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PRYS 5c. No. 6684.

DEPARTMENT OF THE PRIME MINISTER.

No. 719.]

[12th May, 1961.]

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

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 719.]

[12 Mei 1961.]

Hierby word bekend gemaak dat dit Sy Eksellensie die Amptenaar belas met die Uitoefening van die Uitvoerende Gesag behaag het om sy goedkeuring te heg aan die onderstaande Wette, wat hierby ter algemene inligting gepubliseer word:—

BLADSY

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No. 33, 1961.]

ACT

To amend the Public Health (Amendment) Act, 1928.

(*English text signed by the Officer Administering the Government.*)
(*Assented to 4th May, 1961.*)

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

Amendment of
section 15 of
Act 15 of 1928.

1. Section *fifteen* of the Public Health (Amendment) Act, 1928, is hereby amended by the addition of the following sub-section:

“(4) Where any such notice has been served on the owner, the said costs together with interest thereon calculated at six per cent. per annum with effect from the date on which such costs were incurred, shall, notwithstanding anything to the contrary in any other law contained, form a first charge against the land on which such dwelling or premises are situated and shall rank in priority to all debts whatsoever other than expenses, costs, fees and charges referred to in section *eighty-nine* of the Insolvency Act, 1936 (Act No. 24 of 1936).”.

Short title.

2. This Act shall be called the Public Health Amendment Act, 1961.

No. 33, 1961.]

WET

Tot wysiging van die Volksgesondheids Wysigingswet, 1928.

(Engelse teks deur die Amtenaar Belas met die Uitoefening van die Uitvoerende Gesag geteken.)
(Goedgekeur op 4 Mei 1961.)

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

1. Artikel *vijftien* van die Volksgesondheids Wysigingswet, Wysiging van 1928, word hierby gewysig deur die volgende sub-artikel by artikel 15 van Wet 15 van 1928.

„(4) Waar die eienaar aldus aangeskryf is, maak bedoelde koste met rente daarop teen ses persent per jaar bereken vanaf die datum waarop sodanige koste aangegaan is, ondanks andersluidende wetsbepalings, 'n preferente vordering uit teen die grond waarop bedoelde woonhuis of perseel geleë is, wat voorrang geniet oor alle skuld hoegenaamd, behalwe uitgawes, koste, fooie en laste in artikel *nege-en-tig* van die Insolvensiewet, 1936 (Wet No. 24 van 1936), bedoel.”.

2. Hierdie Wet heet die Wysigingswet op Volksgesondheid, Kort titel 1961.

No. 34, 1961.]

ACT

To amend the Marketing Act, 1937, and to provide for other incidental matters.

(Afrikaans text signed by the Officer Administering the Government.)

(Assented to 5th May, 1961.)

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

Amendment of section 1 of Act 26 of 1937, as amended by section 1 of Act 19 of 1938, section 1 of Act 12 of 1941, section 1 of Act 50 of 1946 and section 1 of Act 45 of 1951.

1. Section *one* of the Marketing Act, 1937 (hereinafter referred to as the principal Act), is hereby amended—
 - (a) by the insertion in sub-section (1) after the definition of "class" of the following definition:
"cold storage" means any place or building having a total storage capacity in excess of one thousand cubic feet, where perishable products are stored, kept or preserved at low temperatures;";
 - (b) by the insertion in paragraph (b) of the definition of "dealing in the course of trade" in the said sub-section after the word "processing" of the words "treatment, storage, conveyance";
 - (c) by the substitution in the said sub-section for the definition of "Minister" of the following definition:
"Minister" means the Minister of Agricultural Economics and Marketing;";
 - (d) by the deletion at the end of paragraph (b) of the definition of "processing" in the said sub-section of the word "and"; by the addition at the end of paragraph (c) of the said definition of the word "and"; and by the addition at the end of the said definition of the following paragraph:
"(d) eggs, the removal of the shells thereof;";
 - (e) by the substitution in paragraph (c) of the definition of "product" in the said sub-section for the words "condensed milk, milk powder, dried milk" of the words "skim milk, condensed milk, dried milk, milk powder, skim milk powder";
 - (f) by the substitution in the said sub-section for the definition of "scheme" of the following definition:
"scheme" means a set of rules complying with the requirements of this Act for regulating—
 - (a) the marketing of any product in the Union; or
 - (b) the export for sale of any product from the Union; or
 - (c) the marketing of any product in the Union and the export for sale of such product from the Union,
and matters incidental thereto, and includes any proposed scheme;";
 - (g) by the substitution in the said sub-section for the definition of "Secretary" of the following definition:
"Secretary" means the Secretary for Agricultural Economics and Marketing;";
 - (h) by the substitution in the said sub-section for the definition of "sell" of the following definition:
"sell" includes to export, offer, advertise, keep, expose, transmit, convey, deliver or prepare for sale or to exchange or to dispose of for any consideration whatsoever or to export, transmit, convey or deliver in pursuance of a sale, exchange or disposal as aforesaid, and the words 'seller', 'selling', 'sale' and 'sold' have corresponding meanings;";
and
 - (i) by the substitution in paragraph (d) of sub-section (2) for the words "milk powder and dried milk" of the words "skim milk, dried milk, milk powder and skim milk powder" and by the substitution in the said

No. 34, 1961.]

WET

Tot wysiging van die Bemarkingswet, 1937, en om vir ander bykomstige aangeleenthede voorsiening te maak.

*(Afrikaanse teks deur die Amptenaar Belas met die Uitoefening van die Uitvoerende Gesag geteken.)
(Goedgekeur op 5 Mei 1961.)*

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

1. Artikel een van die Bemarkingswet, 1937 (hieronder die Wysiging van Hoofwet genoem), word hierby gewysig—
 - (a) deur in sub-artikel (1) na die omskrywing van „klas” die volgende omskrywing in te voeg: „koelkamer”, ‘n plek of gebou met ‘n totale oppbergingsruimte van meer as duisend kubieke voet, waar bederfbare produkte teen lae temperatuur gebêre, gehou of teen bederf bewaar word;”;
 - (b) deur in paragraaf (b) van die omskrywing van „as ‘n besigheid handel” in gemelde sub-artikel na die woord „verwerking” die woorde „behandeling, opbergung, vervoer” in te voeg;
 - (c) deur in gemelde sub-artikel die omskrywing van „Minister” deur die volgende omskrywing te vervang: „Minister”, die Minister van Landbou-ekonomie en -bemarking;”;
 - (d) deur aan die end van paragraaf (b) van die omskrywing van „verwerking” in gemelde sub-artikel die woorde „en” te skrap; deur aan die end van paragraaf (c) van gemelde omskrywing die woorde „en” by te voeg; en deur aan die end van gemelde omskrywing die volgende paragraaf by te voeg:
„(d) eiers, die verwydering van die doppe daarvan;”;
 - (e) deur in paragraaf (c) van die omskrywing van „produk” in gemelde sub-artikel die woorde „gekondenseerde melk, melkpoeier, droë melk” deur die woorde „afgeroomde melk, gekondenseerde melk, droë melk, melkpoeier, afgeroomdemelkpoeier” te vervang;
 - (f) deur in gemelde sub-artikel die omskrywing van „skema” deur die volgende omskrywing te vervang: „skema”, ‘n stel reëls, wat aan die voorskrifte van hierdie Wet voldoen, vir die reëling van—
 - (a) die bemarking van ‘n produk in die Unie; of
 - (b) die uitvoer vir verkoop van ‘n produk uit die Unie; of
 - (c) die bemarking van ‘n produk in die Unie en die uitvoer vir verkoop van sodanige produk uit die Unie,
en aangeleenthede wat daarmee in verband staan, en daaronder is ook ‘n voorgestelde skema inbegrepe;”;
 - (g) deur in gemelde sub-artikel die omskrywing van „Sekretaris” deur die volgende omskrywing te vervang: „Sekretaris”, die Sekretaris van Landbou-ekonomie en -bemarking;”;
 - (h) deur in gemelde sub-artikel die omskrywing van „verkoop” deur die volgende omskrywing te vervang: „verkoop” as werkwoord, ook vir verkoop uitvoer, aanbied, adverteer, hou, uitstal, versend, vervoer, lewer of berei of verruil of teen enige vergoeding hoegenaamd van die hand sit of ingevolge ‘n verkoping, verruiling of vandiehandsetting, soos voormeld, uitvoer, versend, vervoer of lewer, en die woorde „verkoper”, „verkoop” en „verkoping” as selfstandige naamwoorde het ooreenstemmende betekenis;”;
en
 - (i) deur in paragraaf (d) van sub-artikel (2) die woorde „melkpoeier en droë melk” deur die woorde „afgeroomde melk, droë melk, melkpoeier en afgeroomdemelkpoeier” te vervang en deur in gemelde para-

