



# GOVERNMENT GAZETTE

## OF THE REPUBLIC OF SOUTH AFRICA

REPUBLIC OF SOUTH AFRICA

# STAATSKOERANT

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## STATE PRESIDENT'S OFFICE

No. 2177.

30 September 1987

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

No. 79 of 1987: Marketing Amendment Act, 1987.

## KANTOOR VAN DIE STAATSPRESIDENT

No. 2177.

30 September 1987

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

No. 79 van 1987: Wysigingswet op Bemarking, 1987.

Act No. 79, 1987

## MARKETING AMENDMENT ACT, 1987

## GENERAL EXPLANATORY NOTE:

- I** Words in bold type in square brackets indicate omissions from existing enactments.
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- Words underlined with solid line indicate insertions in existing enactments.
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## ACT

To amend the Marketing Act, 1968, so as to delete, define or further define certain expressions; to delete the references to the territory of South West Africa; to provide for the establishment of a committee to exercise the powers of a control board in certain circumstances; to provide for the nomination of a subcommittee in connection with co-operation by a control board with any person or another board; to further regulate the appointment of agents by a control board; and to further regulate the registration of certain persons by a control board; to repeal the Livestock and Meat Industries Act, 1934, and the Canned Fruit Export Marketing Act, 1967; and to provide for incidental matters.

(*English text signed by the State President.*)  
(Assented to 22 September 1987.)

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

Amendment of  
section 1 of  
Act 59 of 1968,  
as amended by  
section 1 of  
Act 52 of 1969,  
section 1 of  
Act 69 of 1970,  
section 1 of  
Act 78 of 1971,  
section 1 of  
Act 68 of 1972,  
section 1 of  
Act 31 of 1973,  
section 1 of  
Act 38 of 1975,  
section 1 of  
Act 109 of 1977  
and section 1 of  
Act 66 of 1984.

1. Section 1 of the Marketing Act, 1968 (hereinafter referred to as the principal Act), is hereby amended—
- (a) by the insertion in subsection (1) after the definition of “dealing in the course of trade” of the following definition:  
“‘department’ means the Department of Agricultural Economics and Marketing;”;
  - (b) by the substitution in subsection (1) for the definition of ‘Director-General’ of the following definition:  
“‘Director-General’ means the Director-General: **Agriculture** Agricultural Economics and Marketing;”;
  - (c) by the substitution in subsection (1) for paragraph (c) 15 of the definition of “producer” of the following paragraph:  
“(c) in relation to any quantity of that product which is imported into the Republic **[or into the Republic, excluding the territory, or into the territory]**, the 20 person who so imports that quantity;”;
  - (d) by the deletion in subsection (1) of the definition of “Republic”;
  - (e) by the substitution in subsection (1) for paragraph (b) 25 of the definition of “scheme” of the following paragraph:  
“(b) the regulation of the export for sale of any product from the Republic **[or from the Republic, excluding the territory, or from the territory]**;”;
  - (f) by the substitution in subsection (1) for the definition 30 of “self-governing territory” of the following definition:  
“‘self-governing territory’ means—

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## **ALGEMENE VERDUIDELIKENDE NOTA:**

- Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordennings aan.  
Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordennings aan.

WET

Tot wysiging van die Bemerkingswet, 1968, ten einde sekere uitdrukings te skrap, te omskryf of nader te omskryf; die verwysings na die gebied Suidwes-Afrika te skrap; voorsiening te maak vir die instelling van 'n komitee om in sekere omstandighede die bevoegdhede van 'n beheerraad uit te oefen; voorsiening te maak vir die benoeming van 'n subkomitee in verband met samewerking deur 'n beheerraad met enigiemand of 'n ander raad; die aanstelling van agente deur 'n beheerraad verder te reël; en die registrasie van sekere persone deur 'n beheerraad verder te reël; om die Wet op die Vee- en Vleisnywerhede, 1934, en die Wet op Uitvoer bemarking van Ingemaakte Vrugte, 1967, te herroep; en om vir bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)  
(Goedgekeur op 22 September 1987.)

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

1. Artikel 1 van die Bemerkingswet, 1968 (hieronder die Hoofwet genoem), word hierby gewysig—

5     (a) deur in subartikel (1) na die omskrywing van “bemerkingsraad” die volgende omskrywing in te voeg:  
“departement die Departement van Landbou-ekonomie en -bemarking;”;

10    (b) deur in subartikel (1) die omskrywing van “die gebied” te skrap;

15    (c) deur in subartikel (1) die omskrywing van “Direkteur-generaal” deur die volgende omskrywing te vervang:  
“Direkteur-generaal” die Direkteur-generaal: **[Landbou]** Landbou-ekonomiese en -bemarking;”;

20    (d) deur in subartikel (1) die omskrywing van “gespesifieerde bevoegdheid” deur die volgende omskrywing te vervang:  
“gespesifieerde bevoegdheid” ’n bevoegdheid wat ’n skema aan sy beheerraad kan verleen kragtens artikel 58, 59 (3) (b) of (c) of **[(5)]** (6), 60, 60A, 61, 62, 63 (1), 64, 66, 67, 68, 69, 70, 71, 72, 73, 74, 76 of 77;”;

25    (e) deur in subartikel (1) paragraaf (c) van die omskrywing van “produsent” deur die volgende paragraaf te vervang:  
“(c) met betrekking tot ’n hoeveelheid van daardie produk wat in die Republiek **[of in die Republiek met uitsluiting van die gebied, of in die gebied]** ingevoer word, die persoon wat daardie hoeveelheid aldus invoer;”;

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- (b) an area declared under section 26 of the National States Constitution Act, 1971 (Act No. 21 of 1971), to be a self-governing territory; [or
- (c) an area declared under section 17A of the Development of Self-government for Native Nations in South-West Africa Act, 1968 (Act No. 54 of 1968), to be a self-governing area;];
- (g) by the substitution in subsection (1) for the definition of "specified power" of the following definition:  
"specified power" means a power which a scheme may confer on its control board under section 58, 59 (3) (b) or (c) or [(5)] (6), 60, 60A, 61, 62, 63 (1), 64, 66, 67, 68, 69, 70, 71, 72, 73, 74, 76 or 77;";
- (h) by the deletion in subsection (1) of the definition of "the territory"; and
- (i) by the substitution for subsection (3) of the following subsection:  
"(3) For the purposes of this Act—  
(a) any product imported into the Republic [excluding the territory, or into the territory] shall, for the purposes of any scheme relating to such product, be deemed to have been produced in the Republic [excluding the territory, or in the territory, as the case may be] except in so far as the scheme provides otherwise;  
(b) any person who manufactures or processes any quantity of any product which he has imported into the Republic [excluding the territory, or into the territory] shall be deemed to sell that quantity, except in so far as the scheme provides otherwise.".

Amendment of  
section 2 of  
Act 59 of 1968,  
as amended by  
section 3 of  
Act 109 of 1977  
and section 2 of  
Act 66 of 1984.

