sekere onreëlmatighede kan summier ondersoek word vir doeleindes van skikking van eis vir skadevergoeding.

21. (1) Die sekretaris kan 'n beampte aanwys om die in sub-artikel (2) bedoelde werksaamhede met betrekking tot 'n besondere distrik of gebied te verrig. Inspeksies.

(2) Die persoon kragtens sub-artikel (1) aangewys, kan te enige redelike tyd—

- die besigheidsplek van 'n kommissie-agent, makelaar of handelaar betree;
- enige boek of ander stuk wat betrekking het op die besigheid van 'n kommissie-agent, makelaar of handelaar, ondersoek, en van die betrokke kommissie-agent, makelaar of handelaar of die bewaarder van sodanige boek of stuk, 'n verduideliking van enige inskrywing daarin eis;
- enigiemand ondervra wat, na hy redelikerwys vermoed, in besit is van inligting betreffende enige oortreding of beoorende oortreding van enige bepaling van hierdie Wet;
- die voorlegging van enige rekening, faktuur of ander stuk wat deur 'n kommissie-agent, makelaar of handelaar in die loop van sy besigheid as sodanig uitgereik is, en 'n verduideliking van enige inskrywing daarin, van die eienaar of bewaarder daarvan eis;
- uittreksels of afskrifte maak van enige boek of stuk in paragraaf (b) of (d) vermeld en vir doeleindes van enige verrigtinge teen enige persoon, op enige sodanige boek of stuk beslag lê; en
- die voorlegging van enige sertifikaat van registrasie of sertifikaat van hernuwing van registrasie uitgereik kragtens die bepalings van hierdie Wet, van die houer of bewaarder daarvan eis.

22. Niemand mag enige inligting openbaar wat hy by die uitoefening van sy bevoegdhede of vervulling van sy pligte kragtens hierdie Wet verkry het nie, behalwe— Geheimhouding.

- in die mate waarin dit vir die behoorlike toepassing van hierdie Wet nodig mag wees, of
- vir doeleindes van 'n regsgeeding daarkragtens.

23. Iemand wat—

Misdrywe en strafbepalings.

- die bepalings van artikel *twee*, sub-artikel (1) van artikel *agt*, artikel *elf*, *dertien*, *veertien*, *vyftien*, *sestien*, *sewentien*, *agtien*, *negentien* of *twee-en-twintig* oortree of versuim om daaraan te voldoen;
- in 'n aansoek gedoen kragtens hierdie Wet wetens 'n verklaring maak of laat maak wat in 'n wesenlike opsig vals is;
- enige voorwaarde van sy registrasie oortree of versuim om daaraan te voldoen;
- valslik voorgee dat hy 'n beampte is wat kragtens artikel *een-en-twintig* aangewys is;
- sonder voldoende oorsaak weier of versuim om volledig en bevredigend na die beste van sy kennis en oortuiging te antwoord op enige wettige vraag aan hom gestel by die uitoefening van sy bevoegdhede deur 'n beampte aangewys kragtens artikel *een-en-twintig*, of wat aan so 'n beampte 'n antwoord op sodanige vraag verstrek of enige relevante verklaring maak wat in 'n wesenlike opsig vals is wetende dat sodanige antwoord of sodanige verklaring vals is;
- sonder voldoende oorsaak weier of versuim om te voldoen aan enige wettige vereiste gestel by die uitoefening van sy bevoegdhede deur 'n beampte kragtens artikel *een-en-twintig* aangewys; of
- enige beampte by die uitoefening van sy bevoegdhede of die vervulling van sy pligte ingevolge hierdie Wet hinder of belemmer,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd pond of met gevangenisstraf vir 'n tydperk van hoogstens een jaar, of met beide sodanige boete en sodanige gevangenisstraf.

Vicarious liability of commission agents, brokers and dealers.

24. (1) Whenever the employee or agent of any commission agent, broker or dealer does or omits to do an act which it would be an offence in terms of the provisions of this Act for such commission agent, broker or dealer to do or omit to do, such commission agent, broker or dealer shall, in addition to the liability of the employee or agent in respect thereof, be deemed himself to have done or omitted to have done that act and be liable on conviction to the penalties prescribed in section *twenty-three* unless he proves to the satisfaction of the court that—

- (a) in doing or omitting to do that act, such employee or agent was acting without his connivance or permission;
- (b) all reasonable steps were taken by him to prevent any act or omission of the kind in question: Provided that the fact that he issued instructions forbidding in respect of his employee or agent, any act or omission of the kind in question, shall not of itself be accepted as sufficient proof that he took all reasonable steps to prevent the act or omission; and
- (c) it was not under any condition or in any circumstances within the scope of the authority or the course of the employment of the employee or agent to do or to omit to do acts, whether lawful or unlawful, of the character of the act or omission charged.

(2) Whenever any employee or agent of any commission agent, broker or dealer does or omits to do an act which it would be an offence in terms of the provisions of this Act for such commission agent, broker or dealer to do or omit to do, such employee or agent may be convicted and sentenced in respect thereof as if he were the commission agent, broker or dealer.

