

EXTRAORDINARY



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PRYS 5c. [No. 6673.]

DEPARTMENT OF THE PRIME MINISTER.

No. 648.] [28th April, 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:—

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DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 648.] [28 April 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:—

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No. 28, 1961.]

ACT

To provide for the registration of cleaners and sellers of seed; to provide for the introduction of a Seed Certification Scheme and an Export Seed Scheme; to regulate the importation, exportation and sale of seed; and to provide for other incidental matters.

(Afrikaans text signed by the Governor-General.)
(Assented to 20th April, 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) "advertisement" includes any statement, picture, design or device—
 - (a) published in any newspaper or public print; or
 - (b) contained in any handbill, circular or other matter which is distributed to members of the public through the post or brought to the notice of the public in any other manner whatsoever; (i)
 - (ii) "analyst" means a person appointed as such in terms of section *sixteen*; (vii)
 - (iii) "brand" means the impression or representation, or any combination of the impressions or representations of any letter, number, geometrical figure, mark, sign or symbol; (v)
 - (iv) "clean" means clean for sale; (xii)
 - (v) "cleaner" means a person who cleans seed for sale; (xiii)
 - (vi) "Department" means the Department of Agricultural Technical Services; (ii)
 - (vii) "inspector" means an inspector appointed as such in terms of section *sixteen*; (iv)
 - (viii) "kind" means all related species and sub-species of any plant which are known by the same common name; (xiv)
 - (ix) "Minister" means the Minister of Agricultural Technical Services; (vi)
 - (x) "prepacked seed" means a quantity of seed of such maximum weight as may be prescribed, which has been packed in the Union into packets, cartons, bags, tins or other containers bearing the name and the address in the Union of the packer; (xviii)
 - (xi) "prescribed" means prescribed by this Act; (xix)
 - (xii) "registering officer" means the officer designated in terms of section *two*; (viii)
 - (xiii) "regulation" means a regulation made and in force under this Act; (ix)
 - (xiv) "Secretary" means the Secretary for Agricultural Technical Services; (xi)
 - (xv) "seed" means seed of any kind which the Minister has by notice in the *Gazette* declared to be seed for the purposes of this Act; (x)
 - (xvi) "sell" includes to offer, advertise, keep, expose, transmit, convey, deliver or prepare for sale or to exchange or to dispose of for any consideration whatsoever, or to transmit, convey or deliver in pursuance of a sale, exchange or disposal as aforesaid; (xvii)
 - (xvii) "this Act" includes the regulations; (iii)
 - (xviii) "varietal list" means the list kept in terms of section *eight*; (xvi)
 - (xix) "variety" means a sub-division of any kind which can be differentiated from other sub-divisions of that kind by growth, plant, fruit or other characteristics and any uniform group which is a first generation hybrid (F₁), reconstituted on each occasion by crossing two or more breeding stocks maintained by inbreeding. (xv).

Designation of
registering
officer.

2. The Minister shall designate an officer in the Department who shall be charged with the duty of registering cleaners and sellers of seed.

No. 28, 1961.]

WET

Om voorsiening te maak vir die registrasie van skoonmakers en verkopers van saad; om voorsiening te maak vir die instelling van 'n Saadsertifiseringskema en 'n Uitvoersaads-kema; om die invoer, uitvoer en verkoop van saad te reël; en om vir ander bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 20 April 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, **Woordbepaling.** beteken—

- (i) „advertensie” ook ’n verklaring, prent, tekening of ontwerp—
 - (a) wat in ’n koerant of openbare drukwerk gepubliseer word; of
 - (b) wat vervat is in ’n strooibiljet, sirkulêre of ander geskrif wat per pos aan lede van die publiek versprei word of op enige ander wyse onder die aandag van die publiek gebring word; (i)
- (ii) „Departement” die Departement van Landbou-egniese Dienste; (vi)
- (iii) „hierdie Wet” ook die regulasies; (xvii)
- (iv) „inspekteur” ’n inspekteur wat kragtens artikel *sestien* as sulks aangestel is; (vii)
- (v) „kenmerk” ’n afdruk of voorstelling of ’n samestelling van die afdrukke of voorstellings van ’n letter, nommer, geometriese figuur, merk, teken of simbool; (iii)
- (vi) „Minister” die Minister van Landbou-egniese Dienste; (ix)
- (vii) „ontleder” iemand wat kragtens artikel *sestien* as sulks aangestel is; (ii)
- (viii) „registrasiebeampte” die beampte wat kragtens artikel *twee* aangewys is; (xii)
- (ix) „regulasie” ’n regulasie wat ingevolge hierdie Wet uitgevaardig en van krag is; (xiii)
- (x) „saad”, saad van enige soort wat die Minister by kennisgewing in die *Staatskoerant* tot saad vir die doeleindes van hierdie Wet verklaar het; (xv)
- (xi) „Sekretaris” die Sekretaris van Landbou-egniese Dienste; (xiv)
- (xii) „skoonmaak”, skoonmaak vir verkoop; (iv)
- (xiii) „skoonmaker” iemand wat saad vir verkoop skoonmaak; (v)
- (xiv) „soort” alle verwante spesies en subspesies van enige plant wat onder dieselfde algemene naam bekend is; (viii)
- (xv) „variëteit” ’n onderverdeling van enige soort wat onderskei kan word van ander onderverdelings van daardie soort deur groeiwyse, plant, vrug of ander eienskappe en enige eenvormige groep wat ’n eerste generasie baster (F_1) is wat by elke geleentheid her-saamgestel word deur die kruising van twee of meer teellyne wat deur inteling in stand gehou word; (xix)
- (xvi) „variëteitlys” die lys wat ingevolge artikel *agt* in stand gehou word; (xviii)
- (xvii) „verkoop” ook vir verkoop aanbied, adverteer, hou, uitstal, versend, vervoer, lewer of voorberei of verruil of teen enige vergoeding hoegenaamd van die hand sit of ingevolge ’n verkoping, verruiling of van die handsetting soos voormeld, versend, vervoer, of lewer; (xvi)
- (xviii) „voorafverpakte saad” ’n hoeveelheid saad van die maksimum gewig wat voorgeskryf mag wees, wat in die Unie in pakkies, kartonne, sakke, blikke of ander houters verpak is waarop die naam en die adres in die Unie van die verpakker voorkom; (x)
- (xix) „voorgeskryf” kragtens hierdie Wet voorgeskryf. (xi)

2. Die Minister wys ’n beampte in die Departement aan wat belas is met die plig om skoonmakers en verkopers van saad te registreer. Aanwysing van registrasie-beampte.

Registration of cleaners and sellers of seed.

3. (1) Every application for registration as a cleaner or seller of seed shall be submitted to the registering officer in the prescribed form and shall be accompanied by the prescribed registration fee, which shall not exceed twenty rand.

(2) If after consideration of any such application the registering officer is satisfied that the applicant concerned complies with the prescribed requirements, he shall register the applicant as a cleaner or seller of seed.

(3) Any registration under this section may be made subject to such conditions as may be prescribed and shall be valid for such period as may be prescribed.

Cancellation of registration.

4. If the registering officer is satisfied that any registered cleaner or seller of seed has failed to comply with any condition subject to which he was registered, the registering officer may cancel the registration of such cleaner or seller of seed.

Reasons for rejection or cancellation of registration.

5. The registering officer shall, on written application being made within the prescribed period, supply in writing within the prescribed period the reasons for his decision in every case where an application for registration has been rejected or where a registration has been cancelled in terms of section four.

Appeal to Minister.

6. Any person—

(a) whose application for registration has been rejected; or

(b) whose registration has been cancelled in terms of section four,

may appeal to the Minister against such rejection or cancellation.

Unregistered persons may not clean or sell seed.

7. No person shall clean or sell seed unless he is registered under this Act as a cleaner or seller of seed.

Varietal list.

8. (1) Subject to the provisions of this section and of section nine, the Minister shall cause to be kept a list of names of varieties the seed of which is subject to the provisions of this Act.

(2) There shall be included in the varietal list—

(a) the names of any such variety which is, at the date of commencement of this Act, in use in the Union; and

(b) the name of any other such variety which may be recognized by the Minister for the purposes of this section.

(3) Subject to the provisions of sub-section (4), the name to be included in the varietal list in terms of sub-section (2) shall be—

(a) in the case of any variety referred to in paragraph (a) of sub-section (2), the name by which it is generally known; and

(b) in the case of any variety referred to in paragraph (b) of sub-section (2), the name given to it by its discoverer or originator.

(4) If the Minister is of the opinion that the name referred to in paragraph (a) or (b) of sub-section (3) is misleading or for any other reason not acceptable he may direct that such other name be included in the list in respect of the variety in question as he may consider most suitable.

Recognition of varieties and deletion of names from varietal list.

9. (1) The Minister may refuse to recognize any variety—

(a) unless the seed thereof has been submitted to the prescribed culture test;

(b) unless the seed thereof and the mature plants grown from such seed have been examined and reported on by the Department or by such person, body or institution as may be appointed by the Minister for the purpose;

(c) if he is satisfied, after consideration of a report by the Secretary, that such variety is approximately the same as any variety the name of which already appears in the varietal list;

(d) if he is satisfied, after consideration of a report by the Secretary, that such variety is of such inferior quality as to render it unsuitable for commercial purposes.

(2) The Minister may, if he is satisfied after enquiry that it is in the public interest to do so, direct that any name which appears in the varietal list be changed or deleted.

3. (1) Elke aansoek om registrasie as 'n skoonmaker of verkoper van saad moet in die voorgeskrewe vorm en tesame met die voorgeskrewe registrasiegeld van hoogstens twintig rand aan die registrasiebeampte gestuur word.

Registrasie van skoonmakers en verkopers van saad.

(2) Indien die registrasiebeampte na oorweging van so 'n aansoek oortuig is dat die betrokke applikant aan die voorgeskrewe vereistes voldoen, moet hy die applikant as 'n skoonmaker of verkoper van saad registreer.

(3) Registrasie kragtens hierdie artikel kan geskied op die voorwaardes wat voorgeskryf mag word en is geldig vir die tydperk wat voorgeskryf mag word.

4. Indien die registrasiebeampte oortuig is dat 'n geregistreerde skoonmaker of verkoper van saad versuim het om te voldoen aan 'n voorwaarde waarop hy geregistreer is, kan die registrasiebeampte die registrasie van sodanige skoonmaker of verkoper van saad intrek.

Intrekking van registrasie.

5. Wanneer skriftelik binne die voorgeskrewe tydperk daarom aansoek gedoen word, moet die registrasiebeampte binne die voorgeskrewe tydperk skriftelik die redes verskaf vir sy beslissing in elke geval waar 'n aansoek om registrasie geweier is of waar 'n registrasie kragtens artikel vier ingetrek is.

Redes vir weiering of intrekking van registrasie.

6. Iemand—

- (a) wie se aansoek om registrasie geweier is; of
- (b) wie se registrasie kragtens artikel vier ingetrek is,

kan by die Minister teen so 'n weiering of intrekking appél aanteken.

Appél na Minister.

7. Niemand mag saad skoonmaak of verkoop tensy hy kragtens hierdie Wet as 'n skoonmaker of verkoper van saad geregistreer is nie.

Ongeregistreerde persone mag nie saad skoonmaak of verkoop nie.

8. (1) Behoudens die bepalinge van hierdie artikel en artikel nege, laat die Minister 'n lys in stand hou van die name van variëteite waarvan die saad onderworpe is aan die bepalinge van hierdie Wet.

Variëteitlys.

(2) In die variëteitlys word opgeneem—

- (a) die naam van enige sodanige variëteit wat op die datum van inwerkingtreding van hierdie Wet in die Unie in gebruik is; en
- (b) die naam van enige ander sodanige variëteit wat deur die Minister vir die doeleindes van hierdie artikel erken mag word.

(3) Behoudens die bepalinge van sub-artikel (4), is die naam wat ingevolge sub-artikel (2) in die variëteitlys opgeneem moet word—

- (a) in die geval van 'n in paragraaf (a) van sub-artikel (2) bedoelde variëteit, die naam waaronder dit in die algemeen bekend staan; en
- (b) in die geval van 'n in paragraaf (b) van sub-artikel (2) bedoelde variëteit, die naam wat die ontdekker of skepper daarvan daaraan gegee het.

(4) Indien die Minister van mening is dat die in paragraaf (a) of (b) van sub-artikel (3) bedoelde naam misleidend is of om enige ander rede nie aanneemlik is nie, kan hy gelas dat 'n ander naam wat hy die geskikste ag in die lys opgeneem word ten opsigte van die betrokke variëteit.

9. (1) Die Minister kan weier om enige variëteit te erken—

- (a) tensy die saad daarvan aan die voorgeskrewe verbouingstoets onderwerp is;
- (b) tensy die saad daarvan en die volgroeiende plante wat van sodanige saad gekweek word ondersoek is en verslag daaroor gedoen is deur die Departement of deur 'n persoon, liggaam of inrigting wat die Minister vir die doel aanstel;
- (c) indien hy, na oorweging van 'n verslag deur die Sekretaris, oortuig is dat sodanige variëteit naastenby dieselfde is as 'n variëteit waarvan die naam alreeds in die variëteitlys voorkom;
- (d) indien hy, na oorweging van 'n verslag deur die Sekretaris, oortuig is dat sodanige variëteit van so 'n minderwaardige gehalte is dat dit dit vir handelsdoeleindes ongeskik maak.

Erkenning van variëteite en skraping van name in variëteitlys.

(2) Die Minister kan, indien hy na ondersoek oortuig is dat dit in die openbare belang is om dit te doen, gelas dat enige naam wat in die variëteitlys voorkom, verander of geskrap moet word.

Notification of inclusion, change or deletion of variety name.

10. The inclusion of the name of any variety in the varietal list in terms of sub-section (2) of section *eight* and the change or deletion of any name in terms of sub-section (2) of section *nine* shall be notified in the *Gazette*.

Use of variety names.

11. No person shall, unless specially authorized thereto by the Minister—

- (a) sell the seed of any variety the name of which is not included in the varietal list;
- (b) sell the seed of any variety under a name other than that given to it in the varietal list;
- (c) add to the variety name under which any seed is sold any qualifying term or reference whatsoever.

Requirements relating to seed sold.

12. No person shall sell any seed unless—

- (a) such seed complies with the prescribed requirements; and
- (b) such seed is packed and the container in which it is sold is branded, labelled, marked or sealed in the prescribed manner.

Savings as to seed.

13. The provisions of this Act shall not apply—

- (a) to the cleaning of seed which is intended only for use as food or stock feed or for industrial purposes;
- (b) to the sale of seed which is intended only for use as food or stock feed or for industrial purposes, provided no variety name is stated on the container in which such seed is sold or delivered;
- (c) to the sale of seed which is sold to a registered cleaner of seed, provided there appears on the container in which such seed is sold or delivered or on a label attached thereto, clearly and legibly the words: "Uncleaned seed";
- (d) to the cleaning of seed by the producer thereof, provided the seed is intended for sale to a registered seller of seed;
- (e) to the sale of seed by the producer thereof, provided it is seed which has been certified under a Seed Certification Scheme or Export Seed Scheme introduced in terms of this Act and it is sold to a registered cleaner or seller of seed;
- (f) to the cleaning and sale of seed which is grown and cleaned and sold and delivered by any *bona fide* farmer on his premises for seeding by the person to whom it is sold and in respect of which no advertisement has been published or distributed;
- (g) to the sale of seed by a person who sells no seed other than prepacked seed which has been packed by some other person, provided the seed is sold in the original, unopened container in which it was received from the packer.

Introduction of a Seed Certification Scheme and an Export Seed Scheme.

14. (1) The Minister may introduce—

- (a) a scheme called the Seed Certification Scheme; and
- (b) a scheme called the Export Seed Scheme.

(2) The Minister shall publish any such scheme by notice in the *Gazette* and shall declare that it shall come into operation upon a date mentioned in such notice.

(3) (a) The Minister shall designate in such notice the organization which shall be responsible for the administration of the scheme.

(b) The organization so designated may be an office or division of the Department.

(4) The provisions of any scheme published under sub-section (2) shall as from a date specified in the notice by which the scheme is published, be binding upon the persons to whom they apply.

(5) The provisions of any such scheme shall apply to any person who has in pursuance of an application made by him been registered with the organization responsible for the administration of the scheme.

(6) The Minister may at any time by notice in the *Gazette*—

- (a) revoke any such scheme;

10. Die insluiting van die naam van 'n variëteit in die variëteitlys ingevolge sub-artikel (2) van artikel *agt* en die verandering of skrapping van enige naam ingevolge sub-artikel (2) van artikel *nege* word in die *Staatskoerant* bekend gemaak.

Bekendmaking van insluiting, verandering of skrapping van variëteitnaam.

11. Niemand mag, tensy uitdruklik daartoe gemagtig deur die Minister—

Gebruik van variëteitnaam.

- (a) die saad verkoop van enige variëteit waarvan die naam nie in die variëteitlys opgeneem is nie;
- (b) die saad van enige variëteit onder 'n ander naam verkoop as dié wat in die variëteitlys daaraan gegee is nie;
- (c) by die variëteitnaam waaronder enige saad verkoop word enige kwalifiserende uitdrukking of verwysing hoegenaamd voeg nie.

12. Niemand mag saad verkoop nie tensy—

Vereistes met betrekking tot saad wat verkoop word.

- (a) sodanige saad voldoen aan die voorgeskrewe vereistes; en
- (b) sodanige saad verpak is en die houer waarin dit verkoop word, gekenmerk, geëtiketteer, gemerk of verseël is op die voorgeskrewe wyse.

13. Die bepalings van hierdie Wet is nie van toepassing nie—

Voorbehoud ten aansien van saad.

- (a) op die skoonmaak van saad wat alleenlik vir gebruik as voedsel of veevoer of vir nywerheidsdoeleindes bedoel is;
- (b) op die verkoop van saad wat alleenlik vir gebruik as voedsel of veevoer of vir nywerheidsdoeleindes bedoel is, mits geen variëteitnaam vermeld word op die houer waarin sodanige saad verkoop of gelever word nie;
- (c) op die verkoop van saad wat aan 'n geregistreerde skoonmaker van saad verkoop word, mits daar op die houer waarin sodanige saad verkoop of gelever word, of op 'n etiket wat daaraan geheg is, die woorde „Onskoongemaakte saad” duidelik en leesbaar, verskyn;
- (d) op die skoonmaak van saad deur die produsent daarvan, mits die saad vir verkoop aan 'n geregistreerde verkoper van saad bedoel is;
- (e) op die verkoop van saad deur die produsent daarvan, mits dit saad is wat kragtens 'n Saadsertifiseringskema of Uitvoersaadskema, wat ingevolge hierdie Wet ingestel is, gesertifiseer is en dit aan 'n geregistreerde skoonmaker of verkoper van saad verkoop word;
- (f) op die skoonmaak en verkoop van saad wat deur 'n *bona fide*-boer op sy perseel gekweek en skoongemaak en verkoop en gelever word om as saad gebruik te word deur die persoon aan wie dit verkoop word en ten opsigte waarvan geen advertensie gepubliseer of versprei is nie;
- (g) op die verkoop van saad deur iemand wat geen ander saad as voorafverpakte saad wat deur iemand anders verpak is, verkoop nie, mits die saad in die oorspronklike, onoopgemaakte houer waarin dit van die verpakker ontvang is, verkoop word.

14. (1) Die Minister kan—

Instelling van 'n Saadsertifiseringskema en 'n Uitvoersaadskema.

- (a) 'n skema, genoem die Saadsertifiseringskema; en
- (b) 'n skema, genoem die Uitvoersaadskema,

instel.

(2) Die Minister publiseer enige sodanige skema by kennisgewing in die *Staatskoerant* en verklaar dat dit op 'n datum in bedoelde kennisgewing vermeld in werking tree.

(3) (a) Die Minister wys in bedoelde kennisgewing die organisasie aan wat vir die administrasie van die skema verantwoordelik is.

(b) Die organisasie aldus aangewys kan 'n kantoor of afdeling van die Departement wees.

(4) Die bepalings van 'n skema wat ingevolge sub-artikel (2) gepubliseer word, is vanaf 'n datum gespesifiseer in die kennisgewing waarby die skema gepubliseer word, bindend vir die persone op wie daardie bepalings van toepassing is.

(5) Die bepalings van so 'n skema is van toepassing op enigiemand wat ingevolge 'n aansoek deur hom gedoen, geregistreer is by die organisasie wat vir die administrasie van die skema verantwoordelik is.

(6) Die Minister kan te eniger tyd by kennisgewing in die *Staatskoerant*—

- (a) so 'n skema herroep;

Provisions
of a scheme.

- (b) amend the provisions of any such scheme;
- (c) repeal or amend any notice issued under paragraph (b).

15. Any such scheme may—

- (a) prescribe the manner in which application for registration with the organization responsible for the administration of the scheme shall be made and the circumstances under which any such registration may be refused or cancelled;
- (b) prescribe the kinds and varieties to the seed of which the provisions of the scheme shall apply;
- (c) provide for the manner in which and the control subject to which seed intended for certification for use in the Union or for export, as the case may be, shall be produced, cleaned or treated;
- (d) prescribe the requirements which shall be complied with before the seed of any kind or variety may be certified in terms thereof;
- (e) prescribe the manner in which seed shall be certified, the form of the certificate and the circumstances under which any issued certificate shall lapse;
- (f) designate the person who or the body which shall be responsible for the certification of seed;
- (g) prescribe the manner in which any certified seed shall be packed, marked, labelled or stored;
- (h) prescribe the records to be kept and the information to be furnished by persons to whom the provisions of the scheme apply;
- (i) prescribe the fees or charges to be paid to the organization responsible for the administration of the scheme by persons to whom the provisions of the scheme apply and stipulate that the rendering of any service may be refused to any person who is indebted to such organization for any amount in respect of such fees or charges;
- (j) empower the organization concerned, for the purpose of the enforcement of the provisions of the scheme, to empower any person generally or in any particular case at all reasonable hours—
 - (i) to enter any place occupied by a person registered with the organization;
 - (ii) to inspect at any such place any seed to which the provisions of the scheme apply and any place where any such seed is produced, kept, cleaned or otherwise dealt with;
 - (iii) to examine all books and documents at any such place which are believed, upon reasonable grounds, to relate to any such seed, and to make copies of or take extracts from such books and documents;
 - (iv) to demand from the person concerned any information concerning such seed and an explanation of any entry in any such book or document;
 - (v) to seize any books, documents or articles at such place which may afford evidence of the commission of an offence under this Act or the scheme, or any quantity of such seed in respect of which any such offence is suspected to have been committed, and to remove from the place in question or to leave at such place any books, documents or articles or any quantity of such seed which has been so seized, and if he deems fit to place on any such book, document, article or seed, or on the container thereof, any identification mark which he may consider necessary;
 - (vi) to take samples of any such seed, including any quantity of such seed which has been seized in terms of sub-paragraph (v), and to examine or analyse such samples or cause them to be examined or analysed;
- (k) provide generally for any such matters as, in the opinion of the Minister, it is necessary or desirable to provide for in order that the objects of the scheme may be achieved;
- (l) provide for a fine not exceeding two hundred rand or for imprisonment for a period not exceeding six months or for both such fine and such imprisonment by way of a criminal sanction for the purpose of enforcing the provisions of such scheme.

- (b) die bepalings van so 'n skema wysig;
- (c) 'n kragtens paragraaf (b) uitgevaardigde kennisgewing intrek of wysig.

15. Enige sodanige skema kan—

- (a) die wyse voorskryf waarop aansoek om registrasie by die organisasie wat vir die administrasie van die skema verantwoordelik is, gedoen moet word en die omstandighede voorskryf waaronder so 'n registrasie geweier of ingetrek kan word;
- (b) die soorte en variëteite op die saad waarvan die bepalings van die skema van toepassing is, voorskryf;
- (c) voorsiening maak vir die wyse waarop en die beheer waaronder saad bedoel vir sertifisering vir gebruik in die Unie of vir uitvoer, na gelang van die geval, geproduseer, skoongemaak of behandel moet word;
- (d) die vereistes voorskryf waaraan voldoen moet word voordat die saad van enige soort of variëteit daarkragtens gesertifiseer kan word;
- (e) die wyse waarop saad gesertifiseer word, die vorm van die sertifikaat en die omstandighede waaronder enige uitgereikte sertifikaat verval, voorskryf;
- (f) die persoon of liggaam aanwys wat vir die sertifisering van saad verantwoordelik is;
- (g) die wyse voorskryf waarop enige gesertifiseerde saad verpak, gemerk, geëtiketteer of opgeberg moet word;
- (h) die rekords wat gehou moet word en die inligting wat verstrek moet word deur persone op wie die bepalings van die skema van toepassing is, voorskryf;
- (i) die gelde of vorderings voorskryf wat betaal moet word aan die organisasie wat vir die administrasie van die skema verantwoordelik is deur persone op wie die bepalings van die skema van toepassing is en stipuleer dat die verskaffing van enige diens geweier kan word aan enigiemand wat by daardie organisasie in die skuld staan vir enige bedrag ten opsigte van sodanige gelde of vorderings;
- (j) die betrokke organisasie magtig om, vir die uitvoering van die bepalings van die skema, enigiemand in die algemeen of in 'n besondere geval te magtig om op alle redelike tye—
 - (i) 'n plek te betree wat geokkupeer word deur 'n persoon wat by die organisasie geregistreer is;
 - (ii) op bedoelde plek enige saad waarop die bepalings van die skema van toepassing is en enige plek waar sodanige saad geproduseer, gehou, skoongemaak of andersins behandel word, te inspekteer;
 - (iii) alle boeke en dokumente op bedoelde plek na te gaan wat op redelike gronde vermoed word op enige sodanige saad betrekking te hê en afskrifte van, of uittreksels uit die boeke en dokumente te maak;
 - (iv) van die betrokke persoon enige inligting aangaande sodanige saad en 'n verklaring van enige aantekening in enige sodanige boek of dokument te eis;
 - (v) beslag te lê op enige boeke, dokumente of artikels op sodanige plek wat bewys kan lewer van 'n misdryf ingevolge hierdie Wet of die skema gepleeg, of op enige hoeveelheid van sodanige saad ten opsigte waarvan so 'n misdryf vermoedelik gepleeg is, en boeke, dokumente of artikels of enige hoeveelheid van sodanige saad waarop aldus beslag gelê is, van die betrokke plek te verwyder of dit op bedoelde plek te laat, en na goeddunke op so 'n boek, dokument, artikel of saad, of die houer daarvan, enige identifikasiemerk wat hy nodig ag, aan te bring;
 - (vi) van enige sodanige saad, met inbegrip van enige hoeveelheid van sodanige saad waarop kragtens sub-paragraaf (v) beslag gelê is, monsters te neem, en sodanige monsters te ondersoek of te ontleed of te laat ondersoek of ontleed;
- (k) in die algemeen voorsiening maak vir enige aangeleenthede waarvoor dit, na die mening van die Minister, nodig of wenslik is om voorsiening te maak ten einde die oogmerke van die skema te bereik;
- (l) voorsiening maak vir 'n boete van hoogstens tweehonderd rand of vir gevangenisstraf vir 'n tydperk van hoogstens ses maande, of vir beide sodanige boete en sodanige gevangenisstraf by wyse van 'n kriminele sanksie om die bepalings van die skema uit te voer.

Bepalings van 'n skema.

Appointment of
inspectors and
analysts.

16. For the purposes of this Act, the Minister may from time to time, appoint inspectors and analysts of seeds, who may be officers in the public service.

Powers of
inspectors.

17. (1) An inspector, or any officer in the public service specially authorized thereto by the Secretary, may at all reasonable times—

- (a) enter upon any premises, place, vehicle or vessel at or in which there is or is on reasonable grounds suspected to be any seed;
- (b) inspect any seed, or any book, record or document found in or upon such premises, place, vehicle or vessel;
- (c) seize any such seed, or any books, records or documents found in or upon such premises, place, vehicle or vessel which appear to afford evidence of a contravention of any provision of this Act;
- (d) take so many samples or such quantities of any such seed, as he may deem necessary for the purpose of testing, examination or analysis in terms of the provisions of this Act.

(2) Any sample taken in terms of paragraph (d) of sub-section (1) shall be taken in accordance with the prescribed methods and in the presence of the person who is in charge of such seed, or if there is no such person or if he is absent for any reason, in the presence of any other witness, and shall in the presence of such person or such witness be divided into three parts, each of which shall forthwith be fastened up and sealed and suitably labelled or marked in such manner as its nature may permit. One part shall then be transmitted to an analyst together with a certificate in the prescribed form signed by such inspector or officer. The second part, together with a copy of the aforesaid certificate shall be handed or forwarded under registered cover to the owner or seller of such seed, or to his agent. The third part shall be retained by the inspector or officer aforesaid.

(3) The analyst to whom one part of a sample has been transmitted in terms of the provisions of sub-section (2) shall with all convenient speed test, examine or analyse the sample delivered to him in accordance with the prescribed methods and the result of the test, examination or analysis shall be stated in a certificate in the prescribed form.

Importation
of seed.

18. (1) Subject to the provisions of sub-section (2) and of section *twenty*, no person shall import seed into the Union unless—

- (a) such seed is seed of a variety the name of which is included in the varietal list;
- (b) such seed complies with the prescribed requirements; and
- (c) such seed is packed and the container in which it is imported is branded, labelled, marked or sealed in the prescribed manner.

(2) The Minister may grant exemption from the provisions of paragraph (a) of sub-section (1), on such conditions as he may determine in each particular case, in respect of seed of varieties not included in the varietal list which are imported—

- (a) for experimental purposes;
- (b) for reproduction and export of the seed reproduced therefrom.

Sampling of
imported seed
and sealing of
containers.

19. (1) Any officer in the public service authorized thereto by the Minister may take samples of any quantity of seed landed at or imported through any port or place in the Union.

(2) The provisions of section *seventeen* relating to the taking of samples and the testing, examination or analysis of samples taken shall *mutatis mutandis* apply in respect of samples taken in terms of this section.

- (3) (a) Any officer who takes a sample of any quantity of seed in terms of this section shall seal in the prescribed manner the container in which such quantity of seed is contained.
- (b) No person shall remove from any such port or place any quantity of seed from which a sample has been taken in terms of sub-section (1) unless the container in which it is contained has been sealed as aforesaid.

16. Die Minister kan van tyd tot tyd vir die doeleindes van hierdie Wet inspekteurs en ontleders van saad aanstel, wat beampes in die staatsdiens kan wees.

Aanstelling van inspekteurs en ontleders.

17. (1) 'n Inspekteur, of enige beampte in die staatsdiens spesiaal deur die Sekretaris daartoe gemagtig, kan te alle redelike tye—

Bevoegdheid van inspekteurs.

- (a) 'n perseel, plek, voertuig of vaartuig betree waarin of waarop daar enige saad is, of op redelike gronde vermoed word te wees;
- (b) enige saad, of enige boek, aantekening of dokument wat in of op sodanige perseel, plek, voertuig of vaartuig gevind word, inspekteer;
- (c) op sodanige saad, of op enige boeke, aantekeninge of dokumente wat in of op sodanige perseel, plek, voertuig of vaartuig gevind word, wat bewys skyn te lewer van 'n oortreding van enige bepaling van hierdie Wet, beslag lê;
- (d) soveel monsters of sulke hoeveelhede van sodanige saad neem as wat hy nodig ag vir die doel van 'n toets, ondersoek of ontleding kragtens die bepalings van hierdie Wet.

(2) 'n Monster wat kragtens paragraaf (d) van sub-artikel (1) geneem word, moet volgens die voorgeskrewe metodes en in die teenwoordigheid van die persoon wat toesig het oor sodanige saad geneem word, of, as daar nie so 'n persoon is nie of as hy om een of ander rede afwesig is, in die teenwoordigheid van 'n ander getuie, en word in die teenwoordigheid van sodanige persoon of getuie in drie dele verdeel, elk waarvan dadelik op sodanige wyse as wat die aard daarvan toelaat, verpak en verseël en behoorlik geëtiketteer of gemerk word. Een deel word dan gestuur aan 'n ontleder tesame met 'n sertifikaat in die voorgeskrewe vorm wat deur so 'n inspekteur of beampte onderteken is. Die tweede deel tesame met 'n afskrif van voormelde sertifikaat word aan die eienaar of verkoper van sodanige saad of sy agent oorhandig, of per aangetekende pos gestuur. Die derde deel word deur die voormelde inspekteur of beampte bewaar.

(3) Die ontleder aan wie een deel van 'n monster ooreenkomstig die bepalings van sub-artikel (2) gestuur is, moet die monster wat aan hom gelewer is so spoedig doenlik toets, ondersoek of ontleed ooreenkomstig die voorgeskrewe metodes en die resultaat van die toets, ondersoek of ontleding word aangeteken op 'n sertifikaat in die voorgeskrewe vorm.

18. (1) Behoudens die bepalings van sub-artikel (2) en Invoer van artikel *twintig* mag niemand saad in die Unie invoer nie tensy—saad.

- (a) sodanige saad saad is van 'n variëteit waarvan die naam in die variëteitlys opgeneem is;
- (b) sodanige saad voldoen aan die voorgeskrewe vereistes; en
- (c) sodanige saad verpak is en die houer waarin dit ingevoer word gekenmerk, geëtiketteer, gemerk of verseël is op die voorgeskrewe wyse.

(2) Die Minister kan vrystelling verleen van die bepalings van paragraaf (a) van sub-artikel (1) op die voorwaardes wat hy in elke bepaalde geval bepaal, ten opsigte van saad van variëteite wat nie in die variëteitlys opgeneem is nie wat ingevoer word—

- (a) vir eksperimentele doeleindes;
- (b) vir reproduksie en uitvoer van die saad wat daarvan gereproduseer word.

19. (1) Enige beampte in die staatsdiens wat deur die Minister daartoe gemagtig is, kan monsters neem van enige hoeveelheid saad wat by 'n hawe of plek in die Unie geland word of deur so 'n hawe of plek ingevoer word.

Neem van monsters van ingevoerde saad en verseëling van houters.

(2) Die bepalings van artikel *sewentien* met betrekking tot die neem van monsters en die toets, ondersoek of ontleding van monsters wat geneem is, is *mutatis mutandis* van toepassing ten opsigte van monsters wat kragtens hierdie artikel geneem word.