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

- (a) by the substitution for subsection (1) of the following subsection:  
"(1) There shall be a council to be known as the National Marketing Council, which shall consist of a chairman and seven other members, all of whom shall be appointed by the Minister, and one of whom shall be designated by him as deputy chairman for such period as he may determine: Provided that either the chairman or the deputy chairman shall be an officer of the [Department of Agriculture] department.";
- (b) by the substitution for subsection (3) of the following subsection:  
"(3) The members of the marketing council who are not officers of the [Department of Agriculture] department shall be appointed for such period not exceeding four years as the Minister may in each case determine, and at such salary or other remuneration and on such conditions as the Minister may from time to time, with the concurrence of the Minister of Finance, determine.";
- (c) by the substitution for subsection (4) of the following subsection:  
"(4) Every member of the marketing council, other than an officer of the [Department of Agriculture] department, shall devote all his time to his duties as such a member, unless it is otherwise provided in the conditions of his appointment."; and
- (d) by the substitution for subsection (5) of the following subsection:  
"(5) A member of the marketing council who is an officer of the [Department of Agriculture] department shall, subject to the provisions of the laws governing the public service, hold office during the Minister's pleasure, and may be paid such allowances, in addition

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- (f) deur in subartikel (1) die omskrywing van "Republiek" te skrap;
- (g) deur in subartikel (1) die omskrywing van "selfregerende gebied" deur die volgende omskrywing te vervang:  
"selfregerende gebied"—  
[(b)] 'n gebied wat kragtens artikel 26 van die Grondwet van die Nasionale State, 1971 (Wet No. 21 van 1971), tot 'n selfregerende gebied verkaar is; [of]
- (c) 'n gebied wat kragtens artikel 17A van die Wet op die Ontwikkeling van Selfbestuur vir Natureelvolke in Suidwes-Afrika, 1968 (Wet No. 54 van 1968), tot 'n selfregerende gebied verklaar is;];"
- (h) deur in subartikel (1) paragraaf (b) van die omskrywing van "skema" deur die volgende paragraaf te vervang:  
"(b) die reëling van die uitvoer vir verkoop van 'n produk uit die Republiek [of uit die Republiek met uitsluiting van die gebied, of uit die gebied];" en
- (i) deur subartikel (3) deur die volgende subartikel te vervang:  
"(3) By die toepassing van hierdie Wet—  
(a) word 'n produk wat in die Republiek [met uitsluiting van die gebied, of in die gebied] ingevoer is, vir die doeleindes van 'n skema met betrekking tot daardie produk geag in die Republiek [met uitsluiting van die gebied, of in die gebied, na gelang van die geval] geproduseer te gewees het, behalwe vir sover die skema anders bepaal;  
(b) word iemand wat 'n hoeveelheid van 'n produk wat hy in die Republiek [met uitsluiting van die gebied, of in die gebied] ingevoer het, vervaardig of verwerk, geag daardie hoeveelheid te verkoop, behalwe vir sover die skema anders bepaal.".

## 2. Artikel 2 van die Hoofwet word hierby gewysig—

- (a) deur subartikel (1) deur die volgende subartikel te vervang:  
"(1) Daar is 'n raad genoem die Nasionale Bemarkingsraad, bestaande uit 'n voorsitter en sewe ander lede, wat almal deur die Minister aangestel word, en van wie hy een as ondervoorsitter aanwys vir 'n tydperk wat hy bepaal: Met dien verstande dat of die voorsitter of die ondervoorsitter 'n beampete van die [Departement van Landbou] departement moet wees.";
- (b) deur subartikel (3) deur die volgende subartikel te vervang:  
"(3) Die lede van die bemarkingsraad wat nie beampetes van die [Departement van Landbou] departement is nie, word aangestel vir dié tydperk van hoogstens vier jaar wat die Minister in elke geval bepaal en wel teen dié salaris of ander besoldiging en op dié voorwaardes wat die Minister van tyd tot tyd met die instemming van die Minister van Finansies bepaal.;"
- (c) deur subartikel (4) deur die volgende subartikel te vervang:  
"(4) Elke lid van die bemarkingsraad wat nie 'n beampete van die [Departement van Landbou] departement is nie, moet al sy tyd aan sy pligte as sodanige lid bestee, tensy anders bepaal word in die voorwaardes waarop hy aangestel is."; en
- (d) deur subartikel (5) deur die volgende subartikel te vervang:  
"(5) 'n Lid van die bemarkingsraad wat 'n beampete van die [Departement van Landbou] departement is, beklee sy amp, behoudens die wetsbepalings betreffende die Staatsdiens, solank dit die Minister behaag, en kan benewens sy salaris as 'n beampete in die Staats-

Wysiging van artikel 2 van Wet 59 van 1968, soos gewysig deur artikel 3 van Wet 109 van 1977 en artikel 2 van Wet 66 van 1984.

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Amendment of section 7C of Act 59 of 1968, as inserted by section 3 of Act 31 of 1973 and amended by section 4 of Act 66 of 1984.

Amendment of section 16 of Act 59 of 1968, as amended by section 13 of Act 66 of 1984.

Amendment of section 19 of Act 59 of 1968, as amended by section 3 of Act 69 of 1970, section 3 of Act 78 of 1971, section 2 of Act 38 of 1975 and section 15 of Act 66 of 1984.

Amendment of section 28 of Act 59 of 1968, as amended by section 9 of Act 52 of 1969, section 2 of Act 68 of 1972, section 4 of Act 31 of 1973, section 10 of Act 109 of 1977, section 3 of Act 6 of 1980 and section 19 of Act 66 of 1984.

to his salary as an officer in the public service, as the Minister may, on the recommendation of the Commission for Administration and with the concurrence of the Minister of Finance, determine.”.

**3. Section 7C of the principal Act is hereby amended by the deletion of subsection (4).**

**4. Section 16 of the principal Act is hereby amended—**

(a) by the substitution for subsection (3) of the following subsection:

“(3) The Minister shall lay copies of the report of the said committee and of the recommendation of the marketing council upon the Table of [the Senate and of the House of Assembly] Parliament within 14 days after receipt thereof, if Parliament is then in ordinary session, or, if Parliament is not then in ordinary session, within 15 days after the commencement of its next ensuing ordinary session.”; and

(b) by the substitution in subsection (4) for the words preceding paragraph (a) of the following words:

“At the request, by resolution, of [the House of Assembly] Parliament, the Minister may by notice in the Gazette—”.

**5. Section 19 of the principal Act is hereby amended by the substitution for subparagraph (i) of paragraph (a) of subsection (1) of the following subparagraph:**

“(i) any quantity thereof which has been imported into the Republic [or into the Republic excluding the territory, or into the territory]; or”.

**6. Section 28 of the principal Act is hereby amended by the addition of the following subsection:**

“(6) (a) If (but only for as long as) a control board can for some or other reason not be constituted as contemplated in this section, or the number of vacancies in a control board is such that the remaining members are insufficient to constitute a quorum as prescribed in terms of section 31, the Minister may establish a committee to exercise the powers granted to that control board by the scheme concerned.

(b) Such committee shall consist—

(i) in the case of a control board having remaining members, of those remaining members together with such other person or persons as the Minister may appoint after consultation with the South African Agricultural Union; or

(ii) in the case of a control board having no remaining members, of one or more persons appointed by the Minister after consultation with the South African Agricultural Union.

(c) The establishment of a committee and appointment of the members thereof shall be made known by the Minister by notice in the Gazette.

(d) The appointment of a member of the committee shall be valid for the duration of the committee referred to in paragraph (a), but may at any time be withdrawn by the Minister.

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diens dié toelaes betaal word wat die Minister op aanbeveling van die Kommissie vir Administrasie en met die instemming van die Minister van Finansies bepaal.”.

- 5 3. Artikel 7C van die Hoofwet word hierby gewysig deur subartikel (4) te skrap.

Wysiging van artikel 7C van Wet 59 van 1968, soos ingevoeg deur artikel 3 van Wet 31 van 1973 en gewysig deur artikel 4 van Wet 66 van 1984.

