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STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 351.

25 Februarie 1981.

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

No. 15 van 1981: Wysigingswet op Uitvoerbemarking van Ingemaakte Vrugte, 1981.

No. 351.

25 February 1981.

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

No. 15 of 1981: Canned Fruit Export Marketing Amendment Act, 1981.

Act No. 15, 1981

CANNED FRUIT EXPORT MARKETING AMENDMENT
ACT, 1981

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

 Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Canned Fruit Export Marketing Act, 1967, so as to empower the South African Canned Fruit Export Board to establish agencies outside the Republic; to provide for the designation as chairman of the said board of a member thereof or other person nominated by that board and the appointment as a member of that board of any such other person designated as chairman; to empower the said board to establish committees and to assign any of its powers and duties to any such committee; and to extend to members of such committees the indemnity applying to members of the said board; and to provide for incidental matters.

*(Afrikaans text signed by the State President.)
(Assented to 10 February 1981.)*

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

Amendment of
section 3 of
Act 100 of 1967.

1. Section 3 of the Canned Fruit Export Marketing Act, 1967 (hereinafter referred to as the principal Act), is hereby amended by the substitution for paragraph (a) of the following paragraph: 5
- “(a) to establish **[an agency]** agencies of the board **[in London]** outside the Republic to advise the board on matters relating to the marketing of canned fruit on export markets and to act as the **[agent]** agents of the board;”.

Amendment of
section 4 of
Act 100 of 1967,
as substituted by
section 1 of
Act 48 of 1971.

2. (1) Section 4 of the principal Act is hereby amended—
- (a) by the addition to subsection (1) of the following proviso: 15
- “Provided that the board shall consist of thirteen members if and while the chairman of the board is a person appointed as a member of the board in terms of subsection (5) (c).”; and
- (b) by the substitution for subsection (5) of the following subsection: 20
- “(5) (a) The Minister shall designate as chairman of the board, for such period as the Minister may determine at the time of the designation, a person nominated by the board for that purpose in terms of paragraph (b): Provided that if the board fails to nominate any person within a period determined by the Minister and notified to the board in writing, the Minister may so designate any member of the board. 25
- (b) Whenever the office of chairman of the board is vacant or is to become vacant, the board shall 30

WYSIGINGSWET OP UITVOERBEMARKING VAN
INGEMAAKTE VRUGTE, 1981

Wet No. 15, 1981

ALGEMENE VERDUIDELIKENDE NOTA:

[**]** Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.

_____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Wet op Uitvoerbemarking van Ingemaakte Vrugte, 1967, ten einde die Uitvoerraad vir Suid-Afrikaanse Ingemaakte Vrugte te magtig om agentskappe buite die Republiek in te stel; voorsiening te maak vir die aanwysing as voorsitter van genoemde raad van 'n lid daarvan of ander persoon deur daardie raad genomineer en die aanstelling as lid van daardie raad van so 'n ander persoon wat as voorsitter aangewys word; genoemde raad te magtig om komitees in te stel en van sy bevoegdhede en pligte aan so 'n komitee oor te dra; en die vrywaring wat vir lede van genoemde raad geld, na lede van sodanige komitees uit te brei; en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 10 Februarie 1981.)

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

1. Artikel 3 van die Wet op Uitvoerbemarking van Ingemaakte Vrugte, 1967 (hieronder die Hoofwet genoem), word 5 hierby gewysig deur paragraaf (a) deur die volgende paragraaf te vervang:

Wysiging van
artikel 3 van
Wet 100 van 1967.

10 „(a) om **[’n agentskap]** agentskappe van die raad **[in Londen]** buite die Republiek in te stel om die raad van advies te dien oor aangeleenthede met betrekking tot die bemarking van ingemaakte vrugte op uitvoermarkte en om as **[agent]** agente van die raad op te tree;”.