- (3) (a) 'n Beampte wat kragtens hierdie artikel 'n monster neem van enige hoeveelheid saad moet die houer waarin sodanige hoeveelheid saad verpak is op die voorgeskrewe wyse verseël.
- (b) Niemand mag 'n hoeveelheid saad waarvan 'n monster kragtens sub-artikel (1) geneem is van enige sodanige hawe of plek verwyder nie tensy die houer waarin dit verpak is, verseël is soos voormeld.

(4) Any person who removes from such port or place any quantity of seed contained in a container which has been sealed in terms of sub-section (3), shall keep it in his custody in the sealed container until the officer concerned authorizes its release.

(5) If any test, examination or analysis of a sample taken in terms of this section shows that any seed does not comply with the requirements of this Act, the Minister may—

(a) order such seed—

- (i) to be destroyed without compensation; or
- (ii) at the option of the importer, to be removed from the Union within a specified period; or

(b) permit the disposal thereof in the Union on such conditions as he may determine.

Seed imported
for purposes
other than
seeding purposes.

20. (1) The provisions of section *eighteen* shall not apply in respect of seed other than seed intended to be used or to be disposed of for seeding purposes if a declaration in the prescribed form that it is such seed is furnished in duplicate by the importer to any such officer as is referred to in sub-section (1) of section *nineteen* at the time of importation thereof.

(2) The officer concerned shall forthwith forward one copy of the declaration to the Secretary.

(3) Any person who uses for seeding purposes or disposes of for seeding purposes any seed in respect of which such a declaration has been furnished shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding twelve months or to both such fine and such imprisonment.

Requirements
relating to
seed exported.

21. (1) Subject to the provisions of section *twenty-two* no person shall export seed unless—

- (a) such seed complies with the prescribed requirements;
- (b) such seed is packed and the container in which it is exported is branded, labelled, marked or sealed in the prescribed manner; and
- (c) such seed has been examined by an officer referred to in sub-section (2).

(2) Any officer in the public service authorized thereto by the Minister may examine and take samples of any quantity of seed intended for export.

(3) The provisions of section *seventeen* relating to the taking of samples and the testing, examination or analysis of samples taken shall *mutatis mutandis* apply in respect of samples taken in terms of this section.

(4) Any officer who takes a sample of any quantity of seed in terms of this section shall seal in the prescribed manner the container in which such quantity of seed is contained.

(5) The owner of any quantity of seed contained in a container which has been sealed in terms of sub-section (4), shall keep such quantity of seed in his custody in the sealed container until the officer concerned authorizes its release.

Seed exported
for purposes
other than
seeding purposes.

22. (1) The provisions of section *twenty-one* shall not apply in respect of seed other than seed intended to be used or to be disposed of for seeding purposes if a declaration in the prescribed form that it is such seed is furnished in duplicate by the exporter to any such officer as is referred to in sub-section (2) of section *twenty-one* at the time of exportation thereof.

(2) The officer concerned shall forthwith forward one copy of the declaration to the Secretary.

Publication or
distribution
of false
advertisements
concerning seed.

23. (1) No person shall publish or distribute or cause or permit to be published or distributed any false advertisement concerning seed.

(2) It shall be a sufficient defence for any person, other than the person selling the seed to which the false advertisement relates, who is charged with a contravention of sub-section (1) if he proves to the satisfaction of the court that he did not know, and could not reasonably be expected to have known, that the advertisement was false in any respect unless it is proved that the accused failed on demand by an inspector or an officer of the Department or a member of the South African Police to furnish the name and address of the person at whose instance the advertisement was published or distributed.

(4) Iemand wat 'n hoeveelheid saad wat in 'n houer verpak is wat kragtens sub-artikel (3) verseël is, van sodanige hawe of plek verwyder, moet dit in die verseëelde houer in sy bewaring hou totdat die betrokke beampte vrystelling daarvan gemagtig het.

(5) Indien 'n toets, ondersoek of ontleding van 'n monster wat kragtens hierdie artikel geneem is, aandui dat enige saad nie aan die vereistes van hierdie Wet voldoen nie, kan die Minister—

(a) beveel dat sodanige saad—

(i) sonder vergoeding vernietig word; of

(ii) na die keuse van die invoerder, binne 'n bepaalde tydperk uit die Unie verwyder word; of

(b) die van die hand sit daarvan in die Unie toelaat, op die voorwaardes wat hy bepaal.

20. (1) Die bepalinge van artikel *agtien* is nie van toepassing nie ten opsigte van ander saad as saad wat bestem is om vir saaddoeleindes gebruik of van die hand gesit te word, indien 'n verklaring in die voorgeskrewe vorm dat dit sodanige saad is in duplikaat aan so 'n beampte as wat in sub-artikel (1) van artikel *negentien* bedoel word ten tyde van die invoer daarvan deur die invoerder verstrekk word.

Saad wat ingevoer word vir ander doeleindes as saaddoeleindes.

(2) Die betrokke beampte moet onverwyld een kopie van die verklaring aan die Sekretaris stuur.

(3) Iemand wat enige saad ten opsigte waarvan so 'n verklaring verstrekk is vir saaddoeleindes gebruik of vir saaddoeleindes van die hand sit is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand of met gevangenisstraf van hoogstens twaalf maande of met beide daardie boete en daardie gevangenisstraf.

21. (1) Behoudens die bepalinge van artikel *twee-en-twintig* mag niemand saad uitvoer nie tensy—

Vereistes met betrekking tot saad wat uitgevoer word.

(a) sodanige saad voldoen aan die voorgeskrewe vereistes;

(b) sodanige saad verpak is en die houer waarin dit uitgevoer word gekenmerk, geëtiketteer, gemerk of verseël is op die voorgeskrewe wyse; en

(c) sodanige saad deur 'n in sub-artikel (2) bedoelde beampte ondersoek is.

(2) Enige beampte in die staatsdiens wat deur die Minister daartoe gemagtig is, kan enige hoeveelheid saad wat vir uitvoer bestem is ondersoek en daarvan monsters neem.

(3) Die bepalinge van artikel *sewentien* met betrekking tot die neem van monsters en die toets, ondersoek of ontleding van monsters wat geneem is, is *mutatis mutandis* van toepassing ten opsigte van monsters wat kragtens hierdie artikel geneem word.

(4) 'n Beampte wat kragtens hierdie artikel 'n monster neem van enige hoeveelheid saad moet die houer waarin sodanige hoeveelheid saad verpak is op die voorgeskrewe wyse verseël.

(5) Die eienaar van 'n hoeveelheid saad wat in 'n houer verpak is wat kragtens sub-artikel (4) verseël is, moet sodanige hoeveelheid saad in die verseëelde houer in sy bewaring hou totdat die betrokke beampte vrystelling daarvan gemagtig het.

22. (1) Die bepalinge van artikel *een-en-twintig* is nie van toepassing nie ten opsigte van ander saad as saad wat bestem is om vir saaddoeleindes gebruik of van die hand gesit te word, indien 'n verklaring in die voorgeskrewe vorm dat dit sodanige saad is in duplikaat aan so 'n beampte as wat in sub-artikel (2) van artikel *een-en-twintig* bedoel word ten tyde van die uitvoer daarvan deur die uitvoerder verstrekk word.

Saad wat uitgevoer word vir ander doeleindes as saaddoeleindes.

(2) Die betrokke beampte moet onverwyld een kopie van die verklaring aan die Sekretaris stuur.

23. (1) Niemand mag 'n vals advertensie met betrekking tot saad publiseer of versprei nie of so 'n advertensie laat publiseer of versprei nie of toelaat dat so 'n advertensie gepubliseer of versprei word nie.

Publikasie of verspreiding van vals advertensies met betrekking tot saad.

(2) Indien iemand anders as die persoon wat die saad verkoop waarop die vals advertensie betrekking het, aangekla word van oortreding van sub-artikel (1) is dit 'n voldoende verdediging as hy tot bevrediging van die hof bewys dat hy nie geweet het nie, en nie redelikerwys van hom verwag kan word om te geweet het nie, dat die advertensie in enige opsig vals was, tensy dit bewys word dat die beskuldigde versuim het om op versoek van 'n inspekteur of 'n beampte van die Departement of 'n lid van die Suid-Afrikaanse Polisie die naam en adres te verstrek van die persoon op wie se versoek die advertensie gepubliseer of versprei is.

Preservation
of secrecy.

24. Any person who discloses, except to the Minister or to any other person for the purpose of the performance of his duties or the exercise of his functions under this Act or when required to do so by any court or under any law, any information acquired by him in the performance of any duty or exercise of any function under this Act, in relation to the business or affairs of any other person shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand rand or to imprisonment for a period not exceeding twelve months.

Offences and
penalties.

25. (1) Any person who—

- (a) obstructs or hinders any inspector, analyst or officer in the exercise of his powers or performance of his duties under this Act; or
- (b) obstructs any person in the lawful exercise of his functions under any scheme in operation under this Act, or wilfully fails or refuses to make any statement or give any explanation demanded by any such person or makes a false statement or gives a false explanation or causes a false statement to be made or a false explanation to be given to any such person, knowing such statement or explanation to be false; or
- (c) contravenes or fails to comply with the provisions of section *seven*, section *eleven*, section *twelve*, sub-section (1) of section *eighteen*, paragraph (b) of sub-section (3) or sub-section (4) of section *nineteen*, sub-section (1) or (5) of section *twenty-one* or sub-section (1) of section *twenty-three*; or
- (d) contravenes or fails to comply with any condition imposed under sub-section (3) of section *three* or under sub-section (2) of section *eighteen* or under paragraph (b) of sub-section (5) of section *nineteen*; or
- (e) fails to comply with an order made under paragraph (a) of sub-section (5) of section *nineteen*; or
- (f) tampers with any sample taken in terms of this Act, with fraudulent intent; or
- (g) makes use in connection with any seed, of any certificate or other document issued in respect of any other seed; or
- (h) makes any false statement in a declaration furnished in terms of sub-section (1) of section *twenty* or sub-section (1) of section *twenty-two*; or
- (i) makes any false or misleading statement in connection with any seed—
 - (i) in any advertisement thereof; or
 - (ii) in the course of the sale thereof; or
- (j) sells any seed, upon the container of which a false or misleading statement in connection with the contents thereof is printed or written; or
- (k) sells or supplies any seed which does not possess the properties attributed to it when sold or supplied, shall be guilty of an offence and liable on conviction—
 - (i) in the case of a contravention under paragraph (a) or (b) to a fine not exceeding one hundred rand or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment; and
 - (ii) in the case of a contravention under paragraph (c), (d), (e), (f), (g), (h), (i), (j) or (k) to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding twelve months or to both such fine and such imprisonment.

(2) The court convicting any person of an offence under this Act may, upon the application of the prosecutor, declare any seed, in respect of which the offence has been committed, and all seed of a similar nature to that in respect of which such person has been convicted, and of which such person is the owner, or which is in his possession, to be forfeited to the State.

(3) Any seed forfeited under this Act shall be destroyed or otherwise dealt with as the Minister may direct.

Jurisdiction of
magistrate's
court.

26. Notwithstanding anything to the contrary in any other law contained, a magistrate's court shall have jurisdiction to impose any penalty prescribed by this Act.

24. Iemand wat, behalwe aan die Minister of 'n ander persoon vir die doel van die uitvoering van sy pligte of die verrigting van sy werksaamhede ingevolge hierdie Wet, of wanneer dit deur 'n hof of ingevolge 'n wet van hom vereis word, inligting aangaande die besigheid of sake van 'n ander persoon wat hy in die uitvoering van 'n plig of verrigting van 'n werksaamheid ingevolge hierdie Wet ingewin het, openbaar maak, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens duisend rand of met gevangenisstraf vir 'n tydperk van hoogstens twaalf maande.

Geheimhouding.

25. (1) Iemand wat—

Oortredings
en strawwe.

- (a) 'n inspekteur, ontleder of beampte by die uitoefening van sy bevoegdhede of uitvoering van sy pligte ingevolge hierdie Wet belemmer of hinder; of
- (b) 'n persoon by die wettige verrigting van sy werksaamhede ingevolge 'n skema wat onder hierdie Wet in werking is, belemmer, of opsetlik versuim of weier om 'n deur so 'n persoon verlangde verklaring te maak of uitleg te verstrek of aan so 'n persoon 'n valse verklaring maak of laat maak of 'n valse uitleg verstrek of laat verstrek met die wete dat dit vals is; of
- (c) die bepalinge van artikel *sewe*, artikel *elf*, artikel *twaalf*, sub-artikel (1) van artikel *agtien*, paragraaf (b) van sub-artikel (3) of sub-artikel (4) van artikel *negentien*, sub-artikel (1) of (5) van artikel *een-en-twintig*, of sub-artikel (1) van artikel *drie-en-twintig* oortree of versuim om daaraan te voldoen; of
- (d) 'n voorwaarde opgelê kragtens sub-artikel (3) van artikel *drie* of kragtens sub-artikel (2) van artikel *agtien* of kragtens paragraaf (b) van sub-artikel (5) van artikel *negentien* oortree of versuim om daaraan te voldoen; of
- (e) versuim om aan 'n bevel uitgevaardig kragtens paragraaf (a) van sub-artikel (5) van artikel *negentien*, te voldoen; of
- (f) met frauduleuse bedoeling aan 'n monster wat ooreenkomstig hierdie Wet geneem is, peuter; of
- (g) in verband met enige saad gebruik maak van 'n sertifikaat of ander dokument wat in verband met enige ander saad uitgereik is; of
- (h) in 'n verklaring wat ingevolge sub-artikel (1) van artikel *twintig* of sub-artikel (1) van artikel *twee-en-twintig* verstrek is 'n valse verklaring maak; of
- (i) in verband met enige saad 'n valse of misleidende verklaring maak—
 - (i) in 'n advertensie daarvan; of
 - (ii) by die verkoop daarvan; of
- (j) enige saad, op die houer waarvan 'n valse of misleidende verklaring in verband met die inhoud daarvan gedruk of geskryf is, verkoop; of
- (k) enige saad verkoop of verskaf wat nie die eienskappe besit wat daaraan toegeskryf is toe dit verkoop of verskaf is nie,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar—

- (i) in die geval van 'n oortreding ingevolge paragraaf (a) of (b) met 'n boete van hoogstens eenhonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met beide daardie boete en daardie gevangenisstraf; en
- (ii) in die geval van 'n oortreding ingevolge paragraaf (c), (d), (e), (f), (g), (h), (i), (j) of (k) met 'n boete van hoogstens tweehonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens twaalf maande of met beide daardie boete en daardie gevangenisstraf.

(2) Die hof wat iemand weens 'n oortreding ingevolge hierdie Wet veroordeel, kan op versoek van die vervolger, enige saad in verband waarmee die oortreding begaan is, en alle saad van 'n aard soortgelyk aan die ten opsigte waarvan so 'n persoon veroordeel is en waarvan daardie persoon die eienaar is, of wat hy in sy besit het, aan die Staat verbeurd verklaar.

(3) Enige kragtens hierdie Wet verbeurdverklaarde saad word vernietig of andersins mee gehandel soos die Minister gelas.

26. Ondanks andersluidende wetsbepalings besit 'n landdroshof regsbevoegdheid om enige straf wat hierdie Wet voorskryf, op te lê.

Regsbevoegdheid
van landdroshof.

Procedure and
evidence.

27. (1) In any criminal proceedings under this Act—

- (a) any quantity of seed in or upon any premises, place, vehicle or vessel at the time a sample thereof is taken pursuant to the provisions of this Act shall, unless the contrary is proved, be deemed to possess the same properties as such sample;
- (b) any person who is proved to have tampered with any sample shall be deemed to have acted with fraudulent intent unless the contrary is proved;
- (c) a certificate stating the result of a test, examination or analysis carried out in terms of the provisions of section *seventeen*, *nineteen* or *twenty-one* and purporting to be signed by the analyst who carried out such test, examination or analysis, shall be accepted as *prima facie* proof of the facts stated therein;
- (d) any statement or entry contained in any book or document kept by any importer, exporter or owner of seed, or by the manager, agent or employee of such person or found upon or in any premises occupied by, or any vehicle used in the business of such person, shall be admissible in evidence against him as an admission of the facts set forth in that statement or entry, unless it is proved that that statement or entry was not made by such person, or by any manager, agent or employee of such person in the course of his work as manager, or in the course of his agency or employment.

(2) No prosecution shall be instituted as a result of any test, examination or analysis carried out in terms of the provisions of section *seventeen*, *nineteen* or *twenty-one* unless a copy of the analyst's certificate has been transmitted at least twenty-one days before the institution of such prosecution to the person who is to be the accused.

Special defences
in case of
prosecutions.

28. It shall be a sufficient defence for a person charged with the sale of any seed in contravention of the provisions of paragraph (a) of section *twelve*, if he proves to the satisfaction of the court—

- (a) that he purchased such seed from a person residing in the Union who had furnished him with a written warranty that such seed complied with the prescribed requirements; and
- (b) that he had no reason to believe that such seed did not so comply.

Act or omission
by manager,
agent or
employee.

29. (1) Whenever any manager, agent or employee of any importer, exporter or owner of any seed does or omits to do any act which it would be an offence under this Act for such importer, exporter or owner to do or omit to do, then unless it is proved that—

- (a) in doing or omitting to do that act the manager, agent or employee was acting without the connivance or the permission of the importer, exporter or owner; and
- (b) all reasonable steps were taken by the importer, exporter or owner to prevent any act or omission of the kind in question; and
- (c) it was not under any condition or in any circumstance within the scope of the authority or in the course of the employment of the manager, agent or employee to do or to omit to do acts whether lawful or unlawful of the character of the act or omission charged,

the importer, exporter or owner, as the case may be, shall be presumed himself to have done or omitted to do that act and be liable to be convicted and sentenced in respect thereof; and the fact that he issued instructions forbidding 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.

(2) Whenever any manager, agent or employee of any such importer, exporter or owner does or omits to do an act which it would be an offence under this Act for the importer, exporter or owner to do or omit to do, he shall be liable to be convicted and sentenced in respect thereof as if he were the importer, exporter or owner.

(3) Any such manager, agent or employee may be so convicted and sentenced in addition to the importer, exporter or owner.

27. (1) In 'n strafgeding ingevolge hierdie Wet—

Prosedure en
bewyslewing.

- (a) word 'n hoeveelheid saad wat in of op 'n perseel, plek, voertuig of vaartuig is wanneer 'n monster daarvan ooreenkomstig die bepalings van hierdie Wet geneem word, tensy die teendeel bewys word, geag dieselfde eienskappe te besit as daardie monster;
- (b) word dit geag, wanneer daar bewys gelewer is dat iemand aan 'n monster gepeuter het, dat so iemand met frauduleuse bedoeling gehandel het, tensy die teendeel bewys word;
- (c) word 'n sertifikaat waarin die resultaat van 'n toets, ondersoek of ontleding wat ingevolge die bepalings van artikel *sewentien*, *negentien* of *een-en-twintig*, uitgevoer is, aangeteken is, en wat heet deur die ontleder wat die toets, ondersoek of ontleding uitgevoer het onderteken te wees, aangeneem as *prima facie* bewys van die daarin vermelde feite;
- (d) is 'n verklaring of inskrywing wat bevat is in 'n boek of dokument wat deur 'n invoerder, uitvoerder of eienaar van saad, of deur die bestuurder, agent of werknemer van so iemand gehou word, of wat gevind word op of in 'n perseel wat deur so iemand geokkupeer word, of op 'n voertuig wat in die besigheid van so iemand gebruik word, toelaatbaar by wyse van getuienis teen hom as 'n erkenning van die feite uiteengesit in daardie verklaring of inskrywing, tensy dit bewys word dat daardie verklaring of inskrywing nie deur so iemand of deur 'n bestuurder, agent of werknemer van so iemand in die loop van sy werk as bestuurder of in die loop van sy agentskap of diens gemaak is nie.

(2) Geen vervolging mag ingestel word as gevolg van 'n toets, ondersoek of ontleding wat ingevolge die bepalings van artikel *sewentien*, *negentien* of *een-en-twintig* uitgevoer is nie, tensy 'n afskrif van die ontleder se sertifikaat minstens een-en-twintig dae voor die instelling van sodanige vervolging aan die persoon wat die beskuldigde gaan wees, gestuur is.

28. Indien iemand beskuldig word van die verkoop van saad in stryd met die bepalings van paragraaf (a) van artikel *twalf*, is dit 'n voldoende verdediging as hy tot bevrediging van die hof bewys—

Spesiale
verdedigings in
geval van
vervolgings.

- (a) dat hy daardie saad gekoop het van 'n persoon in die Unie woonagtig wat aan hom 'n skriftelike waarborg verstrekket dat sodanige saad aan die voorgeskrewe vereistes voldoen; en
- (b) dat hy geen rede gehad het om te glo dat bedoelde saad nie aldus voldoen nie.

29. (1) Wanneer 'n bestuurder, agent of werknemer van 'n invoerder, uitvoerder of eienaar van saad, enige daad of versuim begaan wat 'n misdryf ingevolge hierdie Wet sou wees as daardie invoerder, uitvoerder of eienaar dit begaan het, dan, tensy dit bewys word dat—

Daad of versuim
van bestuurder,
agent of
werknemer.

- (a) die invoerder, uitvoerder of eienaar daardie daad of versuim van die bestuurder, agent of werknemer nie deur die vingers gesien of toegelaat het nie; en
- (b) die invoerder, uitvoerder of eienaar alle redelike stappe gedoen het om so 'n daad of versuim te voorkom; en
- (c) 'n daad of versuim, hetsy wettig of onwettig, van die ten laste gelegde aard onder geen voorwaardes of omstandighede binne die bestek van die bevoegdheid of in die loop van die diens van die bestuurder, agent of werknemer geval het nie,

word veronderstel dat die invoerder, uitvoerder of eienaar, na gelang van die geval, self die daad of versuim begaan het, en kan hy ten opsigte daarvan skuldig bevind en gevonnissen word; en die feit dat hy 'n daad of versuim van die betrokke soort verbied het, strek op sigself nog nie tot voldoende bewys dat hy alle redelike maatreëls getref het om die daad of versuim te voorkom nie.

(2) Wanneer 'n bestuurder, agent of werknemer van sodanige invoerder, uitvoerder of eienaar 'n daad of versuim begaan wat 'n misdryf ingevolge hierdie Wet sou wees as sodanige invoerder, uitvoerder of eienaar dit begaan het, kan hy ten opsigte daarvan skuldig bevind en gevonnissen word asof hy daardie invoerder, uitvoerder of eienaar is.

(3) Sodanige bestuurder, agent of werknemer kan benewens so 'n invoerder, uitvoerder of eienaar aldus skuldig bevind en gevonnissen word.

Regulations.

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

- (a) prescribing the manner in which cleaners and sellers of seed shall be registered, the forms which shall be used for and the information which shall be furnished with any application for registration, and the fee to be paid for registration;
- (b) prescribing the requirements with which applicants for registration as cleaners or sellers of seed shall comply, the conditions under which cleaners or sellers of seed may be registered and the period of validity of any such registration;
- (c) prescribing the manner in which and the time within which an appeal under section *six* shall be noted and prosecuted;
- (d) prescribing the forms which shall be used for and the information which shall be furnished with any application for the recognition by the Minister of any variety;
- (e) prescribing the methods to be employed in the testing or examination of seed, or of plants grown therefrom, for the purpose of determining whether the variety is suitable for recognition;
- (f) prescribing the requirements with which seed shall comply before it may be sold, imported or exported;
- (g) prescribing requirements as to the containers in which seed shall be packed, the manner in which it shall be packed into such containers, and the manner in which such containers shall be branded, labelled, marked or sealed;
- (h) prescribing the methods in accordance with which samples may be taken under this Act and the manner in which containers shall be sealed in terms of paragraph (a) of sub-section (3) of section *nineteen* or sub-section (4) of section *twenty-one*;
- (i) prescribing the methods to be employed, the apparatus and material to be used and the certificates to be issued in respect of the testing, examination or analysis of samples taken under this Act;
- (j) fixing the places where and the times when seed intended for export shall be examined by an officer referred to in sub-section (2) of section *twenty-one*;
- (k) prescribing the conditions under which imported seed which does not comply with the requirements of this Act may be disposed of in the Union;
- (l) prescribing the form of the declaration referred to in sub-section (1) of section *twenty* or in sub-section (1) of section *twenty-two*;
- (m) for preventing the adulteration of seed or the tampering with containers thereof;
- (n) prescribing the fees to be paid in respect of the testing, examination or analysis of samples of seed, the sealing of containers of seed by an officer in terms of paragraph (a) of sub-section (3) of section *nineteen* or sub-section (4) of section *twenty-one*, or the testing and examination of the seed of any variety with the view to recognition thereof by the Minister;
- (o) for preventing the use of false or misleading statements in advertisements of seed;
- (p) requiring any person who has in his possession or under his control any seed, to keep records relating thereto in the form and manner prescribed, and to render returns in the form and manner and at the times prescribed;
- (q) stipulating that the testing, examination or analysis of samples of seed or the sealing of containers of seed or the testing and examination of the seed of any variety with the view to recognition thereof by the Minister, may be refused to any person who is indebted to the State for any amount in respect of fees payable under this Act;

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

- (a) wat die wyse waarop skoonmakers en verkopers van saad geregistreer moet word, die vorms wat by 'n aansoek om registrasie gebruik moet word, die inligting wat so 'n aansoek moet vergesel, en die geld wat vir registrasie betaal moet word, voorskryf;
- (b) wat die vereistes waaraan applikante om registrasie as skoonmakers of verkopers van saad moet voldoen, die voorwaardes waaronder skoonmakers of verkopers van saad geregistreer mag word, en die tydperk van geldigheid van enige sodanige registrasie, voorskryf;
- (c) wat die wyse waarop en die tydperk waarin 'n appèl ingevolge artikel *ses* aangeteken en voortgesit moet word, voorskryf;
- (d) wat die vorms wat by 'n aansoek om die erkenning deur die Minister van 'n variëteit gebruik moet word en die inligting wat so 'n aansoek moet vergesel, voorskryf;
- (e) wat die metodes wat gevolg moet word by die toets of ondersoek van saad, of van die plante wat daarvan gekweek word, om te bepaal of die variëteit vir erkenning geskik is, voorskryf;
- (f) wat die vereistes waaraan saad moet voldoen voordat dit verkoop, ingevoer of uitgevoer mag word, voorskryf;
- (g) wat die vereistes met betrekking tot die houters waarin saad verpak moet word, die wyse waarop dit in sodanige houters verpak moet word, en die wyse waarop sodanige houters gekenmerk, geëtiketteer, gemerk of verseël moet word, voorskryf;
- (h) wat die metodes waarvolgens monsters kragtens hierdie Wet geneem mag word, en die wyse waarop houters ingevolge paragraaf (a) van sub-artikel (3) van artikel *negentien*, of sub-artikel (4) van artikel *een-en-twintig* verseël moet word, voorskryf;
- (i) wat die metodes wat gevolg moet word, die apparaat en material wat gebruik moet word en die sertifikate wat uitgereik moet word ten opsigte van die toets, ondersoek of ontleding van monsters wat kragtens hierdie Wet geneem word, voorskryf;
- (j) wat die plekke waar en die tye wanneer saad wat vir uitvoer bedoel is deur 'n in sub-artikel (2) van artikel *een-en-twintig* bedoelde beampte ondersoek moet word, vasstel;
- (k) wat die voorwaardes waarop ingevoerde saad wat nie aan die vereistes van hierdie Wet voldoen nie, in die Unie van die hand gesit mag word, voorskryf;
- (l) wat die vorm van die in sub-artikel (1) van artikel *twintig* of die in sub-artikel (1) van artikel *twee-en-twintig* bedoelde verklaring, voorskryf;
- (m) om vervalsing van saad of die peuter met die houters daarvan te voorkom;
- (n) wat die gelde wat ten opsigte van die toets, ondersoek of ontleding van monsters van saad, die verseëling van houters van saad deur 'n beampte ingevolge paragraaf (a) van sub-artikel (3) van artikel *negentien* of sub-artikel (4) van artikel *een-en-twintig* of die toets en ondersoek van die saad van enige variëteit met die oog op die erkenning daarvan deur die Minister, betaal moet word, voorskryf;
- (o) om die gebruik van valse of misleidende bewerings in advertensies van saad te voorkom;
- (p) wat bepaal dat iemand wat saad in sy besit of onder sy beheer het, aantekenings met betrekking daartoe in die voorgeskrewe vorm en op die voorgeskrewe wyse moet hou, en opgawes in die vorm, op die wyse en op die tye wat voorgeskryf word, moet verstrek;
- (q) wat stipuleer dat die toets, ondersoek of ontleding van monsters van saad, of die verseëling van houters van saad, of die toets en ondersoek van die saad van enige variëteit met die oog op die erkenning daarvan deur die Minister, geweier kan word aan enigiemand wat by die Staat in die skuld staan vir enige bedrag ten opsigte van gelde betaalbaar kragtens hierdie Wet;

(r) in respect of any matter which under this Act is to be prescribed, and generally for the efficient carrying out of the objects and purposes of this Act.

(2) Different regulations may be made under this section in respect of different classes of seed or in respect of seed of different kinds or in respect of different classes or groups of persons.

(3) Any regulation made under this section may prescribe penalties for any contravention thereof or failure to comply therewith, but not exceeding the maximum penalty prescribed by section *twenty-five*.

(4) Before any regulations are made under this section, such regulations shall be published by the Minister in the *Gazette* together with a notice intimating that it is proposed to issue such regulations as regulations under this section within a stated period, but not less than four weeks as from the date of the said publication, and inviting interested persons to submit any objection to or representations concerning the proposed regulations: Provided that, if the Governor-General thereafter adopts any amendments to the regulations published as aforesaid, as a result of any objections or representations submitted in respect thereof, it shall not be necessary to publish such amendments, before finally issuing the regulations in terms of sub-section (1).

Delegation of Minister's powers and functions.

31. The Minister may delegate to the Secretary or to any other senior officer of the Department all or any of the powers or functions conferred upon or entrusted to him by this Act other than the powers referred to in section *fourteen*.

Amendment of section 1 of Act 36 of 1947.

32. Section *one* of the Fertilizers, Farm Feeds, Seeds and Remedies Act, 1947 (hereinafter referred to as the principal Act), is hereby amended by the deletion of the definition of "seed".

Repeal of section 10 of Act 36 of 1947.

33. Section *ten* of the principal Act is hereby repealed.

Repeal of section 11 of Act 36 of 1947.

34. Section *eleven* of the principal Act is hereby repealed.

Amendment of section 14 of Act 36 of 1947.

35. Section *fourteen* of the principal Act is hereby amended by the deletion of the word "seeds".

Amendment of section 15 of Act 36 of 1947.

36. Section *fifteen* of the principal Act is hereby amended—
 (a) by the deletion in paragraph (a) of sub-section (1) of the words "seed or";
 (b) by the deletion in paragraphs (b), (c) and (d), respectively, of the said sub-section of the words "or seed,";
 (c) by the deletion in sub-section (2) of the words "or seed," wherever they occur; and
 (d) by the deletion in sub-section (4) of the words "or seed,".

Amendment of section 16 of Act 36 of 1947.

37. Section *sixteen* of the principal Act is hereby amended—
 (a) by the deletion in sub-section (1) of the words "or of any seed";
 (b) by the deletion in sub-section (3) of the words "or seed"; and
 (c) by the deletion in sub-sections (4) and (5), respectively, of the words "or seed", wherever they occur.

Amendment of section 18 of Act 36 of 1947.

38. Section *eighteen* of the principal Act is hereby amended—
 (a) by the deletion in paragraph (c) of sub-section (1) of the word "*ten*,";
 (b) by the deletion in paragraph (f) of the said sub-section of the word "seed", wherever it occurs;
 (c) by the deletion in paragraphs (g) and (h), respectively, of the said sub-section of the word "seed";
 (d) by the deletion at the end of paragraph (i) of the said sub-section of the word "or";
 (e) by the deletion of paragraph (j) of the said sub-section;
 (f) by the substitution in paragraph (ii) of the said sub-section for the expression "(i) or (j)" of the expression "or (i)";
 (g) by the deletion in sub-section (2) of the words "or seed," and of the words "or seeds"; and
 (h) by the deletion in sub-section (3) of the words "or seeds".

(r) ten opsigte van enige aangeleentheid wat ingevolge hierdie Wet voorgeskryf moet word, en oor die algemeen vir die doeltreffende uitvoer van die doelstellings en oogmerke van hierdie Wet.

(2) Verskillende regulasies kan kragtens hierdie artikel uitgevaardig word ten opsigte van verskillende klasse saad, of ten opsigte van saad van verskillende soorte, of ten opsigte van verskillende klasse of groepe persone.

(3) Regulasies wat kragtens hierdie artikel uitgevaardig word, kan vir oortreding daarvan of versuim om daaraan te voldoen, strawwe wat nie die maksimum straf soos voorgeskryf in artikel vyf-en-twintig te bowe gaan nie, oplê.

(4) Alvorens regulasies kragtens hierdie artikel uitgevaardig word, word sodanige regulasies deur die Minister in die *Staatskoerant* gepubliseer, tesame met 'n kennisgewing ten effekte dat daar 'n voorneme is om sodanige regulasies as regulasies kragtens hierdie artikel binne 'n bepaalde tydperk, maar minstens vier weke vanaf die datum van genoemde publikasie, uit te vaardig en dat belanghebbende persone uitgenooi word om besware teen of vertoë aangaande die voorgestelde regulasies voor te lê: Met dien verstande dat, indien die Goewerneur-generaal daarna enige wysigings in die soos voormeld gepubliseerde regulasies aanvaar, as gevolg van besware of vertoë ten opsigte daarvan voorgelê, dit nie nodig is om sodanige wysigings te publiseer voor die regulasies uiteindelik ooreenkomstig sub-artikel (1) uitgevaardig word nie.

31. Die Minister kan al die bevoegdhede of werksaamhede wat hierdie Wet aan hom verleen of opdra, of een of meer daarvan, met uitsondering van die in artikel veertien bedoelde bevoegdhede, aan die Sekretaris of aan enige ander senior beampte van die Departement, delegeer. Delegering van Minister se bevoegdhede en werksaamhede.