4. Artikel 16 van die Hoofwet word hierby gewysig—

- (a) deur subartikel (3) deur die volgende subartikel te vervang:
- 10 “(3) Die Minister moet afskrifte van die verslag van die gemelde komitee en van die aanbeveling van die bemarkingsraad in die **[Senaat en in die Volksraad]** Parlement ter Tafel lê binne 14 dae na ontvangs daarvan, as die Parlement dan in gewone sessie is, of, as die Parlement dan nie in gewone sessie is nie, binne 14 dae na die aanvang van sy eersvolgende gewone sessie.”;
- 15 en
- (b) deur in subartikel (4) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:
- 20 “Op versoek, by besluit van die **[Volksraad]** Parlement, kan die Minister by kennisgewing in die *Staatskoerant*—”.

Wysiging van artikel 16 van Wet 59 van 1968, soos gewysig deur artikel 13 van Wet 66 van 1984.

- 25 5. Artikel 19 van die Hoofwet word hierby gewysig deur subparagraaf (i) van paragraaf (a) van subartikel (1) deur die volgende subparagraaf te vervang:

- (i) **[In die Republiek ingevoerde hoeveelheid daarvan, of]** 'n hoeveelheid daarvan wat in die Republiek **[met uitsluiting van die gebied, of in die gebied]** ingevoer is; of.

Wysiging van artikel 19 van Wet 59 van 1968, soos gewysig deur artikel 3 van Wet 69 van 1970, artikel 3 van Wet 78 van 1971, artikel 2 van Wet 38 van 1975 en artikel 15 van Wet 66 van 1984.

- 30 6. Artikel 28 van die Hoofwet word hierby gewysig deur die volgende subartikel by te voeg:

- “(6) (a) Indien (maar slegs vir solank) 'n beheerraad om die een of ander rede nie saamgestel kan word nie soos in hierdie artikel beoog, of die getal vakature in 'n beheerraad sodanig is dat die oorblywende lede onvoldoende is om 'n kworum uit te maak soos ingevolge artikel 31 voorgeskryf, kan die Minister 'n komitee instel om die bevoegdhede uit te oefen wat deur die betrokke skema aan daardie beheerraad verleen word.
- 35 (b) So'n komitee bestaan—
- (i) in die geval van 'n beheerraad wat oorblywende lede het, uit daardie oorblywende lede tesame met die ander persoon of persone wat die Minister na oorleg met die Suid-Afrikaanse Landbou-unie aanstel; of
- 40 (ii) in die geval van 'n beheerraad wat geen oorblywende lede het nie, uit een of meer persone wat die Minister na oorleg met die Suid-Afrikaanse Landbou-unie aanstel.
- 45 (c) Die instelling van 'n komitee en aanstelling van die lede daarvan word deur die Minister by kennisgewing in die *Staatskoerant* bekend gemaak.
- 50 (d) Die aanstelling van 'n lid van die komitee is geldig vir die duur van die komitee in paragraaf (a) bedoel, maar kan te eniger tyd deur die Minister ingetrek word.

Wysiging van artikel 28 van Wet 59 van 1968, soos gewysig deur artikel 9 van Wet 52 van 1969, artikel 2 van Wet 68 van 1972, artikel 4 van Wet 31 van 1973, artikel 10 van Wet 109 van 1977, artikel 3 van Wet 6 van 1980 en artikel 19 van Wet 66 van 1984.

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- (e) Notwithstanding anything to the contrary contained in this section, a committee established under paragraph (a) shall for the purposes of the application of this Act and the scheme in question be deemed to be the control board concerned.”.

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Amendment of section 38 of Act 59 of 1968, as amended by section 6 of Act 31 of 1973 and section 12 of Act 109 of 1977.

7. Section 38 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (2) of the following paragraph:

“(a) for the establishment of a committee consisting of representatives of that board and representatives of such person, which committee may unanimously from among their number nominate a subcommittee, which shall act subject to the approval of the committee, to perform the said act on behalf of that board and such person, in such manner and subject to such conditions as may be set out in the agreement;”.

Amendment of section 53 of Act 59 of 1968, as amended by section 6 of Act 6 of 1980 and section 24 of Act 66 of 1984.

8. Section 53 of the principal Act is hereby amended by the insertion after subsection (1) of the following subsection:

“(1A) When a subsidy as referred to in section 60 (2A) is paid by the State, the remuneration payable to an agent appointed in terms of subsection (1), shall be determined by the control board concerned with the approval of the Minister.”.

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Substitution of section 59 of Act 59 of 1968, as amended by section 10 of Act 69 of 1970, section 9 of Act 68 of 1972, section 10 of Act 31 of 1973 and section 25 of Act 66 of 1984.

9. The following section is hereby substituted for section 59 of the principal Act:

- “Registration 59. (1) A scheme may provide—  
of certain persons. (a) that [no] each producer [of] who produces the product to which the scheme relates, for the purposes of the sale thereof, or [no] each producer belonging to any class or group of producers [of] thus producing that product [shall—  
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(i) sell that product] within the Republic or within any area in the Republic defined in the scheme or determined by the control board concerned with the approval of the Minister, [and notified by the Minister in the Gazette, unless he has been] shall be registered with the board; [or  
(ii) sell that product within any area other than an area, defined therein or determined by the board, in respect of which he has been registered with the board; or  
(iii) 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 board];  
(b) that [no] each person, or [no] each person belonging to any class or group of persons, or [no] each person other than a person belonging to any class or group of persons [shall deal], who deals with that product in the course of trade—  
[i] within the Republic, or within any area in the Republic defined in the scheme or determined by the control board concerned with the approval of the Minister, [and no]

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- (e) Ondanks andersluidende bepalings van hierdie artikel word 'n komitee wat kragtens paragraaf (a) ingestel is, by die toepassing van hierdie Wet en die betrokke skema geag die beheerraad te wees.”.

5 7. Artikel 38 van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (2) deur die volgende paragraaf te vervang:

- 10                 “(a) vir die instelling van 'n komitee wat uit verteenwoordigers van daardie raad en verteenwoordigers van so iemand bestaan, welke komitee eenparig 'n subkomitee uit sy gelede kan benoem, wat onderworpe aan die goedkeuring van die komitee handel, om namens daardie raad en so iemand bedoelde handeling te verrig op die wyse en behoudens die voorwaardes in die ooreenkoms uiteengesit;”.

Wysiging van artikel 38 van Wet 59 van 1968, soos gewysig deur artikel 6 van Wet 31 van 1973 en artikel 12 van Wet 109 van 1977.

15 8. Artikel 53 van die Hoofwet word hierby gewysig deur na subartikel (1) die volgende subartikel in te voeg:

- 20                 “(1A) Wanneer 'n subsidie soos bedoel in artikel 60 (2A) deur die Staat betaal word, word die vergoeding betaalbaar aan 'n agent wat ingevolge subartikel (1) aangestel word, deur die betrokke beheerraad met die goedkeuring van die Minister bepaal.”.

Wysiging van artikel 53 van Wet 59 van 1968, soos gewysig deur artikel 6 van Wet 6 van 1980 en artikel 24 van Wet 66 van 1984.

9. Artikel 59 van die Hoofwet word hierby deur die volgende artikel vervang:

- 25 “Registrasie van sekere persone. 59. (1) 'n Skema kan bepaal—  
(a) dat [geen] elke produsent [van] wat die produk waarop die skema betrekking het, produseer vir die doeleindes van die verkoop daarvan, of [geen] elke produsent wat behoort tot 'n klas of groep produsente [van] wat daardie produk aldus—

Vervanging van artikel 59 van Wet 59 van 1968, soos gewysig deur artikel 10 van Wet 69 van 1970, artikel 9 van Wet 68 van 1972, artikel 10 van Wet 31 van 1973 en artikel 25 van Wet 66 van 1984.