paragraph for the words "milk or cream intended for human consumption in the form of milk or cream" of the words "milk, skim milk or cream intended for human consumption in the form of milk, skim milk or cream".

Amendment of section 17 of Act 26 of 1937, as amended by section 2 of Act 19 of 1938, section 2 of Act 12 of 1941, section 8 of Act 50 of 1946 and section 12 of Act 45 of 1951.

2. Section seventeen of the principal Act is hereby amended—

- (a) by the insertion in sub-section (1) after the word "council" of the words "or any body which, in the opinion of the Minister, is representative of persons engaged in agricultural pursuits";
- (b) by the substitution in sub-section (2) for the words "or board" of the words "board or body"; and
- (c) by the substitution in sub-paragraph (i) of paragraph (b) of sub-section (6) for the words "milk powder and dried milk" of the words "skim milk, dried milk, milk powder and skim milk powder".

Amendment of section 17bis of Act 26 of 1937, as inserted by section 9 of Act 50 of 1946.

3. Section seventeen bis of the principal Act is hereby amended by the insertion in sub-section (1) after the word "council" of the words "or any body which, in the opinion of the Minister, is representative of persons engaged in agricultural pursuits".

Insertion of section 17ter in Act 26 of 1937.

4. The following section is hereby inserted after section seventeen bis of the principal Act:

"Separate schemes for the same product. **17ter.** Subject to the provisions of this Act, separate schemes may exist for the same product according to the purpose for which the product is intended to be used or the area in which it is produced.".

Amendment of section 18 of Act 26 of 1937, as amended by section 3 of Act 19 of 1938, section 3 of Act 12 of 1941, section 23 of Act 46 of 1945, section 10 of Act 50 of 1946 and section 13 of Act 45 of 1951.

5. (1) Section eighteen of the principal Act is hereby amended—

- (a) by the addition at the end of sub-paragraph (ii) of paragraph (e) of sub-section (1) of the words "or may be indicated by means of a formula according to which the amount of such levy shall be calculated on every unit or quantity of the product purchased or sold";
- (b) by the insertion after sub-paragraph (iii) of the said paragraph of the following sub-paragraph:
"(iii)**bis** may, in respect of any unit or quantity of the product which was produced or is sold in any particular area in which the scheme applies or any particular portion of any such area, differ from any such levy in respect of any unit or quantity of the product which was produced or is sold in any other area in which the scheme applies or any other portion of any such area, as the case may be;";
- (c) by the substitution in sub-paragraph (viii) of the said paragraph for the words "financial year under the scheme" of the words "period determined by the board";
- (d) by the insertion in sub-section (1)**bis** after the word "milk", wherever it occurs, of the words "skim milk";
- (e) by the insertion in the said sub-section after the word "cream", where it occurs for the second time, of the words "or for the manufacture of ice cream or of any other article other than dairy produce as defined in the Dairy Industry Act, 1918 (Act No. 16 of 1918)";
- (f) by the substitution in paragraph (a) of sub-section (2) for the words "in the Department of Agriculture" of the words "either in the Department of Agricultural Economics and Marketing or in the Department of Agricultural Technical Services";
- (g) by the substitution for sub-section (7) of the following sub-section:

"(7) A scheme may—

- (a) provide that any provision thereof shall apply only in one or more of the areas in which the scheme otherwise applies or only in a specified portion of any area in which the scheme otherwise applies;

graaf die woorde „melk of room bestem vir menslike verbruik in die vorm van melk of room” deur die woorde „melk, afgeroomde melk of room bestem vir menslike verbruik in die vorm van melk, afgeroomde melk of room” te vervang.

- 2. Artikel sewentien** van die Hoofwet word hierby gewysig— Wysiging van artikel 17 van Wet 26 van 1937, soos gewysig deur artikel 2 van Wet 19 van 1938, artikel 2 van Wet 12 van 1941, artikel 8 van Wet 50 van 1946 en artikel 12 van Wet 45 van 1951.
- (a) deur in sub-artikel (1) na die woorde „bemarkingsraad” die woorde „of enige liggaam wat, na die mening van die Minister, verteenwoordigend is van persone wat hulle met landboubedrywighede besig hou” in te voeg;
 - (b) deur in sub-artikel (2) die woorde „of maatskappy of raad” deur die woorde „maatskappy, raad of liggaam” te vervang; en
 - (c) deur in sub-paragraaf (i) van paragraaf (b) van sub-artikel (6) die woorde „melkpoeier en droë melk” deur die woorde „afgeroomde melk, droë melk, melkpoeier en afgeroomdemelkpoeier” te vervang.

- 3. Artikel sewentien bis** van die Hoofwet word hierby gewysig Wysiging van artikel 17bis van Wet 26 van 1937, soos ingevoeg deur artikel 9 van Wet 50 van 1946.

- 4. Die volgende artikel** word hierby na artikel *sewentien bis* van die Hoofwet ingevoeg:

„Afsonderlike skemas vir dieselfde produk.” Behoudens die bepalings van hierdie Wet, kan afsonderlike skemas vir dieselfde produk bestaan na gelang van die doel waarvoor die produk bestem is om gebruik te word of die gebied waarin dit geproduseer word.”.