32. Artikel een van die Wet op Misstawwe, Veevoedsel, Saad en Middels, 1947 (hieronder die Hoofwet genoem), word hierby gewysig deur die omskrywing van „saad” te skrap. Wysiging van artikel 1 van Wet 36 van 1947.

33. Artikel tien van die Hoofwet word hierby herroep. Herroeping van artikel 10 van Wet 36 van 1947.

34. Artikel elf van die Hoofwet word hierby herroep. Herroeping van artikel 11 van Wet 36 van 1947.

35. Artikel veertien van die Hoofwet word hierby gewysig deur die woord „saad” te skrap. Wysiging van artikel 14 van Wet 36 van 1947.

36. Artikel vyftien van die Hoofwet word hierby gewysig— Wysiging van artikel 15 van Wet 36 van 1947.

(a) deur in paragraaf (a) van sub-artikel (1) die woord „saad” te skrap;

(b) deur in paragraaf (b), (c) en (d), onderskeidelik, van gemelde sub-artikel die woorde „of saad” te skrap;

(c) deur in sub-artikel (2) die woorde „of saad”, oral waar hulle voorkom, te skrap; en

(d) deur in sub-artikel (4) die woorde „of saad” te skrap.

37. Artikel sestien van die Hoofwet word hierby gewysig— Wysiging van artikel 16 van Wet 36 van 1947.

(a) deur in sub-artikel (1) die woorde „of saad” te skrap;

(b) deur in sub-artikel (3) die woorde „of saad” te skrap; en

(c) deur in sub-artikels (4) en (5), onderskeidelik, die woorde „of saad”, oral waar hulle voorkom, te skrap.

38. Artikel agtien van die Hoofwet word hierby gewysig— Wysiging van artikel 18 van Wet 36 van 1947.

(a) deur in paragraaf (c) van sub-artikel (1) die woord „tien,” te skrap;

(b) deur in paragraaf (f) van gemelde sub-artikel die woord „saad”, oral waar dit voorkom, te skrap;

(c) deur in paragraaf (g) en (h), onderskeidelik, van gemelde sub-artikel die woord „saad” te skrap;

(d) deur aan die end van paragraaf (i) van gemelde sub-artikel die woord „of” te skrap;

(e) deur paragraaf (j) van gemelde sub-artikel te skrap;

(f) deur in paragraaf (ii) van gemelde sub-artikel die uitdrukking „(i) of (j)” deur die uitdrukking „of (i)” te vervang;

(g) deur in sub-artikel (2) die woorde „of saad” en die woorde „en saad” te skrap; en

(h) deur in sub-artikel (3) die woorde „of saad” te skrap.

Amendment of
section 20 of
Act 36 of 1947.

39. Section *twenty* of the principal Act is hereby amended—
- (a) by the deletion in paragraph (a) of sub-section (1) of all the words after the word "sample", where it occurs for the second time; and
 - (b) by the deletion in paragraph (d) of the said sub-section of the words "or any importer or owner of seed".

Amendment of
section 21 of
Act 36 of 1947.

40. Section *twenty-one* of the principal Act is hereby amended by the deletion of sub-section (2).

Amendment of
section 22 of
Act 36 of 1947.

41. Section *twenty-two* of the principal Act is hereby amended by the deletion in sub-section (1) of the words "or of any importer or owner of any seed,".

Amendment of
section 23 of
Act 36 of 1947.

42. Section *twenty-three* of the principal Act is hereby amended—
- (a) by the deletion in paragraph (b) of sub-section (1) of the word "seed";
 - (b) by the deletion in paragraph (e) of the said sub-section of the words "germinating capacity" and of the word "seed"; and
 - (c) by the deletion in paragraphs (g), (i), (k) and (l), respectively, of the said sub-section and in sub-section (2) of the word "seeds".

Amendment of
section 26 of
Act 36 of 1947.

43. Section *twenty-six* of the principal Act is hereby amended by the deletion of the word "Seeds".

Amendment of
long title of
Act 36 of 1947.

44. The long title of the principal Act is hereby amended by the deletion of the word "seeds".

Short title and
commencement.

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

39. Artikel *twintig* van die Hoofwet word hierby gewysig— Wysiging van artikel 20 van Wet 36 van 1947.
- (a) deur in paragraaf (a) van sub-artikel (1) al die woorde na die woord „monster”, waar dit die tweede keer voorkom, te skrap; en
 - (b) deur in paragraaf (d) van gemelde sub-artikel die woorde „of ’n invoerder of eienaar van saad,” te skrap.
40. Artikel *een-en-twintig* van die Hoofwet word hierby gewysig deur sub-artikel (2) te skrap. Wysiging van artikel 21 van Wet 36 van 1947.
41. Artikel *twee-en-twintig* van die Hoofwet word hierby gewysig deur in sub-artikel (1) die woorde „of van ’n invoerder of eienaar van saad,” te skrap. Wysiging van artikel 22 van Wet 36 van 1947.
42. Artikel *drie-en-twintig* van die Hoofwet word hierby gewysig— Wysiging van artikel 23 van Wet 36 van 1947.
- (a) deur in paragraaf (b) van sub-artikel (1) die woord „saad”, oral waar dit voorkom, te skrap;
 - (b) deur in paragraaf (e) van gemelde sub-artikel die woord „kiemkrag” en die woord „saad” te skrap; en
 - (c) deur in paragrawe (g), (i), (k) en (l), onderskeidelik, van gemelde sub-artikel en in sub-artikel (2) die woord „saad” te skrap.
43. Artikel *ses-en-twintig* van die Hoofwet word hierby gewysig deur die woord „Saad” te skrap. Wysiging van artikel 26 van Wet 36 van 1947.
44. Die lang titel van die Hoofwet word hierby gewysig deur die woord „saad” te skrap. Wysiging van lang titel van Wet 36 van 1947.
45. Hierdie Wet heet die Wet op Saad, 1961, en tree in werking op ’n datum wat die Goewerneur-generaal by proklamasie in die *Staatskoerant* bepaal. Kort titel en inwerkingtreding.

No. 29, 1961.]

ACT

To promote the production of a better quality plant seed and for that purpose to establish a Foundation Seed Board; to define its objects; to prescribe its powers and functions and the manner in which it shall be constituted; and to provide for other incidental matters.

(English text signed by the Governor-General.)
(Assented to 20th April, 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) "breeder's seed" means plant seed of the quality prescribed under section *five* made available by a plant breeder registered under section *six* for the production of foundation seed; (vi)
- (ii) "board" means the Foundation Seed Board established under section *two*; (v)
- (iii) "department" means the Department of Agricultural Technical Services; (i)
- (iv) "foundation seed" means any multiplication of breeder's seed which complies with the requirements of a scheme introduced in terms of section *five*; (iv)
- (v) "Minister" means the Minister of Agricultural Technical Services; (iii)
- (vi) "prescribed" means prescribed by regulation made under this Act; (vii)
- (vii) "this Act" includes any regulation made thereunder. (ii)

Establishment of Foundation Seed Board.

2. There is hereby established a body corporate to be known as the Foundation Seed Board which shall be capable of suing and being sued in its corporate name and of performing, subject to the provisions of this Act, such acts as are necessary for or incidental to the carrying out of its objects and the exercise of its powers.

Objects of board.

3. The objects of the board shall be to promote and to control, in terms of this Act or a scheme introduced under section *five*, the production of a better quality plant seed in the Union and to encourage its use; to make such seed available or to arrange for such seed to be made available to such persons and for such purposes as it may determine, and to promote the development of new and better varieties of cultivated plants.

Powers and functions of board.

4. The board may for the purpose of achieving its objects—

- (a) exercise any power or perform any function conferred upon it under a scheme introduced in terms of section *five*;
- (b) maintain a register as prescribed and register any person who applies for registration under the provisions of section *six*;
- (c) subject to the provisions of sub-section (5) of section *six*, refuse the registration or the renewal of the registration, or cancel the registration, on any ground which it may deem sufficient, of any person referred to in paragraph (b) of this section;
- (d) buy or sell breeder's seed and foundation seed;
- (e) promote research in connection with the production of a better quality plant seed;
- (f) take such steps as it may deem fit for the development of the plant seed industry;
- (g) with the approval of the Minister render financial assistance to any person undertaking the production of foundation seed;
- (h) establish and control facilities for the collection and dissemination of information relating to plant seed;
- (i) advise the Minister in regard to the certification and the testing of plant seed or in regard to any other matter relating to plant seed;

No. 29, 1961.]

WET

Om die produksie van 'n beter gehalte plantesaad te bevorder en om vir daardie doel 'n Moedersaadraad in te stel; om sy doelstellinge te omskryf; om sy bevoegdhede en werksaamhede en die wyse waarop hy saamgestel moet word, voor te skryf; en om vir ander bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 20 April 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-
omskrywing.
beteken—

- (i) „departement” die Departement van Landbou-tegniese Dienste; (iii)
- (ii) „hierdie Wet” ook enige regulasie daarkragtens uitgevaardig; (vii)
- (iii) „Minister” die Minister van Landbou-tegniese Dienste; (v)
- (iv) „moedersaad” enige vermenigvuldiging van telersaad wat voldoen aan die vereistes van 'n kragtens artikel vyf ingestelde skema; (iv)
- (v) „raad” die kragtens artikel twee ingestelde Moedersaadraad; (ii)
- (vi) „telersaad” plantesaad van die kragtens artikel vyf voorgeskrewe gehalte wat deur 'n kragtens artikel ses geregistreerde plantteler beskikbaar gestel word vir die kweek van moedersaad; (i)
- (vii) „voorgeskryf” voorgeskryf by regulasie kragtens hierdie Wet uitgevaardig. (vi)

2. Daar word hierby 'n regs persoon met die naam van die Moedersaadraad ingestel wat bevoeg is om in sy naam as Instelling van
Moedersaadraad. regs persoon as eiser en verweerder in regte op te tree en om, behoudens die bepalings van hierdie Wet, die handeling te verrig wat nodig is vir of in verband staan met die uitvoering van sy doelstellinge en die uitoefening van sy bevoegdhede.

3. Die doelstellinge van die raad is om ooreenkomstig hierdie Wet of 'n kragtens artikel vyf ingestelde skema die produksie van 'n beter gehalte plantesaad in die Unie te bevorder en te beheer en om die gebruik daarvan aan te moedig; om sodanige saad beskikbaar te stel of om sodanige saad te laat beskikbaar stel aan die persone en vir die doeleindes wat hy bepaal, en om die ontwikkeling van nuwe en beter variëteite verboude gewasse te bevorder. Doelstellinge
van raad.

4. Die raad kan ter bereiking van sy doelstellinge— Bevoegdhede en
werksaamhede
van raad.
- (a) enige bevoegdheid uitoefen wat aan hom verleen is of enige werksaamheid verrig wat hom opgelê is ingevolge 'n kragtens artikel vyf ingestelde skema;
 - (b) 'n register handhaaf soos voorgeskryf en enige persoon registreer wat kragtens die bepalings van artikel ses om registrasie aansoek doen;
 - (c) behoudens die bepalings van sub-artikel (5) van artikel ses, die registrasie of die hernuwing van die registrasie weier, of die registrasie intrek, op enige grond wat hy voldoende ag, van 'n in paragraaf (b) van hierdie artikel bedoelde persoon;
 - (d) telersaad en moedersaad koop of verkoop;
 - (e) navorsing in verband met die produksie van 'n beter gehalte plantesaad bevorder;
 - (f) sodanige stappe vir die ontwikkeling van die plantesaadnywerheid doen as wat hy goedvind;
 - (g) met die goedkeuring van die Minister finansiële bystand verleen aan enige persoon wat die produksie van moedersaad onderneem;
 - (h) fasiliteite daarstel en beheer vir die insameling en verspreiding van inligting betreffende plantesaad;
 - (i) die Minister adviseer in verband met die sertifisering en die toets van plantesaad of in verband met enige ander aangeleentheid betreffende plantesaad;

- (j) borrow money with the approval of the Minister, and receive donations;
- (k) engage at the remuneration and on the conditions approved by the Minister, such staff as may be necessary;
- (l) acquire, alienate, hire or let movable and immovable property: Provided that it shall not acquire or alienate immovable property except with the prior consent of the Minister who may give his consent subject to such conditions as he may deem fit;
- (m) do everything which is regarded as complementing and promoting its objects even though it is not specifically mentioned herein.

Scheme for the production or multiplication of foundation seed.

5. (1) The Minister may introduce a foundation seed certification scheme in which he may—

- (a) specify the kinds and varieties of plant seed with reference to which breeder's seed and foundation seed may be produced or multiplied under such scheme;
- (b) prescribe the quality to which any kind or variety of breeder's seed shall conform;
- (c) provide for the manner in which and the control subject to which breeder's seed and foundation seed shall be produced or multiplied;
- (d) prescribe the quality to which foundation seed shall conform before it can be certified;
- (e) designate the person who or the body or authority which shall be responsible for the certification of foundation seed;
- (f) provide that the contravention of any provision of such scheme or the failure to comply with any such provision, shall constitute an offence; and
- (g) provide generally for such matters as in his opinion are necessary for or incidental to the production or multiplication of foundation seed.

(2) A scheme introduced under sub-section (1) shall be published by the Minister by notice in the *Gazette*, and may in like manner from time to time be rescinded, revoked, amended or varied.

Registration of persons engaged in the production or handling of breeder's seed or foundation seed.

6. (1) Any person may, subject to such requirements as may be prescribed, apply to the board in the form and in the manner prescribed for registration as a plant breeder, producer of foundation seed or merchant in foundation seed.

(2) A person who is registered under sub-section (1), shall be subject to the provisions of this Act and of any scheme introduced in terms of section five.

(3) There shall be payable to the board upon each registration and in respect of every renewal of registration the fee prescribed.

(4) The board shall in respect of each registration issue the prescribed certificate of registration, and such certificate shall be deemed to have expired on the thirty-first day of December in each year if it is not renewed as prescribed by the fifteenth day of January in the following year.

(5) If the board refuses the registration or the renewal of the registration or cancels the registration of any person under this Act, it shall notify the person in question in writing of the ground on which it has refused or cancelled the registration, and such person may, within thirty days of the refusal or cancellation, appeal to the Minister against the refusal or cancellation.

(6) The holder of a certificate issued under this section shall, if such certificate expires or is cancelled or is not renewed, surrender the certificate to the board within fourteen days from the date on which the board requests him in writing to surrender the certificate.

Returns.

7. A person registered under the provisions of section six, shall render to the board such returns as may be prescribed.

Imposition of levy on foundation seed and powers of inspection.

8. (1) The board may from time to time with the approval of the Minister impose a levy on the sale of foundation seed which shall be payable to the board by such persons, in such manner and at such times as may be prescribed.

(2) Different levies may be imposed under sub-section (1) in respect of different kinds or varieties of foundation seed.

- (j) geld met die goedkeuring van die Minister leen en skenkings ontvang;
- (k) teen die besoldiging en op die voorwaardes wat die Minister goedkeur, die personeel in diens neem wat nodig mag wees;
- (l) roerende en onroerende goed verkry, vervreem, huur of verhuur: Met dien verstande dat die raad nie onroerende goed verkry of vervreem nie behalwe met die voorafgaande toestemming van die Minister wat sy toestemming kan verleen op die voorwaardes wat hy goedvind;
- (m) alles doen wat as aanvullend tot en ter bevordering van sy doelstellinge beskou word, hoewel dit nie spesifiek hierin vermeld word nie.

5. (1) Die Minister kan 'n moedersaadsertifiseringskema instel waarin hy—

Skema vir die produksie of vermenigvuldiging van moedersaad.

- (a) die soorte en variëteite plantesaad kan spesifiseer met betrekking waartoe telersaad en moedersaad kragtens sodanige skema geproduseer of vermenigvuldig kan word;
- (b) die gehalte kan voorskryf waaraan enige soort of variëteit telersaad moet voldoen;
- (c) voorsiening kan maak vir die wyse waarop en die beheer onderhewig waaraan telersaad en moedersaad geproduseer of vermenigvuldig moet word;
- (d) die gehalte kan voorskryf waaraan moedersaad moet voldoen voordat dit gesertifiseer kan word;
- (e) die persoon, liggaam of gesag kan aanwys wat verantwoordelik sal wees vir die sertifisering van moedersaad;
- (f) kan bepaal dat die oortreding van enige bepaling van sodanige skema of die versuim om aan enige sodanige bepaling te voldoen, 'n misdryf uitmaak; en
- (g) oor die algemeen voorsiening kan maak vir sulke aanleenthede as wat na sy oordeel nodig is vir of in verband staan met die produksie of vermenigvuldiging van moedersaad.

(2) 'n Kragtens sub-artikel (1) ingestelde skema word deur die Minister by kennisgewing in die *Staatskoerant* bekend gemaak, en kan op dieselfde wyse van tyd tot tyd herroep, ingetrek, gewysig of verander word.

6. (1) Enige persoon kan, behoudens sodanige vereistes as wat voorgeskryf mag word, by die raad op die voorgeskrewe vorm en wyse aansoek doen om registrasie as 'n planteler, moedersaadkweker of handelaar in moedersaad.

Registrasie van persone betrokke by die produksie of hantering van telersaad of moedersaad.

(2) 'n Kragtens sub-artikel (1) geregistreerde persoon is onderhewig aan die bepalings van hierdie Wet en van 'n skema kragtens artikel vyf ingestel.

(3) Die voorgeskrewe gelde is by elke registrasie en ten opsigte van elke hernuwing van registrasie aan die raad betaalbaar.

(4) Die raad reik ten opsigte van elke registrasie die voorgeskrewe sertifikaat van registrasie uit, en bedoelde sertifikaat word geag op die een-en-dertigste dag van Desember in elke jaar te verval het as dit nie by die vyftiende dag van Januarie in die volgende jaar hernieu is soos voorgeskryf nie.

(5) As die raad kragtens hierdie Wet die registrasie of die hernuwing van die registrasie van enige persoon weier of die registrasie intrek, moet hy die betrokke persoon skriftelik in kennis stel van die grond waarop hy die registrasie geweier of ingetrek het, en sodanige persoon kan binne dertig dae vanaf die weiering of intrekking by die Minister appèl aanteken teen die weiering of intrekking.

(6) Die houer van 'n kragtens hierdie artikel uitgereikte sertifikaat moet, as bedoelde sertifikaat verval of ingetrek word of nie hernieu word nie, die sertifikaat aan die raad oorhandig binne veertien dae vanaf die datum waarop die raad hom skriftelik versoek om die sertifikaat te oorhandig.

7. 'n Kragtens die bepalings van artikel ses geregistreerde Opgawes. persoon verstrek aan die raad sodanige opgawes as wat voorgeskryf mag word.

8. (1) Die raad kan van tyd tot tyd met die goedkeuring van die Minister 'n heffing op die verkoop van moedersaad opleë wat aan die raad betaalbaar is deur die persone, op die wyse en op die tye wat voorgeskryf mag word.

Oplegging van heffing op moedersaad en bevoegdhede van ondersoek.

(2) Verskillende heffings kan kragtens sub-artikel (1) ten opsigte van verskillende soorte of variëteite moedersaad opgelê word.

(3) Any levy imposed in terms of sub-section (1) shall be made known by the Minister by notice in the *Gazette* and shall come into operation on the date specified in that notice.

(4) For the purpose of enforcing the payment of the levy, the board may authorize any person at all reasonable times—

- (a) to enter any place where any quantity of foundation seed is or has been, or is suspected to be or to have been kept or stored by any person;
- (b) to inspect, weigh and mark any foundation seed found in such place and examine all books and documents thereat which are reasonably believed to relate to such foundation seed;
- (c) to demand from the owner or custodian of such foundation seed the name and address of the producer thereof and any other information relating thereto;
- (d) to demand from the owner or custodian of any book or document referred to in paragraph (b) an explanation of any entry therein; and
- (e) to seize any books or documents which may afford evidence of the non-payment of the levy.

Constitution
of board.

9. (1) The board shall consist of the following members appointed by the Governor-General—

- (a) four persons to represent producers of plant seed, appointed from a panel of eight persons submitted by the South African Agricultural Union;
- (b) two persons to represent dealers in plant seed, other than co-operative societies, appointed from a panel of four persons submitted by the Seedmen's Association of the Union of South Africa;
- (c) one person to represent co-operative societies dealing in plant seed, appointed from a panel of two persons submitted by the co-operative societies specified by the Minister after consultation with the Minister of Agricultural Economics and Marketing;
- (d) two persons to represent regulatory boards established under the provisions of the Marketing Act, 1937 (Act No. 26 of 1937), to administer any scheme under that Act which relates to plant seed or grain, appointed from a panel of four persons submitted by the regulatory boards specified by the Minister after consultation with the Minister of Agricultural Economics and Marketing; and
- (e) three persons to represent the department, and one person to represent the Department of Agricultural Economics and Marketing.

(2) The Governor-General may appoint additional members to the board to represent any body not referred to in paragraph (a), (b), (c) or (d) of sub-section (1), and for this purpose the Minister may require such body to submit a panel of so many persons as he may determine.

(3) The board may co-opt during its pleasure not more than two persons in an advisory capacity as members of the board.

(4) The members co-opted under sub-section (3) may take part in the proceedings at any meeting of the board but shall not be entitled to vote at such meeting.

Minister to
call for
submission
of names.

10. (1) Whenever the submission of a panel of persons becomes necessary for the purposes of paragraph (a), (b), (c) or (d) of sub-section (1) or sub-section (2) of section nine, the Minister shall by notice in writing call upon the body or bodies in question to submit, within a period stated in such notice, the names of the number of persons which they may submit in terms of the said sub-sections for appointment to the board.

(2) If any person whose name is submitted under sub-section (1) is in the opinion of the Minister not suitable or qualified for appointment as a member of the board, the Minister shall require the body or bodies in question to submit the name of some other person for appointment to the board, and if such body or bodies again submit the name of a person who is in the opinion of the Minister not suitable or qualified for such appointment, or whenever such body or bodies fail to submit the name of any person for such appointment, the Minister may himself submit the name of a person whom he considers suitable and qualified for appointment as a member of the board.

(3) 'n Heffing kragtens sub-artikel (1) opgelê, word deur die Minister by kennisgewing in die *Staatskoerant* bekend gemaak en word van krag op die datum in daardie kennisgewing vermeld.

(4) Ten einde betaling van die heffing af te dwing, kan die raad enige persoon magtig om op alle redelike tye—

- (a) enige plek te betree waar enige hoeveelheid moedersaad deur iemand gehou of opgeberg word of is of vermoedelik gehou of opgeberg word of is;
- (b) moedersaad wat op so 'n plek gevind word, te inspekteer, te weeg en te merk, en alle boeke en dokumente daarin te ondersoek wat na redelike vermoede op sodanige moedersaad betrekking het;
- (c) van die eienaar of bewaarder van sodanige moedersaad die naam en adres van die produsent daarvan en enige ander inligting in verband daarmee te eis;
- (d) van die eienaar of bewaarder van 'n in paragraaf (b) bedoelde boek of dokument 'n verduideliking van enige inskrywing daarin te eis; en
- (e) beslag te lê op boeke of dokumente wat bewys van wanbetaling van die heffing mag lewer.

9. (1) Die raad bestaan uit die volgende persone deur die Goewerneur-generaal aangestel— Samestelling van raad.

- (a) vier persone om kwekers van plantesaad te verteenwoordig, aangestel uit 'n paneel van agt persone deur die Suid-Afrikaanse Landbou-unie voorgelê;
- (b) twee persone om plantesaadhandelaars, behalwe kooperatiewe verenigings, te verteenwoordig, aangestel uit 'n paneel van vier persone deur die Saadhandelaarsvereniging van die Unie van Suid-Afrika voorgelê;
- (c) een persoon om kooperatiewe verenigings wat met plantesaad handel, te verteenwoordig, aangestel uit 'n paneel van twee persone voorgelê deur die kooperatiewe verenigings deur die Minister, na oorleg met die Minister van Landbou-ekonomie en -bemarking, bepaal;
- (d) twee persone om beherende rade te verteenwoordig kragtens die bepalings van die Bemarkingswet, 1937 (Wet No. 26 van 1937), ingestel om enige skema wat betrekking het op plantesaad of graan kragtens daardie Wet te administreer, aangestel uit 'n paneel van vier persone voorgelê deur die beherende rade deur die Minister, na oorleg met die Minister van Landbou-ekonomie en -bemarking, bepaal; en
- (e) drie persone om die departement te verteenwoordig en een persoon om die Departement van Landbou-ekonomie en -bemarking te verteenwoordig.

(2) Die Goewerneur-generaal kan bykomstige lede in die raad aanstel om enige liggaam te verteenwoordig wat nie in paragraaf (a), (b), (c) of (d) van sub-artikel (1) genoem is nie, en die Minister kan vir dié doel so 'n liggaam versoek om 'n paneel van soveel persone voor te lê as wat hy bepaal.

(3) Die raad kan vir solank dit hom behaag hoogstens twee persone in 'n raadgevende hoedanigheid as lede van die raad koöpteer.

(4) Die kragtens sub-artikel (3) gekoöpteerde lede kan aan die verrigtinge by enige vergadering van die raad deelneem maar is nie geregtig om by sodanige vergadering 'n stem uit te bring nie.

10. (1) Wanneer die voorlegging van 'n paneel van persone vir doeleindes van paragraaf (a), (b), (c) of (d) van sub-artikel (1) of sub-artikel (2) van artikel *nege* nodig word, moet die Minister die betrokke liggaam of liggame by skriftelike kennisgewing versoek om binne 'n tydperk wat in bedoelde kennisgewing genoem word, die name voor te lê van die getal persone wat hulle kragtens bedoelde sub-artikels vir aanstelling in die raad kan voorlê. Minister moet voorlegging van name versoek.

(2) Indien 'n persoon wie se naam kragtens sub-artikel (1) voorgelê is, na die oordeel van die Minister nie vir aanstelling as 'n lid van die raad geskik of bekwaam is nie, moet die Minister die betrokke liggaam of liggame versoek om die naam van 'n ander persoon vir aanstelling in die raad voor te lê, en as sodanige liggaam of liggame weer die naam van 'n persoon voorlê wat na die oordeel van die Minister nie geskik of bekwaam is vir sodanige aanstelling nie, of wanneer sodanige liggaam of liggame versuim om die naam van 'n persoon vir sodanige aanstelling voor te lê, kan die Minister self die naam voorlê van 'n persoon wat hy as geskik en bekwaam beskou vir aanstelling as 'n lid van die raad.

Tenure of
office of
members and
filling of
vacancies.

11. (1) The members of the board who are appointed in terms of paragraph (a), (b), (c) or (d) of sub-section (1) or sub-section (2) of section *nine* shall, subject to the provisions of sub-section (2) of this section, hold office for a period of four years, and the members of the board who are appointed in terms of paragraph (e) of sub-section (1) of section *nine* shall hold office during the pleasure of the Governor-General.

(2) (a) At the end of every two years, commencing with the date of the first appointment of members of the board, two members appointed in terms of paragraph (a), one member appointed in terms of paragraph (b) and one member appointed in terms of paragraph (d) of sub-section (1) of section *nine*, shall vacate their office.

(b) An appointment to a vacancy contemplated in paragraph (a) shall be made by the Governor-General from a panel of two persons submitted by the body or bodies in question in respect of each such vacancy.

(c) The provisions of section *ten* shall *mutatis mutandis* apply with reference to any vacancy arising under this sub-section.

(3) It is determined by the casting of the lot which members of the board shall vacate their office in accordance with sub-section (2).

(4) A member of the board who is required to vacate his office either by effluxion of time or under paragraph (a) of sub-section (2), may upon the expiration of his appointment continue to hold office for a period of three months unless the vacancy is sooner filled.

(5) A retiring member may be re-appointed.

(6) (a) If the office of a member of the board appointed under paragraph (e) of sub-section (1) of section *nine* becomes vacant, the Governor-General shall appoint a new member to hold that office during his pleasure.

(b) If the office of a member of the board, other than a member referred to in paragraph (a), becomes vacant otherwise than by effluxion of time or as provided for in paragraph (a) of sub-section (2), the Minister may on the recommendation of the board appoint any suitable person to fill the vacancy until the expiration of the period for which the member with reference to whom the vacancy occurred was appointed.

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

(8) If a member of the board without leave fails to attend three consecutive meetings of the board and no person has been appointed in terms of sub-section (7) to act in his stead, such member shall cease to be a member of the board.

(9) Whenever there are so many vacancies on the board that no quorum can be formed, the Minister may perform the functions of the board until such time as sufficient of the said vacancies have been filled that a quorum of the board may be formed.

Allowances of
members.

12. A member of the board, including a member appointed under sub-section (3) of section *nine*, any person appointed by the Minister in terms of sub-section (6) or (7) of section *eleven* and a member of a committee established in terms of section *sixteen*, but excluding a member appointed under paragraph (e) of sub-section (1) of section *nine* or paragraph (a) of sub-section (6) of section *eleven* who is an officer of the public service as defined in section *one* of the Public Service Act, 1957 (Act No. 54 of 1957), shall be paid such allowances from the funds of the board as the board may with the approval of the Minister determine.

Chairman of
board.

13. (1) The board shall at its first meeting and thereafter whenever it becomes necessary, elect one of its members to be chairman of the board.

(2) (a) The chairman of the board shall hold office as such for a period of one year or until the expiration of the period for which he holds office as a member of the board, whichever period is the shorter.

(b) A retiring chairman shall be eligible for re-election.

(3) Whenever the chairman is absent from any meeting of the board, the members who are present may elect from amongst themselves a chairman to preside at that meeting.

11. (1) Die lede van die raad wat aangestel word kragtens paragraaf (a), (b), (c) of (d) van sub-artikel (1) of sub-artikel (2) van artikel *nege*, bekleë, behoudens die bepalings van sub-artikel (2) van hierdie artikel, hul amp vir 'n tydperk van vier jaar, en die lede van die raad wat kragtens paragraaf (e) van sub-artikel (1) van artikel *nege* aangestel word, bekleë hul amp vir solank dit die Goewerneur-generaal behaag.

Ampstermyn van lede en die vul van vakatures.

- (2) (a) Aan die end van elke twee jaar, beginnende met die datum van die eerste aanstelling van lede van die raad, ontruim twee lede aangestel kragtens paragraaf (a), een lid aangestel kragtens paragraaf (b) en een lid aangestel kragtens paragraaf (d) van sub-artikel (1) van artikel *nege* hul amp.
- (b) 'n Aanstelling in 'n in paragraaf (a) beoogde vakature word deur die Goewerneur-generaal gedoen uit 'n paneel van twee persone voorgelê deur die betrokke liggaam of liggame ten opsigte van elke sodanige vakature.
- (c) Die bepalings van artikel *tien* is *mutatis mutandis* van toepassing met betrekking tot 'n vakature wat kragtens hierdie sub-artikel ontstaan.
- (3) Dit word deur die trek van die loot bepaal welke lede van die raad hul amp ooreenkomstig sub-artikel (2) ontruim.
- (4) 'n Lid van die raad wat sy amp of deur tydsverloop of kragtens paragraaf (a) van sub-artikel (2) moet ontruim, kan by verstryking van sy aanstelling vir drie maande in sy amp aanbly tensy die vakature eerder gevul word.
- (5) 'n Uittredende lid kan heraangestel word.
- (6) (a) Wanneer die amp van 'n kragtens paragraaf (e) van sub-artikel (1) van artikel *nege* aangestelde lid van die raad vakant raak, stel die Goewerneur-generaal 'n nuwe lid aan om daardie amp te bekleë vir solank dit hom behaag.
- (b) Wanneer die amp van 'n lid van die raad, behalwe 'n in paragraaf (a) bedoelde lid, vakant raak andersins as deur tydsverloop of soos in paragraaf (a) van sub-artikel (2) bepaal, kan die Minister op aanbeveling van die raad enige geskikte persoon aanstel om die vakature te vul totdat die tydperk verstryk waarvoor die lid met betrekking tot wie die vakature ontstaan het, aangestel was.
- (7) Wanneer die Minister oortuig is dat enige lid van die raad vanweë siekte, afwesigheid of 'n ander voldoende oorsaak verhinder word om sy ampspligte te verrig, kan die Minister enige ander persoon wat na sy oordeel geskik is, aanstel om in die plek van sodanige lid waar te neem terwyl hy aldus verhinder word.
- (8) Indien 'n lid van die raad sonder verlof versuim om drie agtereenvolgende vergaderings van die raad by te woon en niemand kragtens sub-artikel (7) aangestel is om in sy plek waar te neem nie, hou sodanige lid op om 'n lid van die raad te wees.
- (9) Wanneer daar soveel vakatures in die raad bestaan dat 'n kworum nie uitgemaak kan word nie, kan die Minister die werksaamhede van die raad verrig tot tyd en wyl genoeg van bedoelde vakatures gevul is dat 'n kworum van die raad uitgemaak kan word.

12. 'n Lid van die raad, met inbegrip van 'n lid kragtens sub-artikel (3) van artikel *nege* aangestel, 'n persoon deur die Minister kragtens sub-artikel (6) of (7) van artikel *elf* aangestel en 'n lid van 'n komitee kragtens artikel *sestien* ingestel, maar nie 'n lid kragtens paragraaf (e) van sub-artikel (1) van artikel *nege* of paragraaf (a) van sub-artikel (6) van artikel *elf* aangestel wat 'n beampte van die staatsdiens soos omskryf in artikel *een* van die Staatsdienswet, 1957 (Wet No. 54 van 1957), is nie, word sodanige toelaes uit die gelde van die raad betaal as wat die raad met die goedkeuring van die Minister bepaal.

Toelaes van lede.

13. (1) Die raad kies by sy eerste vergadering en daarna so dikwels dit nodig word, een van sy lede as voorsitter van die raad.
- (2) (a) Die voorsitter van die raad bekleë sy amp as sodanig vir 'n tydperk van een jaar of tot verstryking van die tydperk waarvoor hy sy amp as lid van die raad bekleë, welke tydperk ook al die kortste is.
- (b) 'n Uittredende voorsitter is herkiesbaar.
- (3) Wanneer die voorsitter van 'n vergadering van die raad afwesig is, kan die lede wat aanwesig is uit hul midde 'n voorsitter kies om by daardie vergadering voor te sit.

