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[No. 161.]

PROKLAMASIEVAN DIE STAATSPRESIDENT VAN DIE REPUBLIEK VAN
SUID-AFRIKA.

No. R. 8, 1962.]

SKEMA KRAGTENS DIE BEMARKINGSWET, 1937,
 SOOS GEWYSIG, VIR DIE REËLING VAN DIE
 BEMARKING VAN MELK EN ROOM EN AAN-
 GELEENTHEDE WAT DAARMEE IN VER-
 BAND STAAN.

Nademaal die Minister van Landbou-ekonomie en
 -bemarking, kragtens paragraaf (c) van subartikel (3) van
 artikel sewentien van die Bemarkingswet, 1937 (Wet No.
 26 van 1937), soos gewysig, die skema wat in die Bylae
 hiervan verskyn, aangeneem het, en kragtens paragraaf
 (b) van subartikel (1) van artikel een-en-twintig van
 genoemde Wet goedkeuring van genoemde Skema aan-
 beveel het;

So is dit dat ek, kragtens die bevoegdheid my verleen
 by paragraaf (a) van subartikel (1) van artikel twee-en-
 twintig van genoemde Wet, hierby verklaar dat genoemde
 skema op die eerste dag van Maart 1962 in werking tree.

Gegee onder my Hand en die Seël van die Republiek
 van Suid-Afrika te Kaapstad, op hede die Sewentiende
 dag van Januarie Eenduisend Negehoenderd Twee-en-
 sestig.

C. R. SWART,
 Staatspresident.

Op las van die Staatspresident-in-rade.

D. C. H. UYS.

BYLAE.

SKEMA KRAGTENS DIE BEMARKINGSWET, 1937,
 SOOS GEWYSIG, VIR DIE REËLING VAN DIE
 BEMARKING VAN MELK EN ROOM EN AAN-
 GELEENTHEDE WAT DAARMEE IN VER-
 BAND STAAN.

NAAM EN OMVANG VAN SKEMA.

- (1) Hierdie skema heet die Melkskema en het betrek-
 king op melk en room soos omskryf in artikel 2.
- (2) Hierdie skema is van toepassing—
 - in die Bloemfontein-gebied, die Kaapse Skiereiland-
 gebied, die Pretoria-gebied en die Witwatersrand-
 gebied; en
 - op die hierna genoemde klasse persone wat melk
 of room produseer of daarmee as 'n besigheid han-
 del.

WOORDOMSKRYWING.

2. In hierdie skema beteken die uitdrukking „die Wet”
 die Bemarkingswet, 1937 (Wet No. 26 van 1937), soos
 gewysig, en die regulasies wat ingevolge daarvan uit-
 gevaardig is, en 'n uitdrukking waaraan 'n betekenis in
 die Wet geheg is, het, wanneer dit in hierdie skema
 gebesig word, dieselfde betekenis; voorts, tensy dit in
 stryd met die samehang is, beteken—

„Bloemfontein-gebied”, die gebied bestaande uit die
 Munisipale gebied van Bloemfontein, en die gebied
 bekend as Tempe;

PROCLAMATIONBY THE STATE PRESIDENT OF THE REPUBLIC OF
SOUTH AFRICA.

No. R. 8, 1962.]

SCHEME IN TERMS OF THE MARKETING ACT,
 1937, AS AMENDED, FOR REGULATING THE
 MARKETING OF MILK AND CREAM AND
 FOR MATTERS INCIDENTAL THERETO.

Whereas the Minister of Agricultural Economics and
 Marketing has, in terms of paragraph (c) of sub-section
 (3) of section seventeen of the Marketing Act, 1937 (Act
 No. 26 of 1937), as amended, accepted the scheme appear-
 ing in the Schedule hereto, and has, in terms of paragraph
 (b) of sub-section (1) of section twenty-one of the said
 Act recommended the approval of the said scheme;

Now, therefor, under the powers vested in me by para-
 graph (a) of sub-section (1) of section twenty-two of the
 said Act, I do hereby declare that the said scheme shall
 come into operation on the first day of March, 1962.

Given under my Hand and the Seal of the Republic
 of South Africa at Cape Town on this Seventeenth day
 of January, One thousand Nine hundred and Sixty-two.

C. R. SWART,
 State President.

By Order of the State President-in-Council.

D. C. H. UYS.

SCHEDULE.

SCHEME IN TERMS OF THE MARKETING ACT,
 1937, AS AMENDED, FOR REGULATING THE
 MARKETING OF MILK AND CREAM AND
 FOR MATTERS INCIDENTAL THERETO.

NAME AND SCOPE OF SCHEME.

- (1) This scheme shall be known as the Milk Scheme
 and shall relate to milk and cream as defined in section 2.
- (2) This scheme shall apply—
 - in the Bloemfontein area, the Cape Peninsula area,
 the Pretoria area and the Witwatersrand area; and
 - to the classes of persons hereinafter mentioned who
 produce milk or cream or who deal with milk or
 cream in the course of trade.

DEFINITIONS.

2. In this scheme the expression “the Act” means the
 Marketing Act, 1937 (Act No. 26 of 1937), as amended,
 and the regulations made thereunder and 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—

“Bloemfontein area” means the area consisting of the
 municipal area of Bloemfontein and the area known
 as Tempe;

„Kaapse Skiereiland-gebied”, die gebied bestaande uit die munisipale gebiede van Milnerton, Kaapstad, Goodwood, Parow, Bellville en Kuilsrivier en daardie gedeelte van die Suid-Westelike Kaap wat begrens word deur genoemde munisipale gebiede in die noorde, die oostelike grens van die Afdelingsraad van die Kaap in die ooste en die see in die suide en weste;

„Pretoria-gebied”, die gebied bestaande uit die munisipale gebiede van Pretoria met insluiting van Vlakfontein, Pretoria-Noord, Silverton en Lyttelton en die gebiede onder die jurisdiksie van die Menlopark-Lynnwood en die Waterkloof Plaaslike Gebiedskomitees van die Gesondheidsraad vir Buitestedelike gebiede en die dorpsgebiede en uitbreidings van Hazelwood, Meyerspark, Kloofzicht, Valhalla, Queenswood, Waverley en East Lynne;

„Witwatersrand-gebied”, die gebied bestaande uit—

(a) die munisipale gebiede van Alberton, Bedfordview, Benoni, Boksburg, Brakpan, Edenvale, Elsburg, Germiston, Johannesburg, Kemptonpark, Krugersdorp, Randfontein, Randburg, Roodepoort-Maraiburg en Springs;

(b) die gebiede onder die jurisdiksie van die volgende Plaaslike Gebiedskomitees van die Gesondheidsraad vir Buitestedelike-gebiede, naamlik—Alexandra, Noord-Johannesburg, Noord-Oostelike Johannesburg (met uitsondering van die dorpsgebiede Buccleugh, Kelvin en Marlboro en die Landbouhoewes bekend as Modderfontein en Linbropark), Wes-Johannesburg (met die uitsondering van die Landbouhoewes bekend as Glen Dayson en Panorama Uitbreiding No. 1); Suid-Rand, Brentwood en Klipriviersoog;

(c) die gebiede onder die jurisdiksie van die Bantoe-hervestigingsraad, naamlik Meadowlands-Oos, Diepkloof en Meadowlands-Wes; en

