

EXTRAORDINARY



SEEN BY
R.B.H. ☒
A.C.W. ☐
J.B. ☐
J.E.L. ☐
E.A.R. ☐
H.C.K. ☐
BUITENGEWONE

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All Proclamations, Government and General Notices, published for the first time, are indicated by a * in the left-hand upper corner.

PROCLAMATION

By HIS EXCELLENCY THE RIGHT HONOURABLE SIR PATRICK DUNCAN, A MEMBER OF HIS MAJESTY'S MOST HONOURABLE PRIVY COUNCIL, KNIGHT GRAND CROSS OF THE MOST DISTINGUISHED ORDER OF SAINT MICHAEL AND SAINT GEORGE, ONE OF HIS MAJESTY'S COUNSEL LEARNED IN THE LAW, DOCTOR OF LAWS, GOVERNOR-GENERAL OF THE UNION OF SOUTH AFRICA.

* No. 323, 1939.]

SOUTH AFRICAN CITRUS SCHEME.

Under the powers vested in me by paragraph (a) of sub-section (1) of section twenty-two of the Marketing Act, 1937 (Act No. 26 of 1937), I hereby declare, proclaim and make known that the Scheme appearing in the Schedule hereto shall come into operation on the first day of January, 1940.

GOD SAVE THE KING.

Given under my Hand and the Great Seal of the Union of South Africa at Pretoria this Fifteenth day of December One thousand Nine hundred and Thirty-nine.

PATRICK DUNCAN,
Governor-General.

By Command of His Excellency the
Governor-General-in-Council.

W. R. COLLINS.

SCHEME FOR THE REGULATION OF THE PRODUCTION AND OF THE SALE WITHIN THE UNION AND THE EXPORT FOR SALE OF FRESH CITRUS FRUIT IN TERMS OF THE MARKETING ACT, 1937.

Name and Scope of Scheme.

- (1) This scheme shall be known as the South African Citrus Scheme, and shall relate to fresh citrus fruit.
- (2) The provisions of this scheme shall apply in the Union of South Africa to persons dealing with citrus fruit in the course of trade and to producers of citrus fruit.

Alle Proklamasies, Goewerments- en Algemene Kennisgewings, wat vir die eerste maal gepubliseer word, is in die linker-bohoek met 'n * gemerk.

PROKLAMASIE

VAN SY EKSELLENSIE DIE HOOGEDELAGBARE SIR PATRICK DUNCAN, LID VAN DIE MEES EERVOLLE GEHEIME RAAD VAN SY MAJESTEIT, GROOTKRUISRIDDER VAN DIE MEES ONDER-SKEIE ORDE VAN SINT MICHEL EN SINT JORIS, EEN VAN SY MAJESTEIT SE ADVOKATE BELESE IN DIE REG, DOKTOR IN DIE REGTE, GOEWERNEUR-GENERAAL VAN DIE UNIE VAN SUID-AFRIKA.

* No. 323, 1939.]

SUID-AFRIKAANSE SITRUSKEMA.

Kragtens die bevoegdheid my verleen by paragraaf (a) van subartikel (1) van artikel twee-en-twintig van die Bemarkingswet, 1937 (Wet No. 26 van 1937), verklaar, proklameer en maak ek hierby bekend dat die skema wat in die Bylae hiervan verskyn, op die eerste dag van Januarie 1940 in werking tree.

GOD BEHOEDE DIE KONING.

Gegee onder my Hand en die Grootseël van die Unie van Suid-Afrika te Pretoria, op hede die Vyftiende dag van Desember Eenduisend Nege-en-dertig.

PATRICK DUNCAN,
Goewerneur-generaal.

Op las van Sy Eksellensie die
Goewerneur-generaal-in-rade.

W. R. COLLINS,

SKEMA VIR DIE REELING VAN DIE PRODUKSIE EN VAN DIE VERKOOP BINNE DIE UNIE EN DIE UITVOER VIR VERKOOP VAN VARS SITRUSVRUGTE, KRAGTENS DIE BEMARKINGSWET, 1937.

Naam en Omvang van Skema.

- (1) Hierdie skema heet die Suid-Afrikaanse Sitrus-skema en het betrekking op vars sitrusvrugte.
- (2) Die bepalinge van hierdie skema is van toepassing in die Unie van Suid-Afrika op persone wat as 'n besigheid met sitrusvrugte handel en op produsente van sitrusvrugte.

Definitions.

2. In this scheme, the expression "the Act" means the Marketing Act, 1937, as amended, and, unless inconsistent with the context, any expression to which in that Act a meaning has been assigned, bears, when used in this scheme, the same meaning; further, unless inconsistent with the context—

"class", in relation to citrus fruit, shall mean sweet oranges (*Citrus sinensis*) or Seville oranges (*Citrus aurantium*) or grapefruit or naartjies or lemons;

"citrus fruit" or "fruit" shall mean sweet oranges (*Citrus sinensis*), seville oranges (*Citrus aurantium*), grapefruit, naartjies and lemons;

"export" shall mean export by sea from the Union, either through a Union port or through the port of Lourenco Marques;

"producer", in relation to any class of fruit, shall mean any person who produces and sells within the Union or who produces and exports for sale fruit of that class; provided, however, that the person to whom any class of fruit was supplied as a consideration or a part of the consideration for the right to use any land on which or on a part whereof such fruit was grown, shall be deemed to be the producer of such fruit;

"ton" shall mean a shipping ton of 40 cubic feet of packages of fruit.