Voorsitter van raad.

Meetings of board.

14. (1) The first meeting of the board shall be held at the place and time determined by the Minister, and any subsequent meeting shall be held at the place and time determined by the board.

(2) (a) The chairman of the board may at any time, and shall at the request of any four members of the board, call a special meeting of the board to be held at the place and time determined by the chairman.

(b) A special meeting called at the request of four members of the board shall be held within three weeks of the date on which the request is made to the chairman.

Quorum and decisions of board.

15. (1) Seven members at any meeting of the board shall form a quorum.

(2) Any decision at any meeting of the board shall be by resolution by majority vote of the members present thereat, and in the event of an equality of votes on any matter, the chairman at that meeting shall have a casting vote in addition to his deliberative vote as a member of the board.

(3) (a) Where for any reason it is not practicable to hold a meeting of the board for the transaction of any business of an urgent nature, the assent of all the members signified in writing or by telegram to the doing of any act or thing or the giving of any order, direction, instruction, consent or approval or the exercise of any act of authority shall be as effective as, and be deemed to be a decision of the board.

(b) A record of every assent given in terms of paragraph (a) shall be entered in the minutes of the next meeting of the board.

Establishment of committees.

16. (1) The board may with the approval of the Minister and subject to such conditions as the board may impose, establish from amongst its members one or more committees, to be constituted in the manner determined by the board, for the purpose of assisting it in the performance of its functions.

(2) The board may assign to a committee established under sub-section (1) such of its powers and functions as it may deem fit, but shall not be divested of any power which it may have assigned to a committee, and may amend or withdraw any decision by a committee.

(3) The chairman of the board shall *ex officio* be a member of any committee established under this section, and may at any time call a meeting of any such committee to be held at the place and time that he directs.

(4) Any decision at any meeting of a committee shall be by resolution by majority vote of the members present thereat.

Rules of board.

17. The board may, subject to the provisions of this Act, make rules as to—

(a) the procedure to be followed at any meeting of the board;

(b) the procedure to be followed at any meeting of any committee of the board, including the procedure to be followed in the event of an equality of votes; and

(c) any other matter that may be necessary or expedient for the proper functioning of the board or of any committee thereof.

Finances of board.

18. (1) The board shall establish a fund to the credit of which shall be placed—

(a) all moneys received by it in connection with the buying and selling of breeder's seed or foundation seed under a scheme introduced in terms of section five;

(b) all fees paid to it in respect of registration or renewal of registration under section six;

(c) all moneys paid to it in respect of any levy imposed under section eight;

(d) all donations and other revenues that may accrue to it; and

(e) all moneys borrowed by it,

and from which the expenses incurred by the board in connection with the achievement of its objects and the performance of its functions shall be defrayed.

(2) The board shall keep a full and correct account of all moneys received and expended by it.

Audit of accounts.

19. (1) The accounts of the board shall be audited by the Controller and Auditor-General.

14. (1) Die eerste vergadering van die raad word gehou op 'n plek en tyd deur die Minister bepaal, en elke daaropvolgende vergadering word gehou op 'n plek en tyd deur die raad bepaal. Vergaderings van raad.

(2) (a) Die voorsitter van die raad kan te eniger tyd, en moet op versoek van enige vier lede van die raad, 'n spesiale vergadering van die raad byeenroep om op 'n deur die voorsitter bepaalde plek en tyd gehou te word.

(b) 'n Spesiale vergadering wat op versoek van vier lede van die raad byeengeroep word, word gehou binne drie weke vanaf die datum waarop die versoek aan die voorsitter gerig word.

15. (1) Sewe lede op enige vergadering van die raad maak 'n kworum uit. Kworum en besluite van raad.

(2) 'n Besluit by enige vergadering van die raad geskied by meerderheid van stemme van die aanwesige lede, en by staking van stemme oor enige aangeleentheid het die voorsitter by daardie vergadering 'n beslissende stem benewens sy beraadslagende stem as lid van die raad.

(3) (a) Wanneer dit om een of ander rede nie doenlik is om 'n vergadering van die raad vir die behandeling van 'n saak van dringende aard te hou nie, is die toestemming van al die lede, skriftelik of telegrafies verleen vir die verrigting van 'n handeling of saak of die verlening van 'n bevel, lasgewing, instruksie, toestemming of goedkeuring of die uitoefening van 'n daad van gesag, ewe geldig as 'n besluit van die raad en word as sodanig geag.

(b) 'n Aantekening van elke toestemming kragtens paragraaf (a) verleen, word in die notule van die volgende vergadering van die raad gemaak.

16. (1) Die raad kan met die goedkeuring van die Minister en onderhewig aan die voorwaardes wat die raad oplê, uit sy geledere een of meer komitees instel wat saamgestel word op die wyse wat die raad bepaal, om die raad met die verrigting van sy werksaamhede behulpsaam te wees. Instelling van komitees.

(2) Die raad kan aan 'n kragtens sub-artikel (1) ingestelde komitee sodanige van sy bevoegdhede en werksaamhede toewys as wat hy goedvind, maar word nie onthef van 'n bevoegdheid wat hy aan 'n komitee toegewys het nie, en kan 'n besluit van 'n komitee wysig of intrek.

(3) Die voorsitter van die raad is *ex officio* 'n lid van enige komitee kragtens hierdie artikel ingestel, en kan te eniger tyd 'n vergadering van enige sodanige komitee byeenroep om gehou te word op die plek en tyd wat hy bepaal.

(4) 'n Besluit by enige vergadering van 'n komitee geskied by meerderheid van stemme van die aanwesige lede.

17. Die raad kan, behoudens die bepalinge van hierdie Wet, reëls uitvaardig betreffende— Reglement van raad.

(a) die prosedure wat by 'n vergadering van die raad gevolg moet word;

(b) die prosedure wat by enige vergadering van 'n komitee van die raad gevolg moet word, asook die prosedure wat by staking van stemme gevolg moet word; en

(c) enige ander aangeleentheid wat nodig of dienstig is vir die behoorlike uitvoering van die pligte van die raad of 'n komitee daarvan.

18. (1) Die raad stel 'n fonds in waarin gestort word— Finansies van raad.

(a) alle gelde deur hom ontvang in verband met die koop en verkoop van telersaad of moedersaad kragtens 'n by artikel vyf ingestelde skema;

(b) alle gelde aan hom betaal ten opsigte van registrasie of hernuwing van registrasie ingevolge artikel ses;

(c) alle gelde aan hom betaal ten opsigte van enige heffing kragtens artikel agt opgelê;

(d) alle skenkings en ander inkomstes wat aan hom mag toeval; en

(e) alle gelde deur hom geleen,

en waaruit die uitgawes deur die raad aangegaan in verband met die bereiking van sy doelstellinge en die verrigting van sy werksaamhede bestry word.

(2) Die raad hou 'n volledige en juiste rekening van alle gelde deur hom ontvang en bestee.

19. (1) Die rekeninge van die raad word deur die Kontroleur en Ouditeur-generaal geouditeer. Ouditering van rekenings.

(2) As soon as may be after the completion of any audit, the Controller and Auditor-General shall transmit a copy of the report on his audit to the Minister and the board.

Financial year of board.

20. The financial year of the board shall be the period from the first day of July each year to the thirtieth day of June of the following year, both dates included.

Annual report.

21. The board shall as soon as may be after the close of each financial year submit to the Minister a report on its activities during that year, and the Minister shall lay the said report on the Tables of both Houses of Parliament within thirty days of its receipt by him, if Parliament is then in ordinary session, or if Parliament be not then in ordinary session, within fourteen days after the commencement of its next ensuing ordinary session.

Delegation of powers.

22. The Minister may delegate to any senior officer of the department any of the powers conferred upon him by this Act other than the powers referred to in section *five*.

Preservation of secrecy.

23. Any person who discloses, except to the Minister or to any other person for the purpose of the performance of his duties or the exercise of his functions under this Act or under any scheme introduced in terms of section *five* or when required to do so by any court or under any law, any information acquired by him in the exercise of any duty or function under this Act or the said scheme in relation to the business or affairs of any other person, shall be guilty of an offence and on conviction liable to a fine not exceeding two hundred rand or in default of payment of the fine to imprisonment for a period not exceeding six months.

Regulations.

24. The Governor-General may make regulations as to—

- (a) the register to be maintained by the board under paragraph (b) of section *four*, and the manner and form in which a person shall apply for registration or renewal of registration under section *six*;
- (b) the requirements to which a person applying for registration under section *six* shall conform;
- (c) the fee which shall be payable in respect of registration or renewal of registration under section *six*;
- (d) the form of and the rights conferred by the certificate of registration to be issued under section *six*;
- (e) the returns to be rendered under section *seven*, the contents of such returns and the times at which such returns shall be rendered;
- (f) the persons by whom, the manner in which and the times at which the levy imposed under section *eight* shall be payable;
- (g) the payment of interest on any outstanding levy;
- (h) any other matter which may be prescribed under this Act; and
- (i) generally all matters which he considers it necessary or expedient to prescribe in order that the objects and purposes of this Act may be better achieved.

Offences and penalties.

25. (1) Any person who—

- (a) obstructs or hinders a member or an officer of the board or an officer of the department in the exercise of his powers or the performance of his duties under this Act or under any scheme introduced in terms of section *five*;
- (b) fails to render any return as prescribed or who renders a return which is false in any material respect;
- (c) fails to surrender a certificate of registration under the provisions of sub-section (6) of section *six*;
- (d) in an application for registration or renewal of registration under section *six* furnishes information which is false in any material respect,

shall be guilty of an offence and liable—

- (i) in the case of a conviction under paragraph (a), (b) or (c) to a fine not exceeding one hundred rand or, in default of payment of the fine, to imprisonment

(2) So gou doenlik na afloop van elke oudit, stuur die Kontroleur en Ouditeur-generaal 'n afskrif van die verslag oor sy oudit aan die Minister en die raad.

20. Die boekjaar van die raad is die tydperk vanaf die eerste dag van Julie in iedere jaar tot en met die dertigste dag van Junie in die daaropvolgende jaar. Boekjaar van raad.

21. Die raad stuur so gou doenlik na afloop van elke boekjaar aan die Minister 'n verslag deur van sy bedrywighede gedurende daardie jaar, en die Minister lê bedoelde verslag binne dertig dae na ontvangs daarvan deur hom ter Tafel in beide Huise van die Parlement, as die Parlement dan in gewone sitting is, of as die Parlement dan nie in gewone sitting is nie, binne veertien dae na die aanvang van sy eersvolgende gewone sitting. Jaarverslag.

22. Die Minister kan aan enige senior beampte van die departement enige van die kragtens hierdie Wet aan hom verleende bevoegdhede deleger, behalwe die in artikel vyf bedoelde bevoegdhede. Delegasie van bevoegdhede.

23. Iemand wat, behalwe aan die Minister of aan enige ander persoon vir doeleindes van die verrigting van sy pligte of die uitvoering van sy werksaamhede ingevolge hierdie Wet of ingevolge 'n kragtens artikel vyf ingestelde skema of wanneer daartoe gelas deur enige hof of wanneer hy dit kragtens enige wet moet doen, enige inligting openbaar wat deur hom verkry is in die uitvoering van enige plig of werksaamheid kragtens hierdie Wet of bedoelde skema met betrekking tot die besigheid of sake van 'n ander persoon, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand of by wanbetaling van die boete tot gevangenisstraf vir 'n tydperk van hoogstens ses maande. Geheimhouding.

24. Die Goewerneur-generaal kan regulasies uitvaardig betreffende— Regulasies.

- (a) die register wat deur die raad gehandhaaf moet word ingevolge paragraaf (b) van artikel vier, en die wyse waarop en die vorm waarin 'n persoon kragtens artikel ses om registrasie of hernuwing van registrasie aansoek moet doen;
- (b) die vereistes waaraan 'n persoon moet voldoen wat kragtens artikel ses om registrasie aansoek doen;
- (c) die gelde wat ten opsigte van registrasie of hernuwing van registrasie kragtens artikel ses betaalbaar is;
- (d) die vorm van en die regte verleen deur die sertifikaat van registrasie kragtens artikel ses uitgereik;
- (e) die opgawes wat kragtens artikel sewe verstrekk moet word, die inhoud van sodanige opgawes en die tye wanneer sodanige opgawes verstrekk moet word;
- (f) die persone deur wie, die wyse waarop en die tye wanneer die kragtens artikel agt opgelegde heffing betaalbaar is;
- (g) die betaling van rente op enige verskuldigde heffing;
- (h) enige ander aangeleentheid wat kragtens hierdie Wet voorgeskryf kan word; en
- (i) oor die algemeen alle aangeleenthede wat hy dit nodig of dienstig ag om voor te skryf ten einde die oogmerke en doeleindes van hierdie Wet beter te verwesenlik.

25. (1) Iemand wat—

- (a) 'n lid of beampte van die raad of 'n beampte van die departement in die uitoefening van sy bevoegdhede of die verrigting van sy pligte ingevolge hierdie Wet of ingevolge 'n kragtens artikel vyf ingestelde skema belemmer of hinder; Misdrywe en strawwe.
 - (b) versuim om 'n opgawe te verstrekk soos voorgeskryf of wat 'n opgawe verstrekk wat in 'n wesenlike opsig vals is;
 - (c) versuim om 'n sertifikaat van registrasie kragtens die bepaling van sub-artikel (6) van artikel ses te oorhandig;
 - (d) in 'n aansoek om registrasie of hernuwing van registrasie kragtens artikel ses inligting verstrekk wat in 'n wesenlike opsig vals is,
- is aan 'n misdryf skuldig en strafbaar—
- (i) in die geval van 'n skuldigbevinding ingevolge paragraaf (a), (b) of (c) tot 'n boete van hoogstens honderd rand of, by wanbetaling van die boete, tot gevangenis-

for a period not exceeding six months, or to both such fine and such imprisonment; and

- (ii) in the case of a conviction under paragraph (d) to a fine not exceeding two hundred rand or, in default of payment of the fine, to imprisonment for a period not exceeding twelve months, or to both such fine and such imprisonment.

(2) Any person who contravenes any provision of a scheme introduced in terms of section five, the contravention of which is in such scheme in terms of the provisions of paragraph (f) of sub-section (1) of the said section declared to constitute an offence, shall on conviction be liable to the penalties prescribed under sub-paragraph (i) of sub-section (1) of this section.

Jurisdiction
of magistrates'
courts.

26. Notwithstanding anything to the contrary contained in any other law, a magistrate's court shall have jurisdiction to impose any penalty prescribed in this Act.

Short title
and date of
commencement.

27. This Act shall be called the Foundation Seed Act, 1961, and shall come into operation on a date to be fixed by the Governor-General by proclamation in the *Gazette*.

straf vir 'n tydperk van hoogstens ses maande, of tot beide sodanige boete en sodanige gevangenisstraf; en

- (ii) in die geval van 'n skuldigbevinding ingevolge paragraaf (d) tot 'n boete van hoogstens tweehonderd rand of, by wanbetaling van die boete, tot gevangenisstraf vir 'n tydperk van hoogstens twaalf maande, of tot beide sodanige boete en sodanige gevangenisstraf.

(2) Iemand wat 'n bepaling oortree van 'n kragtens artikel vyf ingestelde skema, die oortreding waarvan in sodanige skema kragtens die bepaling van paragraaf (f) van sub-artikel (1) van bedoelde artikel verklaar word 'n misdryf uit te maak, is by skuldigbevinding strafbaar met die strawwe in sub-paragraaf (i) van sub-artikel (1) van hierdie artikel neergelê.

26. Ondanks andersluidende wetsbepalings, is 'n landdroshof bevoeg om enige by hierdie Wet neergelegde straf op te lê.

Regsbevoegdheid
van
landdroshof.

27. Hierdie Wet heet die Wet op Moedersaad, 1961, en tree in werking op 'n datum wat die Goewerneur-generaal by proklamasie in die *Staatskoerant* bepaal.

Kort titel en
datum van
inwerkingtreding.

No. 30, 1961.]

ACT

To consolidate and amend the laws relating to the registration of dairy premises, the marking of dairy produce and the regulation of certain other matters in connection with the dairy industry and to amend the Dairy Industry Control Act, 1930.

(Afrikaans text signed by the Governor-General.)
(Assented to 20th April, 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) "board" means the Dairy Industry Control Board established by section one of the Dairy Industry Control Act, 1930 (Act No. 35 of 1930), as constituted in terms of the scheme; (xxxiv)
- (ii) "brand", in relation to any article, when used as a verb, means the placing on such article of any mark, representation, designation or description and, when used as a noun, means any mark, representation, designation or description appearing upon or used in connection with any dairy produce; (xxv)
- (iii) "butterfat" means the pure fat of milk; (iv)
- (iv) "casein" means the protein material precipitated in skim milk by means of—
 - (a) acid, either added to such milk or formed therein by souring; or
 - (b) the addition of rennet or any other suitable enzyme thereto; (xvii)
- (v) "casein factory" means any premises used for the manufacture or processing of casein but does not include premises on which the owner thereof manufactures casein from skim milk derived solely from his own cows, or where the owner thereof processes casein for his own use; (xviii)
- (vi) "cheese" means the product obtained by draining coagulated milk, skim milk or partly skimmed milk, and which has then matured for more than ten days; (xv)
- (vii) "cheese factory" means any premises used for the manufacture of cheese but shall not include a farm cheese factory; (xvi)
- (viii) "condensed milk factory" means any premises used for the manufacture of condensed milk; (viii)
- (ix) "cream depot" means any premises used for the collection and grading or testing of cream intended for dispatch to a creamery which is registered or required to be registered; (xxxvi)
- (x) "creamery" means any premises used for the manufacture of butter, but does not include such premises if the owner thereof uses cream derived solely from his own cows for such manufacture; (iii)
- (xi) "creamery butter" means butter manufactured in a creamery; (vii)
- (xii) "dairy produce" means milk, sterilised milk, condensed milk, milk powder, skim milk, skim milk powder, casein, cream, butterfat, buttermilk powder, butter, process butter, cheese, process cheese, and includes margarine and all substitutes for butter made from vegetable or animal fats, or from a combination of vegetable and animal fats; (xxxviii)
- (xiii) "department" means the Department of Agricultural Economics and Marketing; (v)
- (xiv) "farm butter" means any butter made elsewhere than in a creamery; (xxvii)
- (xv) "farm cheese" means cheese manufactured in a farm cheese factory; (xxviii)

No. 30, 1961.]

WET

Tot samevatting en wysiging van die wette betreffende die registrasie van persele vir suiwelbereiding, die merk van suiwelprodukte en die reëling van sekere ander aangeleenthede in verband met die suiwelnywerheid en om die Wet op die Beheer van die Suiwelnywerheid, 1930, te wysig.

(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 20 April 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, Woordomskrywing. beteken—

- (i) „afgeroomdemelkpoeier” die poeier verkry deur die ontwatering van afgeroomde of afgeskeide melk, en ook vetyrde droëmelk, droë afgeroomde melk, ontvette droëmelk en ontvette melkpoeier; (xxxvii)
- (ii) „afgeroomdemelkpoeierfabriek” enige perseel wat gebruik word vir die vervaardiging van afgeroomdemelkpoeier; (xxxviii)
- (iii) „botterfabriek” enige perseel wat vir die vervaardiging van botter gebruik word, maar sluit nie so ’n perseel in indien die eienaar daarvan room vir sodanige vervaardiging gebruik wat uitsluitlik van sy eie koeie verkry is nie; (x)
- (iv) „bottervet” die suiwer vet van melk; (iii)
- (v) „departement” die Departement van Landbou-ekonomie en -bemarking; (xiii)
- (vi) „eienaar” ook ’n gedeeltelike eienaar of mede-eienaar en die eienaar se agent of verteenwoordiger en, in verband met enige perseel wat geregistreer is of geregistreer moet wees, of in verband met ’n plaaskaasfabriek, die okkupeerder daarvan of die persoon wat die beheer of bestuur daarvan het; (xxvi)
- (vii) „fabrieksbotter” botter wat in ’n botterfabriek vervaardig is; (xi)
- (viii) „gekondenseerdemelkfabriek” enige perseel wat vir die vervaardiging van gekondenseerde melk gebruik word; (viii)
- (ix) „geregistreer” geregistreer kragtens hierdie Wet, en het „registrasie” ’n ooreenstemmende betekenis; (xxxiii)
- (x) „gesteriliseerde melk” melk wat onderwerp is aan hitte-behandeling waardeur sodanige melk van lewensvatbare mikro-organismes gesuiwer word; (xxxix)
- (xi) „gesteriliseerdelkinrigting” enige perseel wat vir die produksie van gesteriliseerde melk gebruik word; (xi)
- (xii) „gradeer” die klassifisering van suiwelprodukte volgens gehalte, en „gradering” en „gegradeer” het ooreenstemmende betekenisse, terwyl „graad” die kwaliteitsklas van suiwelprodukte beteken; (xvii)
- (xiii) „hierdie Wet” ook die regulasies; (xli)
- (xiv) „inspekteur” iemand wat kragtens artikel tien as inspekteur aangestel is; (xviii)
- (xv) „kaas” die produk verkry deur die dreinerings van gestolde melk, afgeroomde melk of gedeeltelik afgeroomde melk, en wat dan rypgemaak is vir meer as tien dae; (vi)
- (xvi) „kaasfabriek” enige perseel wat vir die vervaardiging van kaas gebruik word, maar nie ook ’n plaaskaasfabriek nie; (vii)
- (xvii) „kaseïen” die proteïen materiaal wat in afgeroomde melk neergeslaan word deur middel van—
 - (a) suur, of by sodanige melk gevoeg of daarin ontwikkel deur dit te laat suur word; of
 - (b) die byvoeging daarby van stremsel of enige ander geskikte ensiem; (iv)
- (xviii) „kaseïenfabriek” enige perseel wat gebruik word vir die vervaardiging of verwerking van kaseïen, maar nie ook ’n perseel waar die eienaar daarvan kaseïen van

- (xvi) "farm cheese factory" means any premises on which the owner thereof manufactures farm cheese from milk derived solely from his own cows: Provided that not more than seventy-five gallons of milk are used on any one day for the purposes of such manufacture; (xxix)
- (xvii) "grade", when used as a verb, means the classification of dairy produce according to quality, and "grading" and "graded" shall have corresponding meanings, and when used as a noun, "grade" means the quality class of any dairy produce; (xii)
- (xviii) "inspector" means a person appointed as inspector under section *ten*; (xiv)
- (xix) "margarine" means any substance, other than process butter, in imitation or form of butter, whether described as margarine or by any other name or designation, whereof the consistency is substantially similar to that of butter and which has been manufactured mainly from any one or more vegetable or animal fats or oils, but does not include any single fat sold as such fat; (xix)
- (xx) "margarine factory" means any premises used for the manufacture of margarine; (xx)
- (xxi) "milk" means milk from a cow; (xxi)
- (xxii) "milk depot" means any premises used for the collection and sampling of milk intended for dispatch to premises which are registered or required to be registered; (xxii)
- (xxiii) "milk powder" means the powder obtained by the removal of water from milk or partially-skimmed milk and includes full-cream dried milk, full-cream milk powder, half-cream dried milk, and half-cream milk powder; (xxiii)
- (xxiv) "milk powder factory" means any premises used for the manufacture of milk powder; (xxiv)
- (xxv) "Minister" means the Minister of Agricultural Economics and Marketing; (xxvi)
- (xxvi) "owner" includes a part owner or co-owner and the owner's agent or representative and, in relation to any premises registered or required to be registered, or in relation to a farm cheese factory, the occupier thereof or the person having the control or management thereof; (vi)
- (xxvii) "package" means anything in which dairy produce is contained or enclosed; (xi)
- (xxviii) "prescribed" means prescribed by regulation; (xli)
- (xxix) "process butter" means the product obtained by the reworking or processing of butter or by the mixing of two or more quantities of butter of different grades, qualities or makes without the addition of any substance other than milk, water or salt, on premises other than those in which the butter so reworked or processed was originally manufactured, and includes renovated butter, milled butter and milk-blended butter; (xxx)
- (xxx) "process butter factory" means any premises used for the manufacture of process butter; (xxx)
- (xxxi) "process cheese" means the product obtained by milling, blending or pasteurising one or more types, grades or qualities of cheese with or without the addition of an emulsifying agent, a harmless colouring matter or any food product; (xxxii)
- (xxxii) "process cheese factory" means any premises used for the manufacture of process cheese; (xxxiii)
- (xxxiii) "registered" means registered under this Act and "registration" shall have a corresponding meaning; (ix)
- (xxxiv) "regulation" means a regulation made in terms of section *twenty-nine* or in force in terms of section *thirty-five* and includes a regulation contained in the Schedule; (xxxv)
- (xxxv) "scheme" means the Dairy Products Marketing Scheme promulgated by Proclamation No. 183 of 1954 under the provisions of the Marketing Act, 1937 (Act No. 26 of 1937); (xxxvii)
- (xxxvi) "sell" includes to offer, advertise, keep, expose, transmit, convey, deliver or prepare for sale and an exchange or any disposal for any consideration whatever; (xxxix)

- afgeroomde melk vervaardig, wat uitsluitlik van sy eie koeie verkry is, of waar die eienaar daarvan kaseien vir sy eie gebruik verwerk nie; (v)
- (xix) „margarien” enige stof, behalwe prosesbotter, wat ’n namaaksel of in die vorm van botter is, hetsy as margarien of onder ’n ander naam of benaming beskrywe, en waarvan die tekstuur wesenlik ooreenstem met dié van botter, en wat in hoofsaak vervaardig is van een of meer plantaardige vette of olies of dierevette of -olies, maar nie ook ’n enkele vetsoort wat as so ’n vetsoort verkoop word nie; (xix)
- (xx) „margariefabriek” enige perseel wat vir die vervaardiging van margarien gebruik word; (xx)
- (xxi) „melk” die melk van ’n koei; (xxi)
- (xxii) „melkdepot” enige perseel wat gebruik word vir die versameling en bemonstering van melk wat bedoel is vir versending na ’n perseel wat geregistreer is of geregistreer moet wees; (xxii)
- (xxiii) „melkpoeier” die poeier verkry deur die ontwatering van melk of gedeeltelik afgeroomde melk en ook volvetdroëmelk, volvetmelkpoeier, halfvetdroëmelk en halfvetmelkpoeier; (xxiii)
- (xxiv) „melkpoeierfabriek” enige perseel wat vir die vervaardiging van melkpoeier gebruik word; (xxiv)
- (xxv) „merk”, met betrekking tot enige artikel, waar dit as ’n werkwoord gebesig word, die voorsiening van daardie artikel van ’n merk, voorstelling, benaming of beskrywing, en, waar dit as ’n selfstandige naamwoord gebesig word, ’n merk, voorstelling, benaming of beskrywing wat op ’n suiwelprodukt voorkom of in verband daarmee gebesig word; (ii)
- (xxvi) „Minister” die Minister van Landbou-ekonomie en -bemarking; (xxv)
- (xxvii) „plaasbotter” botter elders as in ’n botterfabriek vervaardig; (xiv)
- (xxviii) „plaaskaas” kaas in ’n plaaskaasfabriek vervaardig; (xv)
- (xxix) „plaaskaasfabriek” enige perseel waarop die eienaar daarvan plaaskaas vervaardig uit melk wat uitsluitlik van sy eie koeie verkry is: Met dien verstande dat hoogstens vyf-en-sewentig gelling melk op enige een dag gebruik word vir die doeleindes van sodanige vervaardiging; (xvi)
- (xxx) „prosesbotter” die produk verkry deur die herwerking of verwerking van botter of deur die vermenging van twee of meer hoeveelhede botter van verskillende grade, gehaltes of make sonder die byvoeging van enige stof behalwe melk, water of sout, op ’n ander perseel as dié waarop die botter wat aldus herbewerk of verwerk word, oorspronklik vervaardig is, en ook herbewerkte botter, gemaalde botter, en melkbehandelde botter; (xxix)
- (xxxi) „prosesbotterfabriek” enige perseel wat vir die vervaardiging van prosesbotter gebruik word; (xxx)
- (xxxii) „proseskaas” die produk verkry deur die opmaal, vermenging of pasteurisasie van een of meer tipes, grade of gehaltes kaas met of sonder die byvoeging van ’n emulsifiseerder, ’n skadelose kleurstof of enige voedselprodukt; (xxxi)
- (xxxiii) „proseskaasfabriek” enige perseel wat vir die vervaardiging van proseskaas gebruik word; (xxxii)
- (xxxiv) „raad” die Raad van Toesig op die Suiwelnywerheid, ingestel by artikel een van die Wet op die Beheer van Suiwelnywerheid, 1930 (Wet No. 35 van 1930), soos saamgestel ingevolge die skema; (i)
- (xxxv) „regulasie” ’n regulasie ingevolge artikel *nege-en-twintig* uitgevaardig of wat ingevolge artikel *vyf-en-dertig* van krag is en ook ’n regulasie in die Bylae vervat; (xxxiv)
- (xxxvi) „roomdepot” enige perseel wat gebruik word vir die versameling en gradering of toets van room bedoel vir versending na ’n botterfabriek wat geregistreer is of geregistreer moet wees; (ix)
- (xxxvii) „skema” die Suiwelproduktebemarkingskema afgekondig by Proklamasie No. 183 van 1954 kragtens die bepalings van die Bemarkingswet, 1937 (Wet No. 26 van 1937); (xxxv)
- (xxxviii) „suiwelprodukte” melk, gesteriliseerde melk, gekondenseerde melk, melkpoeier, afgeroomde melk, afgeroomdemelkpoeier, kaseien, room, bottervet, karingmelkpoeier, botter, prosesbotter, kaas, proseskaas

- (xxxvii) "skim milk powder" means the powder obtained by the removal of water from skimmed or separated milk and includes non-fat dry milk, dried skim milk, defatted dried milk and defatted milk powder; (i)
- (xxxviii) "skim milk powder factory" means any premises used for the manufacture of skim milk powder; (ii)
- (xxxix) "sterilised milk" means milk which has been subjected to heat treatment whereby such milk is rendered free from viable micro-organisms; (x)
- (xl) "sterilised milk plant" means any premises used for the production of sterilised milk; (xi)
- (xli) "this Act" includes the regulations. (xiii)

Application of Act.

2. (1) Save as is provided in sections *eleven* and *fifteen*, the provisions of this Act shall not apply in respect of dairy produce that is intended for consumption on the premises whereon it is produced, processed or manufactured and is not sold.

(2) Save as is provided in section *eleven*, the provisions of this Act shall not apply in respect of milk, cream or skim milk intended for consumption without previous sterilization or conversion into any other form or substance within the area of jurisdiction of any local authority, or in respect of any premises in such area whereon such milk, cream or skim milk is produced or received, if and so long as within such area any law, or by-law or regulation made under such a law, is in force for the prevention of adulteration of milk, cream or skim milk or for safeguarding the health of the consumers thereof: Provided that, if the Minister is satisfied, after a report from the medical officer of health for the Union, that the provisions of any such law, by-law or regulation are not being effectively enforced within such area by the authority responsible for the enforcement thereof, the Governor-General may, by proclamation in the *Gazette*, declare that the provisions of this Act, or so much thereof as he may deem necessary, shall apply within such area in respect of such milk, cream or skim milk.

(3) Nothing in this Act contained shall be construed as in any way repealing or affecting the provisions of any law relating to adulteration of articles of diet or any by-law or regulation made under such law, but the provisions of this Act shall be construed as being in addition to, and not in substitution for, the provisions of any such law, by-law or regulations: Provided that no provision of any such law expressly making any warranty or any other fact whatever a defence to any charge under such law shall apply in respect of any charge under this Act.

Use of certain premises prohibited unless registered.

3. (1) No person shall use any premises—

- (a) as a cheese factory, condensed milk factory, creamery, cream depot, milk depot, milk powder factory, margarine factory, process butter factory, process cheese factory or skim milk powder factory; or
- (b) as from a date to be fixed by the Governor-General by proclamation in the *Gazette*, as a casein factory or a sterilized milk plant,

unless such premises are registered with the department in the manner prescribed.

(2) None of the premises specified in sub-section (1), other than a cheese factory, shall be required to be registered unless the owner thereof uses thereat milk or cream or skim milk supplied by or procured or purchased from any other person or unless such owner is a co-operative society or company registered under the Co-operative Societies Act, 1939 (Act No. 29 of 1939), a company registered under any law providing for the registration of companies, or a partnership or other association of two or more persons.

Registration.

4. (1) Any person who desires any premises to be registered shall make application therefor in the prescribed form to the department and shall in connection therewith pay any fee that may be prescribed.

(2) If the Minister is satisfied that the requirements of this Act and of the Factories, Machinery and Building Work Act, 1941 (Act No. 22 of 1941), in respect of any such premises have been complied with, he shall, subject to the provisions of sub-section (3) and of section *six*, cause a certificate of registration to be issued to the applicant.

- en ook margarien en alle bottersurrogate wat van plantaardige vette of dierevette of van 'n kombinasie van plantaardige vette en dierevette vervaardig is; (xii)
- (xxxix) „verkoop” ook vir verkoop aanbied, adverteer, aanhou, uitstal, versend, vervoer, lewer of berei, en teen enige vergoeding hoegenaamd verruil of van die hand sit; (xxxvi)
- (xi) „verpakking” enigiets waarin suiwelprodukte bevat of toegemaak word; (xxvii)
- (xli) „voorgeskrif” of „voorgeskrewe” by regulasie voorgeskryf. (xxviii)

2. (1) Behalwe soos in artikels *elf* en *vyftien* bepaal word, is die bepalings van hierdie Wet nie van toepassing nie ten opsigte van suiwelprodukte wat bedoel is vir verbruik op die perseel waarop dit geproduseer, verwerk of vervaardig word en nie verkoop word nie. Toepassing van Wet.