(d) die gebiede onder die jurisdiksie van die Munisipaliteit van Johannesburg bestaande uit Suidwestelike Bantoe woonbuurtes Nos. 1, 2 en 3, Orlando, Orlando-Oos, Jabavu, Mofola, Dube, Chiawela, Moroka, Naledi, Zola, Zondi, Emdeni, Moletsane, Jabulani, Tladi, Mapetla, Molapo, Piri, Senaoane en Dhlamini;

„gebied”, enige van die gebiede waarin hierdie skema van toepassing is;

„Raad”, die Melkraad soos saamgestel ooreenkomstig artikel 3;

„melk”, melk bestem vir menslike verbruik in die vorm van melk of room vir die vervaardiging van roomys, en omvat sodanige melk wat gepasteuriseer is;

„room”, room wat bestem is vir menslike verbruik in die vorm van room of vir die vervaardiging van roomys, en sluit in sodanige room wat gepasteuriseer is;

„produsent”, ’n persoon wat melk of room op enige plek produseer vir verkoop in ’n gebied;

„produsent-distribueerder”, ’n produsent wat minstens 80 (tagtig) persent van die melk of room wat hy geproduseer het, aan persone anders as ’n distribueerder verkoop en wat as produsent-distribueerder by die Raad geregistreer is ingevolge artikel 22;

„distribueerder”, ’n persoon wat melk of room van ’n produsent koop met die oog op herverkoop of wat die room van melk aldus aangekoop, skei met die doel vir verkoop of vir gebruik by die vervaardiging van roomys.

ADMINISTRASIE VAN SKEMA EN SAMESTELLING VAN RAAD.

3. (1) Hierdie skema word geadministreer deur ’n Raad wat hierby ingestel word, wat bekend is as die Melkraad (hierna „die Raad” genoem) en wat bestaan uit sewentien lede, deur die Staatspresident aangestel, van wie—

(a) nege verteenwoordigers moet wees van produsente (uitgesonderd produsent-distribueerders); en genoemineer moet word ooreenkomstig die bepalings van artikel 4;

„Cape Peninsula area”, means the area consisting of the municipal areas of Milnerton, Cape Town, Goodwood, Parow, Bellville and Kuils River and that portion of the South-Western Cape which is bounded by the said municipal areas in the north, the eastern boundary of the Cape Town Divisional Council in the east and the sea in the south and the west;

„Pretoria area” means the area consisting of the municipal areas of Pretoria, including Vlakfontein, Pretoria North, Silverton and Lyttelton, and the areas under the jurisdiction of the Menlo Park-Lynnwood and the Waterkloof Local Area Committees of the Peri-Urban Areas Health Board and the townships and extensions of Hazelwood, Meyerspark, Kloofzicht, Valhalla, Queenswood, Waverley and East Lynne;

„Witwatersrand area” means the area consisting of—

(a) the municipal areas of Alberton, Bedfordview, Benoni, Boksburg, Brakpan, Edenvale, Elsburg, Germiston, Johannesburg, Kempton Park, Krugersdorp, Randfontein, Randburg, Roodepoort-Maraiburg and Springs;

(b) the areas under the jurisdiction of the following local area committees of the Peri-Urban Areas Health Board, viz. — Alexandra, Northern Johannesburg, North-Eastern Johannesburg (excluding the townships Buccleugh, Kelvin and Marlboro and the agricultural holdings known as Modderfontein and Linbropark), Western Johannesburg (excluding the agricultural holdings known as Glen Dayson and Panorama Extension No. 1), South-Rand, Brentwood and Klipriviersoog;

(c) the areas under the jurisdiction of the Bantu Resettlement Board, namely Meadowlands East, Diepkloof and Meadowlands West; and

(d) the areas under the jurisdiction of the Municipality of Johannesburg, consisting of South-Western Bantu Residential Areas Nos. 1, 2 and 3, Orlando, Orlando East, Jabavu, Mofola, Dube, Chiawela, Moroka, Naledi, Zola, Zondi, Emdeni, Moletsane, Jabulani, Tladi, Mapetla, Molapo, Piri, Senaoane and Dhlamini;

„area” means any of the areas in which this scheme applies;

„Board” means the Milk Board as constituted in terms of section 3;

„milk” means milk intended for human consumption in the form of milk or cream or for the manufacture of ice-cream, and shall include such milk which has been pasteurised;

„cream” means cream intended for human consumption in the form of cream or for the manufacture of ice-cream, and shall include such cream which has been pasteurised;

„producer” means any person who produces milk or cream anywhere for sale in an area;

„producer-distributor” means any producer who sells at least 80 (eighty) per cent of the milk or cream which he has produced, to persons other than distributors and who is registered with the board as a producer-distributor in terms of section 22;

„distributor” means any person who purchases milk or cream from a producer for the purpose of resale or who separates the cream from milk so purchased for the purpose of sale or for use in the manufacture of ice-cream.

ADMINISTRATION OF SCHEME AND CONSTITUTION OF BOARD.

3. (1) This scheme shall be administered by a board which is hereby established, which shall be known as the Milk Board (hereinafter referred to as “the Board”) and which shall consist of seventeen members, to be appointed by the State President of whom—

(a) nine shall represent producers (exclusive of producer-distributors) and shall be nominated in accordance with the provisions of section 4;

- (b) een 'n verteenwoordiger moet wees van produsent-distribueerders en genomineer moet word deur 'n vereniging wat na die mening van die Minister verteenwoordigend is van sodanige persone;
- (c) vier verteenwoordigers moet wees van distribueerders en genomineer moet word ooreenkomstig die bepalinge van artikel 5;
- (d) twee verteenwoordigers moet wees van verbruikers van melk en room van wie een deur die Minister na oorlegpleging met die Adviserende Verbruikerskomitee en die ander deur daardie komitee uit sy lede genomineer moet word: Met dien verstande dat wanneer ookal 'n lid deur die Adviserende Verbruikerskomitee genomineer, ophou om 'n lid van daardie komitee te wees, hy ook ophou om 'n lid van die Raad te wees en 'n ander lid van daardie komitee in sy plek genomineer moet word;
- (e) een 'n amptenaar moet wees van die Departement van Landbou-ekonomie en -bemarking of die Departement van Landbou-tegniese Dienste en deur die Minister genomineer moet word.
- (2) Die Raad kan hoogstens twee persone as adviserende lede van die Raad koöpteer.

NOMINASIE VAN VERTEENWOORDIGERS VAN PRODUSENTE.

4. (1) Van die lede van die Raad genoem in paragraaf (a) van subartikel (1) van artikel 3 moet—

- (a) een genomineer word deur 'n vereniging of verenigings wat volgens die oordeel van die Minister verteenwoordigend is van produsente van melk en room binne die gebied wat in die hoorde en ooste begrens word deur 'n lyn van Bloubergstrand, deur Durbanville, Kraaifontein, Kuilsrivier, Faure en suid tot by die see, en in die suide en weste deur die see;
- (b) twee genomineer word deur 'n vereniging of verenigings wat volgens die oordeel van die Minister verteenwoordigend is van produsente buite die gebied soos in paragraaf (a) omskryf en wat melk of room produseer vir verkoop in die Kaapse Skiereiland-gebied;
- (c) vyf genomineer word deur 'n vereniging of verenigings wat volgens die oordeel van die Minister verteenwoordigend is van produsente van melk en room bestem vir verkoop in die Witwatersrand-gebied en die Pretoria-gebied;
- (d) een genomineer word deur 'n vereniging of verenigings wat volgens die oordeel van die Minister verteenwoordigend is van produsente van melk en room bestem vir verkoop in die Bloemfontein-gebied.
- (2) Slegs 'n persoon wat melk of room vir verkoop in 'n gebied produseer, mag kragtens hierdie artikel genomineer word.