- 30                 (i) daardie produk binne die Republiek of binne 'n gebied in die Republiek wat in die skema omskryf is of wat die betrokke beheerraad met die goedkeuring van die Minister bepaal het, [en die Minister in die Staatskoerant bekend gemaak het, mag verkoop nie, tensy hy] produseer, by die raad geregistreer moet wees [is; of

- 35                 (ii) daardie produk binne 'n ander gebied mag verkoop nie as 'n daarin omskreve of 'n deur die raad bepaalde gebied ten opsigte waarvan hy by die raad geregistreer is; of  
(iii) behalwe vir sy eie gebruik of vir verbruik 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 raad geregistreer is];

- 40                 (b) dat [niemand] elke persoon, of [niemand] elke persoon wat tot 'n klas of groep persone behoort, of [niemand] elke persoon anders as [iemand] 'n persoon wat tot 'n klas of groep persone behoort, wat met daardie produk—

- 45                 (i) binne die Republiek, of binne 'n gebied in die Republiek wat in die skema omskryf is of wat die betrokke beheerraad met die goedkeuring van die Minister bepaal het [en die Minister in die Staatskoerant bekend ge-

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tified by the Minister in the *Gazette*, unless he has been] shall be 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) that no producer or person shall be so registered unless he [has complied] complies with such requirements as may be prescribed by regulation; 10 and

(d) that, subject to the provisions of subsections (4) and (5), the control board concerned may refuse any application for registration, or grant any [such] registration [for such period] on such conditions as it may determine [or as may be specified in the scheme and may cancel the registration of any such producer or person who has contravened or failed to comply with the said requirements].

(2) For the purpose of any provision included in a scheme by virtue of subsection (1) (a), a member of an agricultural co-operative or a special farmers' co-operative who delivers any quantity of a product to that co-operative in terms of its statute, shall be deemed to sell that quantity to that co-operative.

(3) A scheme may empower its control board—

(a) with the approval of the Minister to prescribe the procedure in connection with the submission and consideration of applications for registration 30 in terms of any provision made in a scheme under subsection (1) (a) or (b);

[(aA) with the approval of the Minister, to determine that such applications for registration will be considered by the board during one or more 35 specified months of each calendar year, and to fix a date in respect of each such month as the last date on which such applications will be accepted for consideration during that month, and to postpone the consideration of all such applications 40 which may be received after a date so fixed, until the next ensuing month so specified;]

(b) [to refuse any such application, or] to grant, subject to the provisions of subsection (4) (b), any such [application on such conditions] registration 45 for such period as it may determine [or as may be specified in the scheme], and to renew such registration upon expiry of the period concerned;

(c) to render [at intervals specified in the scheme], 50 the continued validity of any such registration subject to such conditions as the board may determine, whether by the imposition of further or new conditions or by the amendment or cancellation of conditions then existing;

(d) to cancel any such registration if the person registered has contravened or failed to comply with any condition [specified in the scheme or] imposed by the board under subsection (1) (d) or paragraph [(b) or] (c) of this subsection. 60

(4) A scheme which empowers its control board to prohibit the sale of the product to which the scheme relates except to or through that board or such persons as it may determine or as may be specified in the scheme, and which provides for the registration 65

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- maak **het**], as 'n besigheid **[mag]** handel, **[nie, tensy hy]** by die raad geregistreer **[is]** moet wees; **[of**
- (ii) binne 'n ander gebied as 'n in die skema om-skreve of deur die raad bepaalde gebied ten opsigte waarvan hy by die raad geregistreer is, as 'n besigheid mag handel nie];
- (c) dat geen produsent of persoon aldus geregistreer word nie tensy hy voldoen **[het]** aan die vereistes by regulasie voorgeskryf; en
- (d) dat, behoudens die bepalings van subartikels (4) en (5), die betrokke beheerraad 'n aansoek om registrasie kan weier, of **[so]** 'n registrasie kan verleen **[vir die tydperk]** op die voorwaardes wat daardie raad bepaal **[of wat in die skema vermeld word, en die registrasie van so 'n produsent of persoon wat bedoelde vereistes oortree het of in gebreke gebly het om daaraan te voldoen, kan intrek].**
- (2) By die toepassing van 'n bepaling kragtens subartikel (1) (a) in 'n skema ingesluit, word 'n lid van 'n landboukoöperasie of spesiale boerekoöperasie wat kragtens die statuut van daardie koöperasie 'n hoeveelheid van 'n produk daaraan lewer, geag daardie hoeveelheid aan daardie koöperasie te verkoop.
- (3) 'n Skema kan sy beheerraad magtig—
- (a) om met die Minister se goedkeuring die procedure in verband met die indiening en oorweging van aansoeke om registrasie ingevolge voorsiening in 'n skema gemaak kragtens subartikel (1) (a) of (b), voor te skryf;
- (aA) om met die Minister se goedkeuring te bepaal dat sodanige aansoeke om registrasie deur die raad oorweeg sal word gedurende een of meer vermelde maande van elke kalenderjaar, en ten opsigte van elke sodanige maand 'n datum vas te stel as die laaste datum waarop sodanige aansoeke vir oorweging gedurende daardie maand aanvaar sal word, en die oorweging van alle sodanige aansoeke wat na 'n aldus vasgestelde datum ontvang word, tot die eersvolgende aldus vermelde maand uit te stel;]
- (b) [om so 'n aansoek te weier, of] om behoudens die bepalings van subartikel (4) (b) so 'n [aansoek] registrasie toe te staan **[op die voorwaardes wat die raad]** vir die tydperk wat hy bepaal **[of wat in die skema vermeld word]**, en om so 'n registrasie by verstryking van die betrokke tydperk te hernieu;
- (c) om **[met die in die skema vermelde tussenpose]** die voortdurende geldigheid van so 'n registrasie onderworpe te stel aan die voorwaardes wat die raad dan bepaal het sy deur die oplegging van verdere of nuwe voorwaardes of deur die wysiging of intrekking van voorwaardes wat dan bestaan;
- (d) om so 'n registrasie in te trek indien die geregistreerde persoon 'n voorwaarde wat **[in die skema vermeld word of]** deur die raad kragtens subartikel (1) (d) of paragraaf **[(b) of] (c) van hierdie subartikel** opgelê is, oortree het of versuum het om daaraan te voldoen.
- (4) 'n Skema wat sy beheerraad magtig om die verkoop van die produk waarop die skema betrekking het, te verbied behalwe aan of deur bemiddeling van daardie raad of die persone wat hy bepaal of wat in die skema vermeld word, en wat voorsiening maak

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of producers as contemplated in subsection (1) (a), shall provide—

- (a) that the board may refuse an application for such registration only if the applicant does not comply with the requirements prescribed under subsection (1) (c);
- (b) that such registration shall remain in force for as long as the producer concerned produces that product for the purposes of the sale thereof and complies with the conditions imposed by the board under subsection (1) (d) or (3) (c).

