



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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KAAPSTAD, 24 MEI 1972.

DEPARTMENT OF THE PRIME MINISTER.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 860. 24th May, 1972.

No. 860. 24 Mei 1972.

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 39 of 1972: Perishable Agricultural Produce Sales Amendment Act, 1972.

No. 39 van 1972: Wysigingswet op die Verkoop van Bederfbare Landbouprodukte, 1972.

Wet No. 39, 1972

WYSIGINGSWET OP DIE VERKOOP VAN BEDERFBARE
LANDBOUPRODUKTE, 1972.

WET

Tot wysiging van die bepalings van die Wet op die Verkoop van Bederfbare Landbouprodukte, 1961, met betrekking tot woordomsrywings, die weiering deur die sekretaris, van registrasie of hernuwing van registrasie as 'n kommissie-agent of makelaar en die opskorting of intrekking deur die Minister, van registrasie as 'n kommissie-agent of makelaar; om spesiale voorsiening te maak vir 'n kommissie-agent of 'n makelaar wat 'n maatskappy is; om voorsiening te maak vir sekere vasstellings kragtens artikel 14 van daardie Wet, volgens die metrieke stelsel; om verdere voorsiening te maak vir die wyse waarop 'n kommissie-agent, makelaar of handelaar aantekeninge van sy transaksies moet hou; om voorsiening te maak vir die beskikking oor die opbrengs van die verkoop van produkte ten behoeve van 'n persoon deur 'n kommissie-agent verkoop, wat nie deur die persoon wat daarop geregtig is, opgeëis word nie; vir die beperking van aanspreeklikheid van die Staat, die Minister en sekere beamptes ten opsigte van handelingte te goeder trou kragtens die bepalings van daardie Wet verrig; en vir die uitbreiding van die bevoegdheid om regulasies uit te vaardig; en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 16 Mei 1972.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Wysiging van
artikel 1 van
Wet 2 van 1961,
soos gewysig deur
artikel 1 van
Wet 31 van 1966.

1. Artikel 1 van die Wet op die Verkoop van Bederfbare Landbouprodukte, 1961 (hieronder die Hoofwet genoem), word hierby gewysig deur die omskrywing van „Minister” deur die volgende omskrywing te vervang:
„Minister” die Minister van Landbou;”.

Wysiging van
artikel 2 van
Wet 2 van 1961,
soos vervang deur
artikel 2 van
Wet 31 van 1966.

2. Artikel 2 van die Hoofwet word hierby gewysig deur sub-artikel (2) deur die volgende subartikel te vervang:
„(2) Hierdie Wet is nie van toepassing nie met betrekking tot die besigheid deur iemand gedryf van produkte te verkoop ten behoeve van en volgens 'n ooreenkoms met 'n beheerraad, soos omskryf in artikel 1 van die Bemerkingswet, 1968 (Wet No. 59 van 1968), in sy hoedanigheid van agent van daardie raad.”.

Wysiging van
artikel 6 van
Wet 2 van 1961,
soos vervang deur
artikel 6 van
Wet 31 van 1966.

3. Artikel 6 van die Hoofwet word hierby gewysig—
(a) deur in subartikel (1) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

PERISHABLE AGRICULTURAL PRODUCE SALES
AMENDMENT ACT, 1972.

Act No. 39, 1972

ACT

To amend the provisions of the Perishable Agricultural Produce Sales Act, 1961, relating to definitions, the refusal by the secretary, of registration or renewal of registration as a commission agent or broker and the suspension or cancellation by the Minister, of registration as a commission agent or broker; to make special provision for a commission agent or a broker who is a company; to provide for certain determinations under section 14 of that Act, according to the metric system; to make further provision for the manner in which record of his transactions shall be kept by a commission agent, broker or dealer; to provide for the disposal of the proceeds of the sale of produce sold on behalf of any person by a commission agent which remain unclaimed by the person entitled thereto; for the limitation of liability of the State, the Minister and certain officers in respect of acts done in good faith under the provisions of that Act; and for the extension of the power to make regulations; and to provide for incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 16th May, 1972.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

1. Section 1 of the Perishable Agricultural Produce Sales Act, 1961 (hereinafter referred to as the principal Act), is hereby amended by the substitution for the definition of "Minister" of the following definition:

"'Minister' means the Minister of Agriculture;".

Amendment of section 1 of Act 2 of 1961, as amended by section 1 of Act 31 of 1966.