Administration of Scheme.

3. (1) As from the date of commencement of this scheme, there shall be established a board, to be known as the Citrus Board (hereinafter referred to as the board), which shall consist of twelve members, to be appointed by the Governor-General, of whom—

(a) nine shall represent producers of citrus fruit who are members of co-operative societies or companies established in respect of citrus fruit and shall be nominated as provided in section four;

(b) two shall represent producers of citrus fruit who are not members of any such co-operative society or company and shall be nominated as provided in section five; and

(c) one shall be an officer of the Department of Agriculture and Forestry, nominated by the Minister.

(2) The board may co-opt not more than two persons as advisory members of the board.

Nomination of Co-operative Producers' Members.

4. The members of the board referred to in paragraph (a) of sub-section (1) of section three shall be nominated by the South African Co-operative Citrus Exchange, Limited, which shall, in making any nomination, endeavour as far as practicable to ensure that the main fruit producing areas will be represented on the board.

Nomination of Non-Co-operative Producers' Members.

5. If there is in existence in the Union any association which in the opinion of the Minister is representative of producers of citrus fruit other than producers who are members of any co-operative society or company established in respect of such fruit, that association shall be entitled to nominate the members of the board referred to in paragraph (b) of sub-section (1) of section three for appointment to the board.

Notice to Nominate Members.

6. Whenever a nomination in terms of section four or five becomes necessary, the Minister shall call upon the South African Co-operative Citrus Exchange, Limited, or the association concerned, or cause it to be called upon, by notice in writing, to nominate, within a period fixed by such notice, such persons as it is entitled, in terms of the relevant section, to nominate for appointment to the board.

If no Suitable Person Nominated, Minister may Nominate.

7. (1) If any person nominated under section five is, in the opinion of the Minister, not suitable for appointment as a member of the board, the Minister may refer that nomination back to the association concerned and call upon that association to nominate some other person for appointment to the board, and if the said association thereupon again nominates a person who is, in the opinion of the Minister, not suitable, as aforesaid, or whenever any such association fails to nominate any person, the Minister may himself nominate any person whom he considers fit to be a member of the board.

(2) Whenever any nomination in terms of section five becomes necessary, the Minister may, if he is satisfied that there exists no association entitled to make that nomination, himself nominate any person for appointment to the board to represent the interests concerned.

Tenure of Office of Members of the Board.

8. (1) The members of the board shall, subject to the provisions of sub-section (2), be appointed for a period of two years; provided that the member referred to in paragraph (c) of sub-section (1) of section three shall hold office during the Governor-General's pleasure.

Woordomskrywing.

2. In hierdie skema beteken die uitdrukking „die Wet”, die Bemerkingswet, 1937, soos gewysig, en, tensy onbestaanbaar met die samehang, het 'n uitdrukking waaraan in daardie Wet 'n betekenis toegeskryf is, dieselfde betekenis wanneer dit in hierdie skema gebruik word; voorts, tensy onbestaanbaar met die samehang, beteken—

„klas”, met betrekking tot sitrusvrugte, soetlemoene (*Citrus sinensis*) of seville-lemoene (*Citrus aurantium*) of pomelo's of nartjies of suurlemoene;

„sitrusvrugte” of „vrugte”, soetlemoene (*Citrus sinensis*), seville-lemoene (*Citrus aurantium*), pomelo's, nartjies en suurlemoene;

„uitvoer”, uitvoer oorsee uit die Unie, hetsy deur 'n Uniehawe of deur die hawe van Lourenco Marques;

„produsent”, met betrekking tot een of ander klas vrugte, iemand wat vrugte van daardie klas produseer en in die Unie verkoop of produseer en vir verkoop uitvoer; met dien verstande, egter, dat die persoon aan wie enige klas vrugte gelever is as vergoeding of as deel van die vergoeding vir die reg om grond waarop of op 'n deel waarvan daardie vrugte verbou is, te gebruik, geag word die produsent van daardie vrugte te wees;

„ton”, 'n skeepston van 40 kubieke voet vrugtepakette.

Uitvoering van Skema.

3. (1) Vanaf die datum van inwerkingtreding van hierdie skema, word daar 'n raad ingestel, met die naam Sitrusraad (hierna die raad genoem) bestaande uit twaalf lede, deur die Goewerneur-generaal aangestel te word, van wie—

(a) nege verteenwoordigers moet wees van sitrusvrugteprodusente wat lede in van koöperatiewe verenigings of maatskappye opgerig ten opsigte van sitrusvrugte, en genomineer moet word soos bepaal in artikel vier;

(b) twee verteenwoordigers moet wees van sitrusvrugteprodusente wat nie lede van so'n vereniging of maatskappy is nie, en genomineer moet word soos bepaal in artikel vyf;

(c) een 'n amptenaar van die Departement van Landbou en Bosbou moet wees, deur die Minister genomineer.

(2) Die raad kan hoogstens twee persone as adviserende lede van die raad koöpteer.

Nominasie van Koöperatiewe Produsentelede.

4. Die in paragraaf (a) van subartikel (1) van artikel drie bedoelde lede van die raad word genomineer deur die South African Co-operative Citrus Exchange, Limited, wat, wanneer hy 'n nominasie maak, sover doenlik moet probeer verseker dat die vernaamste vrugteproduserende streke op die raad verteenwoordig sal wees.