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**[(4)] (5)** A control board scheme which is by virtue of subsection (3) (b) empowered by the relevant scheme (1) (d) empowers its control board to refuse any application for registration [in terms of a provision made in that scheme under paragraph (a) (iii) or (b) of subsection (1)], may determine that its control board may, in addition to any other reason for which it may lawfully refuse [any such application] the registration of a person referred to in subsection (1) (b), also refuse it if in its opinion there are—

- [(a)]** in a case arising out of the said paragraph (a) (iii), already sufficient producers engaged in the manufacture or processing of the product in question or the conversion thereof into any other product or commodity;
- (b)** in a case arising out of the said paragraph (b)] already sufficient persons dealing in the course of trade with the product in question, to meet the needs of all persons likely to be served by the applicant in the event of his application being granted.

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**[(5)] (6)** A scheme which empowers its control board to impose conditions in connection with the registration with the board of a producer of, or of a person dealing in the course of trade with the product to which the scheme relates, may further 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 the plant or machinery which may be installed, or the class, grade or 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 the area within which, and the purpose for which, and the person (who may also be the board) or persons or classes of persons to whom, that product or any product or commodity derived therefrom, may be disposed of.

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**[(6)] (7)** Any person who is dissatisfied with a decision of a control board in connection with any matter relating to his registration by that board in pursuance of powers vested in it by virtue of subsection (1) (c) (d) or [of subsection] (3) (b), (c) or (d) read with subsections (4) and (5) and (6), may within 90 days after he or his representative has been notified of such decision appeal to the Minister against such decision, and the Minister may 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.”

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vir die registrasie van produsente soos in subartikel (1) (a) beoog, moet bepaal—

(a) dat die raad 'n aansoek om so 'n registrasie slegs kan weier indien die applikant nie aan die vereistes kragtens subartikel (1) (c) voorgeskryf, voldoen nie;

(b) dat so 'n registrasie van krag sal bly vir so lank as wat die betrokke produsent daardie produk vir die doeleindes van die verkoop daarvan produseer en aan die vereistes voldoen wat kragtens subartikel (1) (d) of (3) (c) deur die raad opgelê is.

**[(4)] (5)** 'n [Beheerraad wat] Skema wat sy beheerraad uit hoofde van subartikel [(3) (b) deur die betrokke skema gemagtig is] (1) (d) magtig om 'n aansoek om registrasie [ingevolge voorsiening in daardie skema gemaak kragtens paragraaf (a) (iii) of (b) van subartikel (1)] te weier, kan bepaal dat sy beheerraad, benewens enige ander rede waarom hy [so 'n aansoek] die registrasie van iemand in subartikel (1) (b) bedoel, wettiglik kan weier, dit ook kan weier indien daar na sy oordeel—

(a) in 'n geval wat uit die gemelde paragraaf (a) (iii) voortspruit, alreeds genoeg produsente is wat hulle met die vervaardiging of verwerking van die betrokke produk of die omsetting daarvan in 'n ander produk of handelsartikel besig hou;

(b) in 'n geval wat uit die gemelde paragraaf (b) voortspruit] alreeds genoeg persone is wat met daardie produk as 'n besigheid handel, 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.

**[(5)] (6)** 'n Skema wat sy beheerraad magtig 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 raad voorts magtig om, benewens ander voorwaardes wat hy wettiglik mag ople, voorwaardes op te lê wat die aard van die toerusting en die maksimum kapasiteit van die installasie of masjinerie wat geinstalleer kan word, of die klas, graad of maksimum hoeveelheid van 'n produk of handelsartikel wat vervaardig of verwerk of omgesit of as 'n besigheid mee gehandel kan word deur sodanige [produsent of] persoon, en die wyse waarop, en die plek waar of gebied waarbinne, en die doel waarvoor, en die persoon (wat ook die raad kan wees) of persone of klasse persone aan wie, daardie produk of 'n produk of handelsartikel wat daarvan verkry is, van die hand gesit mag word, voorskryf.

**[(6)] (7)** Iemand wat ontevrede is met die besluit van 'n beheerraad in verband met 'n aangeleentheid betreffende sy registrasie deur daardie beheerraad ingevalvoegdheid aan die raad verleen uit hoofde van subartikel (1) [(c)] (d) of [van subartikel] (3) (b), (c) of (d) gelees met subartikels [(4) en] (5) en (6) kan binne 90 dae nadat hy of sy verteenwoordiger van sodanige besluit in kennis gestel is, teen sodanige besluit by die Minister appèl aanteken, en die Minister kan, na oorlegpleging met die bemarkingsraad, die bedoelde besluit bekragtig, tersyde stel of wysig of in verband daarmee die bevel uitrek wat hy goed vind.”.

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Amendment of section 64 of Act 59 of 1968, as amended by section 12 of Act 69 of 1970, section 4 of Act 78 of 1971, section 17 of Act 109 of 1977 and section 30 of Act 66 of 1984.

Amendment of section 79 of Act 59 of 1968, as substituted by section 15 of Act 69 of 1970 and amended by section 13 of Act 31 of 1973 and section 35 of Act 66 of 1984.

Substitution of section 81 of Act 59 of 1968, as substituted by section 19 of Act 109 of 1977.

**MARKETING AMENDMENT ACT, 1987****10. Section 64 of the principal Act is hereby amended—**

- (a) by the substitution for subsection (2) of the following subsection:

“(2) The provisions of section 61 (2) shall *mutatis mutandis* apply in respect of any prohibition imposed under a power conferred by virtue of subsection (1) and, for the purpose of any such prohibition, any agricultural co-operative or special farmers' co-operative which deals on behalf of its members with any product in respect of which the prohibition has been imposed, 10 may be appointed as an agent for the purchase and sale of any quantity of such product, whether produced by its members or by any other person, and any co-operative so appointed shall, notwithstanding anything contained in its statute or in the Co-operatives Act, 1981 15 (Act No. 91 of 1981), [or in the Co-operative Societies Ordinance, 1946 (Ordinance No. 15 of 1946), of the territory] be deemed to have all the powers which may be reasonably necessary for the due performance of the functions it is required to exercise in pursuance of such 20 appointment.”;

- (b) by the substitution for paragraph (a) of subsection (2A) of the following paragraph:

“(a) any quantity of such product delivered to that co-operative in its capacity as such agent by a member 25 thereof shall, in so far as a permit under section 173 of the Co-operatives Act, 1981, [(Act No. 91 of 1981), or under section 96 of the Co-operatives Societies Ordinance, 1946 (Ordinance No. 15 of 1946), of the territory] is required for the purpose, be 30 deemed to have been delivered in pursuance of such a permit;”;

- (c) by the substitution for paragraph (a) of subsection (2B) of the following paragraph:

“(a) Any quantity of a product delivered by the producer thereof to a control board by virtue of the provisions of subsection (1) (a) shall, in so far as a permit under section 173 of the Co-operatives Act, 1981, [(Act No. 91 of 1981), or under section 96 of the Co-operatives Societies Ordinance, 1946 (Ordinance No. 15 of 1946), of the territory] is required for the purpose, be deemed to have been delivered in pursuance of such a permit.”; and

- (d) by the substitution for subparagraph (ii) of paragraph (b) of subsection (2B) of the following subparagraph:

“(ii) all amounts owing in terms of the provisions of section 173 of the Co-operatives Act, 1981, [or of the said Co-operatives Societies Ordinance, 1946] by such producer to a co-operative referred to in subparagraph (i) have, subject to the provisions of paragraph (c), been paid to such co-operative.”.

**11. Section 79 of the principal Act is hereby amended by the substitution for paragraph (c) of the following paragraph:**

- “(c) direction, determination, requirement, condition or fixation of a date under section 52 (2) (a) or (b), 59 [(3) 55 (a) or (aa)], 60 (1) (b), 61 (1), 63 (1) (a), 65 (1) (e), 66 (3) (a), 70, 72 (1A), 75 (1) (a), (b) or (c) or 78; or”.