Invoeging van artikel 17ter in Wet 26 van 1937

- 5. (1) Artikel agtien** van die Hoofwet word hierby gewysig— Wysiging van artikel 18 van Wet 26 van 1937, soos gewysig deur artikel 3 van Wet 19 van 1938, artikel 3 van Wet 12 van 1941, artikel 23 van Wet 46 van 1945, artikel 10 van Wet 50 van 1946 en artikel 13 van Wet 45 van 1951.
- (a) deur aan die end van sub-paragraaf (ii) van paragraaf (e) van sub-artikel (1) die woorde „of aangedui kan word by wyse van 'n formule waarvolgens die bedrag van sodanige heffing op elke eenheid of hoeveelheid van die produk gekoop of verkoop bereken moet word” by te voeg;
 - (b) deur na sub-paragraaf (iii) van gemelde paragraaf die volgende sub-paragraaf in te voeg:
„(iii)*bis* ten opsigte van 'n eenheid of hoeveelheid van die produk wat in 'n bepaalde gebied waarin die skema van toepassing is of 'n bepaalde gedeelte van so 'n gebied, geproduseer is of verkoop word, kan verskil van so 'n heffing ten opsigte van 'n eenheid of hoeveelheid van die produk wat in 'n ander gebied waarin die skema van toepassing is, of 'n ander gedeelte van so 'n gebied, na gelang van die geval, geproduseer is of verkoop word;”;
 - (c) deur in sub-paragraaf (viii) van gemelde paragraaf die woorde „boekjaar onder die skema” deur die woorde „tydperk deur die raad bepaal” te vervang;
 - (d) deur in sub-artikel (1)*bis* na die woorde „melk”, oral waar dit voorkom, die woorde „afgeroomde melk” in te voeg;
 - (e) deur in gemelde sub-artikel na die woorde „room”, waar dit die tweede keer voorkom, die woorde „of vir die vervaardiging van roomys of van enige ander artikel behalwe 'n suiwelproduk soos omskryf in die 'Zuivelnijverheid Wet, 1918' (Wet No. 16 van 1918)” in te voeg;
 - (f) deur in paragraaf (a) van sub-artikel (2) die woorde „die Departement van Landbou” deur die woorde „of die Departement van Landbou-ekonomiese -bemarking of die Departement van Landbou-tegniese Dienste” te vervang;
 - (g) deur sub-artikel (7) deur die volgende sub-artikel te vervang:
„(7) 'n Skema kan—
(a) bepaal dat een of ander bepaling daarvan van toepassing sal wees slegs in een of meer van die gebiede waarin die skema andersins van toepassing is of slegs in 'n aangegewe gedeelte van 'n gebied waarin die skema andersins van toepassing is;

- (b) define different classes of the product to which it relates—
 - (i) according to the premises on which, the manner in which or the conditions under which such product is produced, manufactured, processed, treated or packed; or
 - (ii) according to whether such product has been kept in cold storage or not; or
 - (iii) according to the quantity of such product sold by any person or by the members of any one household during any specified past or future period; or
 - (iv) according to the persons or classes of persons to whom such product is sold; or
 - (v) according to the purpose for which such product is intended to be used; or
 - (vi) according to whether such product has been produced in or imported into the Union; or
 - (vii) according to whether such product is intended to be exported from the Union or to be sold in the Union;
 - (c) include under any class of the product to which it relates any quantity thereof which has been imported into the Union;
 - (d) provide that any requirement or prohibition imposed or decision taken by the board administering that scheme—
 - (i) which relates to any area in which the scheme applies, or any portion of any such area, may differ from any such requirement or prohibition or decision which relates to any other area in which the scheme applies or any other portion of any such area, as the case may be; or
 - (ii) which relates to any class of the product to which the scheme relates, including any class defined in terms of paragraph (b), may differ from any such requirement or prohibition or decision which relates to any other class of such product; or
 - (iii) shall apply only to one or more of the areas in which the scheme applies or only to a specified portion of any area in which the scheme applies; or
 - (iv) shall relate only to a specified class, including any class defined in terms of paragraph (b), of the product to which the scheme relates.”;
 - (h) by the insertion in sub-section (9) after the word “Bay”, of the words “or in the harbour of Lourenco Marques.”; and
 - (i) by the addition at the end thereof of the following sub-section:
- “(10) A scheme which provides for the conduct of a pool for the sale of the product to which the scheme relates, may, in addition to any other provisions which may be included in any such scheme under this Act, also—
- (a) define the time when and the place where delivery of the product to the pool shall be deemed to take place; and
 - (b) provide that, where any balance in the pool when its accounts are closed is, in the opinion of the board and the Minister, so small that a division thereof among the participants in the pool is not justified, such balance may be dealt with in any manner approved by the Minister.”.

(2) Paragraph (e) of sub-section (1) shall be deemed to have come into operation on the eighteenth day of June, 1951.

Substitution of section 18ter of Act 26 of 1937, as inserted by section 24 of Act 46 of 1945, substituted by section 11 of Act 50 of 1946 and amended by section 15 of Act 45 of 1951.

6. The following section is hereby substituted for section eighteen ter of the principal Act:

“Auditing 18ter. (1) The accounts of a regulatory board of accounts shall be audited annually by the Controller and Auditor-General.

(2) As soon as may be after completion of any such audit the Controller and Auditor-General shall transmit to the Minister, to the marketing council and to the regulatory board concerned a copy of his report in respect of such audit.”.

- (b) verskillende klasse van die produk waarop dit betrekking het omskryf—
 - (i) volgens die perseel waarop, die wyse waarop of die toestande waaronder daardie produk geproduseer, vervaardig, verwerk, behandel of verpak word; of
 - (ii) na gelang daardie produk in 'n koelkamer gehou was al dan nie; of
 - (iii) volgens die hoeveelheid van daardie produk gedurende 'n vermelde verlede of toekomstige tydperk verkoop deur enige persoon of deur die lede van 'n bepaalde huisgesin; of
 - (iv) volgens die persone of klasse persone aan wie daardie produk verkoop word; of
 - (v) volgens die doel waarvoor daardie produk bestem is om gebruik te word; of
 - (vi) na gelang daardie produk in die Unie geproduseer of daarin ingevoer is; of
 - (vii) na gelang daardie produk bestem is om uit die Unie uitgevoer of in die Unie verkoop te word;
 - (c) by enige klas van die produk waarop dit betrekking het, enige in die Unie ingevoerde hoeveelheid daarvan insluit;
 - (d) bepaal dat 'n voorskrif van of verbod opgelê of besluit geneem deur die raad wat bedoelde skema uitvoer—
 - (i) met betrekking tot enige gebied waarin die skema van toepassing is, of 'n gedeelte van so 'n gebied, kan verskil van so 'n voorskrif of verbod of besluit met betrekking tot 'n ander gebied waarin die skema van toepassing is, of 'n ander gedeelte van so 'n gebied, na gelang van die geval; of
 - (ii) met betrekking tot 'n klas van die produk waarop die skema betrekking het, met inbegrip van 'n ingevolge paragraaf (b) omskrewe klas, kan verskil van so 'n voorskrif of verbod of besluit met betrekking tot 'n ander klas van sodanige produk; of
 - (iii) slegs van toepassing is op een of meer van die gebiede waarin die skema van toepassing is of slegs in 'n aangegewe gedeelte van 'n gebied waarin die skema van toepassing is; of
 - (iv) slegs betrekking het op 'n aangegewe klas, met inbegrip van 'n ingevolge paragraaf (b) omskrewe klas, van die produk waarop die skema betrekking het.”;
 - (h) deur in sub-artikel (9) na die woord „Walvisbaai,” die woorde „of in die hawe van Lourenco Marques,” in te voeg; en
 - (i) deur aan die end daarvan die volgende sub-artikel by te voeg:
 - „(10) 'n Skema wat voorsiening maak vir die bestuur van 'n 'pool' vir die verkoop van die produk waarop die skema betrekking het, kan, benewens enige ander bepalings wat kragtens hierdie Wet in so 'n skema ingesluit mag word, ook—
 - (a) die tyd wanneer en die plek waar dit geag word dat levering van die produk aan die 'pool' geskied, omskryf; en
 - (b) bepaal dat waar 'n saldo in die 'pool' wanneer sy rekeninge afgesluit word na die mening van die raad en die Minister so klein is dat 'n verdeling daarvan onder die deelnemers in die 'pool' nie geregverdig is nie, met sodanige saldo gehandel kan word op enige wyse wat die Minister goedkeur.”.
- (2) Paragraaf (e) van sub-artikel (1) word geag op die agtiende dag van Junie 1951, in werking te getree het.

6. Artikel *agtien ter* van die Hoofwet word hierby deur die Vervanging van artikel 18ter van

Wet 26 van 1937,

soos ingevoeg deur artikel 24 van

Wet 46 van 1945,

vervang deur

„Ouditering 18ter. (1) Die rekenings van 'n beherende raad word jaarliks deur die Kontroleur en Ouditeur-

generaal geouditeer.