Nominasie van Nie-koöperatiewe Produsentelede.

5. Indien daar 'n vereniging bestaan wat volgens die Minister se oordeel sitrusvrugteprodusente, behalwe produsente wat lede is van 'n koöperatiewe vereniging of maatskappy opgerig ten opsigte van sodanige vrugte, verteenwoordig, dan het daardie vereniging die reg om die in paragraaf (b) van subartikel (1) van artikel drie bedoelde lede van die raad vir aanstelling op die raad te nomineer.

Kennisgewing om Lede te Nomineer.

6. Wanneer 'n nominasie kragtens artikel vier of vyf nodig word, moet die Minister die South African Co-operative Citrus Exchange, Limited, of die betrokke vereniging, by skriftelike kennisgewing aansê of laat aansê om, binne 'n tydperk in die aansegging vasgestel, die persone te nomineer wat hy volgens die betrokke artikel geregtig is om vir aanstelling op die raad te nomineer.

Indien geen Geskikte Persone Genomineer nie, kan Minister Nomineer.

7. (1) Indien iemand wat kragtens artikel vyf genomineer is, volgens die Minister se oordeel nie vir aanstelling as 'n lid van die raad geskik is nie, kan die Minister daardie nominasie na die betrokke vereniging terugverwys en daardie vereniging aansê om iemand anders vir aanstelling op die raad te nomineer, en indien genoemde vereniging dan weer iemand nomineer wat volgens die Minister se oordeel nie geskik is nie, soos voornoem, of wanneer so'n vereniging versuim om iemand te nomineer, kan die Minister self 'n persoon nomineer wat hy geskik ag om lid van die raad te wees.

(2) Wanneer 'n nominasie kragtens artikel vyf nodig word, kan die Minister, indien hy bevind dat daar geen vereniging bestaan wat die reg het om daardie nominasie te maak nie, self iemand nomineer vir aanstelling op die raad om die betrokke bejaange te verteenwoordig.

Ampsduur van Raadslede.

8. (1) Die lede van die raad word, behoudens die bepalings van subartikel (2), vir 'n tydperk van twee jaar aangestel; met dien verstande dat die lid bedoel in paragraaf (c) van subartikel (1) van artikel drie sy amp beklee solank dit die Goewerneur-generaal behaag.

(2) After the expiration of one year from the first appointment of the members of the board, five of the nine members appointed in terms of paragraph (a) of sub-section (1) of section three, and one of the two members appointed in terms of paragraph (b) of that sub-section, shall retire, and the vacancies so arising shall be filled.

(3) Which of the members of the board shall retire in accordance with sub-section (2) of this section, shall be decided by lot at the first meeting of the board.

(4) Upon the expiration of the period for which members were appointed, they shall continue to hold office until their successors have been appointed, but in no case for a further period of more than three months.

(5) Retiring members shall be eligible for re-appointment.

(6) Whenever for any reason the office of any member of the board becomes vacant before the expiration of the period for which he was appointed, the Minister may appoint any other person whom he considers suitable as a member of the board to fill the vacancy until the expiration of the period for which the vacating member was appointed.

(7) Whenever the Minister is satisfied that any member of the board, including any member appointed under sub-section (6), is prevented by illness, absence or any other cause from performing the duties of his office, the Minister may appoint any other person whom he considers suitable to act as the deputy of that member while he is so prevented.

(8) A member of the board shall cease to hold office as such—

- (a) if he absents himself from three consecutive meetings of the board without its leave; or
- (b) if he becomes of unsound mind, or is convicted of any offence and sentenced to any period of imprisonment without the option of a fine; or
- (c) if he becomes insolvent or compounds with his creditors; or
- (d) if he resigns by notice in writing to the board.

Meetings of the Board.

9. (1) The first meeting of the board shall be held on a day and at a place to be appointed by the Minister, and all subsequent meetings of the board shall be held at such times and places as the board, or the chairman, if authorised thereto by the board, may from time to time determine.

(2) The chairman of the board may himself at any time call a special meeting of the board to be held at a time and place to be appointed by him.

(3) At the written request of not less than four members of the board, the chairman shall call a special meeting of the board to be held within fourteen days from the date of receipt of such written request, at a time and place to be appointed by him.

(4) The meetings of the board shall be convened by notice given by or by direction of the chairman or any official of the board authorised thereto by the board.

Election of Chairman of Board.

10. (1) The board shall at its first meeting and thereafter as occasion arises elect from amongst its members a chairman, who shall hold office as such for a period of one year or until he ceases to be a member of the board, whichever shall be the shorter period.

(2) Whenever the chairman is unable to perform his functions, the board shall elect another of its members to act as chairman.

Quorum and Procedure at Meetings.

11. (1) Seven members of the board appointed in terms of sub-section (1) of section three shall form a quorum at any meeting thereof.

(2) The decision of a majority of the members of the board appointed in terms of sub-section (1) of section three, present at any meeting thereof, shall constitute the decision of the board; provided that in the event of an equality of votes, the chairman shall have a casting vote in addition to his deliberative vote.

Levy on Fruit and Establishment of Fruit Levy Fund.