2. Section 2 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) This Act shall not apply with reference to the business carried on by any person of selling produce on behalf of and in terms of an agreement with a control board, as defined in section 1 of the Marketing Act, 1968 (Act No. 59 of 1968), in his capacity as agent of that board."

Amendment of section 2 of Act 2 of 1961, as substituted by section 2 of Act 31 of 1966.

3. Section 6 of the principal Act is hereby amended—

(a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

Amendment of section 6 of Act 2 of 1961, as substituted by section 6 of Act 31 of 1966.

Wet No. 39, 1972

WYSIGINGSWET OP DIE VERKOOP VAN BEDERFBARE
LANDBOUPRODUKTE, 1972.

„(1) Die sekretaris kan 'n aansoek om registrasie as 'n kommissie-agent of 'n makelaar of hernuwing van so 'n registrasie, na gelang van die geval, weier indien hy oortuig is dat—”;

(b) deur paragraaf (i) van daardie subartikel deur die volgende paragraaf te vervang:

„(i) die applikant, in verband met sy besigheid as kommissie-agent of makelaar of die besigheid as kommissie-agent of makelaar van enige ander persoon, hom skuldig gemaak het aan enige ander optrede wat na die oordeel van die sekretaris die weiering van die aansoek regverdig.”; en

(c) deur na subartikel (1) die volgende subartikel in te voeg:

„(1A) 'n Verwysing in subartikel (1) na 'n applikant word, in die geval van 'n applikant wat 'n maatskappy is, by die toepassing van paragraaf (g) of (i) van daardie subartikel uitgelê as 'n verwysing ook na 'n direkteur van daardie maatskappy.”.

Wysiging van
artikel 7 van
Wet 2 van 1961,
soos vervang deur
artikel 7 van
Wet 31 van 1966.

4. Artikel 7 van die Hoofwet word hierby gewysig—

(a) deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

„(a) hy of enigeen van sy werknemers 'n bepaling van hierdie Wet oortree het of versuim het om daaraan te voldoen;”;

(b) deur paragraaf (f) van daardie subartikel deur die volgende paragraaf te vervang:

„(f) hy, in verband met sy besigheid as kommissie-agent of makelaar of die besigheid as kommissie-agent of makelaar van enige ander persoon, hom skuldig gemaak het aan 'n ander optrede wat na die oordeel van die Minister die opskorting of intrekking van sy registrasie regverdig.”; en

(c) deur na subartikel (1) die volgende subartikel in te voeg:

„(1A) 'n Verwysing in subartikel (1) na 'n kommissie-agent of makelaar word, in die geval van 'n kommissie-agent of makelaar wat 'n maatskappy is, by die toepassing van paragraaf (d) of (f) van daardie subartikel uitgelê as 'n verwysing ook na 'n direkteur van daardie maatskappy.”.

Wysiging van
artikel 10 van
Wet 2 van 1961,
soos vervang deur
artikel 9 van
Wet 31 van 1966.

5. Artikel 10 van die Hoofwet word hierby gewysig deur paragraaf (a) deur die volgende paragraaf te vervang:

„(a) die naam en besigheidsadres van elke persoon wat geregistreer is en—

(i) in die geval van 'n verkoopsman, ook die naam en besigheidsadres van die kommissie-agent wat hom as verkoopsman laat registreer het; en

(ii) in die geval van 'n kommissie-agent of makelaar wat 'n maatskappy is, ook die naam en besigheidsadres van elke direkteur van daardie maatskappy.”.

Wysiging van
artikel 13 van
Wet 2 van 1961,
soos vervang deur
artikel 12 van
Wet 31 van 1966.

6. Artikel 13 van die Hoofwet word hierby gewysig deur na paragraaf (c) van subartikel (1) die volgende paragraaf in te voeg:

„(cA) in die geval van 'n kommissie-agent of makelaar wat 'n maatskappy is, van 'n verandering in die direksie van daardie maatskappy en van die naam en besigheidsadres van 'n nuwe direkteur;”.

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“(1) The secretary may refuse an application for registration as a commission agent or a broker or the renewal of any such registration, as the case may be, if he is satisfied that—”;

- (b) by the substitution for paragraph (i) of that subsection of the following paragraph:

“(i) The applicant has, in relation to his business as commission agent or broker or to the business as commission agent or broker of any other person, been guilty of any other conduct which in the opinion of the secretary warrants the refusal of the application.”; and

- (c) by the insertion after subsection (1) of the following subsection:

“(1A) For the purposes of paragraph (g) or (i) of subsection (1) any reference in that subsection to an applicant shall, in the case of an applicant who is a company, be construed as including a reference to a director of such company.”.