(2) Behalwe soos in artikel *elf* bepaal word, is die bepalings van hierdie Wet nie van toepassing nie ten opsigte van melk, room of afgeroomde melk wat bedoel is vir verbruik sonder voorafgaande sterilisasie of omsetting in enige ander vorm of stof binne die reggebied van 'n plaaslike bestuur of ten opsigte van 'n perseel in so 'n gebied waarop sodanige melk, room of afgeroomde melk geproduseer of ontvang word, indien en solank daar in so 'n gebied 'n wet of verordening of regulasie kragtens so 'n wet uitgevaardig, vir die voorkoming van die vervalsing van melk, room of afgeroomde melk of ter beskerming van die gesondheid van die verbruikers daarvan, van krag is: Met dien verstande dat indien die Minister, ná 'n verslag van die mediese gesondheidsbeampte van die Unie, oortuig is dat die bepalings van so 'n wet, verordening of regulasie nie op doelmattige wyse in sodanige gebied uitgevoer word deur die gesag wat vir die uitvoering daarvan verantwoordelik is nie, die Goewerneur-generaal by proklamasie in die *Staatskoerant* kan verklaar dat die bepalings van hierdie Wet of soveel daarvan as wat hy nodig ag, in sodanige gebied van toepassing is ten opsigte van sodanige melk, room of afgeroomde melk.

(3) Die bepalings van hierdie Wet word nie so uitgelê dat dit die bepalings van 'n wet betreffende die vervalsing van eetware, of 'n verordening of regulasie kragtens so 'n wet uitgevaardig, in enige opsig herroep of raak nie, maar die bepalings van hierdie Wet word so uitgelê dat dit 'n byvoeging is by, en nie 'n vervanging nie van, die bepalings van so 'n wet, verordening of regulasie: Met dien verstande dat geen bepaling van so 'n wet wat uitdruklik 'n waarborg of enige ander feit hoegenaamd 'n verdediging teen 'n aanklag kragtens so 'n wet verklaar, ten opsigte van 'n aanklag kragtens hierdie Wet van toepassing is nie.

3. (1) Niemand mag 'n perseel gebruik nie—

- (a) as 'n kaasfabriek, gekondenseerdelmelkfabriek, botterfabriek, roomdepot, melkdepot, melkpoeierfabriek, margarienfabriek, prosesbotterfabriek, proseskaasfabriek, of afgeroomdelmelkpoeierfabriek; of

(b) vanaf 'n datum deur die Goewerneur-generaal by proklamasie in die *Staatskoerant* vasgestel te word, as 'n kaseienfabriek, of 'n gesteriliseerdelmelkinrigting, tensy daardie perseel op die voorgeskrewe wyse by die departement geregistreer is. Gebruik van sekere persele verbied tensy geregistreer.

(2) Geeneen van die in sub-artikel (1) vermelde persele, behalwe 'n kaasfabriek, word vereis om geregistreer te wees nie, tensy die eienaar daarvan aldaar melk of room of afgeroomde melk gebruik wat verskaf is deur of verkry of gekoop is van enige ander persoon of tensy sodanige eienaar 'n koöperatiewe vereniging of maatskappy geregistreer kragtens die Wet op Koöperatiewe Verenigings, 1939 (Wet No. 29 van 1939), 'n maatskappy geregistreer kragtens 'n wet wat vir die registrasie van maatskappye voorsiening maak, of 'n vennootskap of ander vereniging van twee of meer persone is.

4. (1) Iemand wat verlang dat 'n perseel geregistreer word, moet op die voorgeskrewe vorm by die departement aansoek daarom doen en moet in verband daarmee enige geld wat voorgeskryf word, betaal. Registrasie.

(2) Indien die Minister oortuig is dat die voorskrifte van hierdie Wet en van die Wet op Fabrieke, Masjinerie en Bouwerk, 1941 (Wet No. 22 van 1941), ten opsigte van enige sodanige perseel nagekom is, laat hy, behoudens die bepalings van sub-artikel (3) en van artikel *ses*, 'n registrasiesertifikaat aan die aplikant uitreik.

(3) The Minister may in his discretion—

- (a) direct that an application for the registration of premises as a margarine factory be refused or attach such conditions to the registration of any such factory as he may deem fit;
- (b) notwithstanding any provision of this Act, on the recommendation of the board prohibit or refuse the registration of any premises referred to in sub-section (1) of section *three*, if such premises are situated in an area where there are, in his opinion, sufficient other such institutions to absorb the cream and milk produced in that area under conditions satisfactory to the producers thereof.

Renewal of
certificate of
registration.

5. (1) A certificate of registration shall expire on the thirtieth day of June next succeeding the date of issue, but may be renewed annually with effect from the first day of July.

(2) Application for the renewal of a certificate of registration shall be made in the prescribed form within the period of thirty days immediately preceding the date of expiry thereof and shall be accompanied by any renewal fee that may be prescribed.

(3) If the Minister is satisfied that the requirements of this Act in respect of any such premises have been complied with, he shall, subject to the provisions of sub-section (4) and of section *six*, cause the relative certificate of registration to be renewed.

(4) The Minister may refuse the renewal of a certificate of registration if during the period of twelve months immediately preceding the date of expiry of such certificate, the owner of the premises concerned has been convicted on not less than three separate occasions of one or more contraventions of this Act.

Certain premises
may not be
registered.

6. (1) No premises referred to in sub-section (1) of section *three* shall be registered and no certificate of registration which relates to any such premises, shall be renewed, unless such premises comply with such requirements as may be prescribed for the class of premises for which registration or the renewal of such certificate is desired.

(2) No premises shall be registered as a condensed milk factory, cream depot, creamery, cheese factory, milk powder factory, milk depot, process butter factory, process cheese factory or skim milk powder factory and no certificate of registration which relates to any such premises, shall be renewed, unless the owner of such premises is registered with the board in terms of the scheme either as a producer of the dairy produce manufactured or to be manufactured on such premises or as a person dealing in the course of trade in relation to the dairy produce which is processed or is to be processed on such premises or from which such first-mentioned dairy produce is manufactured or is to be manufactured.

(3) No premises shall be registered as a cheese factory and no certificate of registration which relates to any such premises shall be renewed, unless there is at least one person employed full-time in such factory who is the holder of a certificate of proficiency referred to in sub-section (2) of section *eighteen*.

(4) No premises registered as a creamery shall be registered as a process butter factory, and no premises registered as a process butter factory shall be registered as a creamery.

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

Registration
numbers.

7. (1) There shall be allotted to any premises which are registered, a registration number and the holder of the certificate of registration of such premises shall have the exclusive right to use that registration number for the purpose of designating any dairy produce produced, processed or manufactured on such premises.

(2) Every holder of a certificate of registration shall brand in the prescribed manner any dairy produce which has been produced, processed or manufactured on the premises to which

(3) Die Minister kan na goeddunke—

(a) gelas dat 'n aansoek om die registrasie van 'n perseel as 'n margariëfabriek geweier word of sodanige voorwaardes aan die registrasie van so 'n fabriek heg as wat hy goedvind;

(b) niesteenstaande enige bepaling van hierdie Wet, op aanbeveling van die raad die registrasie van 'n in sub-artikel (1) van artikel *drie* bedoelde perseel verbied of weier, indien sodanige perseel in 'n gebied geleë is waarin daar, na sy mening, genoegsame ander sodanige inrigtings is om die in daardie gebied geproduseerde melk en room op te neem onder voorwaardes wat vir die produsente daarvan bevredigend is.

5. (1) 'n Registrasiesertifikaat vervel op die dertigste dag van Junie wat op die datum van uitreiking volg, maar kan jaarliks met ingang van die eerste dag van Julie henuwe word. Hernuwing van registrasiesertifikaat.

(2) Aansoek om die hernuwing van 'n registrasiesertifikaat moet op die voorgeskrewe vorm gedoen word binne die tydperk van dertig dae wat die verstrykingsdatum daarvan onmiddellik voorafgaan en moet vergesel gaan van enige hernuwingsgeld wat voorgeskryf word.

(3) Indien die Minister oortuig is dat die voorskrifte van hierdie Wet ten opsigte van sodanige perseel nagekom is, laal hy, behoudens die bepalings van sub-artikel (4) en van artikel *ses*, die betrokke registrasiesertifikaat henuwe.

(4) Die Minister kan die hernuwing van 'n registrasiesertifikaat weier indien gedurende die tydperk van twaalf maande wat die verstrykingsdatum van sodanige sertifikaat onmiddellik voorafgaan, die eienaar van die betrokke perseel op minstens drie afsonderlike geleenthede aan een of meer oortredings van hierdie Wet skuldig bevind is.

6. (1) Geen perseel in sub-artikel (1) van artikel *drie* bedoel mag geregistreer word nie en geen registrasiesertifikaat wat op enige sodanige perseel betrekking het, mag henuwe word nie, tensy sodanige perseel voldoen aan sodanige vereistes as wat vir die klas perseel, waarvoor registrasie of die hernuwing van sodanige sertifikaat verlang word, voorgeskryf word. Sekere persele mag nie geregistreer word nie.

(2) Geen perseel mag as 'n gekondenseerdemelkfabriek, roomdepot, botterfabriek, kaasfabriek, melkpoeierfabriek, melkdepot, prosesbotterfabriek, proseskaasfabriek, of afgeroomdemelkpoeierfabriek geregistreer word nie en geen registrasiesertifikaat wat op enige sodanige perseel betrekking het, mag henuwe word nie, tensy die eienaar van sodanige perseel ingevolge die skema by die raad geregistreer is of as 'n produsent van die suiwelprodukte wat op sodanige perseel vervaardig word of vervaardig gaan word of as 'n persoon wat in die loop van handel drywe sake doen met betrekking tot die suiwelprodukte wat op sodanige perseel verwerk word of verwerk gaan word of waaruit sodanige eersgenoemde suiwelprodukte vervaardig word of vervaardig gaan word.

(3) Geen perseel mag as 'n kaasfabriek geregistreer word nie en geen registrasiesertifikaat wat op so 'n perseel betrekking het, mag henuwe word nie, tensy daar minstens een persoon in daardie fabriek voltyds werksaam is, wat die houer is van 'n in sub-artikel (2) van artikel *agtien* bedoelde sertifikaat van bekwaamheid.

(4) Geen perseel wat as 'n botterfabriek geregistreer is, mag as 'n prosesbotterfabriek geregistreer word nie, en geen perseel wat as 'n prosesbotterfabriek geregistreer is, mag as 'n botterfabriek geregistreer word nie.

(5) Geen perseel mag as 'n prosesbotterfabriek geregistreer word nie indien dit geleë is binne vyf myl van 'n botterfabriek wat in die geheel of gedeeltelik besit of beheer word deur iemand wat in die geheel of gedeeltelik sodanige prosesbotterfabriek besit of beheer of dit sal besit of beheer, en geen perseel mag as 'n botterfabriek geregistreer word nie indien dit geleë is binne vyf myl van 'n prosesbotterfabriek wat in die geheel of gedeeltelik besit of beheer word deur iemand wat in die geheel of gedeeltelik sodanige botterfabriek besit of beheer of dit sal besit of beheer.

7. (1) Daar word aan 'n perseel wat geregistreer word, 'n Registrasienommer toegeken en die houer van die registrasiesertifikaat van daardie perseel, besit die uitsluitende reg om daardie registrasienommer te gebruik ten einde enige suiwelprodukte op daardie perseel geproduseer, verwerk of vervaardig, te onderskei. Registrasienommers.

(2) Elke houer van 'n registrasiesertifikaat moet enige suiwelprodukte wat op die perseel waarop daardie sertifikaat betrekking het, geproduseer, verwerk of vervaardig is en enige

such certificate relates and any package containing such dairy produce.

Cancellation of registration of a margarine factory.

8. The Minister may in his discretion cancel the registration of any premises as a margarine factory if the owner thereof contravenes or fails to comply with any condition attached under paragraph (a) of sub-section (3) of section *four* to such registration, or any prohibition imposed under paragraph (a) of section *fourteen* or any condition to which the production of margarine is made subject in terms of paragraph (b) of the said section *fourteen*.

Farm cheese factory.

9. No premises shall be used as a farm cheese factory unless—
(a) the owner thereof is registered with the board as a producer in terms of the scheme; and
(b) such premises comply with such requirements as may be prescribed in respect of farm cheese factories.

Appointment of analysts, bacteriological experts and inspectors.

10. (1) Subject to the provisions of sub-section (2), the Minister may from time to time appoint—

- (a) persons, qualified by technical training and possessing competent knowledge, skill and experience, to carry out microscopical, bacteriological or analytical examinations under or for the purposes of any provision of this Act; and
- (b) officers of the department or other persons as inspectors for the purposes of this Act.

(2) The Minister shall not so appoint any person that is engaged directly or indirectly, or has any pecuniary interest, in any trade or business connected with the dairy industry.

(3) If the Minister has so appointed any person—

- (a) notice thereof shall be given in the *Gazette*; and
- (b) a certificate stating that he has been so appointed shall be furnished to such person.

Powers of inspectors, analysts and bacteriological experts.

11. (1) Subject to the provisions of this Act, an inspector may at all reasonable times enter any premises, place, vehicle or vessel wherein or whereon any dairy produce intended for sale is produced, processed, manufactured, stored or carried, and may—

- (a) inspect any such premises, place, vehicle or vessel, any utensil, apparatus or equipment or any water or substance thereon or therein, used or reasonably suspected of being used in connection with dairy produce;
- (b) for the purpose of inspection and of taking samples, open any package thereon or therein which contains or is reasonably suspected of containing dairy produce;
- (c) examine or grade any dairy produce thereon or therein in whatever receptacle or package it may be contained, and, without payment, take so much thereof or of any article or substance used or reasonably suspected of being used in connection with dairy produce as he may reasonably require as a sample for the purpose of testing or having such dairy produce, article or substance tested, and may in his discretion notify any person who has an interest in such examination of the result thereof;
- (d) transmit or deliver to a person appointed under paragraph (a) of sub-section (1) of section *ten* for such examination as is in that section mentioned, any sample of dairy produce or of any other article or substance used or reasonably suspected of being used in connection with the production, processing or manufacture of dairy produce; and
- (e) examine all books and documents relating to any premises registered or required to be registered: Provided that he shall not have any right of access to any secret document relating to the production, processing or manufacture of dairy produce.

(2) If, after or upon an inspection under this Act, an inspector is of opinion that—

- (a) any premises, place, vehicle, vessel, utensil, apparatus or equipment so inspected, is in an unclean or unwholesome condition or is otherwise unfit for the production, processing, manufacture, storage or carriage of dairy produce;

verpakking wat sodanige suiwelprodukte bevat, op die voorgeskrewe wyse merk.

8. Die Minister kan na goeë dunnke die registrasie van 'n perseel as 'n margarienfabriek intrek indien die eienaar daarvan 'n voorwaarde wat aan sodanige registrasie kragtens paragraaf (a) van sub-artikel (3) van artikel vier geheg is of enige verbod kragtens paragraaf (a) van artikel veertien opgelê, of 'n voorwaarde waaraan die produksie van margarien kragtens paragraaf (b) van genoemde artikel veertien onderworpe gestel is, oortree of versuim om daaraan te voldoen.

Intrekking van registrasie van 'n margarienfabriek.

9. Geen perseel mag as 'n plaaskaasfabriek gebruik word nie, tensy—

Plaaskaasfabriek.

- (a) die eienaar daarvan by die raad ingevolge die skema as 'n produsent geregistreer is; en
- (b) sodanige perseel voldoen aan sodanige vereistes as wat ten opsigte van plaaskaasfabrieke voorgeskryf word.

10. (1) Behoudens die bepalings van sub-artikel (2) kan die Minister van tyd tot tyd—

Aanstelling van ontleders, bakteriologiese deskundiges en inspekteurs.

- (a) persone wat deur tegniese opleiding bevoeg is en behoorlike kennis, vaardigheid en ondervinding besit, aanstel om mikroskopiese, bakteriologiese of analitiese ondersoeke kragtens of vir die doeleindes van 'n bepaling van hierdie Wet uit te voer; en
- (b) beamptes van die departement of ander persone as inspekteurs vir die doeleindes van hierdie Wet aanstel.

(2) Die Minister stel nie 'n persoon aldus aan nie wat direk of indirek betrokke is by, of 'n geldelike belang het in, 'n bedryf of besigheid wat met die suiwelnywerheid in verband staan.

(3) Indien die Minister 'n persoon aldus aangestel het—

- (a) moet kennis daarvan in die *Staatskoerant* gegee word; en
- (b) moet 'n sertifikaat, waarin vermeld word dat hy aldus aangestel is, aan bedoelde persoon verskaf word.

11. (1) Behoudens die bepalings van hierdie Wet kan 'n inspekteur te alle redelike tye enige perseel, plek, voertuig of vaartuig betree waarin of waarop enige suiwelprodukte wat vir verkoop bedoel word, geproduseer, verwerk, vervaardig, opgeberg of vervoer word en kan hy—

Bevoegdhede van inspekteurs, ontleders en bakteriologiese deskundiges.

- (a) enige sodanige perseel, plek, voertuig of vaartuig, enige gereedskap, apparaat of toerusting, of enige water of stof daarop of daarin wat in verband met suiwelprodukte gebruik word of volgens redelike vermoede, gebruik word, inspekteer;
- (b) enige verpakking daarop of daarin wat suiwelprodukte bevat of volgens redelike vermoede bevat, oopmaak vir die doel om dit te inspekteer en om monsters te neem;
- (c) enige suiwelprodukte daarop of daarin, in watter houer of verpakking dit ook al mag bevat wees, ondersoek of gradeer, en, sonder betaling, soveel daarvan of van enige artikel of stof wat in verband met suiwelprodukte gebruik word of volgens redelike vermoede gebruik word, neem as wat hy redelikerwys nodig mag hê as 'n monster vir die doel om sodanige suiwelprodukte, artikel of stof te toets of te laat toets, en kan hy, na goeë dunnke, enigiemand wat belang by so 'n ondersoek het in kennis stel van die uitslag daarvan;
- (d) aan iemand wat kragtens paragraaf (a) van sub-artikel (1) van artikel tien aangestel is, enige monster van suiwelprodukte of van enige ander artikel of stof wat in verband met die produksie, verwerking of vervaardiging van suiwelprodukte gebruik word of volgens redelike vermoede gebruik word, deurstuur of aflewer vir sodanige ondersoek as wat in daardie artikel vermeld word; en
- (e) alle boeke en dokumente wat betrekking het op enige perseel wat geregistreer is of geregistreer moet wees, ondersoek: Met dien verstande dat hy geen reg op toegang tot enige geheime dokument wat betrekking het op die produksie, verwerking of vervaardiging van suiwelprodukte, het nie.

(2) Indien 'n inspekteur, ná of tydens 'n inspeksie kragtens hierdie Wet, van oordeel is dat—

- (a) enige aldus geïnspekteerde perseel, plek, voertuig, vaartuig, gereedskap, apparaat of toerusting in 'n vuil of ongesonde toestand verkeer of andersins ongeskik is vir die produksie, verwerking, vervaardiging, opberg of vervoer van suiwelprodukte;

- (b) any chemical, scale, balance, measure or apparatus used in testing dairy produce so inspected, is not in accordance with regulation or standard, or is incorrect or otherwise unfit for the use for which it is intended;
- (c) any water or any other substance used thereon in connection with the production, processing or manufacture of dairy produce, is impure or unwholesome;
- (d) any dairy produce is unfit for human consumption, he may issue an order in writing under his hand addressed to the occupier or person having the apparent management or control of the premises, place, vehicle or vessel concerned without further naming or describing him in the order, and requiring—
 - (i) such premises, place, vehicle, vessel, utensil, apparatus or equipment, as the case may be, forthwith to be cleaned, disinfected or otherwise rendered wholesome to his satisfaction;
 - (ii) the use of such chemical, scale, balance, measure or apparatus to be discontinued until it has been made correct or otherwise fit for the use for which it is intended;
 - (iii) the use of such water or other substance to be discontinued until it has been rendered fit or that an alternative satisfactory supply thereof be obtained;
 - (iv) such dairy produce to be destroyed or disposed of to his satisfaction,

and may further by such written order prohibit the use of any such vehicle, vessel, utensil, apparatus, equipment or substance in connection with the carriage, production, processing, manufacture or storage, as the case may be, of dairy produce altogether or until the defects therein have been remedied to his satisfaction, or for such time specified in the order as he thinks necessary, or he may prohibit the removal from any such premises of any dairy produce for such time as he thinks necessary;

- (e) any person is affected with a disease of an infectious or contagious nature and is engaged in such duties that dairy produce is likely to be contaminated, he may order the suspension of such person from such duties, and shall report the circumstances and his action to the proper health officer and shall take such further steps as such health officer considers necessary;
- (f) any livestock on premises on which milk or cream is produced, is so diseased as to be likely to affect dairy produce injuriously, he shall report the circumstances to the proper State Veterinarian and on the latter's recommendation may prohibit the sale or use of milk from any such animal until a State Veterinarian has declared such animal free from any disease likely to affect dairy produce injuriously;
- (g) the grade indicated on any dairy produce does not correctly represent the quality of such dairy produce, he shall—
 - (i) in the case of dairy produce not enclosed in a package, cancel the grade mark and brand the correct grade thereon; or
 - (ii) in the case of dairy produce enclosed in a package, prohibit the sale of such dairy produce until it has been placed in a package bearing the correct grade of such dairy produce.

(3) Every order made or prohibition imposed by an inspector under this section, other than a prohibition referred to in subparagraph (ii) of paragraph (g) of sub-section (2), shall be in the prescribed form and a copy thereof shall, together with the report of such inspector on the matter, be transmitted to the Secretary for the department as soon as possible after the order or prohibition has been made or imposed and the Secretary may confirm, set aside or vary such order or prohibition as he may deem fit, and his determination thereon shall be final and conclusive.

(4) In the making or the carrying out of any order under this section an inspector shall, as far as is practicable, consult the proper health officer, if there is such an officer.

(5) Any person appointed in terms of paragraph (a) of sub-section (1) of section *ten* to carry out microscopical, bacteriological or analytical examinations, may at all reasonable times

- (b) enige aldus geïnspekteerde skeikundige stof, weegskaal, maat of apparaat wat vir die toets van suiwelprodukte gebruik word, nie volgens regulasie of standaard is nie, of onakkuraat is of andersins ongeskik is vir die gebruik waarvoor dit bedoel is;
- (c) enige water of enige ander stof wat daarop in verband met die produksie, verwerking of vervaardiging van suiwelprodukte gebruik word, onsuiver of ongesond is;
- (d) enige suiwelprodukte ongeskik is vir menslike gebruik,

kan hy 'n skriftelike deur hom ondertekende bevel uitreik gerig aan die okkupeerder van, of persoon wat skynbaar die bestuur of beheer het oor, die betrokke perseel, plek, voertuig of vaartuig, sonder om in die bevel sy naam verder te vermeld of hom verder te beskrywe, en wat vereis dat—

- (i) sodanige perseel, plek, voertuig, vaartuig, gereedskap, apparaat of toerusting, na gelang van die geval, onverwylde skoongemaak, ontsmet of andersins in 'n gesonde toestand gebring word tot sy bevrediging;
- (ii) die gebruik van sodanige skeikundige stof, weegskaal, maat of apparaat gestaak word totdat dit korrek of andersins geskik gemaak is vir die gebruik waarvoor dit bedoel is;
- (iii) die gebruik van sodanige water of ander stof gestaak word totdat dit geskik vir gebruik gemaak is, of dat 'n alternatiewe bevredigende voorraad daarvan verkry word;
- (iv) sodanige suiwelprodukte vernietig of oor beskik word tot sy bevrediging.

en kan hy voorts by so 'n skriftelike bevel die gebruik van so 'n voertuig, vaartuig, gereedskap, apparaat, toerusting of stof in verband met die vervoer, produksie, verwerking, vervaardiging of opberging, na gelang van die geval, van suiwelprodukte heeltemal verbied of totdat die gebreke daarin tot sy bevrediging herstel is, of vir sodanige tydperk in die bevel vermeld as wat hy nodig ag, of kan hy die verwydering van suiwelprodukte van so 'n perseel verbied vir so 'n tydperk as wat hy nodig ag;

- (e) iemand deur 'n siekte van 'n aansteeklike of besmetlike aard aangetas is en betrokke is by sodanige pligte dat suiwelprodukte waarskynlik besmet sal word, kan hy die skorsing van die persoon van bedoelde pligte gelas en moet hy die omstandighede en sy optrede by die aangewese gesondheidsbeampte aanmeld en sodanige verdere stappe neem as wat bedoelde gesondheidsbeampte nodig ag;
- (f) enige lewende hawe op 'n perseel waarop melk of room geproduseer word, so siek is dat dit waarskynlik 'n skadelike uitwerking op suiwelprodukte sal hê, moet hy die omstandighede aanmeld by die aangewese staatsveearts en kan hy op laasbedoelede se aanbeveling die verkoop of die gebruik van melk van so 'n dier verbied totdat 'n staatsveearts verklaar het dat die dier vry is van enige siekte wat waarskynlik 'n skadelike uitwerking op suiwelprodukte sal hê;
- (g) die graad wat op enige suiwelprodukte aangedui is, nie die gehalte van sodanige suiwelprodukte korrek weergee nie, moet hy—
 - (i) in die geval van suiwelprodukte wat nie in 'n verpakking toegemaak is nie, die graadmerk kanselleer en die korrekte graad daarop merk; of
 - (ii) in die geval van suiwelprodukte wat in 'n verpakking toegemaak is, die verkoop van sodanige suiwelprodukte verbied totdat dit geplaas is in 'n verpakking wat die korrekte graad van sodanige suiwelprodukte dra.

(3) Elke bevel of verbod deur 'n inspekteur kragtens hierdie artikel uitgereik of opgelê, behalwe 'n verbod in sub-paragraaf (ii) van paragraaf (g) van sub-artikel (2) bedoel, moet in die voorgeskrewe vorm wees en 'n afskrif daarvan, tesame met die verslag van bedoelde inspekteur oor die aangeleentheid, moet so spoedig doenlik na die bevel of verbod uitgereik of opgelê is, aan die Sekretaris van die departement deurgestuur word en die Sekretaris kan sodanige bevel of verbod, na goedgekeurde, bekragtig, ter syde stel of wysig, en sy beslissing daaroor is finaal en afdoende.

(4) By die uitreiking of uitvoering van 'n bevel kragtens hierdie artikel, moet 'n inspekteur, sover doenlik, die aangewese gesondheidsbeampte, indien daar so 'n beampte is, raadpleeg.

(5) Enige persoon wat ingevolge paragraaf (a) van sub-artikel (1) van artikel tien aangestel is om mikroskopiese, bakteriologiese of analitiese ondersoeke uit te voer, kan te

enter any premises, place, vehicle or vessel wherein or whereon any dairy produce intended for sale is produced, processed, manufactured, stored or carried and without payment take such samples of any dairy produce thereon or therein, or of any article or substance used or reasonably suspected of being used in connection with dairy produce, as he may reasonably require for the purpose of testing such dairy produce, article or substance.

(6) Any cancellation, branding or prohibition referred to in paragraph (g) of sub-section (2), shall be subject to an appeal to the Secretary of the department or a senior officer of the department authorized by him, by or on behalf of the owner of such dairy produce in the manner prescribed, and such Secretary or officer may, after consideration of any such appeal, confirm, set aside or vary the inspector's decision or make such order in connection therewith as he may deem fit, and his determination thereon shall be final and conclusive.

Incorrect statement on dairy produce.

12. No person shall knowingly place upon any dairy produce or upon any package containing dairy produce any incorrect information as to the grade or quality of such produce or the place where, the time when or the person by whom it was produced, processed or manufactured or any information or representation which is misleading in any way whatsoever.

Prohibition of sale of dairy produce falsely marked.

13. (1) No person shall sell any dairy produce which has been produced, processed or manufactured outside the Union—

- (a) which is contained in a wrapper or other package and is not in bulk, otherwise than in the same wrapper or other package in which it was imported;
- (b) unless the name of the country of origin is clearly branded, in the manner prescribed in the Schedule to this Act—
 - (i) upon the wrapper in which such produce is contained, or, if it is not contained in a wrapper and is not in bulk, upon such produce; and
 - (ii) upon every other package in which such produce is contained or upon a label attached to such package;
- (c) if it is contained in a package on which appears a brand or name under which any dairy produce produced, processed or manufactured in the Union is commonly sold, or which is calculated to induce any person to believe that such dairy produce was produced, processed or manufactured in the Union;
- (d) if upon such dairy produce or upon the wrapper or other package in which it is contained, or upon a label attached to such package, there appear any words or marks stating or implying that such dairy produce has been produced, processed or manufactured in the Union.

(2) No person shall sell any dairy produce produced, processed or manufactured outside a registered creamery or cheese factory if upon such dairy produce or upon the wrapper or other package in which it is contained, or upon a label attached to such package, there appear words or marks stating or implying that such dairy produce has been produced, processed or manufactured in a registered creamery or cheese factory.

Powers of Minister in regard to production of margarine.

14. The Minister may, after consultation with the board—

- (a) by notice in writing addressed to the owner of any margarine factory, prohibit such owner from producing in that factory during any period specified in the notice, a quantity of margarine exceeding a quantity likewise specified;
- (b) by notice in the *Gazette* make the production of margarine in margarine factories subject to such conditions as he may consider necessary to safeguard the development of the dairy industry.

Prohibition of manufacture, sale and importation of margarine.

15. (1) No person shall—

- (a) manufacture or sell margarine which does not as regards its composition, consistency or flavour, or as regards the manner of packing or marking thereof, conform to the requirements prescribed;

alle redelike tye enige perseel, plek, voertuig of vaartuig betree waarin of waarop enige suiwelprodukte wat vir verkoop bedoel word, geproduseer, verwerk, vervaardig, opgeberg of vervoer word en, sonder betaling, van enige suiwelprodukte daarop of daarin of van enige artikel of stof wat in verband met suiwelprodukte gebruik word of volgens redelike vermoede gebruik word, sodanige monsters neem as wat hy redelikerwys nodig mag hê vir die doel om sodanige suiwelprodukte, artikel of stof te toets.

(6) Teen enige kansellering, merk of verbod in paragraaf (g) van sub-artikel (2) bedoel kan na die Sekretaris van die departement of 'n senior beampte van die departement deur hom gemagtig, op die voorgeskrewe wyse deur of namens die eienaar van sodanige suiwelprodukte geappelleer word, en sodanige Sekretaris of beampte, kan, na oorweging van sodanige appêl, die inspekteur se besluit bekragtig, ter syde stel of wysig of in verband daarmee so 'n bevel uitreik as wat hy goedvind, en sy beslissing daaroor is finaal en afdoende.

12. Niemand mag wetens op enige suiwelprodukte of op 'n verpakking wat suiwelprodukte bevat, enige onjuiste gegewens wat betref die graad of gehalte van daardie produk of die plek waar, die tydstop wanneer of die persoon deur wie dit geproduseer, verwerk of vervaardig is, of enige gegewens of voorstelling wat op enige wyse hoegenaamd misleidend is, plaas nie.

Onjuiste verklaring op suiwelprodukte.

13. (1) Niemand mag enige suiwelprodukte wat buite die Unie geproduseer, verwerk of vervaardig is, verkoop nie—

Verbod op die verkoop van suiwelprodukte wat vals gemerk is.

(a) wat in 'n omslag of ander verpakking bevat is, en nie in massa is nie, anders as in dieselfde omslag of ander verpakking waarin dit ingevoer is;

(b) tensy die naam van die land van oorsprong duidelik op die in die Bylae by hierdie Wet voorgeskrewe wyse gemerk is—

(i) op die omslag wat sodanige suiwelprodukte bevat of, indien dit nie in 'n omslag bevat is nie en nie in massa is nie, op sodanige suiwelprodukte; en

(ii) op elke ander verpakking wat sodanige suiwelprodukte bevat of op 'n etiket wat aan sodanige verpakking geheg is;

(c) as dit bevat is in 'n verpakking waarop 'n merk of naam voorkom, waaronder enige in die Unie geproduseerde, verwerkte of vervaardigde suiwelprodukte gewoonlik verkoop word of wat bereken is om enigiemand oor te haal om aan te neem dat sodanige suiwelprodukte in die Unie geproduseer, verwerk of vervaardig is;

(d) indien op sodanige suiwelprodukte of op die omslag of ander verpakking wat dit bevat, of op 'n etiket wat aan so 'n verpakking geheg is, enige woorde of merke voorkom wat verklaar of te kenne gee dat sodanige suiwelprodukte in die Unie geproduseer, verwerk of vervaardig is.

(2) Niemand mag enige suiwelprodukte wat buite 'n geregistreerde botter- of kaasfabriek geproduseer, verwerk of vervaardig is, verkoop nie, indien op sodanige suiwelprodukte of op die omslag of ander verpakking wat dit bevat, of op 'n etiket wat aan so 'n verpakking geheg is, daar woorde of merke voorkom wat verklaar of te kenne gee dat sodanige suiwelprodukte in 'n geregistreerde botter- of kaasfabriek geproduseer, verwerk of vervaardig is.

14. Die Minister kan, na oorlegpleging met die raad—

Bevoegdhede van Minister betreffende produksie van margarien.

(a) by skriftelike kennisgewing aan die eienaar van 'n margarienfabriek gerig, bedoelde eienaar verbied om in daardie fabriek gedurende 'n tydperk in die kennisgewing vermeld 'n hoeveelheid margarien te produseer wat 'n hoeveelheid insgelyks vermeld, te bowe gaan;

(b) by kennisgewing in die *Staatkoerant* die produksie van margarien in margarienfabrieke aan sodanige voorwaardes onderworpe stel as wat hy nodig ag om die ontwikkeling van die suiwelnywerheid te beveilig.

15. (1) Niemand mag—

Verbod op die vervaardiging, verkoop en invoer van margarien.

(a) margarien vervaardig of verkoop wat nie wat betref sy samestelling, tekstuur of smaak, of wat betref die wyse van verpakking of merk daarvan, aan die voorgeskrewe vereistes voldoen nie;

- (b) sell as margarine or under a name or description whereof the word "margarine" or "margarin" forms a part, any substance which does not conform to the said requirements;
- (c) manufacture or sell or import into the Union margarine whereof the colour, measured in terms of the Lovibond tintometer scale, contains more than one degree of yellow or of yellow and red collectively;
- (d) import margarine into the Union, except in so far as the importation thereof has been authorized in the manner prescribed, or otherwise than subject to the conditions upon which such importation has been so authorized;
- (e) sell or deliver to any person any colouring substance intended to be added to or mixed with margarine;
- (f) if he sells foodstuffs or supplies the same to any other person in the course of his business, add to or mix with margarine, or cause or permit to be added thereto or mixed therewith, any butter or any colouring substance; or
- (g) manufacture margarine on the same premises as those on which butter or any process butter is manufactured.