**12. The following section is hereby substituted for section 81 of the principal Act:**

- “Certain reports to be submitted to Parliament.
- 81. The Minister shall lay copies of every report 60 submitted to him in terms of section 4 (5) or 40, and of every report relating to the fixing of prices for any product, submitted to him in terms of section 32, upon the Table of [the Senate and of the House of Assembly] Parliament within 14 days after receipt 65**

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- 10.** Artikel 64 van die Hoofwet word hierby gewysig—  
 (a) deur subartikel (2) deur die volgende subartikel te vervang:  
 “(2) Die bepalings van artikel 61 (2) is *mutatis mutandis* van toepassing ten opsigte van 'n verbod opgelê kragtens 'n bevoegdheid uit hoofde van subartikel (1) verleen en, by die toepassing van so 'n verbod, kan 'n landboukoöperasie of spesiale boerekooöperasie wat ten behoeve van sy lede handel met 'n produk ten opsigte waarvan die verbod opgelê is, aangestel word as 'n agent vir die koop en verkoop van 'n hoeveelheid van daardie produk, hetsy deur sy lede of deur iemand anders geproduseer, en 'n aldus aangestelde koöperasie word, ondanks enigets in sy statuut of in die Koöperasiwet, 1981 (Wet No. 91 van 1981), **[of in die Ordonnansie op Koöperatiewe Verenigings, 1946 (Ordonnansie No. 15 van 1946), van die gebied]** vervat, geag al die bevoegdhede te hê wat redelikerwys nodig is vir die beoorlike verrigting van die werkzaamhede wat hy ingevolge so 'n aanstelling moet verrig.”;
- (b) deur paragraaf (a) van subartikel (2A) deur die volgende paragraaf te vervang:  
 “(a) word 'n hoeveelheid van bedoelde produk aan daardie koöperasie in sy hoedanigheid van sodanige agent gelewer deur 'n lid daarvan, vir sover 'n permit ingevolge artikel 173 van die Koöperasiwet, 1981, **[(Wet No. 91 van 1981), of ingevolge artikel 96 van die Ordonnansie op Koöperatiewe Verenigings, 1946 (Ordonnansie No. 15 van 1946), van die gebied]** daartoe vereis word, geag uit hoofde van so 'n permit gelewer te wees.”;
- (c) deur paragraaf (a) van subartikel (2B) deur die volgende paragraaf te vervang:  
 “(a) 'n Hoeveelheid van 'n produk deur die produsent daarvan aan 'n beheerraad gelewer uit hoofde van die bepalings van subartikel (1) (a), word, vir sover 'n permit ingevolge artikel 173 van die Koöperasiwet, 1981, **[(Wet No. 91 van 1981), of ingevolge artikel 96 van die Ordonnansie op Koöperatiewe Verenigings, 1946 (Ordonnansie No. 15 van 1946), van die gebied]** daartoe vereis word, geag uit hoofde van so 'n permit gelewer te wees.”; en
- (d) deur subparagraaf (ii) van paragraaf (b) van subartikel (2B) deur die volgende subparagraaf te vervang:  
 “(ii) alle bedrae ingevolge die bepalings van artikel 173 van die Koöperasiwet, 1981, **[of van bedoelde Ordonnansie op Koöperatiewe Verenigings, 1946]** deur so 'n produsent verskuldig aan 'n koöperasie bedoel in **[paragraaf (a)] subparagraaf (i)**, behoudens die bepalings van paragraaf (c) aan so 'n koöperasie betaal is.”.
- 11.** Artikel 79 van die Hoofwet word hierby gewysig deur paragraaf (c) deur die volgende paragraaf te vervang:  
 “(c) lasgewing, bepaling, voorskrif, voorwaarde of vasstelling van 'n datum kragtens artikel 52 (2) (a) of (b), 59 **[(3) (a) of (aA)]**, 60 (1) (b), 61 (1), 63 (1) (a), 65 (1) (e), 66 (3) (a), 70, 72 (1A), 75 (1) (a), (b) of (c) of 78; of”.
- 12.** Artikel 81 van die Hoofwet word hierby deur die volgende artikel vervang:
- “Vorlegging van sekere verslae aan Parlement.”
- 81.** Die Minister moet afskrifte van elke verslag kragtens artikel 4 (5) of 40 aan hom voorgelê, en van elke verslag met betrekking tot die vasstelling van prysse vir 'n produk aan hom voorgelê ingevolge artikel 32, in die **[Senaat en in die Volksraad] Parlement**
- Wysiging van artikel 64 van Wet 59 van 1968, soos gewysig deur artikel 12 van Wet 69 van 1970, artikel 4 van Wet 78 van 1971, artikel 17 van Wet 109 van 1977 en artikel 30 van Wet 66 van 1984.
- Wysiging van artikel 79 van Wet 59 van 1968, soos vervang deur artikel 15 van Wet 69 van 1970 en gewysig deur artikel 13 van Wet 31 van 1973 en artikel 35 van Wet 66 van 1984.
- Vervanging van artikel 81 van Wet 59 van 1968, soos vervang deur artikel 19 van Wet 109 van 1977.

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Amendment of section 83A of Act 59 of 1968, as inserted by section 14 of Act 31 of 1973 and substituted by section 38 of Act 66 of 1984.

Amendment of section 84 of Act 59 of 1968, as amended by section 15 of Act 52 of 1969, section 16 of Act 69 of 1970, section 13 of Act 68 of 1972, section 4 of Act 73 of 1974 and section 40 of Act 66 of 1984.

Amendment of section 87 of Act 59 of 1968, as amended by section 5 of Act 78 of 1971, section 17 of Act 31 of 1973, section 21 of Act 109 of 1977 and section 43 of Act 66 of 1984.

Amendment of section 89 of Act 59 of 1968, as amended by section 19 of Act 52 of 1969, section 22 of Act 69 of 1970, section 16 of Act 68 of 1972, section 18 of Act 31 of 1973, section 6 of Act 73 of 1974 and section 22 of Act 109 of 1977.

thereof, if Parliament is then in ordinary session, or, if Parliament is not then in ordinary session, within 14 days after the commencement of its next ensuing ordinary session.”.

## 13. Section 83A of the principal Act is hereby amended—

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

“(1) The Minister may, by notice in the *Gazette*, prescribe an inspection mark or marks for application to a product specified in the notice to indicate that a quantity of that product to which, or on the receptacle of which, any such mark has been applied, has been inspected on behalf of the **[Department of Agriculture]** department and has at such inspection been found to comply with the requirements prescribed by or under this Act or with such requirements for a particular class or grade of such product, as the circumstances may require.”; and

- (b) by the substitution for paragraph (b) of subsection (2) of the following paragraph:

“(b) except under authority in writing granted by the Director-General or an officer in the service of the **[Department of Agriculture]** department nominated by him or otherwise than in accordance with the conditions or requirements determined by him or any such officer and set out in the authorization, apply any such mark or any other representation purporting to indicate that a product has been inspected on behalf of the **[Department of Agriculture]** department to any product or to any receptacle containing any product.”.

## 14. Section 84 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) Any such notice may empower an officer of the **[Department of Agriculture]** department specified in the notice to grant exemption to any person, on such conditions as he may determine, from the operation of any prohibition imposed under subsection (1).”.