Delegation of rights, powers, duties or functions by secretary.

25. The secretary may delegate to any officer any right, power, duty or function conferred or imposed upon him in terms of the provisions of this Act, other than the powers referred to in sub-section (1) of section *six* or sub-section (4) of section *eight*.

Regulations.

26. (1) The Governor-General may make regulations—

- (a) prescribing any certificate (including the conditions to which it is subject) or other document or form to be issued or used for the purposes of this Act;
- (b) prescribing the fee payable in respect of any registration under this Act;
- (c) prescribing the particulars to be furnished by a commission agent in order to fix the amount of security to be given in terms of section *eighteen*;
- (d) as to the manner in which the amount of the security contemplated in section *eighteen* shall be calculated, the manner in which such security shall be given and the manner in which it shall be made available to any person for whose benefit it is given;
- (e) as to the manner in which a trust account referred to in section *nineteen* shall be kept, the administration and control of such account, the disposal of any moneys in any such account and any other matter incidental to such an account;
- (f) prescribing the returns to be furnished by a commission agent, broker or dealer;
- (g) as to the form and manner in which records are to be kept by a commission agent, broker or dealer and the particulars to be entered therein;
- (h) prescribing the particulars to be furnished by a commission agent or broker to his principal in respect of the sale or purchase of produce on behalf of such principal;
- (i) prescribing the manner in which produce shall be marked or labelled, including the manner in which consignments shall be identified;
- (j) prescribing the maximum fees of commission agents and brokers, the nature of such fees and the manner in

24. (1) Wanneer die werknemer of agent van enige kommissie-agent, makelaar of handelaar 'n handeling verrig of versuim om dit te verrig, en dit ingevolge die bepalings van hierdie Wet 'n misdryf sou uitmaak indien sodanige kommissie-agent, makelaar of handelaar dit verrig of versuim om dit te verrig, word sodanige kommissie-agent, makelaar of handelaar, benewens die aanspreeklikheid van die werknemer of agent ten opsigte daarvan, geag self daardie handeling te verrig het of te versuim het om dit te verrig en is hy by skuldigbevinding strafbaar met die strawwe in artikel *drie-en-twintig* voorgeskryf, tensy hy tot oortuiging van die hof bewys dat—

Middelike aanspreeklikheid van kommissie-agent, makelaars en handelaars.

- (a) sodanige werknemer of agent, toe hy daardie handeling verrig het of versuim het om dit te verrig, sonder sy oogluikende toelating of toestemming opgetree het;
- (b) hy alle redelike stappe gedoen het om enige handeling of versuim van die betrokke aard te voorkom: Met dien verstande dat die feit dat hy enige handeling of versuim van die betrokke aard ten opsigte van sy werknemer of agent by wyse van opdrag verbied het, nie op sigself as voldoende bewys aanvaar word dat hy alle redelike stappe gedoen het om die handeling of versuim te voorkom nie; en
- (c) dit op geen voorwaarde of onder geen omstandighede binne die bestek van die bevoegdheid of in die loop van die werk van die werknemer of agent was nie om handelinge, hetsy wettig of onwettig, te verrig of om te versuim om handelinge te verrig, wat van dieselfde aard is as die handeling of versuim waarvan hy aangekla word.

(2) Wanneer enige werknemer of agent van 'n kommissie-agent, makelaar of handelaar 'n handeling verrig of versuim om dit te verrig en dit ingevolge die bepalings van hierdie Wet 'n misdryf sou uitmaak indien sodanige kommissie-agent, makelaar of handelaar dit verrig of versuim om dit verrig, kan sodanige werknemer of agent ten opsigte daarvan skuldig bevind en gevonnissen word asof hy die kommissie-agent, makelaar of handelaar was.

25. Die sekretaris kan aan 'n beamppte enige reg, bevoegdheid, plig of werksaamheid deleger wat ingevolge die bepalings van hierdie Wet aan hom verleen of hom opgelê is, behalwe die in sub-artikel (1) van artikel *ses* of sub-artikel (4) van artikel *agt* bedoelde bevoegdhede.

Delegasie van regte, bevoegdhede, pligte of werksaamhede deur sekretaris.

26. (1) Die Goewerneur-generaal kan regulasies uitvaardig— Regulasies.