NOMINASIE VAN VERTEENWOORDIGERS VAN DISTRIBUEERDERS.

5. (1) Van die vier lede van die Raad genoem in paragraaf (c) van subartikel (1) van artikel 3 word—

- (a) een genomineer, na onderlinge raadpleging, deur koöperatiewe verenigings of koöperatiewe maatskappye wat kragtens artikel 22 as distribueerders geregistreer is en wie se besigheid, volgens oordeel van die Minister, vir 'n aansienlike gedeelte bestaan uit die distribusie van melk en room;
- (b) drie genomineer deur 'n vereniging wat, na die mening van die Minister, verteenwoordigend is van distribueerders wat kragtens artikel 22 geregistreer is.
- (2) Minstens een van die lede van die Raad wat kragtens paragraaf (b) van subartikel (1) genomineer word, verteenwoordig distribueerders wat nie self melk pasteuriseer nie.

KENNISGEWING OM LEDE TE NOMINEER.

6. Wanneer 'n nominasie ingevolge paragraaf (a), (b), (c), (d) of (f) van subartikel (1) van artikel 3 nodig word, moet die Minister die betrokke liggaam by skriftelike kennisgewing aansê of laat aansê om binne die tydperk in

- (b) one shall represent producer-distributors and shall be nominated by an association which, in the opinion of the Minister, is representative of such persons;
- (c) four shall represent distributors and shall be nominated in accordance with the provisions of section 5;
- (d) two shall represent consumers of milk and cream one of whom shall be nominated by the Minister after consultation with the Consumers' Advisory Committee and the other by that committee from amongst its members: Provided that whenever a member nominated by the Consumers' Advisory Committee ceases to be a member of that committee, he shall also cease to be a member of the Board and another member of that committee shall be nominated in his place;
- (e) one shall be an officer of the Department of Agricultural Economics and Marketing or the Department of Agricultural Technical Services and shall be nominated by the Minister.

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

NOMINATION OF REPRESENTATIVES OF PRODUCERS.

4. (1) Of the members of the Board mentioned in paragraph (a) of sub-section (1) of section 3—

- (a) one shall be nominated by an association or associations which, in the opinion of the Minister, is/are representative of producers within the area which is bounded in the north and east by a line from Bloubergstrand, through Durbanville, Kraaifontein, Kuils River, Faure and south to the sea, and in the south and west by the sea;
- (b) two shall be nominated by an association or associations which, in the opinion of the Minister, is/are representative of producers outside the area defined in paragraph (a) and who produce milk or cream for sale in the Cape Peninsula area;
- (c) five shall be nominated by an association or associations which, in the opinion of the Minister, is/are representative of producers of milk and cream intended for sale in the Witwatersrand area and the Pretoria area;
- (d) one shall be nominated by an association or associations which, in the opinion of the Minister, is/are representative of producers of milk and cream intended for sale in the Bloemfontein area.

(2) Only a person who produces milk or cream for sale in an area, may be nominated in terms of this section.

NOMINATION OF REPRESENTATIVES OF DISTRIBUTORS.

5. (1) Of the four members of the Board referred to in paragraph (c) of sub-section (1) of section 3—

- (a) one shall be nominated, after mutual consultation, by co-operative societies or co-operative companies registered in terms of section 22 as distributors and whose business, in the opinion of the Minister, consists for a substantial portion of the distribution of milk and cream;
- (b) three shall be nominated by an association which, in the opinion of the Minister, is representative of distributors registered in terms of section 22.

(2) At least one of the members of the Board nominated in terms of paragraph (b) of sub-section (1) shall represent distributors who do not themselves pasteurise milk.

NOTICE TO NOMINATE MEMBERS.

6. Whenever a nomination in terms of paragraph (a), (b), (c), (d) or (f) of sub-section (1) of section 3 becomes necessary, the Minister shall call upon the body concerned, or cause it to be called upon, by notice in writing, to

sodanige kennisgewing vasgestel, sodanige persoon of persone te nomineer as wat dit ingevolge hierdie skema geregtig is om vir aanstelling in die Raad te nomineer.

MINISTER KAN NOMINEER AS GEEN GESKIKTE PERSOON GENOMINEER WORD NIE.

7. Indien enigeen soos voormeld genomineer, na die mening van die Minister nie geskik is om as lid van die Raad aangestel te word nie, of onbevoeg is om lid van die Raad te wees, kan die Minister daardie nominasie terugverwys na die betrokke liggaam en daardie liggaam aansê om iemand anders vir aanstelling in die Raad te nomineer, en indien daardie liggaam weer 'n persoon nomineer wat na die mening van die Minister nie geskik is nie of onbevoeg is, soos vermeld, of wanneer die liggaam versuim om iemand te nomineer of wanneer daar na die mening van die Minister nie 'n liggaam is wat bevoeg is om te nomineer wanneer nominasies verlang word nie kan die Minister self, behoudens die bepalinge van paragraaf (d) van subartikel (1) van artikel 3, subartikel (2) van artikel 4 en subartikel (2) van artikel 5, iemand nomineer wat hy geskik ag om lid van die Raad te wees om die betrokke belange te verteenwoordig.

AMPSTERMYN VAN RAADSLEDE.

8. (1) Die lede van die Raad word, behoudens die bepalinge van subartikel (2), vir 'n tydperk van twee jaar aangestel: Met dien verstande dat die lid genoem in paragraaf (e) van subartikel (1) van artikel 3, sy amp beklee solank dit die Staatspresident behaag.

(2) Na verloop van een jaar met ingang van die eerste aanstelling van lede van die Raad, tree vier van die lede aangestel ingevolge paragraaf (a) en twee van die lede aangestel ingevolge paragraaf (c) van subartikel (1) van artikel 3 af, en die vakatures wat aldus ontstaan, word aangevul.

(3) Daar word deur die lot beslis watter lede van die Raad ooreenkomstig subartikel (2) van hierdie artikel moet aftree.

(4) By verstryking van die tydperk waarvoor lede aangestel is, bly hulle in hul amp aan totdat hul opvolgers aangestel is, maar in geen geval vir 'n verdere tydperk van meer as drie maande nie.

(5) Aftredende lede kan weer aangestel word.

(6) Wanneer die amp van enige lid van die Raad om watter rede ook al vakant word voor verstryking van die tydperk waarvoor hy aangestel is, kan die Minister enige ander persoon wat hy geskik ag, aanstel om die vakature aan te vul totdat die tydperk waarvoor die uittredende lid aangestel is, verstryk het.

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

(8) Wanneer 'n raadslid sonder die Raad se verlof van drie agtereenvolgende raadsvergaderings afwesig was en niemand volgens subartikel (7) aangestel is om as sy plaasvervanger op te tree nie, hou hy op om lid van die Raad te wees.

VERKIESING EN AMPSTERMYN VAN VOORSITTER EN ONDERVOORSITTER.

9. (1) Die Raad kies op sy eerste vergadering en daarna, na gelang dit nodig mag wees, uit sy lede 'n voorsitter wat daardie amp beklee vir 'n tydperk van een jaar of tot verstryking van die tydperk waarvoor hy as lid van die Raad aangestel is, watter tydperk ook al die kortste is, en daarna kan hy herkies word.

(2) Die Raad kan, wanneer nodig, uit sy lede 'n ondervoorsitter kies wat daardie amp beklee vir 'n tydperk van een jaar of tot verstryking van die tydperk waarvoor hy as lid van die Raad aangestel is, watter tydperk ook al die kortste is, en daarna kan hy herkies word.

nominate within a period fixed by such notice, such person or persons as it is entitled in terms of this scheme to nominate for appointment to the Board.