(2) So gou doenlik na die voltooiing van so 'n

ouditering moet die Kontroleur en Ouditeur-generaal

'n afskrif van sy verslag ten opsigte van bedoelde

ouditering aan die Minister, aan die bemarkingsraad

en aan die betrokke beherende raad stuur.”.

artikel 11 van

Wet 50 van 1946

en gewysig deur

artikel 15 van

Wet 45 van 1951.

Amendment of section 19 of Act 26 of 1937, as amended by section 5 of Act 19 of 1938, section 4 of Act 12 of 1941, section 12 of Act 50 of 1946 and section 16 of Act 45 of 1951.

7. Section *nineteen* of the principal Act is hereby amended—
 (a) by the insertion in paragraph (a) of sub-section (1) after the word “relates” of the words “or no producer belonging to any class or group of producers of such product” and by the substitution for sub-paragraph (i) of the said paragraph of the following sub-paragraph:
 “(i) sell that product within the Union or within any area in the Union defined in the scheme or determined by the regulatory board concerned with the approval of the Minister and notified by the Minister in the *Gazette*, unless he has been registered with the board; or”;
 (b) by the substitution for paragraph (a)*bis* of the said sub-section of the following paragraph:
 “(a)*bis* that no person or no person belonging to any class or group of persons shall deal with that product in the course of trade—
 (i) within the Union or within any area in the Union defined in the scheme or determined by the regulatory board concerned with the approval of the Minister and notified by the Minister in the *Gazette*, unless he has been registered with the board; or
 (ii) within any area other than an area defined in the scheme or determined by the board, in respect of which he has been registered with the board;”;
 (c) by the substitution in paragraph (c) of the said sub-section for the words “and to which the said board may on such conditions as it may determine assign any of its powers under the scheme” of the words “or in respect of the product or products in question, and to which the said board may, on such conditions as the Minister may approve, assign such of its powers under the scheme as it may with the approval of the Minister determine”;
 (d) by the insertion in paragraph (g)*bis* of sub-section (2) before the word “to”, where it occurs for the first time, of the words “on such conditions as the Minister may approve.”;
 (e) by the substitution in the Afrikaans version of paragraph (g)*ter* of the said sub-section for the words “met 'n produk wat hy gekoop het te handel” of the words “'n produk wat hy gekoop het te behandel”;
 (f) by the insertion in paragraph (g)*quater* of the said sub-section before the word “to” of the words “on such conditions as the Minister may approve.”; and
 (g) by the addition at the end of the said sub-section of the following paragraph:
 “(t) on such conditions as the Minister may approve—
 (i) to purchase any packing material and containers which producers may require for the marketing of the product to which the scheme relates;
 (ii) to sell such packing material and containers to producers of such product or to persons who in the course of their business sell such packing material and containers to such producers; and
 (iii) to hire out such packing material and containers to producers of such product.”

Amendment of section 20 of Act 26 of 1937, as amended by section 6 of Act 19 of 1938, section 5 of Act 12 of 1941, section 13 of Act 50 of 1946 and section 17 of Act 45 of 1951.

8. (1) Section *twenty* of the principal Act is hereby amended—
 (a) by the insertion in paragraph (d) of sub-section (1) after the word “product”, where it occurs for the first time, of the words “to which the scheme relates”;
 (b) by the insertion after paragraph (d) of the said sub-section of the following paragraphs:
 “(d)*bis* with the approval of the Minister to grant exemption on the conditions prescribed in the scheme or determined by the board, from the operation of any prohibition imposed by the board in pursuance of powers conferred upon it in terms of paragraph (d);
 (d)*ter* with the approval of the Minister from time to time to prohibit any person from introducing into any area defined by the board, the regulated product in question, except such class or grade thereof as the board has determined or except for such purposes as the board has defined.”;

- 7. Artikel negentien van die Hoofwet word hierby gewysig— Wysiging van artikel 19 van Wet 26 van 1937, soos gewysig deur artikel 5 van Wet 19 van 1938, artikel 4 van Wet 12 van 1941, artikel 12 van Wet 50 van 1946 en artikel 16 van Wet 45 van 1951.**
- (a) deur in paragraaf (a) van sub-artikel (1) na die woord „het” die woorde „of geen produsente wat behoort tot 'n klas of groep produsente van sodanige produk” in te voeg, en deur sub-paragraaf (i) van gemelde paragraaf deur die volgende sub-paragraaf te vervang:
- (i) daardie produk binne die Unie of binne 'n gebied in die Unie wat in die skema omskryf is of wat die betrokke beherende raad met die goedkeuring van die Minister bepaal het en die Minister in die *Staatskoerant* bekend gemaak het, mag verkoop nie, tensy hy by die raad geregistreer is; of;
- (b) deur paragraaf (a)*bis* van gemelde sub-artikel deur die volgende paragraaf te vervang:
- ,,(a)*bis* dat niemand of niemand wat tot 'n klas of groep persone behoort met daardie produk—
- (i) binne die Unie, of binne 'n gebied in die Unie wat in die skema omskryf is of wat die betrokke beherende raad met die goedkeuring van die Minister bepaal het en die Minister in die *Staatskoerant* bekend gemaak het, as 'n besigheid mag handel nie, tensy hy by die raad geregistreer is; of
- (ii) binne 'n ander gebied as 'n besigheid mag handel nie dan 'n in die skema omskreve deur die raad bepaalde gebied, ten opsigte waarvan hy by die raad geregistreer is.”;
- (c) deur in paragraaf (c) van gemelde sub-artikel die woorde „en waaraan bedoelde raad enige van sy bevoegdhede onder die skema kan oordra, en wel op die voorwaardes wat hy mag vasstel” deur die woorde „of ten opsigte van die betrokke produk of produkte en waaraan bedoelde raad, op die voorwaardes wat die Minister goedkeur, sodanige van sy bevoegdhede onder die skema kan oordra as wat hy met die goedkeuring van die Minister bepaal” te vervang;
- (d) deur in paragraaf (g)*bis* van sub-artikel (2) na die woord „om” die woerde „op die voorwaardes wat die Minister goedkeur,” in te voeg;
- (e) deur in die Afrikaanse teks van paragraaf (g)*ter* van gemelde sub-artikel die woerde „met 'n produk wat hy gekoop het te handel” deur die woerde „'n produk wat hy gekoop het te behandel” te vervang;
- (f) deur in paragraaf (g)*quater* van gemelde sub-artikel na die woord „om” die woerde „op die voorwaardes wat die Minister goedkeur,” in te voeg; en
- (g) deur aan die end van gemelde sub-artikel die volgende paragraaf by te voeg:
- ,,(t) om, op die voorwaardes wat die Minister goedkeur—
- (i) enige pakmateriaal en houers wat produsente nodig mag hê vir die bemarking van die produk waarop die skema betrekking het, te koop;
- (ii) sodanige pakmateriaal en houers te verkoop aan produsente van bedoelde produk en aan persone wat in die loop van hulle besigheid sodanige pakmateriaal en houers aan sodanige produsente verkoop; en
- (iii) sodanige pakmateriaal en houers aan produsente van bedoelde produk te verhuur.”.
- 8. (1) Artikel twintig van die Hoofwet word hierby gewysig— Wysiging van artikel 20 van Wet 26 van 1937 soos gewysig deur artikel 6 van Wet 19 van 1938, artikel 5 van Wet 12 van 1941, artikel 13 van Wet 50 van 1946 en artikel 17 van Wet 45 van 1951.**
- (a) deur in paragraaf (d) van sub-artikel (1) na die woord „produk”, waar dit die eerste keer voorkom, die woerde „waarop die skema betrekking het” in te voeg;
- (b) deur na paragraaf (d) van gemelde sub-artikel die volgende paragrawe in te voeg:
- ,,(d)*bis* om met die Minister se goedkeuring vrystelling te verleen op die voorwaardes in die skema voorgeskryf of deur die raad bepaal, van die werking van 'n verbod deur die raad opgelê uit hoofde van bevoegdhede ingevalle paragraaf (d) aan hom verleen;
- (d)*ter* om met die Minister se goedkeuring enigiemand van tyd tot tyd te belet om die betrokke beheerde produk, behalwe 'n klas of graad daarvan wat die raad vasgestel het, of behalwe vir 'n doel wat die raad bepaal het, in 'n deur die raad omskreve gebied in te bring.”;