4. Section 7 of the principal Act is hereby amended—

- (a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:

“(a) he or any of his employees has contravened or failed to comply with any provision of this Act;”;

- (b) by the substitution for paragraph (f) of that subsection of the following paragraph:

“(f) he has, in relation to his business as commission agent or broker or to the business as commission agent or broker of any other person, been guilty of any other conduct which in the opinion of the Minister warrants the suspension or cancellation of his registration.”; and

- (c) by the insertion after subsection (1) of the following subsection:

“(1A) For the purposes of paragraph (d) or (f) of subsection (1) any reference in that subsection to a commission agent or broker shall, in the case of a commission agent or broker who is a company, be construed as including a reference to a director of such company.”.

Amendment of section 7 of Act 2 of 1961, as substituted by section 7 of Act 31 of 1966.

5. Section 10 of the principal Act is hereby amended by the substitution for paragraph (a) of the following paragraph:

- “(a) the name and business address of every person who is registered and—

(i) in the case of a salesman, also the name and business address of the commission agent who caused him to be registered as a salesman; and

(ii) in the case of a commission agent or broker who is a company, also the name and business address of each director of such company;”.

Amendment of section 10 of Act 2 of 1961, as substituted by section 9 of Act 31 of 1966.

6. Section 13 of the principal Act is hereby amended by the insertion after paragraph (c) of subsection (1) of the following paragraph:

- “(cA) in the case of a commission agent or broker who is a company, of any change in the directorate of such company and of the name and business address of any new director;”.

Amendment of section 13 of Act 2 of 1961, as substituted by section 12 of Act 31 of 1966.

Wet No. 39, 1972

WYSIGINGSWET OP DIE VERKOOP VAN BEDERFBARE
LANDBOUPRODUKTE, 1972.

Wysiging van
artikel 14 van
Wet 2 van 1961,
soos gewysig deur
artikel 1 van
Wet 8 van 1962,
artikel 1 van
Wet 17 van 1965
en artikel 13 van
Wet 31 van 1966.

7. Artikel 14 van die Hoofwet word hierby gewysig—

(a) deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

„(a) maak gebruik van enige bedrieglike praktyk in verband met die meet van die massa, tel of ander vasstelling van die hoeveelheid produkte deur hom ontvang, gekoop, verkoop of gehanteer in die loop van besigheid nie;”;

(b) deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:

„(b) maak opsetlik deur woord, daad of andersins enige wanvoorstelling betreffende die uiterlike voorkoms, grootte, soort, graad, kwaliteit, massa of hoeveelheid van produkte deur hom ontvang, gekoop, verkoop, vir verkoop aangebied of gehanteer in die loop van besigheid nie; of”; en

(c) deur subparagraaf (iii) van paragraaf (j) van subartikel (2) deur die volgende subparagraaf te vervang:

„(iii) die hoeveelheid of massa en beskrywing van die verkoopte produkte; en”.

Vervanging van
artikel 17 van
Wet 2 van 1961,
soos vervang deur
artikel 15 van
Wet 31 van 1966.

8. Artikel 17 van die Hoofwet word hierby deur die volgende artikel vervang:

„Aanteke-
ninge.

17. 'n Kommissie-agent, makelaar of handelaar hou in enige van die amptelike tale van die Republiek voldoende boek van die dryf van sy besigheid as sodanig, en moet elke sodanige boek, tesame met die bewysstukke, kwitansies en ander voorgeskrewe stukke wat op 'n inskrywing daarin betrekking het, en elke in artikel 14 (2) (b) en (g) en artikel 15 (1) bedoelde skriftelike toestemming en 'n juiste kopie van elke in artikel 14 (2) (d) en artikel 15 (2) (c) bedoelde skriftelike mededeling, behou vir 'n tydperk van minstens drie jaar nadat die laaste inskrywing ten opsigte van enige transaksie in sodanige boek gemaak is of nadat 'n handeling laas uit hoofde van sodanige toestemming verrig is of die betrokke mededeling gemaak is, na gelang van die geval.”.

Invoeging van
artikels 18A, 18B
en 18C in
Wet 2 van 1961.

9. Die volgende artikels word hierby in die Hoofwet na artikel 18 ingevoeg:

„Onopge-
eiste op-
brengs van
die verkoop
van pro-
dukte word
aan
sekretaris
oorbetaal.