2. (1) Artikel 4 van die Hoofwet word hierby gewysig—

Wysiging van
artikel 4 van
Wet 100 van 1967,
soos vervang deur
artikel 1 van
Wet 48 van 1971.

15 (a) deur die volgende voorbehoudsbepaling by subartikel (1) te voeg:

„Met dien verstande dat die raad uit dertien lede bestaan indien en terwyl die voorsitter van die raad 'n persoon is wat ingevolge subartikel (5) (c) as lid van die raad aangestel is.”; en

20 (b) deur subartikel (5) deur die volgende subartikel te vervang:

25 „(5) (a) Die Minister wys 'n persoon wat ingevolge paragraaf (b) deur die raad vir dié doel genomineer is, aan as voorsitter van die raad vir die tydperk wat die Minister ten tyde van die aanwysing bepaal: Met dien verstande dat indien die raad versuim om 'n persoon te nomineer binne 'n tydperk deur die Minister bepaal en skriftelik aan die raad meegedeel, die Minister enige lid van die raad aldus kan aanwys.

30 (b) Wanneer die amp van voorsitter van die raad vakant is of vakant gaan word, lê die raad die

Act No. 15, 1981

CANNED FRUIT EXPORT MARKETING AMENDMENT
ACT, 1981

submit the name of one of its members appointed under subsection (1) (a), (b) or (c) or, if the board deems it expedient, the name of a person who is not a member of the board so appointed, to the Minister as the board's nominee for the chairmanship, but the Minister may, instead of designating a particular nominee as chairman, from time to time refer the matter back to the board and request the board to make a fresh nomination.

- (c) If the board has in terms of paragraph (b) of this subsection nominated a person who is not a member of the board appointed under subsection (1) (a), (b) or (c), and the Minister designates such person as chairman of the board, the Minister shall at the same time appoint such person as a member of the board for the period for which he is designated as chairman.
- (d) A member of the board appointed in terms of paragraph (c) may perform his functions as chairman of the board and otherwise take part in the proceedings of the board, but shall not be entitled to vote in respect of any matter before the board, and shall for quorum purposes in relation to a meeting of the board be deemed not to be a member of the board.
- (e) The Minister shall designate as deputy chairman of the board a member of the board appointed under subsection (1) (a), (b) or (c).
- (f) The chairman or, in his absence and whenever the office of chairman is vacant, the deputy chairman shall preside at any meeting of the board, and if both the chairman and the deputy chairman are absent from any meeting the members present shall elect one from among their number to preside at that meeting."

(2) The member of the South African Canned Fruit Export Board who at the commencement of this Act is the chairman of that board shall be deemed to have been designated in terms of subsection (5) of section 4 of the principal Act, as substituted by subsection (1) (b) of this section, as such chairman for the unexpired portion of his period of office as a member of that board.

Insertion of
section 4A in
Act 100 of 1967.

3. The following section is hereby inserted in the principal Act after section 4:

"Committees
of the board.

4A. (1) The board may establish committees to assist and advise it in connection with its functions, and may assign to any such committee any power or duty of the board, to be exercised or performed, subject to the control and directions of the board, by the committee on behalf of the board.

(2) Any such committee shall consist of members of the board designated by the board or of such members and other persons so designated.

(3) The board shall designate a member of the board who is a member of any such committee, as chairman of the committee."

Substitution of
section 7 of
Act 100 of 1967.

4. The following section is hereby substituted for section 7 of the principal Act:

"Indemnity
of members
of board and
committees.