- (c) by the deletion in paragraph (g) of the said sub-section of the words "or export for sale";
 - (d) by the substitution for paragraph (k) of the said sub-section of the following paragraph:
 - "(k) with the approval of the Minister, to prohibit any person or any person belonging to any class or group of persons—
 - (i) from purchasing, selling, using, treating, manufacturing or processing any such product or any class, grade or quantity (determined on a basis prescribed in the scheme or otherwise) of such product for any purpose or in any manner determined by the board or for any purpose or in any manner other than a purpose or manner so determined; or
 - (ii) from placing any such product or any class, grade or quantity (determined on a basis prescribed in the scheme or otherwise) of such product in cold storage,

except under the authority of a permit which may be issued by the board subject to the conditions (if any) prescribed in the scheme or determined by the board;";
 - (e) by the insertion after sub-section (2) of the following sub-section:
- "(2)*bis* Whenever a regulatory board has prohibited producers of a product from selling that product except through the board and the said board conducts a pool for the sale of that product, the said board may, if authorized thereto by the relevant scheme and with the approval of the Minister—
- (a) require each producer to give, during any period determined by the board, notice to the board or to such person or persons as may be determined by the board, of the total quantity of the product in question which he intends to deliver to the board during any future period determined by the board, for sale;
 - (b) refuse to accept that quantity of the product, or any part thereof, in respect of which the producer concerned has not given notice in terms of any requirement under paragraph (a);
 - (c) recover for the benefit of the pool from any producer who has delivered to the board a quantity of the product—
 - (i) which differs from the quantity of which such producer so gave notice and provided such difference is not due to circumstances which, in the opinion of the board, were beyond the control of such producer; or
 - (ii) in respect of which such producer failed so to give notice,

an amount assessed by the board with the approval of the Minister as being approximately equal to the amount of any loss suffered by such pool in consequence of such difference in quantity or such failure to give notice: Provided that any amount recovered per unit or quantity of the product shall not exceed an amount which shall be prescribed in the scheme.";
- and
- (f) by the insertion after sub-section (4) of the following sub-sections:
- "(4)*bis* (a) Where a scheme provides that no producer of the product to which the scheme relates or no producer belonging to any class or group of producers of such product shall, except for consumption by himself or members of his household or for the feeding of his livestock, manufacture or process that product or convert it into any other product or commodity or cause it to be so manufactured, processed or converted, unless he has been registered with the regulatory board which administers the scheme and empowers the board to refuse the registration of any such producer that board may, in addition to any other reason for which it may lawfully refuse such registration, also refuse such registration.

- (c) deur in paragraaf (g) van gemelde sub-artikel die woorde „of uitvoer vir verkoop” te skrap;
- (d) deur paragraaf (k) van gemelde sub-artikel deur die volgende paragraaf te vervang:
- „(k) om met die Minister se goedkeuring enige persoon of enige persoon wat tot 'n klas of groep persone behoort, te verbied om—
- (i) so 'n produk of 'n klas, graad of 'n hoeveelheid (op 'n in die skema voorgeskrewe grondslag of op ander wyse bepaal) van bedoelde produk te koop, verkoop, gebruik, behandel, vervaardig of verwerk vir 'n doel of op 'n wyse deur die raad bepaal, of vir 'n ander doel of op 'n ander wyse dan 'n aldus bepaalde doel of wyse; of
 - (ii) so 'n produk of 'n klas, graad of hoeveelheid (op 'n in die skema voorgeskrewe grondslag of op ander wyse bepaal) van bedoelde produk in 'n koelkamer te plaas, dan alleen op gesag van 'n permit wat die raad mag uitreik onderworpe aan die voorwaardes (as daar is) in die skema voorgeskryf of deur die raad bepaal;”;
- (e) deur na sub-artikel (2) die volgende sub-artikel in te voeg:
- „(2)*bis* Wanneer 'n beherende raad produsente van 'n produk belet het om daardie produk te verkoop behalwe deur die raad en bedoelde raad 'n 'pool' bestuur vir die verkoop van daardie produk, kan bedoelde raad, indien deur die betrokke skema daartoe gemagtig en met die goedkeuring van die Minister—
- (a) gelas dat iedere produsent gedurende 'n tydperk deur die raad bepaal, aan die raad of die persoon of persone wat die raad bepaal, kennis moet gee van die totale hoeveelheid van die betrokke produk wat hy van voorneme is om, gedurende 'n toekomstige deur die raad bepaalde tydperk vir verkoop aan die raad te lewer;
 - (b) weier om daardie hoeveelheid van die produk, of enige deel daarvan, ten opsigte waarvan die betrokke produsent nie ingevolge 'n lasgewing kragtens paragraaf (a) kennis gegee het nie, in ontvangs te neem;
 - (c) van enige produsent wat aan die raad 'n hoeveelheid van die produk gelewer het—
 - (i) wat verskil van die hoeveelheid waarvan daardie produsent aldus kennis gegee het en mits sodanige verskil nie te wyte is aan omstandighede wat na die mening van die raad buite die beheer van daardie produsent was nie; of
 - (ii) ten opsigte waarvan daardie produsent versuim het om aldus kennis te gee, 'n bedrag ten bate van die 'pool' verhaal wat volgens skatting deur die raad met goedkeuring van die Minister gemaak ongeveer gelykstaande is met die bedrag van enige verlies wat deur die 'pool' gely is as gevolg van sodanige verskil in hoeveelheid of sodanige versuim om kennis te gee: Met dien verstande dat enige bedrag wat per eenheid of hoeveelheid van die produk verhaal word nie groter mag wees nie as 'n bedrag wat in die skema voorgeskryf word.”;
- en
- (f) deur na sub-artikel (4) die volgende sub-artikels in te voeg:
- „(4)*bis* (a) Waar 'n skema voorsiening maak dat geen produsent van die produk waarop die skema betrekking het of geen produsent wat behoort tot 'n klas of groep produsente van sodanige produk, behalwe vir sy eie gebruik of vir gebruik deur lede van sy huisgesin of om sy lewende hawe te voer, daardie produk mag vervaardig of verwerk of in 'n ander produk of handelsartikel mag omsit of dit aldus mag laat vervaardig, verwerk of omsit nie, tensy hy by die beherende raad wat die skema uitvoer geregistreer is en die raad magtig om die registrasie van so 'n produsent te weier, kan daardie raad, benewens enige ander rede waarom hy wettiglik sodanige registrasie kan weier, ook sodanige registrasie weier indien

tion if in its opinion there are already sufficient producers engaged in the manufacture or processing of that product or the conversion thereof into any other product or commodity to meet the needs of all persons likely to be served by the applicant in the event of his application being granted.