(2) The Governor-General may, by proclamation in the *Gazette*, prohibit the importation of margarine into the Union.

(3) Subject to the provisions of any proclamation issued in terms of sub-section (2), no person shall import margarine into the Union except under the authority of a permit issued by the Minister or a person authorized by him, or otherwise than subject to the conditions specified in such permit, and the Minister may refuse or grant any such permit in his discretion, having regard to the protection of the dairy industry as a whole or any part of such industry.

Prohibition on sale of certain dairy produce in certain circumstances.

16. (1) No person shall—

- (a) sell any class or type of dairy produce which does not conform to the requirements of this Act in respect of that class or type of dairy produce;
- (b) sell any class or type of dairy produce for which grades have been prescribed, unless such produce has been graded in accordance with such grades;
- (c) sell any dairy produce condemned by an inspector as unfit for human consumption: Provided that with the written consent of such inspector and subject to such conditions as may be prescribed, such dairy produce may be sold for any other purpose;
- (d) sell any milk or the cream of any milk which has been drawn from a cow which such person knows to be or suspects of being diseased;
- (e) sell any dairy produce manufactured from milk or cream derived from animals other than bovines, unless such dairy produce or the package containing such dairy produce is branded with the name of the kind of animal from which such milk or cream was derived;
- (f) sell any dairy produce, other than margarine, which contains a preservative;
- (g) sell butter otherwise than in an enclosed package;
- (h) sell farm butter unless the package wherein it is contained, is branded in the prescribed manner;
- (i) sell as milk, milk to which any substance has been added or from which any part of any of its constituents has been removed.

(2) For the purposes of sub-section (1), a person shall be presumed to be in possession for purposes of sale of dairy produce if it is stored or kept on his premises or elsewhere on his behalf, or has been or is in the course of being despatched from his possession or premises, whether on sale or otherwise, and the onus shall be on such person to prove that such dairy produce is not intended for sale.

Manner of sampling, weighing and testing of milk purchased on butterfat basis.

17. Whenever the owner of premises which are registered—

- (a) purchases milk for processing or manufacturing purposes on the basis of its compositional quality, he shall weigh, sample and test such milk in the manner prescribed;
- (b) purchases cream for conversion into butter, he shall—
 - (i) weigh, grade, sample and test such cream in the manner prescribed; and

- (b) 'n stof wat nie aan bedoelde vereistes voldoen nie, as margarien of onder 'n naam of beskrywing waarvan die woord „margarine” of „margarien” 'n deel uitmaak, verkoop nie;
 - (c) margarien vervaardig of verkoop of in die Unie invoer waarvan die kleur, gemeet volgens die Lovibond-kleurmeterskaal, meer as een graad geel, of geel en rooi gesamentlik, bevat nie;
 - (d) margarien in die Unie invoer nie, behalwe vir sover die invoer daarvan op die voorgeskrewe wyse gemagtig is, of op 'n ander wyse as onderworpe aan die voorwaardes waarop sodanige invoer aldus gemagtig is;
 - (e) enige kleurstof bedoel om by margarien gevoeg of om daarmee gemeng te word, aan iemand verkoop of lewer nie;
 - (f) indien hy voedselware verkoop of dit in die loop van sy besigheid aan enige ander persoon verskaf, enige botter of enige kleurstof by margarien voeg of daarmee meng nie, of dit daarby laat voeg of daarmee laat meng nie of toelaat dat dit daarby gevoeg of daarmee gemeng word nie; of
 - (g) margarien op dieselfde perseel as dié waarop botter of enige prosesbotter vervaardig word, vervaardig nie.
- (2) Die Goewerneur-generaal kan, by proklamasie in die *Staatskoerant*, die invoer van margarien in die Unie verbied.
- (3) Behoudens die bepalings van enige proklamasie ingevolge sub-artikel (2) uitgereik, mag niemand margarien in die Unie invoer nie, behalwe uit hoofde van 'n permit wat deur die Minister of iemand wat deur hom gemagtig is, uitgereik is, of op 'n ander wyse as onderworpe aan die voorwaardes in so 'n permit vermeld, en die Minister kan, na goeë dunde, enige sodanige permit weier of toestaan, inagnemende die beskerming van die suiwelnywerheid as 'n geheel of enige gedeelte van sodanige nywerheid.

16. (1) Niemand mag—

- (a) enige klas of tipe suiwelprodukte wat nie aan die vereistes van hierdie Wet ten opsigte van daardie klas of tipe suiwelprodukte voldoen nie, verkoop nie;
- (b) enige klas of tipe suiwelprodukte waarvoor grade voorgeskryf is, verkoop nie tensy sodanige produkte volgens sulke grade gegradeer is;
- (c) enige suiwelprodukte wat deur 'n inspekteur afgekeur is as ongeskik vir menslike gebruik, verkoop nie: Met dien verstande dat met die skriftelike toestemming van sodanige inspekteur en onderworpe aan sodanige voorwaardes as wat voorgeskryf mag word, sodanige suiwelprodukte vir enige ander doel verkoop kan word;
- (d) enige melk of die room van melk wat verkry is van 'n koei wat bedoelde persoon weet of vermoed siek te wees, verkoop nie;
- (e) enige suiwelprodukte vervaardig van melk of room wat van ander diere as beste afkomstig is, verkoop nie tensy sodanige suiwelprodukte of die verpakking wat sodanige suiwelprodukte bevat, gemerk is met die naam van die soort dier waarvan daardie melk of room afkomstig is;
- (f) enige suiwelprodukte behalwe margarien, wat 'n bederfwerende middel bevat, verkoop nie;
- (g) botter anders as in 'n geslote verpakking, verkoop nie;
- (h) plaasbotter, tensy die verpakking wat dit bevat op die voorgeskrewe wyse gemerk is, verkoop nie;
- (i) melk waarby enige stof gevoeg is of waarvan enige deel van enige van sy bestanddele verwyder is, as melk verkoop nie.

Verbod op verkoop van sekere suiwelprodukte in sekere omstandighede.

(2) By die toepassing van sub-artikel (1) word dit vermoed dat iemand in besit is van suiwelprodukte vir doeleindes van verkoop indien dit op sy perseel of elders ten behoewe van hom opgeberg of gehou word, of uit sy besit of van sy perseel, hetsy na verkoop of andersins, versend is of versend word, en die bewyslas om te bewys dat sodanige suiwelprodukte nie vir verkoop bedoel is nie, rus op sodanige persoon.

17. Wanneer die eienaar van 'n perseel wat geregistreer is—

- (a) melk aankoop vir verwerkings- of vervaardigingsdoeleindes volgens die gehalte van sy samestelling, moet hy daardie melk weeg, bemonster en toets op die voorgeskrewe wyse;
- (b) room aankoop vir omsetting in botter, moet hy—
 - (i) daardie room weeg, gradeer, bemonster en toets op die voorgeskrewe wyse; en

Wyse van bemonstering, weeg en toets van melk op bottervetbasis aankoop.

- (ii) deal in the manner prescribed with all cream considered as unfit by a cream grader certificated in terms of section *eighteen*, or by an inspector, for conversion into butter for sale for culinary purposes.

Certificates of proficiency in the testing of milk or cream and in the grading of cream, and in cheesemaking.

18. (1) No person shall be employed in the testing of milk, or in the testing of cream for its butterfat content, or in the grading of cream, unless he is the holder of a certificate of proficiency in the testing of milk or cream or in the grading of cream, as the case may be, issued in the prescribed manner by the Secretary of the department or a senior officer of the department authorized by him.

(2) Such Secretary or officer shall issue a certificate of proficiency in cheesemaking to any person who in the manner prescribed, satisfies two inspectors jointly that he has a sufficient theoretical and practical knowledge of cheesemaking.

(3) The department shall keep a list of all holders of certificates issued under this section.

Cancellation of certificates of proficiency.

19. (1) The Minister may cancel any certificate of proficiency issued under section *eighteen* if, after due enquiry, he is satisfied that the holder thereof—

- (a) has, during the immediately preceding period of two years, not been engaged in the grading or testing of milk or cream or in cheesemaking, as the case may be; or
- (b) is incompetent or negligent or unreliable in carrying out the grading or testing of milk or cream or in cheesemaking, as the case may be, or is otherwise not a fit person to hold the certificate concerned.

(2) If a person holding a certificate of proficiency in milk or cream testing or in cream grading is convicted of an offence of contravening sub-paragraph (v) or (vi) of paragraph (a) of section *twenty-three* the Secretary of the department shall forthwith cause such certificate to be cancelled, and his name to be deleted from the list of certificate holders referred to in sub-section (3) of section *eighteen*.

(3) Any person referred to in sub-section (2), may appeal to the Minister in writing for his reinstatement as a certificate holder and the Minister may, if he deems it expedient, cause a new certificate to be issued to him and his name to be replaced on the list of certificate holders referred to in sub-section (3) of section *eighteen*.

Testing and marking of certain equipment.

20. (1) No person shall use any glassware or appliance for the testing of milk or cream for its butterfat content, unless such glassware or appliance complies with such requirements as may be prescribed.

(2) No person shall sell any such glassware or appliance unless it complies with such requirements.

(3) Such glassware and appliances as may be required to be examined and tested for compliance with the prescribed requirements, shall be so examined and tested by such persons and at such places as the Minister may from time to time approve, and such glassware and appliances as comply with the said requirements, shall be ineffaceably branded in the manner prescribed.

(4) No unauthorized person shall so brand any such glassware or appliance or place thereon any brand which may reasonably be supposed to indicate that such glassware or appliance complies with the standards prescribed.

Keeping of records.

21. (1) The owner of any premises registered or required to be registered, shall keep a correct record of all dairy produce purchased, produced, processed, manufactured, stored and disposed of, in such form as the Secretary of the department or any senior officer of the department authorized by him, approves.

(2) The Secretary of the department or any senior officer of the department authorized by him, may direct the owner of any premises referred to in sub-section (1), to furnish the department once in every calendar month not later than the fifteenth day of that month, with a return on such form and in such manner as may be required by such Secretary or officer.

- (ii) met alle room wat deur 'n ingevolge artikel *agtien* gesertifiseerde roomgradeerder of deur 'n inspekteur as ongeskik beskou word vir omsetting in botter vir verkoop vir kookdoeleindes, op die voorgeskrewe wyse handel.

18. (1) Niemand mag vir die toets van melk, of vir die toets van room vir sy bottervetinhoud of vir die gradering van room gebruik word nie tensy hy die houer is van 'n sertifikaat van bekwaamheid in die toets van melk of room of in die gradeer van room, na gelang van die geval, wat uitgereik is op die voorgeskrewe wyse deur die Sekretaris van die departement of 'n senior beampte van die departement deur hom gemagtig.

Sertifikaat van bekwaamheid in die toets van melk of room en in die gradeer van room en in kaasbereiding.

(2) Sodanige Sekretaris of beampte reik 'n sertifikaat van bekwaamheid in kaasbereiding uit aan enige persoon wat op die voorgeskrewe wyse twee inspekteurs gesamentlik oortuig dat hy 'n voldoende teoretiese en praktiese kennis van kaasbereiding het.

(3) Die departement hou 'n lys van alle houters van sertifikate wat kragtens hierdie artikel uitgereik is.

19. (1) Die Minister kan enige sertifikaat van bekwaamheid kragtens artikel *agtien* uitgereik, intrek, indien hy na behoorlike ondersoek oortuig is dat die houer daarvan—

Intrekking van sertifikate van bekwaamheid.

- (a) gedurende die onmiddellik voorafgaande tydperk van twee jaar nie met die gradeer of toets van melk of room of met kaasbereiding, na gelang van die geval, besig was nie; of
- (b) onbekwaam of nalatig of onbetroubaar is in die uitvoering van die gradering of toets van melk of room of in kaasbereiding, na gelang van die geval, of andersins nie 'n geskikte persoon is om die betrokke sertifikaat te besit nie.

(2) Indien 'n persoon wat die houer van 'n sertifikaat van bekwaamheid is in die toets van melk of room of in die gradeer van room, skuldig bevind word aan 'n misdryf weens 'n oortreding van sub-paragraaf (v) of (vi) van paragraaf (a) van artikel *drie-en-twintig*, laat die Sekretaris van die departement onverwyld bedoelde sertifikaat intrek en sy naam van die in sub-artikel (3) van artikel *agtien* bedoelde lys van houters van sertifikate, skrap.

(3) 'n In sub-artikel (2) bedoelde persoon kan skriftelik na die Minister appelleer vir sy herstelling as 'n sertifikaathouer, en die Minister kan, as hy dit dienstig ag, 'n nuwe sertifikaat aan hom laat uitreik en sy naam laat terugplaas op die in sub-artikel (3) van artikel *agtien* bedoelde lys van sertifikaathouers.

20. (1) Niemand mag enige glasware of toestel gebruik vir die toets van melk of room vir sy bottervetinhoud nie, tensy daardie glasware of toestel aan sodanige vereistes as wat voorgeskryf mag word, voldoen.

Toets en merk van sekere toerusting.

(2) Niemand mag enige sodanige glasware of toestel verkoop nie, tensy dit aan bedoelde vereistes voldoen.

(3) Sodanige glasware en toestelle wat vir voldoening aan die voorgeskrewe vereistes ondersoek en getoets moet word, moet aldus ondersoek en getoets word deur sodanige persone en op sodanige plekke as wat van tyd tot tyd deur die Minister goedgekeur word, en sodanige glasware en toestelle wat aan bedoelde vereistes voldoen, moet op die voorgeskrewe wyse onuitwisbaar gemerk word.

(4) Geen ongemagtigde persoon mag enige sodanige glasware of toestel so merk of enige merk daarop plaas wat redelikerwys veronderstel kan word om aan te dui dat sodanige glasware of toestel aan die voorgeskrewe standarde voldoen nie.

21. (1) Die eienaar van 'n perseel wat geregistreer is of geregistreer moet wees, moet korrekte aantekeninge hou van alle suiwelprodukte aangekoop, geproduseer, verwerk, vervaardig, opgeberg en van die hand gesit in sodanige vorm as wat die Sekretaris van die departement of enige senior beampte van die departement deur hom gemagtig, goedkeur.

Hou van aantekeninge.

(2) Die Sekretaris van die departement of enige senior beampte van die departement deur hom gemagtig, kan die eienaar van enige perseel in sub-artikel (1) bedoel, gelas om aan die departement een maal in elke kalendermaand, nie later as die vyftiende dag van daardie maand nie, 'n opgawe te verstrek op so 'n vorm en wyse as wat deur bedoelde Sekretaris of beampte vereis word.

Use of letters
smaller than
size prescribed.

22. Notwithstanding anything in this Act contained, words required to be composed of letters of a particular size, may be composed of proportionately smaller letters when the package whereon they appear, is so small as to prevent the use of letters of the prescribed size.

Offences and
penalties.

23. Any person who—

(a) with intent to defraud—

- (i) obliterates, defaces or alters an inspector's brand on dairy produce which has been inspected under this Act, or on any package containing such produce, or
- (ii) counterfeits any such brand or the registration number referred to in section *seven* or places upon any dairy produce or package containing dairy produce any such counterfeited brand or number, or
- (iii) places into any package branded after inspection under this Act any dairy produce, whether of the same or any other kind, which was not contained therein at the time of such inspection, or
- (iv) uses for the purpose of packing dairy produce, any package previously used for that purpose without effacing therefrom all previous brands relating to the grade, the identification of churn, vat or batch, or the date of production, processing or manufacture, or
- (v) being the holder of a certificate of proficiency in milk or cream testing, makes, states or enters in the test book an incorrect test result, or
- (vi) being the holder of a certificate of proficiency in cream grading, classifies cream in a grade other than that in which the cream should have been classified under this Act, or

(b) being in the employ of any manufacturer, packer or consigner of dairy produce—

- (i) hires or lends the registration number or branding instruments of his employer to any other person, or
- (ii) connives at or is a party to any fraudulent act in respect of such number or marking instruments, or

(c) contravenes or fails to comply with any condition attached to the registration of a margarine factory in terms of paragraph (a) of sub-section (3) of section *four* or any prohibition imposed or condition to which the production of margarine is made subject in terms of section *fourteen*, or

(d) contravenes or fails to comply with any provision of section *three*, *nine*, *twelve*, *thirteen*, *fifteen*, *sixteen*, *seventeen*, *eighteen*, *twenty* or *twenty-one*, or

(e) uses in respect of any premises, whether or not registered under this Act, for the purpose of designating dairy produce produced, processed or manufactured at those premises, any registration number which has not been allotted to those premises under section *seven*, or

(f) obstructs or hinders an inspector or any other person in the exercise of any power or the performance of any duty which such inspector or other person may be authorized or required to exercise or perform in terms of this Act, or

(g) when required under this Act to give information to an inspector or other person referred to in paragraph (f), fails to give information which he may be lawfully required to give, or knowingly gives false information, or

(h) when required to carry out any written order given by an inspector under this Act, fails to carry out the terms of such order within the period prescribed thereby or by the inspector, or

(i) fails to give any notice or render any return which under this Act it is his duty to give or render, or

(j) in any application made in terms of this Act, knowingly makes or causes to be made a statement which is false in a material particular, or

22. Nieteenstaande enige bepaling in hierdie Wet vervat, kan woorde wat saamgestel moet wees uit letters van 'n bepaalde grootte, saamgestel word uit eweredig kleiner letters wanneer die verpakking waarop hulle voorkom so klein is dat letters van die voorgeskrewe grootte nie gebruik kan word nie.

Gebruik van kleiner letters as die van die voorgeskrewe grootte.

23. Iemand wat—

- (a) met die opset om te bedrieg—
- (i) 'n merk van 'n inspekteur op suiwelprodukte wat kragtens hierdie Wet geïnspekteer is, of op enige verpakking wat sodanige suiwelprodukte bevat, uitwis, onleesbaar maak of verander, of
- (ii) so 'n merk of die in artikel *sewe* bedoelde registrasienommer, namaak of so 'n nagmaakte merk of nommer op enige suiwelprodukte of verpakking wat suiwelprodukte bevat, aanbring, of
- (iii) in enige verpakking wat na 'n inspeksie kragtens hierdie Wet gemerk is, enige suiwelprodukte, hetsy van dieselfde of enige ander soort, plaas wat nie tydens sodanige inspeksie daarin bevat was nie, of
- (iv) vir die doel om suiwelprodukte te verpak enige verpakking gebruik wat voorheen vir daardie doel gebruik was sonder om alle vorige merke wat betrekking het op die graad, die vasstelling van die karring, vat of besending of die datum van produksie, verwerking of vervaardiging daarvan uit te wis, of
- (v) synde die houer van 'n sertifikaat van bekwaamheid in die toets van melk of room 'n onjuiste toetsuitslag in die toetsboek maak, opgee of inskryf, of
- (vi) synde die houer van 'n sertifikaat van bekwaamheid in die gradeer van room, room in 'n ander graad klassifiseer as dié waarin die room kragtens hierdie Wet geklassifiseer moes gewees het, of
- (b) terwyl hy in die diens van 'n fabrikant, verpakker of versender van suiwelprodukte is—
- (i) die registrasienommer of merkinstrumente van sy werkgever aan 'n ander persoon verhuur of uitleen, of
- (ii) enige bedrieglike handeling ten opsigte van sodanige nommer of merkinstrumente oogluikend toelaat of daaraan medepligtig is, of
- (c) enige voorwaarde wat aan die registrasie van 'n margariënfabriek ingevolge paragraaf (a) van sub-artikel (3) van artikel *vier* geheg is, of enige verbod opgelê of voorwaarde waaraan die produksie van margarië onderworpe gestel is ingevolge artikel *veertien*, oortree of versuim om daaraan te voldoen, of
- (d) enige bepaling van artikel *drie*, *nege*, *twaalf*, *dertien*, *vyftien*, *sestien*, *sewentien*, *agtien*, *twintig* of *een-en-twintig* oortree of versuim om daaraan te voldoen, of
- (e) ten opsigte van enige perseel, hetsy kragtens hierdie Wet geregistreer al dan nie, 'n registrasienommer wat nie kragtens artikel *sewe* aan daardie perseel toegeken is nie, gebruik vir die doel om suiwelprodukte wat op daardie perseel geproduseer, verwerk of vervaardig is, te onderskei, of
- (f) 'n inspekteur of enige ander persoon belemmer of hinder in die uitoefening van 'n bevoegdheid of die uitvoering van 'n plig wat sodanige inspekteur of ander persoon ingevolge hierdie Wet kan of moet uitoefen of uitvoer, of
- (g) wanneer dit kragtens hierdie Wet van hom vereis word om inligting aan 'n inspekteur of ander in paragraaf (f) bedoelde persoon te verstrek, versuim om inligting te verstrek wat dit wettiglik van hom vereis kan word om te verstrek of wetens vals inligting verstrek, of
- (h) wanneer dit van hom vereis word om 'n skriftelike bevel, wat deur 'n inspekteur kragtens hierdie Wet uitgereik is, uit te voer, versuim om die bepalings van sodanige bevel binne die tydperk daardeur of deur die inspekteur voorgeskryf, uit te voer, of
- (i) versuim om enige kennis te gee of enige opgawe te verstrek wat hy kragtens hierdie Wet verplig is om te gee of te verstrek, of
- (j) in enige aansoek kragtens hierdie Wet gedoen, wetens 'n verklaring maak of laat maak wat in 'n wesenlike opsig vals is, of

Misdrywe en strawwe.

- (k) falsely holds himself out to be a person appointed under section *ten*, or
- (l) incites, instigates, commands or procures any holder of a certificate of proficiency in milk or cream testing or in cream grading to make, state or enter in the test book an incorrect test result or to classify cream in a grade other than that in which the cream should have been classified under this Act, or
- (m) incites, instigates, commands or procures any employee to make any incorrect entry on any receipt for milk or cream required to be issued in terms of this Act,

shall be guilty of an offence and liable on conviction—

- (i) in the case of an offence referred to in paragraph (a), to the penalties prescribed by law for the crime of fraud;
- (ii) in the case of an offence referred to in paragraph (b), to a fine not exceeding one hundred rand;
- (iii) in the case of an offence referred to in paragraph (c), to a fine not exceeding four hundred rand or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment;
- (iv) in the case of an offence referred to in paragraph (d), if it is—
 - (aa) a contravention of section *three* or *nine*, to a fine not exceeding one hundred rand and to a further fine not exceeding ten rand for every day on which the offence continues;
 - (bb) a contravention of section *twelve*, *thirteen*, *seventeen*, *eighteen* or *twenty-one*, to a fine not exceeding one hundred rand;
 - (cc) a contravention of section *fifteen* or paragraph (l) or (m) of this section, to a fine not exceeding two hundred rand for a first conviction under the said section, and to a fine not exceeding four hundred rand for a second or subsequent conviction under the said section;
 - (dd) a contravention of paragraph (a), (b), (c), (f) or (i) of sub-section (1) of section *sixteen* or of section *twenty*, to a fine not exceeding two hundred rand; and
 - (ee) a contravention of paragraph (d), (e), (g) or (h) of sub-section (1) of section *sixteen*, to a fine not exceeding twenty rand;
- (v) in the case of an offence referred to in paragraph (e), (f), (g), (h), (i), (j) or (k), to a fine not exceeding twenty rand, and if it is an offence referred to in paragraph (e), (h) or (i), to a further fine not exceeding two rand for every day on which the offence continues.

Penalties when not otherwise provided.

24. Any person guilty of an offence against, or a contravention of, this Act, or of any default in complying with any provision thereof with which it is his duty to comply, shall, if no penalty is expressly provided for the offence, contravention or default, be liable on conviction to a fine not exceeding twenty rand.

Recovery of costs from person convicted.

25. When any person is convicted of an offence against, or a contravention of, or default in complying with, any provision of this Act, the following costs shall be recoverable from him in addition to any penalty imposed:

- (a) The postage, railway carriage or other reasonable charge, if any, paid for transmitting, under this Act, to an inspector, analyst, tester or examiner any sample in connection with the charge on which such person was convicted; and
- (b) the fee, if any, charged under the prescribed tariff for analysing, examining or testing such sample.

Procedure for carrying out of order of inspector and recovery of costs and expenses thereof.

26. (1) If any person required to carry out any written order given by an inspector under this Act, fails to carry out the terms of such order within the time fixed thereby or by the inspector, the magistrate of the district in which the premises, vehicle or vessel concerned is situate may, upon the application of the inspector, prohibit the use thereof by such person until the said terms have been carried out by him.

- (k) valslik voorgee dat hy iemand is wat kragtens artikel *tien* aangestel is, of
- (l) enige houër van 'n sertifikaat van bekwaamheid in die toets van melk of room of in die graadeer van room uitlok, aanstig, beveel of verkry om 'n onjuiste toetsuitslag in die toetsboek te maak, op te gee of in te skryf of om room in 'n ander graad te klassifiseer as dié waarin die room kragtens hierdie Wet geklassifiseer moes gewees het; of
- (m) enige werknemer uitlok, aanstig, beveel of verkry om 'n onjuiste inskrywing te maak op enige kwitansie vir melk of room wat kragtens hierdie Wet uitgereik moet word,
- is aan 'n misdryf skuldig en by skuldigbevinding strafbaar—
- (i) in die geval van 'n misdryf in paragraaf (a) bedoel, met die strawwe wat regtens vir die misdaad bedrog voorgeskryf is;
- (ii) in die geval van 'n misdryf in paragraaf (b) bedoel, met 'n boete van hoogstens honderd rand;
- (iii) in die geval van 'n misdryf in paragraaf (c) bedoel, met 'n boete van hoogstens vierhonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met beide sodanige boete en sodanige gevangenisstraf;
- (iv) in die geval van 'n misdryf in paragraaf (d) bedoel, indien dit—
- (aa) 'n oortreding van artikel *drie* of *nege* is, met 'n boete van hoogstens honderd rand en tot 'n verdere boete van hoogstens tien rand vir elke dag waarop die oortreding voortduur;
- (bb) 'n oortreding van artikel *twaalf*, *dertien*, *sewentien*, *agtien* of *een-en-twintig* is, met 'n boete van hoogstens honderd rand;
- (cc) 'n oortreding van artikel *vyftien* of paragraaf (l) of (m) van hierdie artikel is, met 'n boete van hoogstens tweehonderd rand indien dit 'n eerste skuldigbevinding kragtens genoemde artikel is, en met 'n boete van hoogstens vierhonderd rand indien dit 'n tweede of daaropvolgende skuldigbevinding kragtens genoemde artikel is;
- (dd) 'n oortreding van paragraaf (a), (b), (c), (f) of (i) van sub-artikel (1) van artikel *sestien*, of van artikel *twintig*, met 'n boete van hoogstens tweehonderd rand; en
- (ee) 'n oortreding van paragraaf (d), (e), (g) of (h) van sub-artikel (1) van artikel *sestien* is, met 'n boete van hoogstens twintig rand;
- (v) in die geval van 'n misdryf in paragraaf (e), (f), (g), (h), (i), (j) of (k) bedoel, met 'n boete van hoogstens twintig rand en, indien dit 'n misdryf is in paragraaf (e), (h) of (i) bedoel, met 'n verdere boete van hoogstens twee rand vir elke dag waarop die misdryf voortduur.

24. Iemand wat skuldig is aan 'n misdryf teen, of 'n oortreding van, hierdie Wet, of aan 'n versuim om aan 'n bepaling daarvan te voldoen waaraan hy verplig is om te voldoen, is, indien daar nie 'n straf vir die misdryf, oortreding of versuim uitdruklik voorgeskryf word nie, by skuldigbevinding strafbaar met 'n boete van hoogstens twintig rand.

Strawwe waar
nie anders
bepaal is nie.

25. Wanneer iemand skuldig bevind word aan 'n misdryf teen, of 'n oortreding van, of versuim om te voldoen aan, 'n bepaling van hierdie Wet, is die volgende koste van hom verhaalbaar benewens enige straf opgelê:

Verhaal van koste
van persoon wat
skuldig bevind
word.

- (a) Die posgeld, spoorvrag of ander redelike koste, indien daar is, wat betaal is vir die deurstuur, kragtens hierdie Wet, aan 'n inspekteur, ontleder, toetser of ondersoeker, van 'n monster in verband met die aanklag waarop so 'n persoon skuldig bevind is; en
- (b) die gelde, indien daar is, wat kragtens die voorgeskrewe tarief vir die ontleding, ondersoek of toets van so 'n monster gevra is.

26. (1) Indien iemand van wie dit vereis word om 'n skriftelike bevel uit te voer wat kragtens hierdie Wet deur 'n inspekteur uitgereik is, versuim om die bepalings van so 'n bevel binne die tydperk daardeur of deur die inspekteur bepaal, uit te voer, kan die landdros van die distrik waarin die betrokke perseel, voertuig of vaartuig geleë is, op aansoek van die inspekteur, die gebruik daarvan deur sodanige persoon verbied totdat bedoelde bepalings deur hom uitgevoer is.

Prosedure vir
uitvoering van
bevel van
inspekteur en
vir verhaal van
koste en
uitgawes daarvan.

(2) If such person is convicted under this Act of failing to carry out the terms of such order, the court before which the conviction takes place shall, at the request of the inspector, enquire summarily and without pleadings, but in the presence of the accused, into the amount of the costs and expenses incurred by the inspector in connection with the order.

(3) Upon proof of the amount of such costs and expenses, the court shall give judgment therefor in favour of the inspector and against the accused, and such judgment shall be of the same force and effect and be executable in the same manner as if it had been given in a civil action duly instituted before such court: Provided that judgment shall not be given under this sub-section for an amount exceeding two hundred rand.

Certificate of examination admissible in evidence.

27. (1) Any person appointed by the Minister under the provisions of paragraph (a) of sub-section (1) of section *ten* to carry out microscopical, bacteriological or analytical examinations under or for the purposes of this Act, shall furnish a certificate, in the prescribed form, of the results of each such examination carried out by him.

(2) (a) In any proceedings against any person for a contravention of any provision of this Act, a certificate furnished in terms of sub-section (1) by the appointed person who made the examination for the purpose of ascertaining such contravention, shall be *prima facie* evidence of the facts stated in the certificate, unless the accused has, not less than three days before the hearing of the charge against him, required that such appointed person be called as a witness.

(b) If the accused requires such person to be so called, he shall bear the expenses incidental to such person being summoned and appearing as a witness, and before such person is so summoned the accused shall deposit with the registrar or clerk of the court in which the proceedings are pending such sum as may be sufficient to meet the said expenses, which sum shall be refunded to the accused if he is not convicted.

(3) The accused, instead of requiring the attendance, as a witness, of the appointed person who made the examination, shall be entitled to put to him interrogatories approved by the court, and such interrogatories and the answers thereto shall be received in evidence in such proceedings.

Amendment of Schedule.

28. (1) The Governor-general may, by proclamation in the *Gazette*, make such amendments not being inconsistent with any provision of this Act, to the Schedule to this Act, whether by rescission or alteration of, or addition to, the regulations set out therein, as he may deem expedient.

(2) All such amendments shall be laid on the Tables of both Houses of Parliament within fourteen days after the publication thereof, if Parliament is then in ordinary session or, if it is not then in ordinary session, within fourteen days after the commencement of its next ensuing ordinary session.

(3) Every such amendment shall be of force and effect unless or until both Houses of Parliament have, by resolution passed in the same session, requested the Governor-General to rescind or vary the amendment, in which case it shall be forthwith rescinded or varied, as the case may be, by further proclamation in the *Gazette*.

Regulations.

29. (1) The Governor-General may make regulations as to—

- (a) the qualifications, powers and duties of inspectors and other persons appointed to exercise powers and perform duties under this Act;
- (b) the manner in which premises shall be registered;
- (c) the structure, sanitation, drainage, ventilation, lighting and equipment of, and accommodation to be provided in, premises registered or required to be registered, and the equipment, instruments, appliances and utensils to be used on such premises;
- (d) the manner in which any substance (other than dairy produce) derived from milk, shall be treated before its removal from any premises which are registered or required to be registered;

(2) Indien sodanige persoon kragtens hierdie Wet skuldig bevind word aan 'n versuim om die bepalings van so 'n bevel uit te voer, stel die hof waarvoor die skuldigbevinding plaasvind, op versoek van die inspekteur, summier en sonder pleitstukke, maar in die teenwoordigheid van die beskuldigde, ondersoek in na die bedrag van die koste en uitgawes wat deur die inspekteur in verband met die bevel aangegaan is.

(3) By bewys van die bedrag van sodanige koste en uitgawes doen die hof uitspraak daarvoor ten gunste van die inspekteur en teen die beskuldigde, en so 'n uitspraak het dieselfde krag en uitwerking en is op dieselfde wyse uitvoerbaar asof dit in 'n siviele geding gedoen was wat behoorlik voor sodanige hof ingestel was: Met dien verstande dat uitspraak nie kragtens hierdie sub-artikel gedoen mag word vir 'n bedrag wat tweehonderd rand te bowe gaan nie.

27. (1) Iemand wat kragtens die bepalings van paragraaf (a) van sub-artikel (1) van artikel tien deur die Minister aangestel is om mikroskopiese, bakteriologiese of analitiese ondersoeke kragtens of vir die doeleindes van hierdie Wet uit te voer, moet 'n sertifikaat in die voorgeskrewe vorm verstrek van die uitslag van elke sodanige ondersoek wat deur hom uitgevoer is.

Sertifikaat van ondersoek as getuienis toelaatbaar.

(2) (a) By 'n saak teen iemand weens 'n oortreding van 'n bepaling van hierdie Wet, is 'n ingevolge sub-artikel (1) verstrekte sertifikaat deur die aangestelde persoon wat die ondersoek uitgevoer het om sodanige oortreding vas te stel, *prima facie* bewys van die feite wat in die sertifikaat vermeld word, tensy die beskuldigde minstens drie dae voor die verhoor van die aanklag teen hom geëis het dat sodanige aangestelde persoon as 'n getuie opgeroep word.

(b) Indien die beskuldigde eis dat sodanige persoon aldus opgeroep word, moet hy die uitgawes dra verbonde aan die dagvaarding en verskyning van so 'n persoon as 'n getuie, en alvorens sodanige persoon aldus gedagvaar word, moet die beskuldigde by die registrateur of klerk van die hof waarin die saak hangende is, 'n bedrag stort wat voldoende is om bedoelde uitgawes te dek, en dié bedrag moet aan die beskuldigde terugbetaal word indien hy nie skuldig bevind word nie.