THE MINISTER MAY NOMINATE IF NO SUITABLE PERSON IS NOMINATED.

7. If any person nominated as aforesaid is, in the opinion of the Minister, not suitable for appointment as a member of the Board, or not qualified to be a member of the Board, the Minister may refer that nomination back to the body concerned and call upon that body to nominate some other person for appointment to the Board, and if that body thereupon again nominates a person who is, in the opinion of the Minister, not suitable or not qualified, as aforesaid, or whenever the body fails to nominate any person, or whenever, in the opinion of the Minister, there is no body qualified to nominate when nominations are required, the Minister may himself, subject to the provisions of paragraph (d) of sub-section (1) of section 3, sub-section (2) of section 4 and sub-section (2) of section 5, nominate any person whom he considers fit to be a member of 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 (e) of sub-section (1) of section 3 shall hold office during the State President's pleasure.

(2) After the expiration of one year from the first appointment of members to the Board, four of the members appointed in terms of paragraph (a) and two of the members appointed in terms of paragraph (c) of sub-section (1) of section 3 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.

(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 reappointment.

(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 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 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) Whenever a member of the Board has, without its leave, absented himself from three consecutive meetings of the Board and no one has been appointed in terms of sub-section (7) to act as his deputy, he shall cease to be a member of the Board.

ELECTION AND TENURE OF OFFICE OF CHAIRMAN AND VICE-CHAIRMAN.

9. (1) The Board shall at its first meeting and thereafter as occasion arises, elect from amongst its members a chairman who shall hold that office for a period of one year or until the expiration of the period for which he was appointed as a member of the Board, whichever is the shorter period, and who shall be eligible for re-election.

(2) Whenever necessary the Board may elect from amongst its members a vice-chairman who shall hold that office for a period of one year or until the expiration of the period for which he was appointed as a member of the Board, whichever shall be the shorter period, and who shall be eligible for re-election.

(3) Wanneer die voorsitter om watter rede ook al nie in staat is om sy pligte waar te neem nie, tree die onder-voorsitter in sy plek op en ingeval sowel die voorsitter as die ondervoorsitter nie hul pligte kan waarneem nie, kies die Raad een van sy ander lede om as voorsitter op te tree.

VERGADERINGS VAN DIE RAAD.

10. (1) Die eerste vergadering van die Raad word gehou op 'n tyd en plek deur die Minister bepaal.

(2) Alle daaropvolgende vergaderings van die Raad word gehou op sodanige tye en plekke as wat die Raad of die voorsitter, indien hy deur die Raad daartoe gemagtig is, van tyd tot tyd mag bepaal.

(3) Die voorsitter van die Raad kan self op enige tyd 'n spesiale vergadering van die Raad byeenroep, om gehou te word op 'n tyd en plek deur hom bepaal.

(4) Op skriftelike versoek van minstens drie lede van die Raad, moet die voorsitter 'n spesiale vergadering van die Raad byeenroep wat binne 14 dae na die datum van ontvangs van sodanige skriftelike versoek gehou moet word op 'n tyd en plek deur die voorsitter bepaal.

(5) Die vergaderings van die Raad word byeengeroep by wyse van kennisgewing deur of op las van die voorsitter van die Raad of enige beamppte van die Raad wat deur die Raad daartoe gemagtig is.

KWORUM, MEERDERHEIDSBESLUIT EN VOORSITTER SE BESLISSENDE STEM.

11. (1) 'n Meerderheid van die lede van die Raad, aangestel kragtens subartikel (1) van artikel 3 en subartikels (6) en (7) van artikel 8, maak 'n kworum uit by enige vergadering van die Raad.

(2) Die besluit van die meerderheid van die lede van die Raad wat op 'n vergadering daarvan teenwoordig is, is 'n besluit van die Raad: Met dien verstande dat die voorsitter, by 'n staking van stemme, benewens sy beraadslagende stem ook 'n beslissende stem het.

KOMITEES VAN DIE RAAD.

12. (1) Die Raad kan, met die toestemming van die Minister en behoudens sodanige voorwaardes as wat die Raad mag opleë, een of meer komitees uit sy lede benoem en aan so 'n komitee sodanige van sy bevoegdhede oordra as hy mag goed ag: Met dien verstande dat die Raad nie afstand doen van enige bevoegdheid wat hy aan so 'n komitee mag oordra nie.

(2) Wanneer so 'n komitee benoem word, moet die Raad een van die lede van die komitee aanwys om as voorsitter daarvan op te tree en die voorsitter aldus aangewys kan op enige tyd, met die goedkeuring van die voorsitter van die Raad, 'n vergadering van die komitee belê om gehou te word op 'n tyd en plek deur hom bepaal.

(3) Die voorsitter van die Raad is ampshalwe lid van elke komitee wat deur die Raad benoem word en kan op enige tyd 'n vergadering van 'n komitee belê om gehou te word op 'n tyd en plek deur hom bepaal.

(4) Die besluit van die meerderheid van al die lede van 'n komitee is 'n besluit van die komitee.

GEBIEDSKOMITEES VAN DIE RAAD.

13. (1) Daar word hierby in elk van die gebiede genoem in paragraaf (a) van subartikel (2) van artikel 1, 'n komitee ingestel, saamgestel soos hierna bepaal, waarvan die lede aangestel word deur die Minister na raadpleging met die Raad, ten einde die Raad te adviseer aangaande enige aangeleentheid betreffende die uitvoering van hierdie skema, of enige bepaling daarvan, in die betrokke gebied en waaraan die Raad, op die voorwaardes wat die Minister goedkeur, sodanige van sy bevoegdhede onder hierdie skema kan oordra as wat hy met die goedkeuring van die Minister bepaal:—

(2) (a) Die komitee vir die Witwatersrand-gebied sal bestaan uit vyftien lede, van wie—

(i) agt verteenwoordigers moet wees van produsente (uitgesonderd produsent-distribueerders), wat melk of room in die Witwatersrand-gebied verkoop, en genomineer moet word deur 'n vereniging of verenigings wat na die mening van die Minister verteenwoordigend van suike produsente is;

(3) Whenever for any reason the chairman is unable to perform his duties, the vice-chairman shall deputise for him and in the event of both the chairman and the vice-chairman not being able to attend to their duties, the Board shall elect another of its members to act as chairman.

MEETINGS OF THE BOARD.

10. (1) The first meeting of the Board shall be held at a time and place appointed by the Minister.

(2) 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.

(3) 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 appointed by him.

(4) At the written request of not less than three members of the Board the chairman shall call a special meeting of the Board which shall be held within 14 days from the date of receipt of such request and at a time and place appointed by the chairman.

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

QUORUM, MAJORITY DECISION AND CHAIRMAN'S CASTING VOTE.

11. (1) A majority of the members of the Board, appointed in terms of sub-section (1) of section 3 and sub-sections (6) and (7) of section 8 shall form a quorum at any meeting of the Board.

(2) The decision of the majority of the members of the Board present at a meeting of the Board shall constitute a decision of the Board: Provided that in the event of any equality of votes the chairman shall have a casting vote in addition to his deliberative vote.

COMMITTEES OF THE BOARD.

12. (1) The Board may, with the consent of the Minister and subject to such conditions as the Board may impose, appoint one or more committees from its members and invest any such committee with such of its powers as it may deem fit: Provided that the Board shall not be divested of any power with which it may invest any such committee.