18A. (1) Die opbrengs van die verkoop van produkte deur 'n kommissie-agent ten behoeve van 'n persoon verkoop wat op die laaste dag van die maand Februarie of die laaste dag van die maand Augustus van die een of ander jaar vir 'n tydperk van minstens 180 dae na die datum van die verkoop van daardie produkte nie deur die persoon wat op bedoelde opbrengs geregtig is, opgeëis is nie, word, indien na aftrekking daarvan van 'n bedrag wat daardie kommissie-agent geregtig mag wees om te behou daar 'n saldo van een rand of meer oorbly, binne 30 dae na die laaste dag van die betrokke maand deur bedoelde kommissie-agent aan die sekretaris oorbetaal.

(2) 'n Betaling wat kragtens subartikel (1) aan die sekretaris gemaak word, gaan vergesel van die voorgeskrewe besonderhede.

Spesiale
rekening vir
onopge-
eiste gelde
gehou te
word.

18B. (1) Die sekretaris hou 'n spesiale rekening wat met alle bedrae wat kragtens artikel 18A aan hom betaal word, gekrediteer word en met alle bedrae wat kragtens artikel 18C betaal of gestort word, gedebiteer word.

(2) Bedoelde spesiale rekening word jaarliks deur die Kontroleur en Ouditeur-generaal geouditeer.

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7. Section 14 of the principal Act is hereby amended—

- (a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:

“(a) make use of any fraudulent practice in connection with the measuring of the mass, counting or other determination of the quantity of any produce received, purchased, sold or handled by him in the course of business.”;

- (b) by the substitution for paragraph (b) of subsection (1) of the following paragraph:

“(b) wilfully misrepresent by word, deed or otherwise the outward appearance, size, kind, grade, quality mass or quantity of any produce received, purchased, sold, offered for sale or handled by him in the course of business; or”; and

- (c) by the substitution for subparagraph (iii) of paragraph (j) of subsection (2) of the following subparagraph:

“(iii) the quantity or mass and description of the produce sold; and”.

Amendment of section 14 of Act 2 of 1961, as amended by section 1 of Act 8 of 1962, section 1 of Act 17 of 1965 and section 13 of Act 31 of 1966.

8. The following section is hereby substituted for section 17 of the principal Act:

“Records.

17. A commission agent, broker or dealer shall maintain, in either of the official languages of the Republic, adequate books of the conduct of his business as such, and shall keep each such book, together with the vouchers, receipts and other prescribed documents that relate to any entry appearing therein, and each written permission or consent referred to in section 14 (2) (b) and (g) and section 15 (1) and a true copy of every written communication referred to in section 14 (2) (d) and section 15 (2) (c), for a period of at least three years after the last entry in respect of any transaction has been made in such book or after any action was last taken under such permission or consent or the relevant communication was made, as the case may be.”.

Substitution of section 17 of Act 2 of 1961, as substituted by section 15 of Act 31 of 1966.

9. The following sections are hereby inserted in the principal Act after section 18:

“Unclaimed proceeds of sale of produce to be paid over to secretary.

18A. (1) The proceeds of the sale of produce sold on behalf of any person by a commission agent which on the last day of the month of February or the last day of the month of August in any year have, for a period of not less than 180 days after the date of the sale of such produce, remained unclaimed by the person entitled to such proceeds, shall, if after deduction therefrom of any amount which that commission agent may be entitled to retain, a balance of one rand or more remains, be paid over to the secretary by such commission agent within 30 days after the last day of the month in question.

(2) Any payment made to the secretary under subsection (1) shall be accompanied by the prescribed particulars.

Special account for unclaimed moneys to be kept.

18B. (1) The secretary shall keep a special account to which all amounts paid to him under section 18A shall be credited and all amounts paid or deposited under section 18C shall be debited.

(2) Such special account shall be audited annually by the Controller and Auditor-General.

Insertion of sections 18A, 18B and 18C in Act 2 of 1961.

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WYSIGINGSWET OP DIE VERKOOP VAN BEDERFBARE
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oor onop-
geëiste geld
wat aan
sekretaris
betaal is.**18C.** (1) Die sekretaris gee, so gou doenlik na die ontvangs van onopgeëiste geld kragtens artikel 18A aan hom betaal, kennis in die *Staatskoerant* aan- gaande—

- (a) die naam van die persoon wat op daardie geld geregtig is;
- (b) die bedrag waarop bedoelde persoon aldus geregtig is; en
- (c) die naam van die kommissie-agent wat daardie geld betaal het,

en versoek bedoelde persoon om daardie geld binne 90 dae na die datum van bedoelde kennisgewing op die voorgeskrewe wyse op te eis.