12. (1) The board may, with the approval of the Minister, impose on any class of citrus fruit (other than fruit intended for resale in a processed or manufactured form) sold by or on behalf of a producer in the municipal area of Johannesburg, Germiston, Boksburg, Benoni, Brakpan, Springs, Randfontein, Krugersdorp, Rodepoort-Maraiburg, Pretoria, Kimberley, Port Elizabeth, East London, Bloemfontein, Durban, Pietermaritzburg, Cape Town, Grahamstown, Kingwilliamstown, Queenstown or Uitenhage, or on any class of citrus fruit exported from the Union for the purpose of sale, a levy at a rate not exceeding—

- (a) one penny per 30 lb. of such fruit so sold—
 - (i) on behalf of a producer by any market agent or market master;
 - (ii) by any producer to any person dealing with fruit in the course of trade;
 - (iii) by any producer in quantities exceeding 200 lb. of fruit at a time to any person other than a person dealing with fruit in the course of trade;

(2) Na afloop van een jaar vanaf die eerste aanstelling van lede van die raad, tree vyf van die nege lede aangestel kragtens paragraaf (a) van subartikel (1) van artikel drie en een van die twee lede aangestel kragtens paragraaf (b) van daardie subartikel, af, en die vakatures wat aldus ontstaan, word gevul.

(3) Watter van die lede van die raad ooreenkomstig subartikel (2) van hierdie artikel moet aftree, word deur die lot beslis op die eerste vergadering van die raad.

(4) Na afloop van die tydperk waarvoor lede aangestel is, bly hulle hul amp beklee totdat hul opvolgers aangestel is, maar in geen geval vir 'n verder tydperk van meer as drie maande nie.

(5) Aftredende lede kan weer aangestel word.

(6) Wanneer die setel van 'n lid van die raad om een of ander rede vakant word voor verstryking van die tydperk waarvoor hy aangestel is, kan die Minister iemand anders wat hy geskik ag aanstel as lid van die raad om die vakature te vul totdat die tydperk waarvoor die uittredende lid aangestel was, verstryk het.

(7) Wanneer die Minister bevind dat 'n lid van die raad, inbegrepe 'n lid aangestel onder subartikel (6), weens siekte, afwesigheid of om 'n ander rede verhinder word om sy ampswerksaamhede te verrig, kan die Minister iemand anders wat hy geskik ag, aanstel om as plaasvervanger van daardie lid op te tree solank hy aldus verhinder word.

(8) 'n lid van die raad ontruim sy amp—

- (a) as hy sonder die raad se verlof van drie agtereenvolgende raadsvergaderings afwesig is;
- (b) as hy kranksinnig word of aan 'n oortreding skuldig bevind word en tot gevangenisstraf sonder keuse van boete veroordeel word;
- (c) as hy insolvent raak of met sy skuldeisers 'n skikking aangaan; of
- (d) as hy bedank by skriftelike kennisgewing aan die raad.

Vergaderings van die Raad.

9. (1) Die eerste vergadering van die raad word gehou op 'n dag en plek deur die Minister vasgestel, en alle daaropvolgende vergaderings van die raad word gehou op die tyd en plekke wat die raad, of die voorsitter, indien deur die raad daartoe gemagtig, van tyd tot tyd vasstel.

(2) Die voorsitter van die raad kan self te eniger tyd 'n spesiale vergadering van die raad byeenroep, wat gehou moet word op 'n tyd en plek deur hom vasgestel.

(3) Op skriftelike versoek van minstens vier lede van die raad, moet die voorsitter 'n spesiale vergadering van die raad byeenroep wat binne veertien dae vanaf die datum van ontvangs van bedoelde skriftelike versoek gehou moet word op 'n tyd en plek deur die voorsitter bepaal.

(4) Die vergaderings van die raad word byeengeroep by kennisgewing deur of op las van die voorsitter van die raad of 'n beampde van die raad deur die raad daartoe gemagtig.

Verkiezing van Voorsitter van Raad.

10. (1) Die raad kies op sy eerste vergadering, en daarna soos dit nodig mag wees, uit sy lede 'n voorsitter wat daardie amp beklee vir 'n tydperk van een jaar, of totdat hy ophou om lid van die raad te wees, na gelang watter tydperk die kortste is.

(2) Wanneer die voorsitter nie sy pligte kan waarneem nie, moet die raad een van sy ander lede kies om as voorsitter op te tree.

Kworum en Prosedure by Vergaderings.

11. (1) Sewe lede van die raad aangestel kragtens subartikel (1) van artikel drie, maak 'n kworum uit op 'n vergadering van die raad.

(2) Die beslissing van die meerderheid van die lede van die raad aangestel kragtens subartikel (1) van artikel drie, teenwoordig op 'n vergadering daarvan, maak 'n besluit van die raad uit; met dien verstande dat by 'n staking van stemme die voorsitter benewens sy beraadslagende stem ook 'n beslissende stem het.

Heffing op Vrugte en Instelling van Vrugteheffingsfonds.