(b) Where a scheme provides that no person or no person belonging to any class or group of persons shall deal in the course of trade with the product to which the scheme relates unless he has been registered with the regulatory board which administers the scheme and empowers the board to refuse the registration of any such person that board may, in addition to any other reason for which it may lawfully refuse such registration, also refuse such registration if in its opinion there are already sufficient persons dealing in the course of trade with that product to meet the needs of all persons likely to be served by the applicant in the event of his application being granted.

(4)*ter* Where a regulatory board which administers a scheme is empowered to impose conditions in connection with the registration with the board of a producer of or a person dealing in the course of trade with the product to which the scheme relates, the scheme may empower the board to impose, in addition to any other conditions which it may lawfully impose, conditions prescribing the nature of the equipment and the maximum capacity of any plant or machinery to be installed or the maximum quantity of any product or commodity which may be manufactured or processed or converted or be dealt with in the course of trade by such producer or person, and the manner in which, and the place where or area within which, and the purpose for which, and the classes of persons to whom such product or any product or commodity derived therefrom may be disposed of.”.

(2) Paragraph (f) of sub-section (1) shall be deemed to have come into operation on the eighteenth day of June, 1951.

Amendment of section 20*bis* of Act 26 of 1937, as inserted by section 18 of Act 45 of 1951.

9. Section *twenty bis* of the principal Act is hereby amended by the insertion after the expression “sub-section (1)” where it occurs for the second time, of the words “read with sub-sections (4)*bis* and (4)*ter*”.

Amendment of section 21 of Act 26 of 1937, as amended by section 7 of Act 19 of 1938, section 14 of Act 50 of 1946 and section 19 of Act 45 of 1951.

10. Section *twenty-one* of the principal Act is hereby amended by the insertion in paragraph (b) of sub-section (1) after the expression “(1)*bis*” of the words “(irrespective of whether or not such proposed scheme has previously been voted upon in terms of the provisions of paragraph (a) and irrespective of the result of such voting)”.

Amendment of section 22 of Act 26 of 1937, as amended by section 8 of Act 19 of 1938 and section 15 of Act 50 of 1946.

11. Section *twenty-two* of the principal Act is hereby amended by the insertion in paragraph (b) of sub-section (1) after the word “sub-section” of the words “and which has not been recommended by the Minister as contemplated in paragraph (a)”.

Amendment of section 23 of Act 26 of 1937, as amended by section 9 of Act 19 of 1938, section 6 of Act 12 of 1941, section 16 of Act 50 of 1946 and section 20 of Act 45 of 1951.

12. Section *twenty-three* of the principal Act is hereby amended—

- (a) by the deletion in sub-section (1) of the words “or the consumers’ committee”; and
- (b) by the insertion in sub-section (2) after the word “council” of the words “the consumers’ committee or any body which, in the opinion of the Minister, is representative of persons engaged in agricultural pursuits”.

Amendment of section 27 of Act 26 of 1937, as substituted by section 19 of Act 50 of 1946 and amended by section 21 of Act 45 of 1951.

13. Section *twenty-seven* of the principal Act is hereby amended by the insertion after the expression “(d), (e),” of the expression “(g)*bis*, (g)*quater*,” and by the substitution for the expression “sub-section (4)” of the expression “sub-sections (2)*bis* and (4)”.

daar na sy mening alreeds voldoende produsente is wat hulle met die vervaardiging of verwerking van daardie produk of die omsetting daarvan in 'n ander produk of handelsartikel besig hou, om te voorsien in die behoeftes van alle persone aan wie se vereistes waarskynlik deur die applikant voldoen sal word ingeval sy aansoek toegestaan word.

(b) Waar 'n skema voorsiening maak dat niemand of niemand wat tot 'n klas of groep persone behoort as 'n besigheid mag handel met die produk waarop die skema betrekking het tensy hy by die beherende raad wat die skema uitvoer geregistreer is nie en die raad magtig om die registrasie van so iemand te weier, kan daardie raad, benewens enige ander rede waarom hy wettiglik sodanige registrasie kan weier, ook sodanige registrasie weier indien daar na sy mening alreeds voldoende persone is wat as 'n besigheid handel met daardie produk om te voorsien in die behoeftes van alle persone aan wie se vereistes waarskynlik deur die applikant voldoen sal word in geval sy aansoek toegestaan word.

(4)*ter* Waar 'n beherende raad wat 'n skema uitvoer, gemagtig is om voorwaardes op te lê in verband met die registrasie by die raad van 'n produsent van of iemand wat as 'n besigheid handel met die produk waarop die skema betrekking het, kan die skema die raad magtig om, benewens enige ander voorwaardes wat hy wettiglik mag ople, voorwaardes op te lê wat die aard van die toerusting en die maksimum kapasiteit van enige uitrusting of masjinerie wat geïnstalleer kan word of die maksimum hoeveelheid van enige produk of handelsartikel wat vervaardig of verwerk of omgesit of as 'n besigheid mee gehandel mag word deur sodanige produsent of persoon, en die wyse waarop, en die plek waar of die gebied waarbinne, en die doel waarvoor, en die klasse persone aan wie sodanige produk of enige produk of handelsartikel wat daarvan verkry is van die hand gesit mag word, voorskryf."

(2) Paragraaf (f) van sub-artikel (1) word geag op die agtiende dag van Junie 1951, in werking te getree het.

9. Artikel *twintig bis* van die Hoofwet word hierby gewysig deur na die uitdrukking „sub-artikel (1)”, waar dit die tweede keer voorkom, die woorde „saamgelees met sub-artikels (4)*bis* en (4)*ter*” in te voeg.

Wysiging van artikel 20*bis* van Wet 26 van 1937, soos ingevoeg deur artikel 18 van Wet 45 van 1951.

10. Artikel *een-en-twintig* van die Hoofwet word hierby gewysig deur in paragraaf (b) van sub-artikel (1) na die uitdrukking „(1)*bis*” die woorde „(ongeag of daar vantevore oor sodanige voorgestelde skema gestem is ingevolge die bepalings van paragraaf (a) al dan nie en ongeag die uitslag van so 'n stemming)” in te voeg.

Wysiging van artikel 21 van Wet 26 van 1937, soos gewysig deur artikel 7 van Wet 19 van 1938, artikel 14 van Wet 50 van 1946 en artikel 19 van Wet 45 van 1951.

11. Artikel *twee-en-twintig* van die Hoofwet word hierby gewysig deur in paragraaf (b) van sub-artikel (1) na die woerde „gestem is” die woerde „en wat nie deur die Minister aanbeveel is soos beoog in paragraaf (a) nie” in te voeg.

Wysiging van artikel 22 van Wet 26 van 1937, soos gewysig deur artikel 8 van Wet 19 van 1938 en artikel 15 van Wet 50 van 1946.

12. Artikel *drie-en-twintig* van die Hoofwet word hierby gewysig—

Wysiging van Artikel 23 van Wet 26 van 1937, soos gewysig deur artikel 9 van Wet 19 van 1938, artikel 6 van Wet 12 van 1941, artikel 16 van Wet 50 van 1946 en artikel 20 van Wet 45 van 1951.

(a) deur in sub-artikel (1) die woerde „of die verbruikerskomitee” te skrap; en

(b) deur in sub-artikel (2) na die woord „bemarkingsraad” die woerde „die verbruikerskomitee of enige liggaam wat, na die mening van die Minister, verteenwoordigend is van persone wat hulle met landbou-aangeleenthede besig hou” in te voeg.

13. Artikel *sewe-en-twintig* van die Hoofwet word hierby gewysig deur na die uitdrukking „(d), (e),” die uitdrukking „(g)*bis*, (g)*quater*,” in te voeg en deur die uitdrukking „sub-artikel (4)” deur die uitdrukking „sub-artikels (2)*bis* en (4)” te vervang.