- (a) wat enige sertifikaat (met inbegrip van die voorwaardes waaraan dit onderhewig is) of ander dokument of vorm voorskryf wat vir die doeleindes van hierdie Wet uitgereik of gebruik moet word;
- (b) wat die gelde voorskryf wat betaalbaar is ten opsigte van enige registrasie kragtens hierdie Wet;
- (c) wat die besonderhede voorskryf wat deur 'n kommissie-agent verstrekk moet word ten einde die bedrag van sekuriteit te bepaal wat ingevolge artikel *agtien* verstrekk moet word;
- (d) betreffende die wyse waarop die bedrag van sekuriteit soos beoog in artikel *agtien* bereken moet word, die wyse waarop sodanige sekuriteit verstrekk moet word en die wyse waarop dit beskikbaar gestel moet word aan die persoon ten behoeve van wie dit verstrekk is;
- (e) betreffende die wyse waarop 'n in artikel *negentien* bedoelde trustrekening gehou moet word, die bestuur en beheer van so 'n rekening, die beskikking oor enige gelde in so 'n rekening en enige ander aangeleentheid wat met so 'n rekening in verband staan;
- (f) wat die opgawes voorskryf wat deur 'n kommissie-agent, handelaar of makelaar verstrekk moet word;
- (g) betreffende die vorm waarin en die wyse waarop aantekeninge deur 'n kommissie-agent, makelaar of handelaar gehou moet word en die besonderhede wat daarin opgeteken moet word;
- (h) wat die besonderhede voorskryf wat deur 'n kommissie-agent of makelaar aan sy prinsipaal verstrekk moet word ten opsigte van die verkoop of koop van produkte ten behoeve van sodanige prinsipaal;
- (i) wat die wyse voorskryf waarop produkte gemerk of van 'n etiket voorsien moet word, met inbegrip van die wyse waarop besendings geïdentifiseer moet word;
- (j) wat die maksimum gelde van kommissie-agenten en makelaars voorskryf, die aard van sodanige gelde en

which and the times within which such fees shall be paid;

- (k) as to any matter which by this Act is required or permitted to be prescribed by regulation; and
- (l) as to, generally, any matter which he considers necessary or expedient to prescribe in order that the objects and purposes of this Act may be better achieved, the generality of the powers conferred by this paragraph not being limited by the provisions of the preceding paragraphs.

(2) Different regulations may be made in terms of sub-section (1) with reference to different classes of persons, and in such other respects as the Governor-General may determine.

(3) The regulations may in respect of any contravention thereof or failure to comply therewith prescribe a penalty not exceeding a fine of one hundred pounds or imprisonment for a period not exceeding six months.

Act No. 37 of 1956 not to apply in respect of commission agents.

27. The Livestock and Produce Sales Act, 1956, is hereby repealed to the extent to which the provisions thereof relate to commission agents.

Short title and date of commencement.

28. (1) This Act shall be called the Perishable Agricultural Produce Sales Act, 1961, and shall, subject to the provisions of sub-section (2), come into operation on a date to be fixed by the Governor-General by proclamation in the *Gazette*.

(2) The provisions of section *nineteen* and of paragraph (e) of sub-section (1) of section *twenty-six* shall not come into operation on the date contemplated in sub-section (1) but shall come into operation on a separate date to be fixed by the Governor-General by proclamation in the *Gazette*, which date shall be a date at least twelve months after the date of publication of the relevant proclamation.

die wyse waarop en die tydperke waarbinne sodanige gelde betaal moet word;

- (k) betreffende enige aangeleentheid wat kragtens hierdie Wet by regulasie voorgeskryf moet of kan word; en
- (l) betreffende, oor die algemeen, enige aangeleentheid wat hy nodig of dienstig ag om voor te skryf ten einde die oogmerke en doeleindes van hierdie Wet beter te verwesenlik, sonder dat die algemeenheid van die bevoegdhede wat deur hierdie paragraaf verleen word deur die bepalinge van die voorgaande paragraawe beperk word.

(2) Verskillende regulasies kan kragtens sub-artikel (1) uitgevaardig word met betrekking tot verskillende kategorieë persone, en in sodanige ander opsigte as wat die Goewerneur-generaal bepaal.

(3) Die regulasies kan ten opsigte van enige oortreding daarvan of versuim om daaraan te voldoen 'n straf voorskryf van 'n boete van hoogstens honderd pond of gevangenisstraf vir 'n tydperk van hoogstens ses maande.

27. Die Wet op die Verkoop van Lewende Hawe en Produkte, 1956, word hierby herroep in die mate waarin die bepalinge daarvan op kommissie-agente betrekking het.

Wet No. 37 van 1956 nie ten opsigte van kommissie-agente van toepassing nie.

28. (1) Hierdie Wet heet die Wet op die Verkoop van Bederfbare Landbouprodukte, 1961, en tree, behoudens die bepalinge van sub-artikel (2), in werking op 'n datum wat die Goewerneur-generaal by proklamasie in die *Staatskoerant* bepaal.

Kort titel en datum van inwerkingtreding.

(2) Die bepalinge van artikel *negentien* en van paragraaf (e) van sub-artikel (1) van artikel *ses-en-twintig* tree nie in werking op die in sub-artikel (1) beoogde datum nie maar tree in werking op 'n afsonderlike datum wat die Goewerneur-generaal by proklamasie in die *Staatskoerant* bepaal, welke datum 'n datum minstens twaalf maande na die datum van afkondiging van die betrokke proklamasie moet wees.