(2) Geen geld word uit hoofde van die bepalings van subartikel (1) aan iemand betaal nie tensy die sekretaris oortuig is dat daardie persoon op daardie geld geregtig is.

(3) Indien daar binne die in subartikel (1) bedoelde tydperk van 90 dae geen geldige eis ten opsigte van bedoelde geld ingedien is nie, stort die sekretaris daardie geld—

- (a) indien die persoon wat daarop geregtig is, na die oordeel van die sekretaris nie 'n Bantoe soos omskryf in artikel 1 van die Bevolkings-registrasiewet, 1950 (Wet No. 30 van 1950), is nie, in die voogdyfonds bedoel in artikel 86 van die Boedelwet, 1965 (Wet No. 66 van 1965), om aan die bedoelde persoon gekrediteer te word; of,
- (b) indien die persoon wat daarop geregtig is, na die oordeel van die sekretaris 'n Bantoe is soos aldus omskryf, in die Suid-Afrikaanse Bantoe-trustfonds, ingestel kragtens artikel 8 van die Bantoe-trust en -grond Wet, 1936 (Wet No. 18 van 1936), om aangewend te word ooreenkomstig die bepalings van daardie Wet: Met dien verstande dat die persoon wat daarop geregtig is daardie geld binne 'n tydperk van 30 jaar vanaf die datum waarop hy geregtig ge- word het om daardie geld op te eis, van die Suid-Afrikaanse Bantoe-trustfonds kan opeis.

(4) Voordat 'n som geld uit hoofde van die bepalings van subartikel (1) aan die persoon wat daarop geregtig is, oorbetal word of kragtens sub- artikel (3) gestort word, trek die sekretaris ten bate van die Gekonsolideerde Inkomstefonds admini- strasiegelde daarvan af bestaande uit dié persentasie van die bedoelde bedrag wat die Minister, hande- lende in oorleg met die Minister van Finansies, van tyd tot tyd bepaal.”.

Wysiging van
artikel 23 van
Wet 2 van 1961,
soos gewysig deur
artikel 18 van
Wet 31 van 1966.

10. Artikel 23 van die Hoofwet word hierby gewysig deur paragraaf (a) deur die volgende paragraaf te vervang:

„(a) artikel 2, 8 (1) of (2), 11, 13, 14, 15, 16, 17, 18, 18A, 19 of 22 oortree of versuim om daaraan te voldoen;”.

Invoeging van
artikel 25A in
Wet 2 van 1961.

11. Die volgende artikel word hierby in die Hoofwet na artikel 25 ingevoeg:

„Beperking
van aan-
spreek-
likheid.

25A. Die Staat of sy werknemers, die Minister of 'n beampte kragtens artikel 21 aangewys is nie aanspreeklik ten opsigte van enigiets wat te goeder trou kragtens die bepalings van hierdie Wet gedoen is nie.”.

PERISHABLE AGRICULTURAL PRODUCE SALES
AMENDMENT ACT, 1972.

Act No. 39, 1972

Disposal of
unclaimed
money paid
to secretary.

18C. (1) The secretary shall, as soon as practicable after the receipt of any unclaimed money paid to him under section 18A, give notice in the *Gazette* as to—

- (a) the name of the person who is entitled to such money;
- (b) the amount to which such person is so entitled; and
- (c) the name of the commission agent who paid such money,

and call upon such person to claim such money in the prescribed manner within 90 days after the date of such notification.

(2) No money shall be paid to any person in consequence of the provisions of subsection (1) unless the secretary is satisfied that such person is entitled to such money.

(3) If within the period of 90 days referred to in subsection (1), no valid claim has been lodged in respect of such money, the secretary shall deposit such money—

- (a) to the credit of the person entitled thereto in the guardian's fund referred to in section 86 of the Administration of Estates Act, 1965 (Act No. 66 of 1965), if such person is, in the opinion of the secretary, not a Bantu as defined in section 1 of the Population Registration Act, 1950 (Act No. 30 of 1950); or
- (b) in the South African Bantu Trust Fund established under section 8 of the Bantu Trust and Land Act, 1936 (Act No. 18 of 1936), to be utilized in accordance with the provisions of that Act, if the person entitled thereto is, in the opinion of the secretary, a Bantu as so defined: Provided that the person entitled thereto may claim such money from the South African Bantu Trust Fund within a period of 30 years from the date upon which he became entitled to claim such money.