(3) Die beskuldigde is geregtig om in plaas van die teenwoordigheid van die aangestelde persoon wat die ondersoek uitgevoer het, as 'n getuie te eis, vraagpunte wat deur die hof goedgekeur is aan hom te stel, en sodanige vraagpunte en die antwoorde daarop word in sodanige saak as getuienis aanvaar.

28. (1) Die Goewerneur-generaal kan by proklamasie in die *Staatskoerant* sodanige wysigings, wat nie met 'n bepaling van hierdie Wet teenstrydig is nie, in die Bylae by hierdie Wet aanbring, hetsy deur intrekking of verandering van, of byvoeging by, die regulasies daarin uiteengesit, as wat hy raadsaam mag ag.

Wysiging van Bylae.

(2) Alle sodanige wysigings moet in beide Huisse van die Parlement ter Tafel gelê word binne veertien dae ná die publikasie daarvan, indien die Parlement dan in gewone sitting is, of, indien die Parlement nie dan in gewone sitting is nie, binne veertien dae ná die aanvang van sy eersvolgende gewone sitting.

(3) Elke sodanige wysiging is van krag tensy of totdat beide Huisse van die Parlement, by besluit gedurende dieselfde sitting geneem, die Goewerneur-generaal versoek het om die wysiging in te trek of te wysig, in welke geval dit onverwyld by verdere proklamasie in die *Staatskoerant* ingetrek of gewysig moet word, na gelang van die geval.

29. (1) Die Goewerneur-generaal kan regulasies uitvaardig betreffende—

Regulasies.

(a) die kwalifikasies, bevoegdhede en pligte van inspekteurs en ander persone aangestel om kragtens hierdie Wet bevoegdhede uit te oefen en pligte uit te voer;

(b) die wyse waarop persele geregistreer moet word;

(c) die struktuur, sanitasie, dreinasie, ventilasie, beligting en toerusting van, en akkommodasie wat verskaf moet word in, 'n perseel wat geregistreer is of geregistreer moet wees, en die toerusting, instrumente, toestelle en gereedskap wat op so 'n perseel gebruik moet word;

(d) die wyse waarop enige stof (wat nie 'n suiwelprodukt is nie), wat van melk verkry word, behandel moet word voor dit verwyder word van 'n perseel wat geregistreer is of wat geregistreer moet wees;

- (e) the manner in which the owner of premises which are registered or required to be registered, shall brand dairy produce produced, processed or manufactured on such premises or the wrappers or other packages containing such produce;
- (f) the forms of application, registration certificates, marks, certificates of analysis or examination, reports, returns, notices, registers and of all other documents whatsoever to be used for the purposes of this Act;
- (g) the conditions upon which and the manner in which samples shall be taken for the purposes of inspection, analysis or examination under this Act and the mode of dealing with or disposing of such samples;
- (h) the aeration and cooling of dairy produce;
- (i) the use of preservatives and colouring or other foreign substances in dairy produce;
- (j) the disposal of condemned dairy produce;
- (k) the methods and manner of weighing, sampling and testing of dairy produce and the manner in which the results thereof shall be recorded;
- (l) grading and the manner of grading of dairy produce;
- (m) the charges which may be made for any grading or testing under this Act;
- (n) the examination of candidates for certificates of proficiency in grading and testing of dairy produce and in cheesemaking;
- (o) the patterns of and standards for all glassware and appliances used for the testing of dairy produce;
- (p) standards for the composition, purity and quality of dairy produce;
- (q) the composition of and standards for rennet and colouring matter which may be used in butter and cheese and conditions for their sale and use;
- (r) the manner of handling, transportation and storing of dairy produce intended for use or consumption by a person other than the producer, processor or manufacturer thereof;
- (s) the methods and manner of handling, cleaning, maintaining, storing or keeping of milking machines and dairy utensils;
- (t) the nature and quality of the various packages for dairy produce;
- (u) the requirements with which premises used as a farm cheese factory and the equipment, instruments, appliances and utensils, used thereon, shall comply;
- (v) the time and manner in which an appeal under sub-section (6) of section *eleven* shall be lodged and prosecuted, the security to be lodged in connection with any such appeal, the disposal of any security so lodged and the person or persons by whom such an appeal shall be decided;
- (w) any matter which is required or permitted to be prescribed by regulation; and
- (x) generally, any matter which he considers it 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 under sub-section (1) with reference to different classes of persons and in such other respects as the Governor-General may decide.

(3) The regulations may prescribe penalties for any contravention or failure to comply therewith, not exceeding a fine of twenty rand or imprisonment for a period not exceeding fourteen days on a first conviction and fifty rand or imprisonment for a period not exceeding two months on a second or subsequent conviction.

Minister may
delegate powers.

30. The Minister may delegate to the Secretary or to any other senior officer of the department any of the powers conferred upon him by this Act.

- (e) die wyse waarop die eienaar van 'n perseel wat geregistreer is of wat geregistreer moet wees, suiwelprodukte op sodanige perseel geproduseer, verwerk of vervaardig, of die omslae of verpakkings wat sodanige suiwelprodukte bevat, moet merk;
- (f) die vorms van aansoeke, registrasiesertifikate, merke, sertifikate van ontleding of ondersoek, verslae, opgawes, kennisgewings, registers en van alle ander dokumente hoegenaamd wat vir die doeleindes van hierdie Wet gebruik moet word;
- (g) die voorwaardes en die wyse waarop monsters vir doeleindes van inspeksie, ontleding of ondersoek kragtens hierdie Wet geneem moet word, en die wyse waarop met sodanige monsters gehandel of daaroor beskik moet word;
- (h) die belugting en verkoeling van suiwelprodukte;
- (i) die gebruik van bederfwerende middels en kleur- of ander vreemde stowwe in suiwelprodukte;
- (j) die beskikking oor afgekeurde suiwelprodukte;
- (k) die metodes en wyse waarop suiwelprodukte geweeg, bemonster en getoets moet word en die wyse waarop die uitslae daarvan aangeteken moet word;
- (l) die gradering en die wyse waarop suiwelprodukte gegradeer moet word;
- (m) die gelde wat gevra kan word vir enige gradering of toets kragtens hierdie Wet;
- (n) die afneem van eksamens van kandidate vir sertifikate van bekwaamheid in die gradering en toets van suiwelprodukte en in kaasbereiding;
- (o) die patroon van en standarde vir alle glasware en toestelle wat vir die toets van suiwelprodukte gebruik word;
- (p) standarde vir die samestelling, suiwerheid en gehalte van suiwelprodukte;
- (q) die samestelling van en standarde vir stremsel en kleursel wat gebruik kan word in botter en kaas en voorwaardes vir die verkoop en gebruik daarvan;
- (r) die wyse waarop suiwelprodukte wat vir gebruik of verbruik bedoel is, deur iemand anders as die produsent, verwerker of vervaardiger daarvan, gehanteer, vervoer en opgeberg moet word;
- (s) die metodes waarvolgens en wyse waarop melkmasjiene en suiwelgereedskap gehanteer, gereinig, instandgehou, opgeberg of gehou moet word;
- (t) die aard en gehalte van die verskillende verpakkings vir suiwelprodukte;
- (u) die vereistes waaraan 'n perseel wat as 'n plaaskaasfabriek gebruik word, en die toerusting, instrumente, gereedskap en toestelle wat daarop gebruik word, moet voldoen;
- (v) die tydperk waarin en wyse waarop 'n appèl kragtens sub-artikel (6) van artikel *elf* aangeteken en voortgesit moet word, die sekerheid wat in verband met so 'n appèl gestel moet word, die beskikking oor die sekerheid wat aldus gestel word en die persoon of persone deur wie sodanige appèl beslis moet word;
- (w) enige aangeleentheid wat by regulasie voorgeskryf moet of kan word; en
- (x) 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 bepaling van die voorafgaande paragrawe beperk word.

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

(3) Die regulasies kan vir 'n oortreding daarvan of versuim om daaraan te voldoen, strawwe voorskryf wat nie 'n boete van twintig rand of gevangenisstraf vir 'n tydperk van veertien dae by 'n eerste skuldigbevinding en vyftig rand of gevangenisstraf vir 'n tydperk van twee maande by 'n tweede of daaropvolgende skuldigbevinding, te bowe gaan nie.

30. Die Minister kan aan die Sekretaris of aan enige senior beampte van die departement enige van die bevoegdhede deleger wat hierdie Wet aan hom verleen. Minister kan bevoegdhede deleger.

Repeal of sections 29 to 36, sections 38 to 54 and section 61 of Act 35 of 1930.

Substitution of section 62 of Act 35 of 1930, as amended by section 16 of Act 38 of 1950.

Amendment of long title of Act 35 of 1930.

Repeal of Act 63 of 1957.

Savings.

Short title and date of commencement.

31. Sections *twenty-nine to thirty-six*, inclusive, sections *thirty-eight to fifty-four*, inclusive, and section *sixty-one* of the Dairy Industry Control Act, 1930, are hereby repealed.

32. The following section is hereby substituted for section *sixty-two* of the Dairy Industry Control Act, 1930:

"Definitions.

62. (1) In this Act unless inconsistent with the context—

'butter substitutes factory' means any premises used for the manufacture of butter substitutes; 'farm dairy butter' means any butter made elsewhere than in a creamery by any member or members of any one household and sold during any one month in quantity in excess of fifty pounds; and

'principal Act' means the Dairy Industry Act, 1961.

(2) Any expression to which a meaning is ascribed in the principal Act, shall, when used in this Act, have the same meaning."

33. The long title of the Dairy Industry Control Act, 1930, is hereby amended by the deletion of the words "to make further provision for the regulation and control of the dairy industry, and to amend further the Dairy Industry Act, 1918."

34. The Dairy Industry Act, 1957, is hereby repealed.

35. Any proclamation, regulation, notice, order, prohibition, authority or document issued, made, promulgated, given, granted or imposed and any other action taken under any provision of a law repealed by this Act shall, if not inconsistent with the provisions of this Act, be deemed to have been issued, made, promulgated, given, granted, imposed or taken under the corresponding provisions of this Act.

36. This Act shall be called the Dairy Industry Act, 1961, and shall come into operation upon a date to be fixed by the Governor-General by proclamation in the *Gazette*.

Schedule.

REGULATIONS.

1. (1) Upon the request of an inspector, every owner of premises which are registered or required to be registered, shall allow such inspector to make a list of the persons supplying dairy produce to him.

(2) Every such owner shall give to an inspector such personal assistance and information as he is capable of giving, to aid such inspector in any investigation concerning the quality of dairy produce.

2. No person shall deposit or keep any dairy produce intended for sale or supply for profit—

(a) in any room used for domestic purposes;

(b) in any place which might cause such produce to be unwholesome or injurious to health; or

(c) in any place where goods or other materials likely to taint such produce or contaminate it with disease, are kept or permitted to be.

3. (1) All cans, utensils and packages, when actually containing dairy produce shall, as far as possible, be effectually protected or shielded from the heat of the sun.

(2) The surfaces of all utensils, milking machines, separators, coolers or any other equipment coming into contact with milk or cream shall be thoroughly and effectively cleansed immediately after use, and suitable facilities shall be provided for the cleansing and storage of such equipment.

4. All cow-byres used for milking purposes must be kept in a clean and sanitary condition, and all milking operations must be carried out in a cleanly manner.

5. No person shall sell, or export any milk, or the cream of any milk drawn from a cow within six clear days of her calving, or until such time as the milk when boiled does not coagulate.

6. (1) (a) Every owner of premises which are registered or required to be registered, who procures or purchases skim milk, milk or cream shall reject all such skim milk, milk or cream delivered to him in a can or vessel which is not in a clean and wholesome condition and shall give notice in writing to the supplier of such rejection and the reasons therefor.

(b) Any such owner who accepts delivery of, and any person who supplies, cream or milk or skim milk contained in such a can or

31. Artikels *nege-en-twintig* tot en met *ses-en-dertig*, artikels *agt-en-dertig* tot en met *vier-en-veertig* en artikel *een-en-sestig* van die Wet op die Beheer van die Suiwelnywerheid, 1930, word hierby herroep.

Herroeping van artikels 29 tot 36, artikels 38 tot 54 en artikel 61 van Wet 35 van 1930

32. Artikel *twee-en-sestig* van die Wet op die Beheer van die Suiwelnywerheid, 1930, word hierby deur die volgende artikel vervang:

Vervanging van artikel 62 van Wet 35 van 1930, soos gewysig deur artikel 16 van Wet 38 van 1950.

„Woord-
omskry-
wing.

62. (1) In hierdie Wet, tensy uit die samehang anders blyk, beteken—

„fabriek van bottersurrogate’ enige perseel wat vir die vervaardiging van bottersurrogate gebruik word;

„plaasmelkerybotter’ botter wat elders as in ’n botterfabriek gemaak is deur ’n lid of lede van een huishouding en gedurende enige enkele maand verkoop word in ’n hoeveelheid wat vyftig pond te bowe gaan; en

„Hoofwet’ die Wet op die Suiwelnywerheid, 1961.

(2) Enige uitdrukking waaraan in die Hoofwet ’n betekenis toegeskryf word, het, wanneer dit in hierdie Wet gebesig word, dieselfde betekenis.”.

33. Die lang titel van die Wet op die Beheer van die Suiwelnywerheid, 1930, word hierby gewysig deur die woorde „om verdere voorsiening te maak vir die reëling van die suiwelnywerheid en vir die uitoefening van toesig daarop en om die Suiwelnywerheids-Wet, 1918, verder te wysig” te skrap.

Wysiging van lang titel van Wet 35 van 1930.

34. Die Suiwelnywerheidswet, 1957, word hierby herroep.

Herroeping van Wet 63 van 1957.

35. Enige proklamasie, regulasie, kennisgewing, order, verbod, magtiging of dokument uitgereik, gemaak, afgekondig, gegee, verleen of opgelê en enige ander stappe gedoen kragtens enige bepaling van ’n wet wat deur hierdie Wet herroep word, word, indien dit nie met die bepalings van hierdie Wet teenstrydig is nie, geag uitgereik, gemaak, afgekondig, gegee, verleen, opgelê of geneem te gewees het kragtens die ooreenstemmende bepalings van hierdie Wet.

Voorbehoude.

36. Hierdie Wet heet die Wet op die Suiwelnywerheid, 1961, en tree in werking op ’n datum deur die Goewerneur-generaal by proklamasie in die *Staatskoerant* vasgestel te word.

Kort titel en datum van inwerkingtreding.

Bylae.

REGULASIES.

1. (1) Op versoek van ’n inspekteur moet elke eienaar van ’n perseel wat geregistreer is of geregistreer moet wees, daardie inspekteur toelaat om ’n lys op te stel van die persone wat suiwelprodukte aan hom verskaf.

(2) Elke sodanige eienaar moet aan ’n inspekteur die persoonlike bystand verleen en die inligting verstrek wat hy in staat is om te verleen of te verstrek om sodanige inspekteur te help met enige ondersoek rakende die gehalte van suiwelprodukte.

2. Niemand mag suiwelprodukte wat vir verkoop of verskaffing vir wins bedoel is, plaas of hou nie—

(a) in ’n vertrek wat vir huishoudelike doeleindes gebruik word;

(b) in ’n plek wat moontlik mag veroorsaak dat sodanige produkte ongesond of nadelig vir die gesondheid word; of

(c) in ’n plek waar goedere of ander stowwe wat sodanige produkte waarskynlik kan besmet of besoedel, gehou word of toegelaat word om te wees.

3. (1) Alle kanne, gereedskap en verpakkings moet, solank dit werklik suiwelprodukte bevat, sover moontlik op doelmatige wyse teen die hitte van die son beskerm of beskut word.

(2) Die oppervlaktes van die gereedskap, melkmasjiene, roomafskeiers, verkoelers of enige ander toerusting wat met melk of room in aanraking kom, moet onmiddellik na gebruik deeglik en doeltreffend gereinig word, en geskikte geriewe moet vir die reiniging en opberging van sodanige toerusting voorsien word.

4. Alle koeistalle waar gemelk word, moet in ’n skoon en higiëniese toestand gehou word, en alle werksaamhede by die melk van koeie moet op ’n sindelike wyse uitgevoer word.

5. Niemand mag melk of die room van melk wat van ’n koei gemelk is binne ses volle dae nadat sy gekalf het of totdat die melk wanneer dit gekook word nie stol nie, verkoop of uitvoer nie.

6. (1) (a) Elke eienaar van ’n perseel wat geregistreer is of geregistreer moet wees, wat afgeroomde melk, melk of room aanskaf of aankoop, moet ontvangs weier van al sodanige afgeroomde melk, melk of room wat aan hom gelewer word in ’n kan of houer wat nie in ’n skoon en gesonde toestand is nie, en moet aan die verskaffer skriftelike kennis van sodanige weiering en die redes daarvoor gee.

(b) So ’n eienaar wat lewering van room of melk of afgeroomde melk wat in so ’n kan of houer bevat is, aanneem, en iemand

vessel, shall be guilty of an offence and liable on conviction to a fine not exceeding twenty rand.

- (2) (a) The owner of a cheese factory, casein factory or creamery shall not allow any whey or buttermilk to be conveyed from such factory or such creamery in any utensil which is being used to convey milk, cream or skim milk thereto.
- (b) Any owner who contravenes the provisions of paragraph (a) shall be guilty of an offence and liable on conviction to a fine not exceeding twenty rand.

(3) All milk and cream cans or vessels used in the transport of milk or cream or skim milk from the place of production to premises referred to in sub-section (1) of section *three* shall have the name and address of the producer legibly branded thereon, and all cans used for the conveyance of whey from a cheese factory or casein factory, or of buttermilk from a creamery, shall be branded "Wei" or "Karringmelk" or "Whey" or "Buttermilk", as the case may be.

7. The name of the country of origin which is in terms of section *thirteen* required to be branded upon dairy produce produced, processed or manufactured outside the Union, or upon any wrapper or other package containing such dairy produce, or upon a label attached to any such package shall be printed—

- (a) if such produce is contained in a wrapper or other package and weighs—
- (i) not more than five pounds, in letters not less than one quarter of an inch square, face measurement; and
 - (ii) more than five pounds, in letters not less than one inch square, face measurement; and
- (b) if such produce is not contained in a wrapper or other package in letters not less than half an inch square, face measurement.

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

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

and shall, at the request of any person who, during that financial year or during the period of twelve months which ended on the said thirtieth day of June, supplied any cream or milk to such creamery or cheese factory, furnish such person with a copy of such statement.

9. (1) Any person to whom any statement referred to in regulation 8 was furnished may, within six months after the end of the period of three months referred to in that regulation during which such statement was or should have been prepared, request the Minister, in writing, to cause the correctness of that statement to be investigated.

(2) If the person requesting such investigation furnishes security to the satisfaction of the Minister for the payment of the cost of such investigation, the Minister may appoint any public accountant who is registered in terms of the provisions of the Public Accountants' and Auditors' Act, 1951 (Act No. 51 of 1951), to investigate the question whether such statement is or is not correct, and for that purpose to examine any book or document of whatever nature containing any data which may enable him to determine whether the said statement is or is not correct and to report the result of such investigation to the Minister.

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

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

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

10. (1) Margarine shall contain—

- (a) not less than 80 per cent. of its composition by weight of fat;
- (b) not more than 16 per cent. of its composition by weight of water;
- (c) not less than 20 international units of vitamin A, and one international unit of vitamin B, per gramme; and
- (d) not less than 0.025 per cent. of its composition by weight of starch.

(2) Margarine may, in addition to the substances referred to in sub-regulation (1), contain no substance other than pure sugar, common salt (sodium chloride), milk solids, harmless colouring substances, not more than ten per cent. of its composition by weight of milk fat, not more than one per cent. of its composition by weight of one or more emulsifiers, and benzoic acid or sodium benzoate as a preservative in an amount not exceeding 0.20 per cent. calculated as benzoic acid.

(3) Margarine shall be clean, sound, of pleasant flavour, reasonably soft to the palate, of firm consistency and capable of being easily spread at normal temperatures, it shall be contained in packages the nett weight whereof shall be one-half of a pound each, and there shall be durably branded—

- (a) on at least three sides of every such package the word "margarine" or "margarien" in plainly visible printed capital letters not less than one-half of an inch in height; and

wat room of melk of afgeroomde melk wat in so 'n kan of houer bevat is verskaf, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens twintig rand.

- (2) (a) Die eienaar van 'n kaasfabriek, kaseienfabriek of botterfabriek mag nie toelaat dat enige wei of karringmelk van so 'n fabriek vervoer word in enige houer wat gebruik word om melk, room of afgeroomde melk daarheen te vervoer nie.
- (b) 'n Eienaar wat die bepalings van paragraaf (a) oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens twintig rand.

(3) Alle melk- en roomkanne of melk- en roomhouers wat gebruik word vir die vervoer van melk of room of afgeroomde melk van die plek waar dit geproduseer word na 'n in sub-artikel (1) van artikel drie bedoelde perseel, moet leesbaar gemerk wees met die naam en adres van die produsent daarop, en alle kanne wat vir die vervoer van wei van 'n kaasfabriek of kaseienfabriek, of van karringmelk van 'n botterfabriek gebruik word, moet, na gelang van die geval, „Wei” of „Karringmelk” of „Whey” of „Buttermilk” gemerk wees.

7. Die naam van die land van oorsprong wat ingevolge artikel dertien op suiwelprodukte wat buite die Unie geproduseer, verwerk of vervaardig is, gemerk moet word, of op enige omslag of ander verpakking wat sodanige suiwelprodukte bevat, of op 'n etiket aan enige sodanige verpakking geheg, gedruk moet wees—

- (a) indien sodanige produkte in 'n omslag of ander verpakking bevat is en—
 - (i) hoogstens vyf pond weeg, in letters minstens 'n kwartduim in die vierkant, vlaktemaat; en
 - (ii) meer as vyf pond weeg, in letters minstens 'n duim in die vierkant, vlaktemaat; en
- (b) indien sodanige produkte nie in 'n omslag of ander verpakking bevat is nie, in letters minstens 'n halfduim in die vierkant, vlaktemaat.

8. Die eienaar van 'n botterfabriek of van 'n kaasfabriek wat daarin botter of kaas vervaardig uit room of melk, gekoop op die grondslag van sy bottervetinhoud, moet binne drie maande na die end van elke boekjaar van daardie botterfabriek of kaasfabriek of binne drie maande na die dertigste dag van Junie in elke jaar, 'n staat opmaak waaruit blyk—

- (a) in die geval van 'n botterfabriek, die gewig van die botter (tot op vier desimale van 'n pond) vervaardig uit elke pond bottervet wat by die vervaardiging van botter in daardie botterfabriek gebruik is gedurende bedoelde jaar of tydperk; of
- (b) in die geval van 'n kaasfabriek, die gewig van vars kaas (tot op twee desimale van 'n pond) vervaardig uit elke pond bottervet wat by die vervaardiging van daardie kaas in daardie fabriek gebruik is gedurende bedoelde jaar of tydperk,

en moet op versoek van enige persoon wat gedurende daardie boekjaar of gedurende die tydperk van twaalf maande wat op bedoelde dertigste dag van Junie geëindig het, room of melk aan daardie botterfabriek of kaasfabriek gelewer het, aan sodanige persoon 'n afskrif van daardie staat verstrek.

9. (1) Enige persoon aan wie 'n staat bedoel in regulasie 8 verstrek is kan binne ses maande na die einde van die tydperk van drie maande bedoel in daardie regulasie waarin daardie staat opgemaak is of opgemaak moes gewees het, die Minister skriftelik versoek om die juistheid van daardie staat te laat ondersoek.

(2) As die persoon wat daardie ondersoek versoek, sekerheid stel tot bevrediging van die Minister vir betaling van die koste van daardie ondersoek, kan die Minister 'n openbare rekenmeester wat ingevolge die bepalings van die Wet op Openbare Rekenmeesters en Ouditeurs, 1951 (Wet No. 51 van 1951) geregistreer is, benoem om die vraag of daardie staat juis is al dan nie, te ondersoek en om met daardie doel enige boek of dokument van watter aard ook, wat gegewens bevat wat hom moontlik in staat sal stel om te bepaal of bedoelde staat juis is al dan nie, te ondersoek en om van die uitslag van daardie ondersoek aan die Minister verslag te doen.

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

(4) Enige persoon wat in besit of bewaring is van 'n boek of dokument soos voormeld, moet op versoek van bedoelde rekenmeester dit onverwyld aan hom oorhandig, sodat hy dit kan ondersoek en 'n afskrif daarvan of 'n uittreksel daaruit kan maak.

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

10. (1) Margarien moet—

- (a) minstens 80 persent, volgens gewig, van die samestelling daarvan aan vet bevat;
- (b) hoogstens 16 persent, volgens gewig, van die samestelling daarvan aan water bevat;
- (c) minstens 20 internasionale eenhede vitamine A, en een internasionale eenheid vitamine B, per gram bevat; en
- (d) minstens 0.025 persent, volgens gewig, van die samestelling daarvan aan stysel bevat.

(2) Margarien mag benewens die stowwe in sub-regulasie (1) vermeld, geen ander bestanddele bevat nie behalwe suiwer suiker, tafelsout (natriumchloried), vaste melkstowwe, skadelose kleurstowwe, hoogstens 10 persent, volgens gewig, van die samestelling daarvan aan melkvet, hoogstens 1 persent, volgens gewig, van die samestelling daarvan aan een of meer emulsifieermiddels, en bensoësuur of natrium bensoaat as 'n bederfwerende middel in 'n hoeveelheid van hoogstens 0.20 persent bereken as bensoësuur.

(3) Margarien moet skoon, gesond, van aangename geur, redelik sag in die mond, van 'n stewige tekstuur en maklik smeerbaar by normale temperature wees, dit moet in verpakkinge bevat wees waarvan die netto gewig 'n half pond elk is, en daar moet op duursame wyse gemerk wees—

- (a) op ten minste drie kante van elke sodanige verpakking die woord „margarine” of „margarien” in duidelik sigbare gedrukte hoofletters minstens 'n halfduim hoog; en

- (b) on at least one side of every such package the nett weight of the contents in conformity with the requirements of the Weights and Measures Act, 1958 (Act No. 13 of 1958); and
- (c) on at least one side of every such package in plainly visible printed capital letters not more than one-quarter of an inch in height—
 - (i) the name and address of the manufacturer; and
 - (ii) the registration number referred to in section seven of this Act preceded by the words "Factory No." or "Fabrieksno." or "Registration No." or "Registrasieno."
- (4) There may, in addition to the particulars prescribed in sub-regulation (3), be printed on any one or more sides of a package which is branded with the word "margarine" or "margarien" as in that sub-regulation prescribed, but not on any side thereof which is not so branded—
 - (a) the name of the particular brand of margarine in letters not more than one-quarter of an inch in height;
 - (b) any distinctive mark registered in respect of that margarine in terms of the Designs, Trade Marks and Copyright Act, 1916 (Act No. 9 of 1916); and
 - (c) a reference to the vitamin content of the margarine in compliance with the requirement of the Food, Drugs and Disinfectants Act, 1929 (Act No. 13 of 1929).
- (5) No name, word, representation or brand other than the particulars prescribed in sub-regulation (3) or permitted in sub-regulation (4) shall appear on any package containing margarine unless it has been approved by the department.
- (6) All the particulars and any printing appearing on any package containing margarine, shall be in not more than two shades of the same colour, and no brand on any such package shall be superimposed upon any other such brand.
- (7) No person shall use any wrapper for packaging margarine, unless the colour of the wrapper and the printing thereon have been approved by the department.
- (8) Whenever twenty-four or more packages of margarine are delivered together, such packages shall be packed in a container durably branded in the manner prescribed in paragraphs (a) and (c) of sub-regulation (3), except that the word "margarine" or "margarien" shall be printed on such container in plainly visible capital letters not less than one inch in height and all other information in plainly visible letters not greater than one-half of an inch in height.

- (b) op minstens een kant van elke sodanige verpakking die netto gewig van die inhoud in ooreenstemming met die bepalings van die Wet op Mate en Gewigte, 1958 (Wet No. 13 van 1958); en
 - (c) op ten minste een kant van elke sodanige verpakking in duidelik sigbare gedrukte hoofletters hoogstens een kwartduim hoog—
 - (i) die naam en adres van die fabrikant; en
 - (ii) die registrasienommer in artikel sewe van hierdie Wet bedoel, voorafgegaan deur die woorde „Factory No.” of „Fabrieksno.” of „Registration No.” of „Registrasieno.”.
- (4) Benewens die besonderhede in sub-regulasie (3) voorgeskryf, kan daar op een of meer kante van 'n verpakking wat met die woord „margarine” of „margarien” gemerk is, soos voorgeskryf in genoemde sub-regulasie, maar nie op enige kant wat nie aldus gemerk is nie, gedruk wees—
- (a) die naam van die besondere soort margarien in letters hoogstens een kwartduim hoog;
 - (b) enige onderskeidingsmerk wat ten opsigte van daardie margarien kragtens die Wet op Modellen, Handelsmerken en Auteursrecht, 1916 (Wet No. 9 van 1916) geregistreer is; en
 - (c) 'n verwysing na die vitamieninhoud van die margarien ooreenkomstig die voorskrifte van die Wet op Voedingsmiddels, Medisyne en Ontsmettingsmiddels, 1929 (Wet No. 13 van 1929).
- (5) Geen naam, woord, voorstelling of merk behalwe die besonderhede in sub-regulasie (3) voorgeskryf of in sub-regulasie (4) toegelaat, mag op enige verpakking wat margarien bevat, voorkom nie, tensy dit deur die departement goedgekeur is.
- (6) Al die besonderhede en enige drukwerk wat op enige verpakking wat margarien bevat, voorkom, mag in nie meer as twee skakerings van dieselfde kleur wees nie, en geen merk mag oor enige ander sodanige merk geplaas word nie.
- (7) Niemand mag enige omslag vir die verpakking van margarien gebruik, tensy die kleur van die omslag en die drukwerk daarop deur die departement goedgekeur is nie.
- (8) Wanneer vier-en-twintig of meer pakkies margarien gelyktydig afgelewer word, moet sodanige pakkies in 'n houer verpak wees wat op duursame wyse gemerk is op die wyse in paragrawe (a) en (c) van sub-regulasie (3) voorgeskryf, behalwe dat die woord „margarine” of „margarien” in duidelik sigbare hoofletters minstens 'n duim hoog en alle ander inligting in duidelik sigbare letters hoogstens 'n halfduim hoog, op so 'n houer gedruk moet wees.

No. 31, 1961.]

ACT

To provide for the preservation of certain traditional Coloured areas, for the application thereto of the provisions of Act No. 29 of 1909 (Cape), for the transfer of the land in those areas to the Minister of the Interior in trust for Coloured persons and for other incidental matters.

(English text signed by the Governor-General.)
(Assented to 24th April, 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:—

Interpretation of terms.

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

- (i) "Act No. 29 of 1909" means the Mission Stations and Communal Reserves Act, 1909 (Act No. 29 of 1909), of the Cape of Good Hope, and any expression, other than the expression "Minister", to which a meaning has been assigned in that Act, shall, when used in this Act, have the same meaning; (vii)
- (ii) "disqualified person" means any person other than a Coloured person; (vi)
- (iii) "fixed date" in relation to an incorporated area, means the date of the proclamation issued under sub-section (1) of section *three* whereby that area was reserved for occupation and ownership of Coloured persons; (i)
- (iv) "incorporated area" means an area consisting of one or more pieces of land (whether contiguous or not) which has been reserved by a proclamation issued under sub-section (1) of section *three* for the occupation and ownership of Coloured persons; (iii)
- (v) "Minister" means the Minister of the Interior, who, in relation to an incorporated area which is vested in him in trust for the registered Coloured occupiers of such area, has all the powers entrusted by Act No. 29 of 1909 to the Minister as defined for the purposes of that Act; (v)
- (vi) "owner" means the person in whose name land or any right in or over land in an incorporated area is registered on the fixed date; (ii)
- (vii) "rural area" means any area outside the boundaries of any municipal area fixed in terms of any law. (iv)

Incorporated areas reserved for occupation and ownership of Coloured persons and application thereto of provisions of Act No. 29 of 1909 (Cape).

2. (1) Every incorporated area is reserved, subject to the provisions of this Act, for the occupation and ownership of Coloured persons.

(2) The provisions of Part I of Act No. 29 of 1909 shall *mutatis mutandis* and in so far as they can be applied, apply to every incorporated area and shall as from the fixed date be deemed to have been duly applied thereto in accordance with the provisions of section *three* of that Act.

Incorporation of certain Coloured areas.

3. (1) The Governor-General may—

- (a) whenever he deems it advisable in the public interest and subject to such reservations and conditions as he may deem fit, or
- (b) whenever the majority of the lawful inhabitants and owners of the area request it or agree thereto in writing and subject to such reservations and conditions as the Minister and the majority of the said inhabitants and owners may have agreed upon,

by proclamation in the *Gazette* reserve for the occupation and ownership of Coloured persons, any rural area defined in the proclamation which has at any time before the coming into operation of this Act been granted, transferred or set aside for occupation or ownership of Coloured persons or which at the coming into operation of this Act is a traditional or locally acknowledged Coloured area which is mainly occupied or owned by Coloured persons: Provided that no such proclamation shall be issued before the Minister has consulted the lawful inhabitants and owners of the area concerned:

No. 31, 1961.]

WET

Om voorsiening te maak vir die behoud van sekere tradisionele Kleurlinggebiede, vir die toepassing van die bepalings van Wet No. 29 van 1909 (Kaap) daarop, vir die oordrag van die grond in daardie gebiede aan die Minister van Binnelandse Sake in trust vir Kleurlinge en vir ander bykomstige aangeleenthede.