Wysiging van artikel 27 van Wet 26 van 1937, soos vervang deur artikel 19 van Wet 50 van 1946 en gewysig deur artikel 21 van Wet 45 van 1951.

Amendment of section 29 of Act 26 of 1937, as substituted by section 20 of Act 50 of 1946 and amended by section 23 of Act 45 of 1951.

Amendment of section 31 of Act 26 of 1937, as inserted by section 24 of Act 45 of 1951.

Amendment of section 33 of Act 26 of 1937, as substituted by section 11 of Act 12 of 1941 and amended by section 22 of Act 50 of 1946 and section 25 of Act 45 of 1951.

Amendment of section 40 of Act 26 of 1937, as amended by section 29 of Act 45 of 1951.

Insertion of section 40bis in Act 26 of 1937.

14. Section *twenty-nine* of the principal Act is hereby amended by the insertion in paragraph (b) of sub-section (1) after the expression "(d)," of the expression "(d)*ter*," and by the insertion in paragraph (c) of the said sub-section after the expression "sub-section (1)" of the expression "or paragraph (a) of sub-section (2)*bis*".

15. Section *thirty-one* of the principal Act is hereby amended by the deletion of the words "sub-section (3) of section *eighteen ter*".

16. Section *thirty-three* of the principal Act is hereby amended—

(a) by the addition at the end of sub-paragraph (ii) of paragraph (b) of sub-section (1) of the word "or" and the addition at the end of the said sub-section of the following paragraph:

"(c) subject to such conditions as may be specified in the proclamation, prohibit the importation into or the exportation from the Union of a regulated product, or of any class or grade thereof, except by the regulatory board concerned or by any person authorized thereto by permit, the issue of which shall be in the discretion of the board, or otherwise than in accordance with conditions determined by it.;" and

(b) by the addition of the following sub-section:

"(3) Any person who is dissatisfied with a decision of the regulatory board concerned in connection with any matter relating to his application for a permit referred to in paragraph (c) of sub-section (1) may appeal to the Minister against such decision and the Minister may, after consideration of any such appeal and after consultation with the marketing council, confirm, set aside or vary such decision or make such order in connection therewith as he may deem fit.".

17. Section *forty* of the principal Act is hereby amended by the addition of the following sub-section:

"(3) If at the trial of any person charged with the commission of an offence under this Act or any scheme or any regulation made under section *forty-three* it is alleged in the charge that a quantity of a particular product was produced in a particular area, it shall be presumed until the contrary is proved, that such quantity of such product was produced in such area.".

18. The following section is hereby inserted in the principal Act after section *forty*:

"Proof of certain facts by affidavit. **40bis.** Whenever at the trial of any person charged with the commission of an offence under this Act or any scheme or any regulation made under section *forty-three*, the question arises whether any person bearing a particular name—

(a) has furnished particular information or a particular return or other document to a regulatory board within a particular period or not; or

(b) has paid a particular levy or a portion thereof to any such board within a particular period or not; or

(c) is registered with any such board or not; or

(d) has been appointed as an agent of any such board or not,

a document purporting to be an affidavit made by a person who, in that affidavit, alleges that he is a servant of the regulatory board in question and that no person bearing the said name has furnished such information or return or other document to the board within such period or has paid such levy or portion thereof to the board within such period, or is registered with the board or has been appointed as an agent of the board, as the case may be, shall on its mere production at such trial by any person, be *prima facie* proof of the facts stated therein.".

14. Artikel *nege-en-twintig* van die Hoofwet word hierby Wysiging van artikel 29 van Wet 26 gewysig deur in paragraaf (b) van sub-artikel (1) na die uitdrukking „(d),” die uitdrukking „(d)*ter*,” in te voeg en deur in paragraaf (c) van gemelde sub-artikel na die uitdrukking „*of* paragraaf (a) van sub-artikel (1)” die uitdrukking „*of* paragraaf (a) van sub-artikel (2)*bis*” in te voeg.

Wysiging van artikel 29 van Wet 26 van 1937, soos vervang deur artikel 20 van Wet 50 van 1946 en gewysig deur artikel 23 van Wet 45 van 1951.

15. Artikel *een-en-dertig* van die Hoofwet word hierby Wysiging van artikel 31 van Wet 26 gewysig deur die woorde „sub-artikel (3) van artikel *agtien ter*” te skrap.

Wysiging van artikel 31 van Wet 26 van 1937, soos ingevoeg deur artikel 24 van Wet 45 van 1951.

16. Artikel *drie-en-dertig* van die Hoofwet word hierby Wysiging van artikel 33 van Wet 26 gewysig—

- (a) deur aan die end van sub-paragraaf (ii) van paragraaf (b) van sub-artikel (1) die woord „*of*” by te voeg en deur aan die end van gemelde sub-artikel die volgende paragraaf by te voeg:
- „(c) onderworpe aan die voorwaardes in die proklamasie genoem, die invoer in die Unie of die uitvoer uit die Unie van 'n beheerde produk of van 'n klas of graad daarvan belet, behalwe deur die betrokke beherende raad of deur 'n persoon wat daartoe gemagtig is deur 'n permit, wat na goedunke van die raad uitgereik word, of andersins as ooreenkomsdig voorwaardes deur hom bepaal.”; en
- (b) deur die volgende sub-artikel by te voeg:
„(3) Iemand wat ontevrede is met 'n besluit van die betrokke beherende raad in verband met enige aangeleentheid betreffende sy aansoek om 'n in paragraaf (c) van sub-artikel (1) bedoelde permit kan teen sodanige besluit by die Minister appèl aanteken en die Minister kan, na oorweging van so 'n appèl en na oorlegpleging met die bemarkingsraad, bedoelde besluit bekragtig, tersy stel of wysig of in verband daarmee so 'n bevel uitreik as wat hy goedvind.”.

17. Artikel *veertig* van die Hoofwet word hierby gewysig deur die volgende sub-artikel by te voeg:

- „(3) Indien by die verhoor van 'n persoon wat aangekla is weens 'n oortreding van hierdie Wet of 'n skema of 'n regulasie uitgevaardig kragtens artikel *drie-en-veertig*, daar in die aanklag beweer word dat 'n hoeveelheid van 'n bepaalde produk in 'n bepaalde gebied geproduseer is, word dit, totdat die teendeel bewys word, aangeneem dat sodanige hoeveelheid van sodanige produk in sodanige gebied geproduseer is.”.

18. Die volgende artikel word hierby na artikel *veertig* van die Hoofwet ingevoeg:

„Bewys van sekere feite deur beëdigde verklarings. 40bis. Wanneer by die verhoor van iemand wat aangekla is weens 'n oortreding van hierdie Wet of 'n skema of 'n regulasie uitgevaardig kragtens artikel *drie-en-veertig*, die vraag ontstaan of iemand met 'n bepaalde naam—

- (a) bepaalde inligting of 'n bepaalde opgawe of ander dokument binne 'n bepaalde tydperk aan 'n beherende raad verstrek het al dan nie; of
- (b) 'n bepaalde heffing of 'n gedeelte daarvan binne 'n bepaalde tydperk aan so 'n raad betaal het al dan nie; of
- (c) by so 'n raad geregistreer is al dan nie; of
- (d) as 'n agent van so 'n raad aangestel is al dan nie;

is 'n geskrif wat 'n beëdigde verklaring heet te wees van 'n persoon wat in daardie beëdigde verklaring beweer dat hy 'n dienaar van die betrokke beherende raad is en dat niemand met daardie naam sodanige inligting of opgawes of ander dokument binne sodanige tydperk aan die raad verstrek het nie, of sodanige heffing of gedeelte daarvan binne sodanige tydperk aan die raad betaal het nie, of by die raad geregistreer is nie of as 'n agent van die raad aangestel is nie, na gelang van die geval, by blote voorlegging by sodanige verhoor deur enige persoon *prima facie* bewys van die daarin vermelde feite.”.