7. The members of the board or of any committee of the board shall not be personally liable for any act or omission of the board or of any such committee

WYSIGINGSWET OP UITVOERBEMARKING VAN
INGEMAAKTE VRUGTE, 1981

Wet No. 15, 1981

- naam van een van sy lede kragtens subartikel (1) (a), (b) of (c) aangestel of, indien die raad dit dienstig ag, die naam van 'n persoon wat nie 'n aldus aangestelde lid van die raad is nie, aan die Minister voor as die raad se genomineerde vir die voorsitterskap, maar die Minister kan, in plaas van 'n bepaalde genomineerde as voorsitter aan te wys, die aangeleentheid van tyd tot tyd na die raad terugverwys en die raad versoek om 'n nuwe nominasie te doen.
- (c) Indien die raad ingevolge paragraaf (b) van hierdie subartikel 'n persoon genomineer het wat nie 'n kragtens subartikel (1) (a), (b) of (c) aangestelde lid van die raad is nie en die Minister daardie persoon as voorsitter van die raad aanwys, moet die Minister daardie persoon terselfdertyd as lid van die raad aanstel vir die tydperk waarvoor hy as voorsitter aangewys word.
- (d) 'n Lid van die raad ingevolge paragraaf (c) aangestel, kan sy werksaamhede as voorsitter van die raad verrig en andersins aan die verrigtinge van die raad deelneem, maar is nie geregtig om ten opsigte van enige aangeleentheid wat voor die raad dien, te stem nie en word vir kworumdoeleindes met betrekking tot 'n vergadering van die raad geag nie 'n lid van die raad te wees nie.
- (e) Die Minister wys 'n kragtens subartikel (1) (a), (b) of (c) aangestelde lid van die raad aan as adjunk-voorsitter van die raad.
- (f) Die voorsitter of, in sy afwesigheid en wanneer die amp van voorsitter vakant is, die adjunk-voorsitter sit voor op 'n vergadering van die raad, en indien sowel die voorsitter as die adjunk-voorsitter van 'n vergadering afwesig is, kies die aanwesige lede een uit hul midde om op daardie vergadering voor te sit."
- (2) Die lid van die Uitvoerraad vir Suid-Afrikaanse Inge-
maakte Vrugte wat by die inwerkingtreding van hierdie Wet die voorsitter van daardie raad is, word geag ingevolge subartikel 40 (5) van artikel 4 van die Hoofwet, soos deur subartikel (1) (b) van hierdie artikel vervang, as sodanige voorsitter aangewys te wees vir die onverstreke gedeelte van sy ampstermyn as lid van daardie raad.

3. Die volgende artikel word hierby in die Hoofwet na artikel 4 ingevoeg:

Invoeging van
artikel 4A in
Wet 100 van 1967.

„Komitees
van die raad.

- 4A. (1)** Die raad kan komitees instel om hom in verband met sy werksaamhede by te staan en van advies te dien, en kan enige bevoegdheid of plig van die raad aan so 'n komitee oordra om, onderworpe aan beheer deur en die voorskrifte van die raad, deur die komitee namens die raad uitgeoefen of verrig te word.
- (2) So 'n komitee bestaan uit lede van die raad deur die raad aangewys of uit sodanige lede en ander persone aldus aangewys.
- (3) Die raad wys 'n lid van die raad wat 'n lid van so 'n komitee is, aan as voorsitter van die komitee."

4. Artikel 7 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van
artikel 7 van
Wet 100 van 1967.

„Vrywaring
van lede van
raad en
komitees.

7. Die lede van die raad of van 'n komitee van die raad is nie persoonlik aanspreeklik weens 'n handeling of versuim van die raad of van so 'n komitee

Act No. 15, 1981

CANNED FRUIT EXPORT MARKETING AMENDMENT ACT, 1981

where the board or committee acted in good faith in the exercise of its powers or the performance of its functions."

Short title.

5. This Act shall be called the Canned Fruit Export Marketing Amendment Act, 1981.

5

WYSIGINGSWET OP UITVOERBEMARKING VAN
INGEMAakte VRUGTE, 1981

Wet No. 15, 1981

waar die raad of komitee te goeder trou by die
uitoefening van sy bevoegdhede of die verrigting van
sy werksaamhede opgetree het nie.”.

5. Hierdie Wet heet die Wysigingswet op Uitvoerbemarking Kort titel.
5 van Ingemaakte Vruchte, 1981.