12. (1) Die raad kan met die Minister se goedkeuring op enige klas sitrusvrugte (uitgesonderd vrugte bestem vir herverkoop in verwerkte of vervaardigde vorm) wat in die munisipale gebied van Johannesburg, Germiston, Boksburg, Benoni, Brakpan, Springs, Randfontein, Krugersdorp, Rodepoort-Maraiburg, Pretoria, Kimberley, Port Elizabeth, Oos-Londen, Bloemfontein, Durban, Pietermaritzburg, Kaapstad, Grahamstad, Kingwilliamstown, Queenstown of Uitenhage deur of ten behoeve van 'n produsent verkoop word, of op enige klas sitrusvrugte wat uit die Unie vir verkoop uitgevoer word, 'n heffing lê van hoogstens—

- (a) een pennie per 30 lb. van daardie vrugte aldus verkoop—
 - (i) ten behoeve van 'n produsent, deur 'n mark-agent of markmeester;
 - (ii) deur 'n produsent aan iemand wat as 'n besigheid met vrugte handel;
 - (iii) deur 'n produsent in hoeveelhede van meer as 200 lb. tegelyk aan enig iemand behalwe 'n persoon wat as 'n besigheid met vrugte handel;

(b) five shillings per ton of such fruit so exported.

(2) Any levy imposed under sub-section (1) in respect of fruit sold in the Union shall be payable to the board at such time and in such manner as may be prescribed by regulation under the Act—

(a) in the case of fruit sold through a market agent or market master, by that market agent or market master; and

(b) in the case of fruit not sold through a market agent or market master—

(i) by the purchaser, if that purchaser is a person dealing with fruit in the course of trade; or

(ii) by the producer, if that purchaser is not such a person.

(3) any levy imposed under sub-section (1) in respect of fruit exported from the Union shall be payable to the board by the person who so exported such fruit at such time and in such manner as may be prescribed by regulation under the Act.

(4) Any market agent or market master who has sold fruit on behalf of any producer, may recover from that producer any amount which may be payable thereon in respect of levy.

(5) For the purpose of this section, the term "market master" shall include any person in charge of a market under the control of a local authority.

(6) The board shall establish a fund, to be known as the Citrus Levy Fund, into which all amounts derived from any levy imposed under sub-section (1), and any other monies which may accrue to the board, shall be paid, and from which all payments by the board shall be made.

Financial Year.

13. The financial year under this scheme shall be the period from the first day of March in any year to the last day of February in the following year.

Audit.

14. (1) The accounts of the board shall be audited from time to time, but not less than once every three months, by an officer in the public service appointed by the Minister or by an accountant so appointed.

(2) The board shall, in respect of any such audit, out of its funds pay—

(a) to the person so appointed, if such person is an accountant, such remuneration as the board may determine; or

(b) to the Minister, if the person so appointed is an officer in the public service, such an amount as may be mutually agreed upon by the Minister and the board, to cover the costs of such audit.

Powers of Board.

15. (1) The board shall have power—

(a) to require any producer in any area defined by the board to furnish full details of the numbers, varieties, ages and classes of citrus fruit trees on the land occupied by him from which he has sold or exported or intends to sell or export fruit, as well as estimates of the quantities of fruit of each class which he expects to sell or export during such period as the board may specify;

(b) to appoint such servants and to acquire or to hire such property as it may consider necessary for the proper performance of its functions and for the general attainment and furtherance of the objects of this scheme;

(c) to appoint with the consent of the Minister and subject to such conditions as the board may impose, one or more committees from its members and to assign to any such committee such of its powers as it may deem fit; provided that the board shall not be divested of any power which it may have assigned to any such committee;

(d) with the approval of the Minister, to determine the allowances payable out of the funds of the board to its members;

(e) with the approval of the Minister, to borrow money to be used for the purpose of attaining the objects of this scheme and to use any money received from any levy imposed under section twelve for any object which in its opinion will be to the advantage of producers;

(f) to accept money or property given to the board by way of donation, grant or otherwise and to utilise such money or property in such manner as the Minister may approve;

(g) to establish an information service in order to advise producers from time to time about marketing conditions in general or about the condition of any particular market;

(h) to co-operate with any person or body of persons in doing any act which the board may perform and to do on behalf of any other similar board any act which that board may perform;

(b) vyf sjielings per ton van daardie vrugte aldus uitgevoer.

(2) 'n Heffing opgelê kragtens subartikel (1) ten opsigte van vrugte in die Unie verkoop, moet aan die raad betaal word op die tyd en op die wyse by regulasie kragtens die Wet voorgeskryf—

(a) in die geval van vrugte wat deur 'n markagent of markmeester verkoop word, deur daardie markagent of markmeester; en

(b) in die geval van vrugte wat nie deur 'n markagent of markmeester verkoop word nie—

(i) deur die koper, indien daardie koper 'n persoon is wat as 'n besigheid met vrugte handel; of

(ii) deur die produsent, indien daardie koper nie so 'n persoon is nie.

(3) 'n Heffing opgelê kragtens subartikel (1) ten opsigte van vrugte uit die Unie uitgevoer, moet aan die raad betaal word deur die persoon wat daardie vrugte aldus uitgevoer het, op die tyd en op die wyse by regulasie kragtens die Wet voorgeskryf.

(4) 'n Markagent of markmeester wat vrugte ten behoeve van 'n produsent verkoop het, kan enige bedrag wat by wyse van heffing daarop betaalbaar is, op daardie produsent verhaal.

(5) Vir die toepassing van hierdie artikel, word onder die uitdrukking „markmeester” inbegrepe enig iemand wat belas is met die toesig van 'n mark onder beheer van 'n plaaslike owerheid.

(6) Die raad moet 'n fonds instel onder de benaming van die Sitrusheffingsfonds, waarin alle bedrae verkry uit enige heffing opgelê kragtens subartikel (1) en alle ander gelde wat aan die raad mag toekom, gestort moet word, en waaruit alle uitbetalings deur die raad moet geskied.