Amendment of section 41 of Act 26 of 1937, as substituted by section 13 of Act 12 of 1941 and amended by section 27 of Act 50 of 1946 and section 30 of Act 45 of 1951.

19. Section *forty-one* of the principal Act is hereby amended—
 (a) by the insertion in the Afrikaans version of paragraph (a) of sub-section (1) after the word “oortreding” of the word “mag”; and
 (b) by the addition of the following sub-sections:

“(3) Where a producer of a regulated product or person dealing therewith in the course of trade is convicted of a contravention of any provision made in a scheme by virtue of paragraph (a) or (a)*bis* of sub-section (1) of section *nineteen* and it is proved that he was on at least two other occasions during the twenty-four months immediately preceding the date of such conviction found guilty of the same offence, the court convicting him may, in addition to any other punishment imposed in respect of the offence, if it is satisfied that any equipment, machinery or apparatus, but excluding any vehicle, was used for the purpose of or in connection with the commission of the offence, declare such equipment, machinery or apparatus, or the convicted person’s rights thereto, to be forfeited to the State: Provided that such declaration shall not affect any rights which any person other than the convicted person may have to the equipment, machinery or apparatus in question if it is proved that he did not know that it was being used or would be used for the purpose of or in connection with the commission of such offence or that he could not prevent such use.”

(4) The provisions of sub-sections (4) and (5) of section *three hundred and sixty* of the Criminal Procedure Act, 1955 (Act No. 56 of 1955) shall *mutatis mutandis* apply to any forfeiture under sub-section (3).”.

Amendment of section 43 of Act 26 of 1937, as amended by section 14 of Act 12 of 1941, section 29 of Act 50 of 1946 and section 31 of Act 45 of 1951.

20. Section *forty-three* of the principal Act is hereby amended—

- (a) by the insertion after paragraph (d) of sub-section (1) of the following paragraph:
 “(d)*bis* the fees to be paid for the inspection by a person designated in terms of section *thirty-seven* of any product, in respect of which a national mark or grade has been prescribed, the persons by whom and the times at which and the manner in which such fees shall be paid;”;
- (b) by the insertion in paragraph (f) of the said sub-section after the words “*twenty bis*” of the words “sub-section (3) of section *thirty-three*”; and
- (c) by the addition at the end of the said sub-section of the words “and in respect of units or quantities of a product which producers sell to or through a regulatory board or persons designated by such board and units or quantities of that product which producers sell otherwise than to or through a regulatory board or persons designated by such a board”.

Lapsing of certain registrations.

21. (1) If a regulatory board was, during the period between the thirteenth day of November, 1960, and the date of commencement of this Act, empowered by the relative scheme to refuse any registration referred to in paragraph (l) of sub-section (1) of section *twenty* of the principal Act, any such registration with that board which was granted during that period shall lapse unless such registration was granted in pursuance of an order made by the Minister on appeal to him in terms of section *twenty bis* of the principal Act requiring such registration to be granted.

(2) Nothing in this section contained shall be construed as preventing the grant, on application by the person concerned, of a fresh registration when in the opinion of the board such registration is in the circumstances justified.

Short title.

22. This Act shall be called the Marketing Amendment Act, 1961.

19. Artikel *een-en-veertig* van die Hoofwet word hierby Wysiging van gewysig— artikel 41 van Wet 26 van 1937, soos vervang deur

- (a) deur in die Afrikaanse teks van paragraaf (a) van sub-artikel (1) na die woord „oortreding” die woord „mag” in te voeg; en
- (b) deur die volgende sub-artikels by te voeg:

„(3) Waar 'n produsent van 'n beheerde produk of iemand wat daarmee as 'n besigheid handel, skuldig bevind word van 'n oortreding van 'n bepaling gemaak in 'n skema uit hoofde van paragraaf (a) of (ab) van sub-artikel (1) van artikel *negentien* en daar bewys word dat hy gedurende die vier-en-twintig maande wat die datum van sodanige skuldig-bevinding onmiddellik voorafgaan by ten minste twee ander geleenthede skuldig bevind is van dieselfde oortreding, kan die hof wat hom veroordeel, benewens enige ander straf ten opsigte van die oortreding opgelê, indien hy oortuig is dat enige toerusting, masjinerie of apparaat, maar uitgesonderd enige voertuig, vir die doel van of in verband met die pleeg van die oortreding gebruik was, bedoelde toerusting, masjinerie of apparaat, of die regte van die veroordeelde persoon daarop, ten gunste van die Staat verbeurd verklaar: Met dien verstande dat so 'n verbeurdverklaring geen afbreuk doen aan enige regte wat iemand anders as die veroordeelde op die betrokke toerusting, masjinerie of apparaat het nie, indien dit bewys word dat hy nie geweet het dat dit vir die doel van of in verband met die pleeg van die oortreding in gebruik was of gebruik sou word nie, of dat hy sodanige gebruik nie kon verhinder nie.

(4) Die bepalings van sub-artikels (4) en (5) van artikel *driehonderd-en-sestig* van die Strafproseswet, 1955 (Wet No. 56 van 1955), is *mutatis mutandis* van toepassing op 'n verbeurdverklaring ingevolge sub-artikel (3).”.

20. Artikel *drie-en-veertig* van die Hoofwet word hierby Wysiging van artikel 43 van Wet 26 van 1937, soos gewysig deur artikel 14 van Wet 12 van 1941, artikel 29 van Wet 50 van 1946 en artikel 31 van Wet 45 van 1951.

- (a) deur na paragraaf (d) van sub-artikel (1) die volgende paragraaf in te voeg:
„(d)bis die gelde betaalbaar vir die inspeksie deur 'n persoon aangewys kragtens artikel *sewe-en-dertig*, van 'n produk ten opsigte waarvan 'n nasionale merk of graad voorgeskryf is, die persone deur wie en die tye wanneer en die wyse waarop sodanige gelde betaal moet word;”;
- (b) deur in paragraaf (f) van gemelde sub-artikel na die woorde „*twintig bis*” die woorde „sub-artikel (3) van artikel *drie-en-dertig*” in te voeg; en
- (c) deur aan die end van gemelde sub-artikel die woorde „en ten opsigte van eenhede of hoeveelhede van 'n produk wat produsente verkoop aan of deur 'n beherende raad of persone deur sodanige raad aangewys en eenhede of hoeveelhede van daardie produk wat produsente verkoop anders as aan of deur 'n beherende raad of persone deur so 'n raad aangewys” by te voeg.

21. (1) Indien 'n beherende raad gedurende die tydperk tussen die dertiende dag van November 1960, en die datum van inwerkingtreding van hierdie Wet, deur die betrokke skema gemagtig was om enige in paragraaf (l) van sub-artikel (1) van artikel *twintig* van die Hoofwet bedoelde registrasie te weier, verval enige sodanige registrasies by daardie raad wat gedurende daardie tydperk verleen is tensy sodanige registrasie verleen is ingevolge 'n bevel uitgereik deur die Minister op appèl na hom kragtens artikel *twintig bis* van die Hoofwet dat sodanige registrasie verleen moet word.

(2) Niks in hierdie artikel vervat, word uitgelê as sou dit die verlening, op aansoek van die betrokke persoon, van 'n nuwe registrasie verbied nie, wanneer sodanige registrasie na die mening van die raad onder die omstandighede geregtig is.

22. Hierdie Wet heet die Wysigingswet op Bemarking, 1961. Kort titel.