## 15. Section 87 of the principal Act is hereby amended by the deletion of subsection (1A).

## 16. Section 89 of the principal Act is hereby amended—

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

“(g) the time and manner in which an appeal under section 53 (2), 59 **[6] (7)**, 72 (2), 85 (3) or 87 (3) shall be prosecuted, the security (if any) to be lodged in connection with any such appeal (other than an appeal under section 53 (2)), the disposal of any security so lodged, and the officer of the **[Department of Agriculture]** department who shall designate, or may nominate another such officer to

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ter Tafel lê binne 14 dae na ontvangs daarvan as die Parlement dan in gewone sessie is, of, as die Parlement dan nie in gewone sessie is nie, binne 14 dae na die aanvang van sy eersvolgende gewone sessie.”.

## 5 13. Artikel 83A van die Hoofwet word hierby gewysig—

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

“(1) Die Minister kan by kennisgewing in die *Staatskoerant* ’n inspeksiemerk of -merke voorskryf vir toepassing op ’n in die kennisgewing vermelde produk om aan te dui dat ’n hoeveelheid van daardie produk waarop, of op die houer waarvan, so ’n merk aangebring is, namens die **[Departement van Landbou]** departement geïnspekteer is en volgens bevinding by sodanige inspeksies voldoen aan die by of kragtens hierdie Wet voorgeskrewe vereistes of aan sodanige vereistes vir ’n bepaalde klas of graad van daardie produk, na gelang van die omstandighede.”; en

10 (b) deur paragraaf (b) van subartikel (2) deur die volgende paragraaf te vervang:

“(b) behalwe ingevolge skriftelike magtiging verleen deur die Direkteur-generaal of ’n beampete in diens by die **[Departement van Landbou]** departement deur hom benoem, of anders as ooreenkomsdig die voorwaardes of vereistes deur hom of so ’n beampete bepaal en in bedoelde magtiging uiteengesit, so ’n merk of ’n ander voorstelling wat heet aan te dui dat ’n produk namens die **[Departement van Landbou]** departement geïnspekteer is, op ’n produk of op ’n houer wat ’n produk bevat, aanbring nie.”.

Wysiging van artikel 83A van Wet 59 van 1968, soos ingevoeg deur artikel 14 van Wet 31 van 1973 en vervang deur artikel 38 van Wet 66 van 1984.

## 15 14. Artikel 84 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

“(2) So ’n kennisgewing kan ’n beampete van die **[Departement van Landbou]** departement in die kennisgewing vermeld, magtig om aan enige persoon vrystelling, op die voorwaardes wat hy bepaal, te verleen van die werking van ’n verbod kragtens subartikel (1) opgelê.”.

Wysiging van artikel 84 van Wet 59 van 1968, soos gewysig deur artikel 15 van Wet 52 van 1969, artikel 16 van Wet 69 van 1970, artikel 13 van Wet 68 van 1972, artikel 4 van Wet 73 van 1974 en artikel 40 van Wet 66 van 1984.

## 20 15. Artikel 87 van die Hoofwet word hierby gewysig deur subartikel (1A) te skrap.

Wysiging van artikel 87 van Wet 59 van 1968, soos gewysig deur artikel 5 van Wet 78 van 1971, artikel 17 van Wet 31 van 1973, artikel 21 van Wet 109 van 1977 en artikel 43 van Wet 66 van 1984.

## 25 16. Artikel 89 van die Hoofwet word hierby gewysig—

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

“(g) die tyd en wyse waarop ’n appèl kragtens artikel 53 (2), 59 **[6](7)**, 72 (2), 85 (3) of 87 (3) voortgesit moet word, die sekerheid (as daar is) wat met betrekking tot so ’n appèl (behalwe ’n appèl kragtens artikel 53 (2)) gestel moet word, die beskikking oor aldus gestelde sekerheid, en die beampete van die **[Departement van Landbou]** departement wat die persoon of persone moet aanwys, of ’n ander sodanige beampete kan benoem om die persoon

Wysiging van artikel 89 van Wet 59 van 1968, soos gewysig deur artikel 19 van Wet 52 van 1969, artikel 22 van Wet 69 van 1970, artikel 16 van Wet 68 van 1972, artikel 18 van Wet 31 van 1973, artikel 6 van Wet 73 van 1974 en artikel 22 van Wet 109 van 1977.

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Amendment of section 89A of Act 59 of 1968, as inserted by section 23 of Act 69 of 1970 and amended by section 23 of Act 109 of 1977 and section 44 of Act 66 of 1984.

Amendment of section 94 of Act 59 of 1968, as amended by section 22 of Act 52 of 1969, section 25 of Act 69 of 1970, section 2 of Act 50 of 1976 and section 26 of Act 109 of 1977.

Repeal of section 99 of Act 59 of 1968, as substituted by section 6 of Act 78 of 1971.

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designate, the person or persons by whom an appeal under section 85 (3) shall be decided;”;

(b) by the substitution for subsection (3) of the following subsection:

“(3) Any regulations made under this section may prescribe penalties for any contravention thereof or failure to comply therewith not exceeding a fine of [two hundred rand] R5 000.”

17. Section 89A of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection: 10

“(1) The Minister may in writing delegate to any officer in the [Department of Agriculture] department, or after consultation with the Director-General, to the marketing board, all or any of the powers conferred upon him by this Act, other than a power conferred upon him by section 12, 15 14, 15A, 16, 17 (3), 24, 53 (2), 59 [(6)] (7), 60 (2A), 72 (2), 80, 81, 82, 83A (1), 83B, 84, 86 or 87 (1) or (3) or by this section, or the power to publish a notice in the *Gazette* in pursuance of the provisions of section 15 (3), 46A, 64 (4), 84A, 84D, 84E, 84F or 88.”. 20

18. Section 94 of the principal Act is hereby amended by the substitution for subsection (1A) of the following subsection:

“(1A) The provisions of subsection (1) shall *mutatis mutandis* apply in respect of the trial of a person charged with the commission of an offence which consists of a failure to pay the full amount of a levy imposed under section 46A or 84A and for the purpose of such application a reference in that subsection to a control board and to an employee of such a board shall be construed as a reference to the [Department of Agriculture] department and to a person employed in [that Department] the department, respectively.”.

19. Section 99 of the principal Act is hereby repealed.

20. (1) Subject to the provisions of subsections (2), (3) and (4) the laws specified in the Schedule are hereby repealed to the extent set out in the third column of that Schedule. 35

(2) On the date of commencement of this section—

(a) all the assets, liabilities, rights and obligations of the South African Canned Fruit Export Board referred to in section 2 of the Canned Fruit Export Marketing Act, 1967 (Act No. 100 of 1967), shall vest in the Canning 40 Fruit Board established under section 25 of the Marketing Act, 1968 (Act No. 59 of 1968); and

(b) any person who immediately before the said date was in the employment of the said South African Canned Fruit Export Board, shall become an employee of the 45 said Canning Fruit Board.

(3) (a) Any service with the said South African Canned Fruit Export Board of any person who in terms of subsection (2) (b) becomes an employee of the said Canning Fruit Board, shall for all purposes be deemed to be service 50 with the said Canning Fruit Board, and any leave which may have accrued in favour of any such person while he was in the employment of the South African Canned Fruit Export Board shall be deemed to have accrued in his favour by virtue of service with the said Canning 55 Fruit Board.