Boekjaar.

13. Die boekjaar onder hierdie skema is die tydperk van die eerste dag van Maart in elke jaar tot die laaste dag van Februarie in die volgende jaar.

Oudit.

14. (1) Die rekenings van die raad word van tyd tot tyd, maar minstens eenmaal elke drie maande, geouditeer deur 'n amptenaar in die Staatsdiens deur die Minister aangestel of deur 'n rekenmeester aldus aangestel.

(2) Die raad moet, ten opsigte van so 'n oudit, uit sy fondse—

(a) aan die aldus aangestelde persoon, indien daardie persoon 'n rekenmeester is, die besoldiging betaal wat die raad mag bepaal; of

(b) aan die Minister, indien die aldus aangestelde persoon 'n amptenaar in die Staatsdiens is, die bedrag betaal waarop die Minister en die raad onderling ooreenkom, om die koste van die oudit te dek.

Bevoegdheede van die Raad.

15. (1) Die raad is bevoeg om—

(a) 'n produsent in enige gebied deur die raad omskryf, te gelas om volledige besonderhede te verskaf van die aantalle, variëteite, ouderdomme en klasse sitrusvrugtebome op die grond deur hom bewoon, waarvan hy vrugte verkoop of uitgevoer het of voornemens is te verkoop of uit te voer, sowel as skattings van die hoeveelheid vrugte van elke klas wat hy na verwagting gedurende 'n tydperk wat die raad mag spesifiseer, sal verkoop of uitvoer;

(b) die dienaars aan te stel en die eiendom aan te skaf of te huur wat hy nodig ag vir die behoorlike verrigting van sy werksaamhede en in die algemeen vir die bereiking en bevordering van die doel van hierdie skema;

(c) met die Minister se toestemming, en onderworpe aan die voorwaardes wat die raad mag ople, een of meer komitees uit sy lede aan te stel en om na goeddunke van sy bevoegdheede aan so 'n komitee oor te dra; met dien verstande dat die raad nie afstand doen van 'n bevoegdheid wat hy aan so 'n komitee mag opdra nie;

(d) met die Minister se goedkeuring die toelaes vas te stel wat uit de raad se fondse aan sy lede betaal moet word;

(e) met die Minister se goedkeuring geld te leen, aangevend te word ter verwesenliking van die doel van hierdie skema, en om gelde verkry uit 'n heffing opgelê kragtens artikel twaalf aan te wend vir die doeleindes wat volgens die raad se oordeel tot voordeel van produsente sal wees;

(f) geld of eiendom aan te neem wat by wyse van geskenk, toekenning of andersins aan die raad gegee word, en om daardie geld of eiendom te gebruik op die wyse wat die Minister goedkeur;

(g) 'n inligtingsdiens in te stel ten einde produsente van tyd tot tyd in te lig aangaande bemarkingstoestande oor die algemeen of aangaande die toestand ten opsigte van 'n besondere mark;

(h) met enige persoon of getal persone mee te doen aan 'n handeling wat die raad kan verrig, en om namens 'n ander soortgelyke raad alle handelings te verrig wat daardie raad kan verrig;