(2) Whenever any such committee is appointed, the Board shall designate one of the members of the committee to act as chairman thereof and the chairman so designated may at any time, with the approval of the chairman of the Board, convene a meeting of the committee to be held at a time and place appointed by him.

(3) The chairman of the Board shall *ex officio* be a member of every committee appointed by the Board and may at any time convene a meeting of a committee, to be held at a time and place appointed by him.

(4) The decision of the majority of all the members of a committee shall constitute a decision of the committee.

AREA COMMITTEES OF THE BOARD.

13. (1) There is hereby established in each of the areas mentioned in paragraph (a) of sub-section (2) of section 1, a committee, constituted as hereinafter specified, of which the members shall be appointed by the Minister after consultation with the Board, for the purpose of advising the Board in regard to any matter relating to the administration of this scheme or any provision thereof in the area concerned and to which the Board may, on such conditions as the Minister may approve, assign such of its powers under this scheme as it may with the approval of the Minister determine.

(2) (a) The committee for the Witwatersrand area shall consist of fifteen members, of whom—

(i) eight shall represent producers (exclusive of producer-distributors), who sell milk or cream in the Witwatersrand area and shall be nominated by an association or associations which, in the opinion of the Minister, is/are representative of such producers;

- (ii) een 'n verteenwoordiger moet wees van produsent-distribueerders wat melk of room in genoemde gebied verkoop, en genomineer moet word deur 'n vereniging wat na die mening van die Minister verteenwoordigend van sulke produsent-distribueerders is of, as daar nie so 'n vereniging bestaan nie, is die produsent-distribueerders wat as sodanig ten opsigte van genoemde gebied kragtens artikel 22 geregistreer is, geregtig om na onderlinge oorlegpleging genoemde lid te nomineer;
- (iii) vier verteenwoordigers moet wees van distribueerders wat as sodanig ten opsigte van genoemde gebied kragtens artikel 22 geregistreer is, van wie een genomineer moet word deur 'n koöperatiewe vereniging of koöperatiewe maatskappy wie se besigheid volgens die oordeel van die Minister vir 'n aansienlike gedeelte bestaan uit die distribusie van melk en room in genoemde gebied en drie genomineer moet word deur 'n vereniging wat na die mening van die Minister verteenwoordigend is van distribueerders wat aldus geregistreer is;
- (iv) twee verteenwoordigers moet wees van verbruikers van melk en room in die genoemde gebied, een waarvan deur die Adviserende Verbruikerskomitee genomineer moet word, en een deur die Minister van Bantoe-administrasie en -ontwikkeling.
- (b) Die komitees vir die Pretoria-gebied en die Bloemfontein-gebied sal elk bestaan uit sewe lede, van wie—
- (i) vier verteenwoordigers moet wees van produsente (uitgesonderd produsent-distribueerders), wat melk of room in die betrokke gebied verkoop, en genomineer moet word deur 'n vereniging of verenigings wat na die mening van die Minister verteenwoordigend van sulke produsente is;
- (ii) twee verteenwoordigers moet wees van distribueerders wat as sodanig ten opsigte van die betrokke gebied kragtens artikel 22 geregistreer is, en genomineer moet word deur 'n vereniging wat na die mening van die Minister verteenwoordigend van sulke distribueerders is of, as daar nie so 'n vereniging bestaan nie, is die distribueerders wat as sodanig geregistreer is geregtig om na onderlinge oorlegpleging genoemde lede te nomineer;
- (iii) een 'n verteenwoordiger moet wees van verbruikers van melk en room in die betrokke gebied en wat deur die Adviserende Verbruikerskomitee genomineer moet word.
- (c) Die komitee vir die Kaapse Skiereiland-gebied sal bestaan uit dertien lede, van wie—
- (i) sewe verteenwoordigers moet wees van produsente (uitgesonderd produsent-distribueerders), wat melk of room in die Kaapse Skiereiland-gebied verkoop, en genomineer moet word deur 'n vereniging of verenigings wat na die mening van die Minister verteenwoordigend van sulke produsente is;
- (ii) een 'n verteenwoordiger moet wees van produsent-distribueerders wat melk of room in die Kaapse Skiereiland-gebied verkoop, en genomineer moet word deur 'n vereniging wat na die mening van die Minister verteenwoordigend van sulke produsent-distribueerders is of, as daar nie so 'n vereniging bestaan nie, is die produsent-distribueerders wat as sodanig ten opsigte van genoemde gebied kragtens artikel 22 geregistreer is, geregtig om na onderlinge oorlegpleging genoemde lid te nomineer;
- (iii) drie verteenwoordigers moet wees van distribueerders wat as sodanig ten opsigte van genoemde gebied kragtens artikel 22 geregistreer is, en genomineer moet word deur 'n vereniging wat na die mening van die Minister verteenwoordigend van sulke distribueerders is of, as daar nie so 'n vereniging bestaan nie, is die distribueerders wat aldus geregistreer is geregtig om na onderlinge oorlegpleging genoemde lede te nomineer: Met dien verstande dat minstens een van die lede ingevolge hierdie subparagraaf genomineer, distribueerders wat nie self melk pasteuriseer nie, moet verteenwoordig;
- (ii) one shall represent producer-distributors who sell milk or cream in the said area, and shall be nominated by an association which, in the opinion of the Minister, is representative of such producer-distributors or, if such an association is not in existence, the producer-distributors who have been registered as such in respect of the said area in terms of section 22 shall, after mutual consultation, be entitled to nominate the said member;
- (iii) four shall represent distributors who have been registered as such in terms of section 22 in respect of the said area, of whom one shall be nominated by a co-operative society or co-operative company whose business, in the opinion of the Minister, consists for a substantial portion of the distribution of milk and cream in the said area and three shall be nominated by an association which, in the opinion of the Minister, is representative of distributors registered as such;
- (iv) two shall represent consumers of milk and cream in the said area, one of whom shall be nominated by the Consumers' Advisory Committee and one by the Minister of Bantu Administration and Development.
- (b) The committees for the Pretoria Area and the Bloemfontein Area shall each consist of seven members, of whom—
- (i) four shall represent producers (exclusive of producer-distributors), who sell milk or cream in the area concerned and shall be nominated by an association or associations which, in the opinion of the Minister, is/are representative of such producers;
- (ii) two shall represent distributors registered as such in terms of section 22 in respect of the area concerned and shall be nominated by an association which, in the opinion of the Minister, is representative of such distributors or, if such an association is not in existence, the distributors registered as such shall, after mutual consultation, be entitled to nominate the said members;
- (iii) one shall be a representative of consumers of milk and cream in the area concerned and shall be nominated by the Consumers' Advisory Committee.
- (c) The committee for the Cape Peninsula Area shall consist of thirteen members, of whom—
- (i) seven shall represent producers (exclusive of producer-distributors), who sell milk or cream in the Cape Peninsula area, and shall be nominated by an association or associations, which, in the opinion of the Minister, is/are representative of such producers;
- (ii) one shall represent producer-distributors who sell milk or cream in the Cape Peninsula area and shall be nominated by an association which, in the opinion of the Minister, is representative of such producer-distributors or, if such an association is not in existence, the producer-distributors who have been registered as such in respect of the said area in terms of section 22 shall, after mutual consultation, be entitled to nominate the said member;
- (iii) three shall represent distributors registered as such in respect of the said area in terms of section 22 and shall be nominated by an association which, in the opinion of the Minister, is representative of such distributors or, if such an association is not in existence, the distributors so registered shall, after mutual consultation, be entitled to nominate the said members: Provided that at least one of the members nominated in terms of this sub-paragraph shall represent distributors who do not themselves pasteurise milk;

(iv) een 'n verteenwoordiger moet wees van verbruikers van melk en room in genoemde gebied en genomineer moet word deur die Adviserende Verbruikerskomitee;

(v) een 'n amptenaar van die Departement van Landbou-ekonomie en -bemarking of die Departement van Landbou-tegniese Dienste moet wees.