(Engelse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 24 April 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, Woordbepaling. beteken—

- (i) „bepaalde datum” met betrekking tot ’n ingelyfde gebied, die datum van die kragtens sub-artikel (1) van artikel drie uitgevaardigde proklamasie waarby daardie gebied vir die okkupasie en besit deur Kleurlinge voorbehou is; (iii)
- (ii) „eienaar” die persoon op wie se naam grond of ’n reg op of oor grond in ’n ingelyfde gebied op die bepaalde datum geregistreer staan; (vi)
- (iii) „ingelyfde gebied” ’n gebied bestaande uit een of meer stukke grond (hetsy aangrensend al dan nie) wat by ’n kragtens sub-artikel (1) van artikel drie uitgevaardigde proklamasie vir okkupasie en besit deur Kleurlinge voorbehou is; (iv)
- (iv) „landelike gebied” ’n gebied buite die grense van ’n ingevolge ’n wet bepaalde munisipale gebied; (vii)
- (v) „Minister” die Minister van Binnelandse Sake, wat met betrekking tot ’n ingelyfde gebied wat op hom oorgegaan het in trust vir die geregistreerde Kleurlingokkuppeerders van bedoelde gebied, al die bevoegdhede het wat by Wet No. 29 van 1909 toevertrou is aan die Minister soos vir die doeleindes van daardie Wet omskryf; (v)
- (vi) „onbevoegde persoon” ’n ander persoon as ’n Kleurling; (ii)
- (vii) „Wet No. 29 van 1909” die „Mission Stations and Communal Reserves Act, 1909” (Wet No. 29 van 1909), van die Kaap die Gocie Hoop, en het ’n uitdrukking, behalwe die uitdrukking „Minister”, waaraan in daardie Wet ’n betekenis toegeskrywe is, wanneer dit in hierdie Wet gebesig word, dieselfde betekenis. (i)

2. (1) Elke ingelyfde gebied word behoudens die bepalings van hierdie Wet vir okkupasie en besit deur Kleurlinge voorbehou.

Ingelyfde gebiede vir okkupasie en besit deur Kleurlinge voorbehou en toepassing daarop van bepalings van Wet No. 29 van 1909 (Kaap).

(2) Die bepalings van Deel I van Wet No. 29 van 1909 is *mutatis mutandis* en vir sover dit toegepas kan word, op elke ingelyfde gebied van toepassing en word vanaf die bepaalde datum geag behoorlik ooreenkomstig die bepalings van artikel drie van daardie Wet daarop toegepas te wees.

3. (1) Die Goewerneur-generaal kan—

Inlywing van sekere Kleurlinggebiede.

- (a) wanneer hy dit in die openbare belang raadsaam ag en onderworpe aan die voorbehoude en voorwaardes wat hy goetvind, of
- (b) wanneer die meerderheid van die wettige inwoners en eienaars van die gebied skriftelik dit versoek of daartoe toestem en onderworpe aan die voorbehoude en voorwaardes waarop die Minister en die meerderheid van bedoelde inwoners en eienaars ooreengekom het,

by proklamasie in die *Staatskoerant* ’n in die proklamasie omskrewe landelike gebied wat op enige tydstip voor die inwerkingtreding van hierdie Wet vir okkupasie of besit deur Kleurlinge toegeken, getransporteer of afgesonder is of wat by die inwerkingtreding van hierdie Wet ’n tradisionele of plaaslik erkende Kleurlinggebied is wat hoofsaaklik deur Kleurlinge geokkuppeer of besit word vir okkupasie en besit deur Kleurlinge voorbehou: Met dien verstande dat geen sodanige proklamasie uitgevaardig word voordat die Minister die wettige inwoners en eienaars van die betrokke gebied

Provided further that in the case where particular reservations and conditions apply, such reservations and conditions shall be incorporated in the proclamation.

(2) The Governor-General may, after the Minister has consulted the board or boards of management concerned or, if there be no board or boards of management, the lawful inhabitants and owners, by proclamation in the *Gazette* release any incorporated area or any portion thereof from the provisions of this Act or subject to the reservations and conditions set forth in such proclamation, incorporate any such area or any portion thereof with any other incorporated area or any other area to which the provisions of Act No. 29 of 1909 apply.

Land in incorporated area vests in Minister in trust for registered Coloured occupiers.

4. (1) On the fixed date the land in an incorporated area shall, notwithstanding any provision in any law to the contrary but subject to the provisions of sub-section (2), vest free of any restriction, restrictive condition or personal or real encumbrance (excepting an existing right of way) of any kind whatsoever affecting the ownership, use or occupation of that ground, in the Minister in trust for the registered Coloured occupiers of the incorporated area until a board of management has been established for that area, whereupon the said land shall vest in the same manner in the board of management, and the Minister shall cause the title deeds of the said land to be endorsed accordingly in terms of section *five*.

(2) If on the fixed date land in an incorporated area has been surveyed into lots in respect of which a subdivisional plan or diagram approved under the Land Survey Act, 1927 (Act No. 9 of 1927), exists—

- (a) such a subdivisional plan shall, in so far as it is approved by the Minister as sufficient for the purpose of one or more of paragraphs (a), (b), (c) and (d) of sub-section (1) of section *eight* of Act No. 29 of 1909, be deemed to have been made under such paragraph or paragraphs;
- (b) every person who on the fixed date is a registered owner of property in the incorporated area shall, subject to the provisions of paragraph (c), be deemed to be a registered occupier of that property within the meaning of paragraph (6) of section *four* of Act No. 29 of 1909, and the property which is owned by such a registered occupier on the fixed date in the incorporated area shall be deemed to be property which has been granted to him under paragraph (e) of sub-section (1) of section *eight* of Act No. 29 of 1909: Provided that—
 - (i) the title deeds of such property shall be endorsed by the registrar of deeds concerned to the effect that the provisions of sub-section (1) of section *nine* of Act No. 29 of 1909 apply thereto and that the said condition shall be embodied in every subsequent transfer of the property or any portion thereof;
 - (ii) notwithstanding the provisions of section *ten* of Act No. 29 of 1909 the provisions of the Deeds Registries Act, 1937 (Act No. 47 of 1937), shall apply, in respect of any subsequent act of registration in connection with such property or any portion thereof; and
 - (iii) the ownership of any disqualified person (including a registered real right) shall, notwithstanding anything to the contrary in any law regarding ownership, lapse after the expiry of a period fixed by the Governor-General by proclamation in the *Gazette*, not being less than a period of twelve months after the fixed date, and unless such disqualified person sells the said property with the consent prescribed by sub-section (1) of section *nine* of Act No. 29 of 1909 within the said period or within such longer period as the Minister may before the expiry of the said period allow in writing, that property shall vest in the Minister as provided in sub-section (1), subject to the provisions of this Act in regard to compensation;
- (c) the property (or portion thereof) which is owned by a church society in the incorporated area on the fixed date and which it, in the opinion of the Minister after consultation with that society, requires for its church functions in the interests of the Coloured inhabitants

geraadpleeg het nie: Met dien verstande voorts dat in die geval waar bepaalde voorbehoude en voorwaardes geld, daardie voorbehoude en voorwaardes in die proklamasie ingelyf word.

(2) Die Goewerneur-generaal kan, nadat die Minister die betrokke bestuursraad of -rade of as daar geen bestuursraad of -rade is nie, die wettige inwoners en eienaars geraadpleeg het, by proklamasie in die *Staatskoerant* enige ingelyfde gebied of 'n gedeelte daarvan van die bepalings van hierdie Wet onthef of, onderworpe aan die voorbehoude en voorwaardes in daardie proklamasie uiteengesit, by 'n ander ingelyfde gebied of enige ander gebied waarop die bepalings van Wet No. 29 van 1909 van toepassing is, inlyf.

4. (1) Ondanks andersluidende wetsbepalings maar behoudens die bepalings van sub-artikel (2), gaan die grond in 'n ingelyfde gebied op die bepaalde datum vry van enige beperking, beperkende voorwaarde of persoonlike of saaklike las (uitgesonderd 'n bestaande reg van weg) van watter aard ook al rakende die besit, gebruik of okkupasie van daardie grond oor op die Minister in trust vir die geregistreerde Kleurling-okkupeerders van die ingelyfde gebied totdat 'n bestuursraad vir daardie gebied ingestel is, waarop bedoelde grond op dieselfde wyse op die bestuursraad oorgaan, en laat die Minister die titelbewys van bedoelde grond dienoreenkomstig ingevolge artikel vyf endosseer.

Grond in ingelyfde gebied gaan op Minister oor in trust vir geregistreerde Kleurling-okkupeerders.

(2) Indien op grond in 'n ingelyfde gebied op die bepaalde datum persele uitgemeet is ten opsigte waarvan 'n kragtens die Opmetingswet, 1927 (Wet No. 9 van 1927) goedgekeurde onderverdelingsplan of kaart bestaan—

- (a) word so 'n onderverdelingsplan, vir sover dit deur die Minister as voldoende vir die doel van een of meer van paragrawe (a), (b), (c) en (d) van sub-artikel (1) van artikel *agt* van Wet No. 29 van 1909 goedgekeur word, geag kragtens daardie paragraaf of paragrawe opgestel te gewees het;
- (b) word, behoudens die bepalings van paragraaf (c), elke persoon wat op die bepaalde datum 'n geregistreerde eenaar van eiendom in die ingelyfde gebied is, geag 'n geregistreerde okkupeerder van daardie eiendom binne die bedoeling van paragraaf (6) van artikel *vier* van Wet No. 29 van 1909 te wees, en word die eiendom wat so 'n geregistreerde okkupeerder op die bepaalde datum in die ingelyfde gebied besit, geag eiendom te wees wat kragtens paragraaf (e) van sub-artikel (1) van artikel *agt* van Wet No. 29 van 1909 aan hom toegeken is: Met dien verstande dat—
 - (i) die titelbewys van bedoelde eiendom deur die betrokke registrateur van aktes geëndosseer word ten effekte dat die bepalings van sub-artikel (1) van artikel *nege* van Wet No. 29 van 1909 daarop van toepassing is en dat bedoelde voorwaarde in elke latere transport van die eiendom of 'n deel daarvan opgeneem moet word;
 - (ii) ondanks die bepalings van artikel *tien* van Wet No. 29 van 1909, die bepalings van die Registrasie van Aktes Wet, 1937 (Wet No. 47 van 1937), ten opsigte van enige latere registrasiehandeling in verband met bedoelde eiendom of 'n deel daarvan van toepassing is; en
 - (iii) 'n onbevoegde persoon se eiendomsreg (insluitende 'n geregistreerde saaklike reg), ondanks andersluidende wetsbepalings betreffende eiendomsreg, na verloop van 'n tydperk deur die Goewerneur-generaal by proklamasie in die *Staatskoerant* bepaal, wat nie minder dan twaalf maande na die bepaalde datum is nie, verval, en tensy daardie onbevoegde persoon bedoelde eiendom binne bedoelde tydperk, of binne die langer tydperk wat die Minister voor die verstryking van bedoelde tydperk skriftelik toelaat, met die in sub-artikel (1) van artikel *nege* van Wet No. 29 van 1909 voorgeskrewe goedkeuring verkoop, gaan daardie eiendom, behoudens die bepalings van hierdie Wet ten opsigte van vergoeding, oor op die Minister soos in sub-artikel (1) bepaal;
- (c) word die eiendom (of gedeelte daarvan) wat 'n kerkgenootskap op die bepaalde datum in die ingelyfde gebied besit en wat hy, volgens die Minister se oordeel na oorleg met daardie kerkgenootskap, vir sy kerklike werksaamhede in belang van die Kleurlinginwoners

of that area, shall be deemed to be property acquired by that church society under sub-section (1) of section *twelve* of Act No. 29 of 1909; and

- (d) any registered mortgage bond over a property referred to in paragraph (b) or (c) shall after the fixed date remain in force and shall be deemed to be a mortgage bond approved by the Minister under sub-section (1) of section *nine* or any other relevant provision of Act No. 29 of 1909.

(3) The title deeds of any property referred to in sub-section (2) shall be produced to the registrar of deeds concerned for endorsement and for that purpose any person who is in possession of such a title deed shall send or cause it to be sent to the Minister or his proxy.

(4) Any person who fails to comply with the provisions of sub-section (3) shall be guilty of an offence and liable on conviction to the penalty provided in sub-section (2) of section *nine*.

Endorsement of title-deeds.

5. The registrar of deeds concerned shall upon receipt of a notice signed by the Minister or an authorized officer, and without payment of transfer duty or registration or any other fees, make on the appropriate documents and in his registers and, upon the production thereof, on the title deeds of land in an incorporated area, the endorsements and entries that are necessary to give effect to the provisions of sections *three*, *four* and *seven*.

Compensation.

6. (1) The Minister shall, subject to the provisions of sub-section (1) of section *seven*, out of funds appropriated by Parliament for the purpose, pay compensation to the owner of any right which has vested in the Minister in terms of sub-section (1) of section *four* or paragraph (iii) of the proviso to sub-section (2) of the lastmentioned section, save in the case of—

- (a) a person (or persons) who held that land in trust for the inhabitants of the area concerned; or
- (b) an owner who is admitted in terms of section *four* of Act No. 29 of 1909 as a registered occupier of land in the area concerned: Provided that the Minister may pay compensation to the lastmentioned owner in respect of improvements which he effected to the said land before the fixed date if such improvements do not form part of the lot or holding granted to him; or
- (c) a property which has been granted under paragraph (b) or (c) of sub-section (2) of section *four* to an owner who is not a disqualified person or to a church society respectively, or a mortgage bond which remains in force in terms of paragraph (d) of the said sub-section.

(2) The compensation which is payable in terms of this section shall, in the absence of agreement between the Minister and the owner, be fixed by arbitration.

Alternative method of compensating disqualified persons.

7. (1) Instead of paying compensation to a disqualified person in terms of section *six* in respect of his right or share in land in an incorporated area, the Minister may in his discretion compensate such a disqualified person who consents thereto as follows, namely:

- (a) If his right was a piece of surveyed land in respect whereof an approved or registered diagram exists, the Minister may retransfer that land or another piece of land in the said area to the said disqualified person; or
- (b) if his right was an undivided share in land, the Minister may determine the situation of the portion of the land which represents that undivided share in a manner which in the opinion of the Minister would promote the objects of this Act and thereafter he may cause that portion to be surveyed and transferred to that disqualified person: Provided that in the case where two or more disqualified persons held undivided shares in the same piece of land, the Minister may so determine the situation of one piece of land to represent their joint shares and may cause it to be surveyed and transferred to them.

(2) No transfer duty or registration fees shall be payable by a disqualified person in respect of a transfer which is passed under sub-section (1), but such disqualified person or persons shall pay the costs of the survey and of any diagram which may be necessary for giving effect to paragraph (a) or (b) of that sub-section.

van daardie gebied benodig, geag eiendom te wees wat deur daardie kerkgenootskap kragtens sub-artikel (1) van artikel *twaaif* van Wet No. 29 van 1909 verkry is; en

- (d) bly enige geregistreerde verband oor 'n eiendom in paragraaf (b) of (c) bedoel, na die bepaalde datum van krag en word dit geag 'n verband te wees wat ingevolge sub-artikel (1) van artikel *nege* of 'n ander toepaslike voorskrif van Wet No. 29 van 1909 deur die Minister goedgekeur is.

(3) Die titelbewys van enige eiendom in sub-artikel (2) bedoel, moet vir endossering aan die betrokke registrateur van aktes voorgelê word en vir daardie doel moet enige persoon wat in besit van so 'n titelbewys is, dit aan die Minister of sy gemagtigde stuur of laat stuur.

(4) Enige persoon wat versuim om aan die bepalings van sub-artikel (3) te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die straf in sub-artikel (2) van artikel *nege* bepaal.

5. Die betrokke registrateur van aktes moet by ontvangs van 'n kennisgewing onderteken deur die Minister of 'n gemagtigde amptenaar, sonder die betaling van herereg of registrasie- of enige ander gelde, op die gepaste dokumente en in sy registers, en by voorlegging daarvan, op die titelbewys van grond in 'n ingelyfde gebied die endossemente en inskrywings a bring wat nodig is om aan die bepalings van artikels *drie*, *vier* en *sewe* gevolg te gee.

Endossering van titelbewys.

6. (1) Behoudens die bepalings van sub-artikel (1) van artikel *sewe* betaal die Minister, uit fondse deur die Parlement vir die doel bewillig, aan die eienaar vergoeding ten opsigte van 'n reg wat ingevolge sub-artikel (1) van artikel *vier* of paragraaf (iii) van die voorbehoudsbepaling by sub-artikel (2) van laasgenoemde artikel op die Minister oorgegaan het, uitgesonderd in die geval van—

Vergoeding.

- (a) 'n persoon (of persone) wat daardie grond vir die inwoners van die betrokke gebied in trust gehou het; of
(b) 'n eienaar wat ingevolge artikel *vier* van Wet No. 29 van 1909 as geregistreerde okkupeerder van grond in daardie gebied toegelaat word: Met dien verstande dat die Minister vergoeding aan laasbedoelde eienaar kan betaal ten opsigte van verbeterings wat hy voor die bepaalde datum op bedoelde grond aangebring het, indien sodanige verbeterings nie deel uitmaak van die erf of eiendom wat aan hom toegeken word nie; of
(c) 'n eiendom wat onderskeidelik kragtens paragraaf (b) of (c) van sub-artikel (2) van artikel *vier* aan 'n eienaar wat nie 'n onbevoegde persoon is nie of aan 'n kerkgenootskap toegeken is, of 'n verband wat ingevolge paragraaf (d) van genoemde sub-artikel van krag bly.

(2) Die vergoeding wat ingevolge hierdie artikel betaalbaar is, word by ontstentenis van ooreenkoms tussen die Minister en die eienaar, by arbitrasie bepaal.

7. (1) Die Minister kan na goeddunke in plaas daarvan om ingevolge artikel *ses* vergoeding aan 'n onbevoegde persoon ten opsigte van sy reg of aandeel in grond in 'n ingelyfde gebied te betaal, so 'n onbevoegde persoon wat daarin toestem soos volg vergoed, te wete:

Alternatiewe manier van vergoeding van onbevoegde persone.

- (a) Indien sy reg 'n stuk opgemete grond was ten opsigte waarvan 'n goedgekeurde of geregistreerde kaart bestaan, kan die Minister daardie grond of 'n ander stuk grond in bedoelde gebied aan bedoelde onbevoegde persoon terug transporteer; of
(b) indien sy reg 'n onverdeelde aandeel in grond was, kan die Minister die ligging van die gedeelte van die grond wat daardie onverdeelde aandeel verteenwoordig, bepaal op 'n wyse wat volgens die oordeel van die Minister die doelstellings van hierdie Wet sal bevorder en daarna kan hy bedoelde gedeelte laat opmeet en aan daardie onbevoegde persoon laat transporteer: Met dien verstande dat in die geval waar twee of meer onbevoegde persone onverdeelde aandeel in dieselfde stuk grond besit het, die Minister die ligging van een stuk grond wat hul gesamentlike aandeel verteenwoordig, aldus kan bepaal en laat opmeet en aan hulle laat transporteer.

(2) Geen hereregte of registrasiegelde is deur 'n onbevoegde persoon ten opsigte van 'n transport wat kragtens sub-artikel (1) gepasseer word, betaalbaar nie maar bedoelde onbevoegde persoon of persone moet die koste van opmeting en van 'n kaart wat vir die uitvoering van paragraaf (a) of (b) van daardie sub-artikel nodig mag wees, betaal.

Notices to owners
and mortgagees.

8. (1) The Minister or his proxy shall cause to be served on every disqualified person who on the fixed date was an owner of property which vested in the Minister in terms of the provisions of this Act and on every registered holder of a mortgage bond over such property whose place of residence he can readily ascertain, by personal delivery or by registered post, a notice containing a clear description of the land or real right concerned and wherein either the compensation (if any), which is offered for the land or other right is mentioned or such disqualified person or mortgagee is requested to state the amount (if any) claimed by him for the land or other right, as the case may be.

(2) If the place of residence of such a disqualified person or mortgagee cannot be readily ascertained, or if the Minister on account of the number of persons who had a registered right in respect of the land, is satisfied that the service of a notice in terms of sub-section (1) is not practicable, the Minister or his proxy shall cause to be published in an ordinary issue of the *Gazette* and once per week for three consecutive weeks in any paper circulating in the district, a notice which complies with the provisions of the said sub-section.

Submission
of claims.

9. (1) Within two months after the date of the service of a notice or the date of the last publication thereof under section *eight* or within such longer period as the Minister may allow in writing—

(a) the holder of every mortgage bond which was registered on the fixed date against the land concerned, shall submit to the Minister or his proxy a statement in writing in which are set forth particulars of the number and date of the bond and of the amount still owing thereunder;

(b) every disqualified person who on the fixed date was the owner of any property which vested in the Minister in terms of this Act, shall submit to the Minister or his proxy—

(i) a statement in writing in which is set forth the amount of the compensation (if any) which he claims in respect of such property; and

(ii) the documents of title of his ownership or other registered right in or over the land.

(2) Any person who fails to comply with the provisions of sub-section (1) or to furnish any information asked for, shall be guilty of an offence and liable on conviction to a fine not exceeding fifty rand or, in default of payment, to imprisonment for a period not exceeding three months.

Particulars of
persons with
unregistered rights.

10. (1) The Minister may, before offering compensation in respect of land in terms of this Act or agreeing to the payment of any amount claimed in respect of land, require the owner of that land by written notice within a period specified in such notice (but not less than fourteen days) to furnish the name and address of any unregistered lessee or sub-lessee of the land, and of any other person who owns any unregistered right in respect of the land.

(2) The provisions of sub-section (2) of section *nine* shall apply *mutatis mutandis* to any person who fails to comply with any notice issued under sub-section (1).

Determination of
compensation by
arbitration.

11. (1) If the owner and the Minister do not come to an agreement in regard to the compensation within a period of sixty days after the date of the service of the notice referred to in sub-section (1) of section *eight* or the date of the last publication thereof under sub-section (2) of that section or within such longer period as the Minister may allow in writing, that compensation shall, subject to the provisions of section *twelve*, be determined by two arbitrators, of whom one shall be nominated by the Minister and the other by the owner or owners, if there be more than one. If the owner or owners fail to comply within fourteen days with the Minister's request to nominate an arbitrator or fail to notify the Minister within such period of the name of such nominee, the Minister may also nominate the second arbitrator.

(2) Before they take any steps in connection with the arbitration, the arbitrators shall appoint a suitable person as umpire in

8. (1) Die Minister of sy gemagtigde laat aan elke onbevoegde persoon wat op die bepaalde datum 'n eienaar was van eiendom wat ingevolge die bepalings van hierdie Wet op die Minister oorgegaan het, en aan elke geregistreerde houer van 'n verband op bedoelde eiendom wie se verblyfplek hy geredelik kan vasstel, deur persoonlike aflewering of deur aangetekende pos, 'n kennisgewing bestel wat 'n duidelike beskrywing van die betrokke grond of saaklike reg bevat en waarin of die vergoeding (as daar is) genoem word wat vir die grond of ander reg aangebied word, of bedoelde onbevoegde persoon of verbandhouer versoek word om die bedrag (as daar een is) te noem wat hy eis vir die grond of ander reg, na gelang van die geval.

Kennisgewing
aan eienaars en
verbandhouders.

(2) Indien die verblyfplek van so 'n onbevoegde persoon of verbandhouer nie geredelik vasgestel kan word nie, of indien die Minister vanweë die aantal persone wat 'n geregistreerde reg ten opsigte van die grond gehad het, oortuig is dat die diening van 'n kennisgewing ingevolge sub-artikel (1) nie doenlik is nie, laat die Minister of sy gemagtigde in een gewone uitgawe van die *Staatskoerant* en een maal per week vir drie agtereenvolgende weke in 'n koerant wat in die distrik sirkuleer, 'n kennisgewing wat aan die bepalings van genoemde sub-artikel voldoen, publiseer.

9. (1) Binne twee maande na die datum van die diening van 'n kennisgewing of die datum van die laaste publikasie daarvan kragtens artikel *agt*, of binne sodanige langer tydperk as wat die Minister skriftelik mag toelaat—

Indiening
van eise.

(a) moet die houer van elke verband wat op die bepaalde datum teen die betrokke grond geregistreer was, aan die Minister of sy gemagtigde 'n skriftelike verklaring voorlê waarin besonderhede van die nommer en datum van die verband en van die bedrag wat daarkragtens nog verskuldig is, uiteengesit word;

(b) moet elke onbevoegde persoon wat op die bepaalde datum die eienaar was van 'n eiendom wat ingevolge hierdie Wet op die Minister oorgegaan het, aan die Minister of sy gemagtigde voorlê—

(i) 'n skriftelike verklaring waarin die bedrag van vergoeding (as daar is) wat hy ten opsigte van bedoelde eiendom eis, uiteengesit word; en

(ii) die stukke wat die titelbewys van sy eiendomsreg in of ander geregistreerde reg op of oor die grond uitmaak.

(2) Enige persoon wat versuim om aan die bepalings van sub-artikel (1) te voldoen of om enige gevraagde inligting te verstrek, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig rand of by wanbetaling met gevangenisstraf vir 'n tydperk van hoogstens drie maande.

10. (1) Die Minister kan, alvorens ingevolge hierdie Wet vergoeding ten opsigte van grond aan te bied of toe te stem tot betaling van 'n bedrag wat ten opsigte van grond geëis word, die eienaar van daardie grond by skriftelike kennisgewing aansê om binne 'n tydperk in die kennisgewing vermeld (maar nie minder as veertien dae nie) die naam en adres te verstrek van enige ongeregistreerde huurder of onderhuurder van die grond, en van enige ander persoon wat 'n ongeregistreerde reg ten opsigte van die grond besit.

Besonderhede
van persone
met
ongeregistreerde
regte.

(2) Die bepalings van sub-artikel (2) van artikel *nege* is *mutatis mutandis* van toepassing op iemand wat versuim om aan 'n kennisgewing wat kragtens sub-artikel (1) uitgereik word, te voldoen.

11. (1) Indien die eienaar en die Minister nie binne 'n tydperk van sestig dae na die datum van die diening van die in sub-artikel (1) van artikel *agt* bedoelde kennisgewing of die datum van die laaste publikasie daarvan kragtens sub-artikel (2) van daardie artikel of binne so 'n langer tydperk as wat die Minister skriftelik mag toelaat, tot 'n ooreenkoms geraak aangaande die vergoeding nie, word daardie vergoeding, onderworpe aan die bepalings van artikel *twalf*, deur twee arbiters bepaal, van wie een deur die Minister en die ander deur die eienaar of eienaars, indien daar meer as een is, benoem word. Indien die eienaar of eienaars versuim om binne veertien dae te voldoen aan die Minister se versoek om 'n arbiter te benoem of versuim om binne gemelde tydperk die Minister van die naam van daardie benoemde in kennis te stel, kan die Minister ook die tweede arbiter benoem.

Vasstelling van
vergoeding by
arbitrasie.

(2) Die arbiters moet voordat hulle enige stappe in verband met die arbitrasie doen, 'n geskikte persoon as skeidsregter

case they are unable to agree and the decision of such an umpire shall be final. If the arbitrators fail to appoint a person as umpire or cannot agree as to the appointment of a person as umpire, the Minister shall appoint a suitable person as umpire, whose decision shall be final.

(3) The arbitrators and the umpire shall receive such remuneration and allowances for their services as the Minister may determine in consultation with the Minister of Finance.

(4) The costs assessed according to the table of costs in magistrates' courts, in connection with a determination of compensation in terms of this section, shall, in the absence of agreement between the parties, be paid as the arbitrators may direct or if the arbitrators are unable to agree, as may be directed by the umpire, whose decision shall be final.

Market value is maximum amount of compensation.

12. (1) The compensation payable under this Act to an owner shall not exceed the total of what in the opinion of the Minister or in the case of a determination under section *eleven*, in the opinion of the arbitrators or the umpire—

- (a) was the fair market value on the fixed date of the land and improvements thereon or of the right; plus
- (b) fair compensation for any inconvenience and loss actually caused by the vesting in the Minister of the land or the right.

(2) In the determination of the compensation the following rules shall be observed:

- (a) Where the value of the land has been enhanced on account of the use thereof in a manner which is unlawful or injurious to the health of the person occupying it or to the public health, the amount of such enhancement shall not be taken into account.
- (b) No improvement effected to the land after the fixed date (except an improvement which was necessary for the proper maintenance of improvements on the land or which was undertaken in terms of obligations incurred before the said date), shall be taken into consideration.
- (c) Compensation which may be payable to the holder of an unregistered right in respect of the land, shall be taken into account to the extent to which that right brings about a diminution in the fair market value of the land.

Compensation is payable to owner or is deposited in Guardian's Fund.

13. Any compensation which is payable in terms of this Act to the owner of land or of any right in or over land, shall be paid to the owner, if his address is known, or, if his address is not known, to the Master of the Supreme Court to be deposited in the Guardian's Fund: Provided that where the land is mortgaged, the compensation may be applied as far as is necessary for the payment of claims of bondholders in their legal order of preference, providing such bondholders have complied with the provisions of section *nine*: Provided further that if the said land was sold before the fixed date to any person who furnished proof that he has paid the purchase price either in whole or in part, the whole amount of the compensation payable in respect of the land, less any amount still owing to the seller by way of purchase price, may be paid to the purchaser.

Repeal of certain laws by proclamation.

14. (1) The Governor-General may by proclamation in the *Gazette* from a date fixed therein repeal in whole or in part any law or provision thereof which applies to an incorporated area and which in the opinion of the Governor-General is in conflict with the provisions of this Act.

(2) The Minister shall cause a copy of every proclamation issued under sub-section (1) to be laid upon the Table of both Houses of Parliament within fourteen days after the publication thereof if Parliament is then in ordinary session, or if Parliament is not then in ordinary session, within fourteen days after the commencement of its next ensuing ordinary session.

(3) Every such proclamation shall cease to have the force of law thirty days after it has been laid upon the Table of both Houses of Parliament unless before that date it has been approved by Act of Parliament.

Short title.

15. This Act shall be called the Preservation of Coloured Areas Act, 1961.

aanstel ingeval hulle nie kan ooreenkom nie en die beslissing van so 'n skeidsregter is afdoende. Indien die arbiters versuim om 'n persoon as skeidsregter aan te stel, of nie oor die aanstelling van 'n persoon as skeidsregter kan ooreenkom nie, stel die Minister 'n geskikte persoon aan as skeidsregter wie se beslissing afdoende is.

(3) Die arbiters en die skeidsregter ontvang die besoldiging en toelaes vir hul dienste wat die Minister in oorleg met die Minister van Finansies bepaal.

(4) Die koste, bereken volgens die tabel van koste in landdroshoue, in verband met 'n bepaling van vergoeding ingevolge hierdie artikel, word by onstentenis van ooreenkoms tussen die partye, betaal soos die arbiters gelas of, indien die arbiters nie kan ooreenkom nie, soos gelas deur die skeidsregter wie se beslissing afdoende is.

12. (1) Die vergoeding aan 'n eienaar kragtens hierdie Wet betaalbaar, mag nie meer beloop nie as die totaal van wat na die mening van die Minister of in die geval van 'n bepaling kragtens artikel *elf*, na die mening van die arbiters of die skeidsregter—

Markwaarde is maksimum bedrag van vergoeding.

- (a) die billike markwaarde op die bepaalde datum van die grond en verbeterings daarop of van die reg was; benewens
- (b) billike vergoeding vir enige ongerief en verlies werklik veroorsaak deur die oorgang op die Minister van die grond of die reg.

(2) By die bepaling van die vergoeding word die volgende reëls in ag geneem:

- (a) Waar die waarde van die grond verhoog is uit hoofde van die gebruik daarvan op 'n wyse wat onwettig is, of skadelik is vir die gesondheid van die persoon wat daarop woon of vir openbare gesondheid, word geen rekening gehou met die bedrag van daardie verhoging nie.
- (b) Geen verbetering wat na die bepaalde datum op die grond aangebring is (behalwe 'n verbetering wat nodig was om verbeterings op die grond behoorlik in stand te hou, of wat onderneem is ingevolge verpligtings wat voor bedoelde datum aangegaan is), word in aanmerking geneem nie.
- (c) Vergoeding wat aan die besitter van 'n ongeregistreerde reg ten opsigte van die grond betaalbaar mag wees, word in die mate waarin daardie reg 'n vermindering in die billike markwaarde van die grond teweegbring, in rekening gebring.

13. Enige vergoeding wat ingevolge hierdie Wet aan 'n eienaar van grond of van 'n reg op of oor grond betaalbaar is, word aan die eienaar betaal, indien sy adres bekend is, of, as sy adres nie bekend is nie, aan die Meester van die Hooggeregshof om in die Voogdyfonds gestort te word: Met dien verstande dat waar die grond met verband beswaar is, die vergoeding vir sover nodig aangewend kan word vir die betaling van eise van verbandhouders volgens hul wetlike rangorde, mits bedoelde verbandhouders aan die voorskrifte van artikel *nege* voldoen het: Met dien verstande voorts dat indien bedoelde grond voor die bepaalde datum verkoop is aan iemand wat bewys lewer dat hy die koopprys of ten volle of ten dele betaal het, die volle bedrag van die vergoeding ten opsigte van die grond betaalbaar min enige bedrag nog by wyse van die koopprys aan die verkoper verskuldig, aan die koper betaal mag word.

Vergoeding word aan eienaar betaal of in Voogdyfonds gestort.

14. (1) Die Goewerneur-generaal kan by proklamasie in die Staatskoerant vanaf 'n daarin bepaalde datum, enige wet of bepaling daarvan wat op 'n ingelyfde gebied van toepassing is en wat na sy mening met die bepalinge van hierdie Wet teenstrydig is, in sy geheel of ten dele herroep.

Herroeping van sekere wette by proklamasie.

(2) Die Minister laat 'n afskrif van elke proklamasie wat ingevolge sub-artikel (1) uitgevaardig is in albei Huise van die Parlement ter Tafel lê binne veertien dae na die publikasie daarvan as die Parlement in 'n gewone sessie byeen is, en as die Parlement nie in 'n gewone sessie byeen is nie, binne veertien dae na die aanvang van sy eersvolgende gewone sessie.

(3) Elke sodanige proklamasie verloor sy regsrag na dertig dae vandat dit in albei Huise van die Parlement ter Tafel gelê is, tensy dit voor dié datum deur Parlements wet goedgekeur is.

15. Hierdie Wet heet die Wet vir die Behoud van Kleur- Kort titel. lingebiede, 1961.