(b) The salary of any person who so becomes an employee of the said Canning Fruit Board shall not without his

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- of persone aan te wys, wat oor 'n appèl kragtens artikel 85 (3) moet beslis;"; en
- (b) deur subartikel (3) deur die volgende subartikel te vervang:
- "(3) Regulasies kragtens hierdie artikel uitgevaardig, kan strawwe wat 'n boete van **[tweehonderd rand] R5 000** nie te bowe gaan nie, voorskryf vir 'n oortreding daarvan of versuim om daaraan te voldoen.".
- 17. Artikel 89A van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:**
- "(1) Die Minister kan al die bevoegdhede wat hierdie Wet aan hom verleen, of een of meer daarvan, skriftelik aan 'n beampete in die [Departement van Landbou] departement, of na oorleg met die Direkteur-generaal aan die be-markingsraad, deleger, met die uitsondering van 'n bevoegdheid aan hom verleent by artikel 12, 14, 15A, 16, 17 (3), 24, 53 (2), 59 **[6]** (7), 60 (2A), 72 (2), 80, 81, 82, 83A (1), 83B, 84, 86 of 87 (1) of (3) of by hierdie artikel **[en] of** die bevoegdheid om 'n kennisgewing in die Staatskoerant te publiseer ooreenkomsdig die bepalings van artikel 15 (3), 46A, 64 (4), 84A, 84D, 84E, 84F of 88.".
- 18. Artikel 94 van die Hoofwet word hierby gewysig deur subartikel (1A) deur die volgende subartikel te vervang:**
- "(1A) Die bepalings van subartikel (1) is *mutatis mutandis* van toepassing ten opsigte van 'n verhoor waarby iemand aangekla word van 'n oortreding bestaande uit 'n versuim om die volle bedrag van 'n kragtens artikel 46A of 84A opgelegde heffing te betaal, en by sodanige toepassing word 'n verwysing in daardie subartikel na 'n beheerraad en na 'n werknemer van so 'n raad uitgelê as 'n verwysing onderskeidelik na die **[Departement van Landbou] departement en na iemand in diens van [daardie Departement] die departement.**".
- 19. Artikel 99 van die Hoofwet word hierby herroep.**
- 20. (1)** Behoudens die bepalings van subartikels (2), (3) en (4) word die wette in die Bylae vermeld, hierby herroep in die mate in die derde kolom van daardie Bylae uiteengesit.
- (2) Op die datum van inwerkingtreding van hierdie artikel—
- (a) gaan alle bates, laste, regte en verpligte van die Uitvoerraad vir Suid-Afrikaanse Ingemaakte Vrugte bedoel in artikel 2 van die Wet op Uitvoerbemarking van Ingemaakte Vrugte, 1967 (Wet No. 100 van 1967), oor op die Inmaakvrugteraaid ingestel kragtens artikel 25 van die Bemarkingswet, 1968 (Wet No. 59 van 1968); en
- (b) word iemand wat onmiddellik voor bedoelde datum by genoemde Uitvoerraad vir Suid-Afrikaanse Ingemaakte Vrugte in diens was, 'n werknemer van genoemde Inmaakvrugteraaid.
- 50 (3)** (a) Diens by genoemde Uitvoerraad vir Suid-Afrikaanse Ingemaakte Vrugte van iemand wat ingevolge subartikel (2) (b) 'n werknemer van genoemde Inmaakvrugteraaid word, word vir alle doeleinades geag diens by genoemde Inmaakvrugteraaid te wees, en enige verlof wat ten gunste van so 'n persoon opgeloop het terwyl hy by die Uitvoerraad vir Suid-Afrikaanse Ingemaakte Vrugte in diens was, word geag uit hoofde van diens by genoemde Inmaakvrugteraaid ten gunste van hom op te geloop het.
- (b) Die salaris van iemand wat aldus 'n werknemer van genoemde Inmaakvrugteraaid word, word nie sonder sy

Wysiging van artikel 89A van Wet 59 van 1968, soos ingevoeg deur artikel 23 van Wet 69 van 1970 en gewysig deur artikel 23 van Wet 109 van 1977 en artikel 44 van Wet 66 van 1984.

Wysiging van artikel 94 van Wet 59 van 1968, soos gewysig deur artikel 22 van Wet 52 van 1969, artikel 25 van Wet 69 van 1970, artikel 2 van Wet 50 van 1976 en artikel 26 van Wet 109 van 1977.

Herroeping van artikel 99 van Wet 59 van 1968, soos vervang deur artikel 6 van Wet 78 van 1971.

Herroeping van wette, en voorbehoude.

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permission be reduced solely because of the provisions of this section, except if it is done in pursuance of disciplinary measures applied by the Canning Fruit Board against him.

(4) As from the date of commencement of this section anything done by the said South African Canned Fruit Export Board under any provision of a law repealed by this section, shall be deemed to have been done by the said Canning Fruit Board under the corresponding provision of the Canning Fruit Scheme established under section 14(1) of the Marketing Act, 1968. 5

Short title  
and commence-  
ment.

**21.** (1) This Act shall be called the Marketing Amendment Act, 1987, and shall come into operation on a date determined by the State President by proclamation in the *Gazette*.

(2) Different dates may be so determined in respect of different provisions of this Act. 15

**Schedule****LAWS REPEALED (Section 20)**

No. and year of law	Short title	Extent of repeal
Act No. 48 of 1934.....	Livestock and Meat Industries Act, 1934	The whole
Act No. 49 of 1946.....	Livestock and Meat Industries Amendment Act, 1946	The whole
Act No. 100 of 1967.....	Canned Fruit Export Marketing Act, 1967	The whole
Act No. 48 of 1971.....	Canned Fruit Export Marketing Amendment Act, 1971	The whole
Act No. 111 of 1977.....	Finance Act, 1977	Section 8
Act No. 15 of 1981.....	Canned Fruit Export Marketing Amendment Act, 1981	The whole

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toestemming verminder bloot as gevolg van die bepalings van hierdie artikel nie, behalwe as dit geskied in gevolge tugstappe wat die Inmaakvrugteraa teen hom doen.

5 (4) Vanaf die datum van inwerkingtreding van hierdie artikel word enigets wat deur genoemde Uitvoerraad vir Suid-Afrikaanse Ingemaakte Vrugte gedoen is kragtens 'n bepaling van 'n wet wat by hierdie artikel herroep word, geag deur genoemde Inmaakvrugteraa kragtens die ooreenstemmende bepaling van 10 die Inmaakvrugteskema ingestel kragtens artikel 14 (1) van die Bemarkingswet, 1968, gedoen te gewees het.

21. (1) Hierdie Wet heet die Wysigingswet op Bemarking, 1987, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.  
 15 (2) Verskillende datums kan aldus ten opsigte van verskil lende bepalings van hierdie Wet bepaal word.

## Bylae

## WETTE HERROEP (Artikel 20)

No. en jaar van wet	Kort titel	In hoeverre herroep
Wet No. 48 van 1934 .....	Wet op die Vee- en Vleisnywerhede, 1934	Die geheel
Wet No. 49 van 1946 .....	Wysigingswet op Vee- en Vleisnywerhede, 1946	Die geheel
Wet No. 100 van 1967 .....	Wet op Uitvoerbemarking van Ingemaakte Vrugte, 1967	Die geheel
Wet No. 48 van 1971 .....	Wysigingswet op Uitvoerbemarking van Ingemaakte Vrugte, 1971	Die geheel
Wet No. 111 van 1977 .....	Finansiewet, 1977	Artikel 8
Wet No. 15 van 1981 .....	Wysigingswet op Uitvoerbemarking van Ingemaakte Vrugte, 1981	Die geheel