(3) Die Raad moet ten opsigte van elke komitee, sodanige reëls neerlê in verband met die byeenroeping van vergaderings, kworum, prosedure op vergaderings, verkiesing van 'n voorsitter, ampstermyn van lede en aanvulling van vakatures as wat hy met die goedkeuring van die Minister mag bepaal.

(4) Wanneer 'n nominasie ingevolge hierdie artikel nodig word, moet die Minister die betrokke liggaam of liggame of persone by skriftelike kennisgewing aansê om laas om binne die tydperk in sodanige kennisgewing vasgestel, sodanige persoon of persone te nomineer as wat sodanige liggaam, liggame of persone ingevolge hierdie skema geregtig is om vir aanstelling in 'n gebiedskomitee te nomineer.

(5) Indien enige persoon soos voormeld genomineer, na die mening van die Minister nie geskik is om as lid van die betrokke gebiedskomitee aangestel te word nie, of onbevoeg is om lid daarvan te wees, kan die Minister daardie nominasie terugverwys na die betrokke liggaam of liggame of persone en daardie liggaam, liggame of persone aansê om iemand anders vir aanstelling in sodanige komitee te nomineer, en indien daardie liggaam, liggame of persone weer 'n persoon nomineer wat na die mening van die Minister nie geskik is nie of onbevoeg is, soos voormeld, of wanneer daardie liggaam, liggame of persone versuim om iemand te nomineer, of wanneer daar na die mening van die Minister nie 'n liggaam of persoon bevoeg is om te nomineer wanneer nominasies verlang word nie, kan die Minister self iemand aanstel wat hy geskik ag om lid van sodanige komitee te wees om die betrokke belange te verteenwoordig.

TOELAES AAN LEDE VAN RAAD EN KOMITEES.

14. Die lede van die Raad, insluitende enige adviserende lede deur die Raad gekoöpteer en lede van enige komitee ingestel kragtens artikel 13, ontvang sodanige toelaes uit die fondse van die Raad ter bestryding van redelike uitgawes deur hulle in verband met die sake van die Raad aangegaan, as wat die Raad met die Minister se goedkeuring mag bepaal: Met dien verstande dat die toelaes wat aan lede van die komitees ingestel kragtens artikel 13 betaal word, kan verskil ten opsigte van die verskillende gebiede.

BOEKJAAR.

15. Die boekjaar ooreenkomstig hierdie skema is die tydperk van die eerste dag van Januarie in elke jaar tot die een-en-dertigste dag van Desember in dieselfde jaar.

ODUIT.

16. (1) Die rekenings van die raad word jaarliks deur die Kontroleur en Ouditeur-generaal geouditeer.

(2) Ten opsigte van sodanige ouditering moet die Raad 'n bedrag wat deur die Tesourie na oorlegpleging met die Kontroleur en Ouditeur-generaal bepaal word, ten bate van die Gekonsolideerde Inkomstefonds betaal.

ALGEMENE BEVOEGDHEDE VAN DIE RAAD.

17. Benewens die bevoegdhede kragtens ander artikels van hierdie skema aan die Raad verleen, het die Raad ook die bevoegdheid om—

(a) sodanige amptenare aan te stel en sodanige eiendom aan te skaf of te huur as wat hy nodig ag vir die behoorlike uitoefening van sy funksies en vir die verwesenliking van die oogmerke van hierdie skema: Met dien verstande dat geen vaste eiendom aangeskaf word nie, uitgesonderd met die toestemming van die Minister en op sodanige voorwaardes as wat hy mag goedkeur;

(iv) one shall represent consumers of milk and cream in the said area and shall be nominated by the Consumers' Advisory Committee;

(v) one shall be an officer of the Department of Agricultural Economics and Marketing or the Department of Agricultural Technical Services.

(3) The Board shall in respect of each committee, make such rules in connection with the calling of meetings, quorum, procedure at meetings, election of a chairman, tenure of office of members and filling of vacancies as it may, with the approval of the Minister, determine.

(4) Whenever a nomination in terms of this section becomes necessary, the Minister shall call upon the body or bodies or persons concerned, or cause such body, bodies or persons concerned, or cause such body, bodies or persons to be called upon by notice in writing to nominate within a period fixed by such notice, such person or persons as such body, bodies or persons are entitled in terms of this scheme to nominate for appointment to an area committee.

(5) If any person nominated as aforesaid is, in the opinion of the Minister, not suitable for appointment as a member of the area committee concerned, or not qualified to be a member thereof, the Minister may refer that nomination back to the body or bodies or persons concerned and call upon such body, bodies or persons to nominate some other person for appointment to such committee, and if such body, bodies or persons again nominate a person who is, in the opinion of the Minister, not suitable or not qualified, as aforesaid, or whenever such body, bodies or persons fails to nominate any person, or whenever, in the opinion of the Minister, there is no body or person qualified to nominate when nominations are required, the Minister may himself appoint any person whom he considers fit to be a member of such committee to represent the interests concerned.

ALLOWANCES TO MEMBERS OF BOARD AND OF COMMITTEES.

14. The members of the Board, including any advisory members co-opted by the Board and members of any committee established in terms of section 13, shall receive such allowances out of the funds of the Board to meet the reasonable expenses to which they are put in connection with the business of the Board, as the Board may, with the approval of the Minister, determine: Provided that the allowances paid to members of the committees established in terms of section 13 may differ in respect of the different areas.

FINANCIAL YEAR.

15. The financial year under this scheme shall be the period from the first day of January in each year to the thirty-first day of December in the same year.

AUDIT.

16. (1) The accounts of the Board shall be audited annually by the Controller and Auditor-General.

(2) In respect of such audit an amount which shall be determined by the Treasury after consultation with the Controller and Auditor-General, shall be paid by the Board for the benefit of the Consolidated Revenue Fund.

GENERAL POWERS OF THE BOARD.

17. In addition to the powers vested in the Board under other sections of this scheme, the Board shall have power—

(a) to appoint such servants and to acquire or hire such property as it may consider necessary for the proper performance of its functions and for the attainment of the objects of this scheme: Provided that no immovable property shall be acquired except with the consent of the Minister and on such conditions as he may approve;