(4) Before a sum of money is in consequence of the provisions of subsection (1) paid over to the person entitled thereto or deposited under subsection (3), the secretary shall deduct therefrom, for the benefit of the Consolidated Revenue Fund, an administration fee consisting of such percentage of the said amount as the Minister acting in consultation with the Minister of Finance may from time to time determine.”

10. Section 23 of the principal Act is hereby amended by the substitution for paragraph (a) of the following paragraph:

“(a) contravenes or fails to comply with section 2, 8 (1) or (2), 11, 13, 14, 15, 16, 17, 18, 18A, 19 or 22;”.

Amendment of
section 23 of Act
2 of 1961, as
amended by
section 18 of Act
31 of 1966.

11. The following section is hereby inserted in the principal Act after section 25:

“Limita-
tion of
liability.

25A. The State or its employees, the Minister or an officer designated under section 21 shall not be liable in respect of anything done in good faith under the provisions of this Act.”.

Insertion of
section 25A in Act
2 of 1961.

Wet No. 39, 1972

WYSIGINGSWET OP DIE VERKOOP VAN BEDERFBARE
LANDBOUPRODUKTE, 1972.

Wysiging van
artikel 26 van
Wet 2 van 1961,
soos gewysig deur
artikel 19 van
Wet 31 van 1966.

12. Artikel 26 van die Hoofwet word hierby gewysig—

- (a) deur na paragraaf (g) van subartikel (1) die volgende paragraaf in te voeg:

„(gA) wat die prosedure voorskryf wat deur 'n kommissie-agent nagekom moet word in verband met die verkoop van produkte;” en

- (b) deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Verskillende regulasies kan uitgevaardig word—

- (a) kragtens subartikel (1) met betrekking tot verskillende kategorieë persone, en in sodanige ander opsigte as wat die Staatspresident bepaal;

- (b) kragtens paragraaf (gA) van subartikel (1) met betrekking tot produkte verkoop op 'n plek onder die beheer van 'n markmeester en produkte verkoop op 'n ander plek, en regulasies aldus uitgevaardig met betrekking tot produkte verkoop op 'n ander plek as 'n plek onder die beheer van 'n markmeester, kan voorsiening maak vir die vrystelling van die bepalinge daarvan deur die sekretaris of na sy goeddunke of volgens die grondslag en onderworpe aan die voorwaardes wat deur die Minister bepaal of by regulasie voorgeskryf word.”.

Sekere bepalinge
terugwerkend van
krag.

13. Die bepalinge van artikels 18A, 18B en 18C van die Hoofwet, soos ingevoeg deur artikel 9 van hierdie Wet, en artikel 23 van die Hoofwet, soos gewysig deur artikel 10 van hierdie Wet, is ook van toepassing ten opsigte van die onopgeëiste opbrengs van die verkoop van produkte wat voor die inwerkingtreding van hierdie Wet deur 'n kommissie-agent verkoop is.

Kort titel.

14. Hierdie Wet heet die Wysigingswet op die Verkoop van Bederfbare Landbouprodukte, 1972.

PERISHABLE AGRICULTURAL PRODUCE SALES
AMENDMENT ACT, 1972.

Act No. 39, 1972

12. Section 26 of the principal Act is hereby amended—
- (a) by the insertion after paragraph (g) of subsection (1) of the following paragraph:
“(gA) prescribing the procedure to be followed by a commission agent in connection with the sale of produce;” and
- (b) by the substitution for subsection (2) of the following subsection:
“(2) Different regulations may be made—
- (a) in terms of subsection (1) with reference to different classes of persons, and in such other respects as the State President may determine;
- (b) in terms of paragraph (gA) of subsection (1) in respect of produce sold at a place under the control of a market master and produce sold at any other place, and any regulations so made in respect of produce sold elsewhere than at a place under the control of a market master may provide for exemption from the provisions thereof to be granted by the secretary either at his discretion or on such a basis and subject to such conditions as may be determined by the Minister or prescribed in the regulations.”.

Amendment of
section 26 of Act
2 of 1961, as
amended by
section 19 of Act
31 of 1966.

13. The provisions of sections 18A, 18B and 18C of the principal Act as inserted by section 9 of this Act, and section 23 of the principal Act as amended by section 10 of this Act, shall also apply in respect of unclaimed proceeds of the sale of produce sold by a commission agent prior to the commencement of this Act.

Certain provisions
to have retro-
spective effect.

14. This Act shall be called the Perishable Agricultural Produce Sales Amendment Act, 1972.

Short title.

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