- (i) to determine the maximum quantity of any class, variety, grade or count of fruit which may, during any period fixed by the board, be brought into or removed out of any area defined by the board;
- (j) to determine the maximum quantity of any class, variety, grade or count of fruit which may be sold or offered for sale on any day or during any period fixed by the board, at any market or other place specified by the board;
- (k) to act as agent for the receipt and sale of citrus fruit of any class;
- (l) to conduct a pool for the sale of citrus fruit of any class, variety, grade or count which has during any export season been exported from the Union and forwarded to any particular market or markets, pursuant to an order of the board, and to treat in such manner as it may deem fit, grade, pack, store, process, adapt for sale, insure, advertise and transport fruit of any class in connection with which it conducts a pool;
- (m) to finance any pool conducted by the board and to make advances to contributors to the pool; provided that no such pool shall be conducted and no such advance shall be made out of funds derived from any levy imposed under section twelve;
- (n) to require any person, if he exports citrus fruit of any class, variety, grade or count, to forward to a specified overseas market so much of the quantity thereof which he exports, as the board may determine;
- (o) with the approval of the Minister, to impose on any class of citrus fruit exported from the Union for the purpose of sale a special levy to be paid by the person who so exported such fruit; provided that at the end of each financial year under this scheme, any unexpended funds derived from such levy shall be refunded to the persons who contributed towards such levy in proportion to their respective contributions to such levy;
- (p) to establish an equalisation fund, to pay into that fund the proceeds of any special levy imposed under paragraph (o) and such other monies as the board may deem fit, and, subject to the provisions of paragraph (o) of sub-section (2) of section nineteen of the Act, to pay from that fund such compensation as it may deem fit to any producer in respect of any additional expenditure which, in the opinion of the board, he has incurred as a result of forwarding any quantity of fruit exported by him to a specified overseas market pursuant to an order of the board;
- (q) to require every person concerned in the production, marketing or processing of any class of citrus fruit to furnish the board with such information relating to citrus fruit of that class as may be available to such person and as the board may specify;
- (r) to assist, by grant, or loan or otherwise, any undertaking for preserving, processing, storing or conditioning citrus fruit and any research work relating to the improvement, production, processing and marketing of citrus fruit;
- (s) to advise the Minister as to—
 - (i) the conditions regarding grades, standards of quality, methods of packing, and the marking of any citrus fruit or any receptacle or cover containing it, subject to which any such fruit may be sold or imported for sale;
 - (ii) the prohibition, control or regulation of the importation or export of any particular class or variety of citrus fruit;
 - (iii) all matters relating to the marketing or processing of citrus fruit;
- (t) to prohibit any person from selling any class of citrus fruit which he has exported to any particular market except through such overseas agency or agencies as the board may from time to time designate for the purpose;
- (u) for the purpose of enforcing the provisions of this scheme, to empower any person generally or in any particular case at all reasonable hours—
 - (i) to enter any place occupied by any producer of citrus fruit or by any person who is believed upon reasonable grounds to be such a producer, or enter any place where any quantity of citrus fruit is kept by any person for any purpose other than its consumption by the owner thereof;
 - (ii) to inspect any such citrus fruit and to examine all books and documents at any such place which are believed, upon reasonable grounds, to relate to citrus fruit;
 - (iii) to demand from the owner or custodian of citrus fruit any information concerning such citrus fruit;
 - (iv) to demand from the owner or custodian of any such book or document an explanation of any entry therein;
 - (v) to seize any books, documents or citrus fruit which may afford evidence of any contravention of the provisions of this scheme or of any regulation made under the Act.
- (i) die grootste hoeveelheid van enige klas, variëteit, graad of telling vrugte vas te stel wat gedurende 'n tydperk deur die raad vasgestel in 'n deur die raad omskrywe gebied ingebring of daaruit verwyder mag word;
- (j) die grootste hoeveelheid van enige klas, variëteit, graad of telling vrugte vas te stel wat op 'n bepaalde dag of gedurende 'n tydperk vasgestel deur die raad, verkoop of te koop aangebied mag word op 'n mark of ander deur die raad omskrywe plek;
- (k) op te tree as 'n agent vir die ontvangs en verkoop van sitrusvrugte van enige klas;
- (l) 'n „pool” te bestuur vir die verkoping van sitrusvrugte van enige klas, variëteit, graad of telling wat gedurende enige uitvoerseisoen uit die Unie uitgevoer en volgens order van die raad na 'n besondere mark of marke versend is, en om vrugte van enige klas ten opsigte waarvan hy 'n „pool” bestuur, te behandel soos hy goedvind, te gradeer, te verpak, op te berg, te verwerk, vir verkoop geskik te maak, te verseker, te adverteer en te vervoer;
- (m) 'n „pool” wat deur die raad bestuur word, te finansier, en aan bydaers tot die „pool” geld voor te skiet; met dien verstande dat geen „pool” gefinansier en geen geld voorgeskiet word nie uit gelde verkry van 'n heffing opgelê kragtens artikel twaalf;
- (n) enigeen te gelas om, indien hy sitrusvrugte van enige klas, variëteit, graad of telling uitvoer, soveel van die hoeveelheid daarvan wat hy uitvoer as die raad mag bepaal, na 'n gespesifiseerde oorsese mark stuur;
- (o) met die Minister se goedkeuring 'n spesiale heffing op enige klas sitrusvrugte wat vir verkoop uit die Unie uitgevoer word, te lê, betaal te word deur die persoon wat daardie vrugte aldus uitgevoer het; met dien verstande dat aan die end van elke boekjaar onder hierdie skema, oorblywende gelde verkry uit so'n heffing oorbetal moet word aan die persone wat tot daardie heffing bygedra het in verhouding tot hul respektiewe bydraes tot bedoelde heffing;
- (p) 'n vereenigingsfonds in te stel, die opbringste van enige spesiale heffing opgelê kragtens paragraaf (o) en die ander gelde wat die raad goedvind in daardie fonds te stort, en onderworpe aan die bepalinge van paragraaf (o) van subartikel (2) van artikel negentien van die Wet, uit bedoelde fonds die vergoeding wat die raad goedvind, te betaal aan enige produsent ten opsigte van enige addisionele uitgawe wat hy, volgens oordeel van die raad, behoort te ontvang as gevolg van die versending van 'n hoeveelheid vrugte deur hom uitgevoer na 'n gespesifiseerde oorsese mark volgens order van die raad;
- (q) elke persoon wat betrokke is by die produksie, bemaking of bewerking van enige klas sitrusvrugte, te gelas om aan die raad die inligting met betrekking tot sitrusvrugte van daardie klas te verstrek waarvoor bedoelde persoon beskik en wat die raad mag spesifiseer;
- (r) deur middel van toekenning of lening of op ander wyse hulp te verleen aan ondernemings vir die bewaring, verwerking, opberging of bewerking van sitrusvrugte en in verband met navorsingswerk met betrekking tot die verbetering, produksie, verwerking en bemaking van sitrusvrugte;
- (s) die Minister van advies te dien aangaande—
 - (i) die voorwaardes, wat betref grade, kwaliteitstandaarde, verpakkingsmetodes, en die merking van sitrusvrugte of 'n houder of omhulsel wat dit bevat, waarop sodanige vrugte verkoop of vir verkoop ingevoer mag word;
 - (ii) verbod op, beheer of reëling van die invoer of uitvoer van enige besondere klas of variëteit sitrusvrugte;
 - (iii) alle aangeleenthede betreffende die bemaking van sitrusvrugte;
- (t) enig iemand te belet om enige klas sitrusvrugte, wat hy na 'n besondere mark uitgevoer het, te verkoop, behalwe deur die oorsese agentskap of agentskappe wat die raad van tyd tot tyd vir die doel aanwys;
- (u) vir die uitvoering van die bepalinge van hierdie skema, enig iemand algemeen of in 'n besondere geval te magtig om op alle redelike tye—
 - (i) 'n plek te betree wat bewoon word deur 'n produsent van sitrusvrugte of deur iemand wat op redelike gronde vermoed word so'n produsent te wees, of 'n plek te betree waar 'n hoeveelheid sitrusvrugte deur iemand gehou word vir 'n ander doel as verbruik daarvan deur die eienaar;
 - (ii) daardie sitrusvrugte te inspekteer en alle boeke en stukke op bedoelde plek na te gaan wat op redelike gronde vermoed word op sitrusvrugte betrekking te hê;
 - (iii) van die eienaar van daardie sitrusvrugte of die persoon wat dit in sy bewaring het, inligting aangaande daardie sitrusvrugte te eis;
 - (iv) van die eienaar van so'n boek of stuk of die persoon wat dit in sy bewaring het, 'n verklaring van aantekeninge daarin te eis;
 - (v) beslag te lê op boeke, stukke of sitrusvrugte wat bewys kan lewer van 'n oortreding van die bepalinge van hierdie skema of van 'n regulasie uitgevaardig kragtens die Wet.