- (b) behoudens voorwaardes deur die Minister goedkeur, sodanige agente aan te stel wat die Raad nodig mag ag vir die behoorlike uitoefening van sy funksies: Met dien verstande dat indien die aansoek van enigeen om aanstelling as agent afgewys word, of indien die aanstelling van enigeen as 'n agent beëindig word, hy, nadat hy 'n bedrag van dertig rand by die Sekretaris van Landbou-ekonomie en -bemarking gestort het, teen die afwysing of beëindiging kan appelleer na die Minister wat die appèl van die hand kan wys of, as hy daarvan oortuig is dat die betrokke persoon as agent aangestel behoort te word, benewens enige ander persoon aldus aangestel, of dat sy aanstelling nie beëindig behoort te gewees het nie, na gelang van die geval, die appèl kan toestaan en die wyse kan bepaal waarop oor die aldus gestorte bedrag beskik moet word;
- (c) met die Minister se goedkeuring geld te leen om aangewend te word vir die verwesenliking van die oogmerke van hierdie skema, en om enige geld verkry uit enige heffing opgelê ingevolge artikel 18 aan te wend vir enige doel wat na die mening van die Raad tot voordeel sal strek van persone wat belang het by die produksie en bemarking van melk of room;
- (d) geld of eiendom aan te neem wat by wyse van geskenk, toekenning of andersins aan die Raad gegee word, en om sodanige geld of eiendom aan te wend op sodanige wyse as wat die Minister mag goedkeur;
- (e) 'n inligtingsdiens in te stel ten einde produsente van tyd tot tyd in te lig aangaande bemarkingstoestande in die algemeen of aangaande die toestand ten opsigte van enige besondere mark;
- (f) met enigeen saam te werk in enige handeling wat die Raad kan verrig, en om namens enige ander soortgelyke raad enige handeling te verrig wat daardie raad kan verrig;
- (g) om enige melk of room wat hy as gevolg van 'n verbodsbepaling opgelê ingevolge artikel 23 gekoop het, te behandel soos hy goedvind, dit te gradeer, te verpak, op te berg, te verwerk, vir verkoop geskik te maak, te verseker, te adverteer of te vervoer;
- (h) om, op die voorwaardes wat die Minister goedkeur, enige melk of room wat hy as gevolg van 'n verbodsbepaling opgelê ingevolge artikel 23 gekoop het, te verkoop, hetsy in sy oorspronklike of in gedeeltelik of geheel-en-al verwerkte vorm, of 'n deel daarvan aan die mark te onthou.
- (i) van iedereen wat betrokke is by die produksie, bemarking of verwerking van melk of room, te vereis om aan die Raad die inligting met betrekking tot sodanige melk of room te verstrek waarvoor sodanige persoon mag beskik en wat die Raad mag spesifiseer;
- (j) met die Minister se goedkeuring, die rekords wat gehou moet word, die tydperk waarvoor enige sodanige rekords bewaar moet word, en die opgawes wat aan die Raad verstrekk moet word deur enige persoon of klas of groep persone wat melk of room produseer of daarmee as 'n besigheid handel, voor te skryf, asook die tye waarop, die vorm waarin, en die wyse waarop sodanige opgawes aldus verstrekk moet word;
- (k) deur middel van toekenning of lening of andersins hulp te verleen aan enige onderneming vir die preservering, opberging of bewerking van melk of room en in verband met enige navorsingswerk met betrekking tot die verbetering, produksie, verwerking en bemarking van melk of room;
- (l) die Minister van advies te dien aangaande—
- (i) die voorwaardes met betrekking tot grade, kwaliteitstandaarde en verpakkingsmetodes vir melk en room en die merk van 'n houer of omhulsel wat melk of room bevat;
 - (ii) alle aangeleenthede betreffende die bemarking of verwerking van melk en room;
- (b) to appoint, subject to conditions approved by the Minister, such agents as it may consider necessary for the proper performance of its functions: Provided that if the application of any person for appointment as an agent has been refused, or if the appointment of any person as an agent is terminated, he may, on depositing with the Secretary for Agricultural Economics and Marketing an amount of thirty rand, appeal against the refusal or termination to the Minister who may dismiss the appeal or, if he is satisfied that such person should be appointed as an agent in addition to any other person so appointed or that his appointment should not have been terminated, as the case may be, allow the appeal and determine the manner in which the amount so deposited shall be disposed of;
- (c) 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 derived from any levy imposed in terms of section 18 for any object which, in the opinion of the Board, will be to the advantage of persons interested in the production and marketing of milk or cream;
- (d) 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;
- (e) 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;
- (f) to co-operate with any person 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;
- (g) to treat in such manner as it may deem fit, grade, pack, store, process, adapt for sale, insure, advertise or transport any milk or cream which it has bought in consequence of a prohibition imposed in terms of section 23;
- (h) to sell, on such conditions as the Minister may approve, any milk or cream which it has bought in consequence of a prohibition imposed in terms of section 23, whether in its original form or processed wholly or in part, or withhold any part of it from the market;
- (i) to require every person concerned in the production, marketing, or processing of milk or cream to furnish the Board with such information relating to such milk or cream as may be available to such person and as the Board may specify;
- (j) with the approval of the Minister, to prescribe the records to be kept, the period for which any such record shall be retained, and the returns to be rendered to the Board by any person or class or group of persons producing or dealing in the course of trade with milk or cream, and the times at which and the form and manner in which such returns shall be so rendered;
- (k) to assist, by grant or loan or otherwise, any undertaking for preserving, storing or conditioning milk or cream and any research work relating to the improvement, production, processing and marketing of milk or cream;
- (l) to advise the Minister as to—
- (i) the conditions regarding grades, standards of quality and methods of packing for milk and cream and the marking of any receptacle or cover containing milk or cream;
 - (ii) all matters relating to the marketing or processing of milk and cream;

(m) vir die uitvoering van die bepalings van hierdie skema enigiemand in die algemeen of in 'n besondere geval die bevoegdheid te verleen om op alle redelike tye—

- (i) 'n plek te betree wat geëkkuppeer word deur 'n persoon wat 'n produsent is of vermoed word 'n produsent te wees van, of 'n persoon wat as 'n besigheid handel of vermoed word as 'n besigheid te handel met melk of room, of 'n plek of voertuig waarin of waarop daar 'n hoeveelheid melk of room deur enige persoon gehou word of na vermoede gehou word vir 'n ander doel as verbruik deur die eienaar van die melk of room of deur lede van sy huisgesin;
- (ii) sodanige melk of room te inspekteer en alle boeke en stukke op bedoelde plek of in of op bedoelde voertuig na te gaan wat op redelike gronde vermoed word op bedoelde melk of room betrekking te hê en afskrifte van of uitreksels uit die boeke of stukke te maak;
- (iii) van die eienaar van sodanige melk of room of die persoon wat dit in sy bewaring het, enige inligting aangaande sodanige melk of room te eis;
- (iv) van die eienaar van enige sodanige boek of stuk of die persoon wat dit in sy bewaring het, 'n verklaring van enige aantekening daarin te eis;
- (v) beslag te lê op enige boeke, stukke of artikels wat bewys kan lewer van 'n misdryf ingevolge die Wet of hierdie skema of enige regulasie kragtens die Wet uitgevaardig, of op enige hoeveelheid melk of room ten opsigte waarvan sodanige misdryf vermoedelik begaan is, en enige boeke, stukke of artikels of enige hoeveelheid melk of room waarop aldus beslag gelê is, van die betrokke plek of voertuig te verwyder of dit op die betrokke plek of voertuig te laat en om, indien hy dit goed ag, op sodanige boek, stuk of artikel of die houer van sodanige melk of room, enige identifikasie-merk wat hy nodig mag ag, aan te bring;
- (vi) van enige melk of room, met inbegrip van enige hoeveelheid melk of room waarop ingevolge subparagraaf (v) beslag gelê is, monsters te neem en sodanige monsters te ondersoek, te ontleed of te gradeer of te laat ondersoek, ontleed of gradeer.

HEFFING OP MELK EN ROOM.

18. (1) Die Raad kan, met die goedkeuring van die Minister en op so 'n basis as wat die Raad mag bepaal, 'n heffing op melk of room of op albei lê, watter heffing—

- (a) ten opsigte van 'n besondere klas, graad of kwaliteitstandaard melk of room kan verskil van so 'n heffing ten opsigte van enige ander klas, graad of kwaliteitstandaard melk of room;
- (b) nie ½c per gelling in die geval van melk en 5c per gelling in die geval van room mag oorskry nie.