(2) The board may appoint a committee consisting of not more than three persons for the purpose of advising it in regard to any matter relating to the administration of this scheme and may on such conditions as it may determine assign to that committee any of its powers under this scheme.

Registration of Market Agents and Persons dealing with Fruit in the Course of Trade.

16. (1) No market agent or other person, not being a market master, dealing with citrus fruit in the course of trade, shall sell any fruit in any of the areas mentioned in sub-section (1) of section *twelve*, unless he has been registered with the board, which may approve of the registration of any such market agent or person on such conditions as it may determine and may cancel the registration of any such market agent or person if he has contravened or failed to comply with any condition so determined.

(2) Any person whose application for registration has been rejected or whose registration has been cancelled may appeal to the Minister against such rejection or cancellation.

Penalties.

17. Any person who contravenes or fails to comply with any provision of this scheme, or any prohibition, requirement or order issued thereunder, shall be guilty of an offence and liable to a fine not exceeding one hundred pounds.

Discontinuance of Scheme.

18. In the event of the discontinuance of this scheme—

- (a) any surplus funds in the hands of the board after all its debts have been paid shall be divided among producers *pro rata* to their aggregate levy payments over the previous two years;
- (b) any deficit which may exist shall be recovered from producers *pro rata* to their aggregate levy payments over the previous two years.

(2) Die raad kan 'n komitee bestaande uit hoogstens drie persone aanstel, om hom aangaande enige aangeleentheid betreffende die uitvoering van hierdie skema te adviseer, en kan op die voorwaardes wat hy mag vasstel, aan daardie komitee van sy bevoegdhede onder hierdie skema oordra.

Registrasie van Markagente en Persone wat as 'n Besigheid met Sitrusvrugte handel.

16. (1) Geen markagent of ander persoon (behalwe 'n markmeester) wat as 'n besigheid met sitrusvrugte handel, mag sitrusvrugte in enigeen van die gebiede in subartikel (1) van artikel *twaaft* genoem, verkoop nie, tensy hy geregistreer is by die raad wat die registrasie van so'n markagent of persoon kan goedkeur op voorwaardes wat die raad vasstel, en die registrasie van so'n markagent of persoon kan intrek as hy 'n aldus vasgestelde voorwaarde oortree het of versuim het om daaraan te voldoen.

(2) Iemand wie se aansoek om registrasie verwerp is of wie se registrasie ingetrek is, kan by die Minister in hoër beroep gaan teen so'n verwerping of intrekking.

Strafbepalings.

17. Iemand wat 'n bepaling van hierdie skema, of 'n verbod, voorskrif of bevel ingevolge daarvan uitgevaardig, oortree of in gebreke bly om daaraan te voldoen, is aan 'n misdryf skuldig en strafbaar met 'n boete van hoogstens honderd pond.

Opheffing van Skema.

18. Ingeval hierdie skema opgehef word, moet—

- (a) alle surplus fondse in besit van die raad, nadat alle skulde betaal is, verdeel word onder produsente in eweredigheid met die totale bedrag wat hulle gedurende die vorige twee jaar aan heffings betaal het;
- (b) 'n tekort wat mag bestaan, ingevorder word van produsente in eweredigheid met die totale bedrag wat hulle gedurende die vorige twee jaar aan heffings betaal het.

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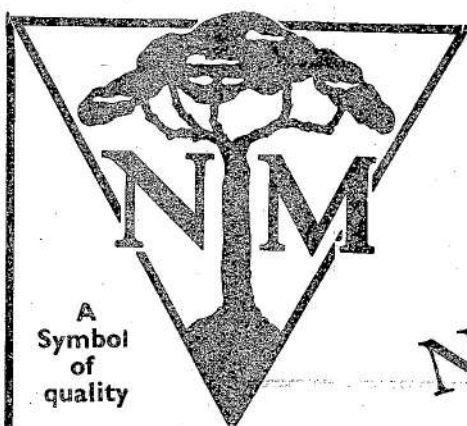
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