(2) Enige heffing opgelê kragtens subartikel (1), moet aan die Raad betaal word op die tye en wyse soos voorgeskryf mag word by regulasie kragtens die Wet en is betaalbaar deur—

- (a) elke distribueerder op alle melk en room deur hom in 'n gebied verkoop, uitgesonderd sodanige melk en room wat hy aan 'n ander distribueerder of 'n produsent-distribueerder verkoop het;
- (b) elke produsent-distribueerder op alle melk en room deur hom in 'n gebied verkoop, uitgesonderd sodanige melk en room wat hy aan 'n distribueerder of 'n ander produsent-distribueerder verkoop het;
- (c) elke produsent wat ingevolge 'n permit uitgereik kragtens artikel 23, gemagtig is om melk of room in 'n gebied te verkoop, op alle melk of room deur hom in die gebied verkoop, uitgesonderd sodanige melk en room wat hy verkoop het aan 'n distribueerder of produsent-distribueerder.

(m) for the purpose of the enforcement of 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 person who is, or is suspected to be a producer of a person dealing in the course of trade with milk or cream, or any place or vehicle in or upon which there is kept, or is suspected to be kept any quantity of milk or cream by any person for any purpose other than consumption by the owner of the milk or cream or by the members of his household;
- (ii) to inspect any such milk or cream and to examine all books and documents at any such place or in or upon any such vehicle which are believed, upon reasonable grounds, to relate to such milk or cream and to make copies of or take extracts from such books or documents;
- (iii) to demand from the owner or custodian of such milk or cream any information concerning such milk or cream;
- (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 articles which may afford evidence to the commission of an offence under the Act or this scheme or any regulation made under the Act, or any quantity of milk or cream in respect of which any such offence is suspected to have been committed, and to remove from the place or vehicle in question or to leave at such place or on such vehicle any books, documents or articles or any quantity of milk or cream which has been so seized, and if he deems fit, to place on any such book, document or article or on the container of such milk or cream, any identification mark which he may consider necessary;
- (vi) to take samples of milk or cream, including any quantity of milk or cream which has been seized in terms of sub-paragraph (v), and to examine, analyse or grade such samples or cause them to be examined, analysed or graded.

LEVY ON MILK AND CREAM.

18. (1) The Board may, with the approval of the Minister and on such basis as the Board may determine, impose a levy on milk or cream or on both milk and cream, which levy—

- (a) may, in respect of any particular class, grade or standard of quality of milk or cream, differ from any such levy in respect of any other class, grade or standard of quality of milk or cream;
- (b) shall not exceed ½c per gallon in case of milk and 5c per gallon in the case of cream.

(2) Any levy imposed in terms of sub-section (1), shall be paid to the board at such times and in such manner as may be prescribed by regulation under the Act and shall be payable by—

- (a) every distributor on all milk and cream sold by him in an area, except such milk and cream which he has sold to another distributor or producer-distributor;
- (b) every producer-distributor on all milk and cream sold by him in an area, except such milk and cream which he has sold to a distributor or another producer-distributor;
- (c) every producer who has been authorised by a permit issued under section 23, to sell milk or cream in an area, on all milk or cream sold by him in such area except such milk and cream which he has sold to a distributor or producer-distributor.

SPESIALE HEFFING OP MELK EN ROOM.

19. Die Raad kan, met die goedkeuring van die Minister en op so 'n basis as wat die Raad mag bepaal, 'n spesiale heffing op melk of room of op albei lê, en vir die doeleindes van sodanige heffing is die bepalings van paragraaf (a) van subartikel (1) en subartikel (2) van artikel 18, *mutatis mutandis* van toepassing.

INSTELLING VAN FONDSE.

20. (1) Behoudens die bepalings van subartikels (2) en (3) moet die Raad—

(a) vir elke gebied 'n Melkheffingsfonds instel waarin alle bedrae in die betrokke gebied verkry uit 'n heffing op melk of room kragtens artikel 18 gelê en sulke ander bedrae as wat in daardie gebied die Raad mag toeval, gestort moet word en waaruit alle koste regstreeks in verband met die melkbedryf in daardie gebied aangegaan, betaal moet word;

(b) 'n Algemene Melkheffingsfonds instel waarin daar gestort moet word uit die verskillende fondse genoem in paragraaf (a) sodanige bedrae, wat in verhouding moet wees tot die inkomste wat elk van daardie fondse gedurende elke boekjaar onder die skema toekom, as wat die Raad bepaal, en waaruit alle koste regstreeks in verband met die melkbedryf in die algemeen aangegaan, betaal moet word.

(2) Behoudens die bepalings van subartikel (3), moet die Raad vir elke gebied 'n Spesiale Heffingsfonds instel, waarin alle bedrae in die betrokke gebied verkry uit 'n spesiale heffing opgelê kragtens artikel 19 en sodanige ander bedrae tot die beskikking van die Raad as wat deur die Minister goedgekeur mag word, gestort moet word en die Raad kan met gelde in so 'n fonds handel op die wyse wat deur die Minister goedgekeur mag word.

(3) Die Raad moet een of meer reserwefondse instel waarin sodanige bedrae tot die beskikking van die Raad gestort moet word as wat die Minister van tyd tot tyd mag goedkeur, of wat hy na afloop van 'n boekjaar kragtens die skema en na oorlegpleging met die Raad bepaal, en die Raad kan oor gelde in enige sodanige fonds beskik op die wyse wat die Minister mag goedkeur.

VASSTELLING VAN PRYSE.

21. (1) Met die Minister se goedkeuring kan die Raad van tyd tot tyd enigiemand of iemand wat tot 'n klas of groep persone behoort, of iemand anders as iemand wat tot 'n klas of groep persone behoort, verbied om 'n hoeveelheid melk of room of 'n klas of graad daarvan te verkry, te verkoop of van die hand te sit teen 'n ander of 'n laer of hoër prys as 'n prys deur die Raad vasgestel of bereken ooreenkomstig 'n basis deur die Raad bepaal vir sodanige melk of room of vir sodanige klas, graad of hoeveelheid daarvan.

(2) By die uitoefening van sy bevoegdhede kragtens subartikel (1) kan die Raad, met die Minister se goedkeuring—

(a) die gelde of koste bepaal wat ingesluit of bygevoeg moet word by, of afgetrek moet word van enige prys in genoemde subartikel genoem;

(b) ten opsigte van 'n hoeveelheid melk of room of van enige klas of graad daarvan wat verkry is vir enige doel of deur enige klas persone, 'n prys vasstel wat verskil van die prys wat vasgestel is ten opsigte van 'n hoeveelheid melk of room of van sodanige klas of graad daarvan wat verkry is vir 'n ander doel of deur 'n ander klas persone;

(c) ten opsigte van melk of room of van enige klas of graad daarvan verskillende pryse ten opsigte van verskillende hoeveelhede of ten opsigte van verskillende tye van die jaar vasstel;

(d) gelas dat 'n aldus vasgestelde prys op so 'n wyse en in so 'n vorm en op sodanige plekke of voertuie en deur sodanige persone of klasse persone as wat die Raad mag bepaal, vertoon moet word.

SPECIAL LEVY ON MILK AND CREAM.

19. The Board may, with the approval of the Minister and on such basis as the Board may determine, impose a special levy on milk or cream or on both milk and cream and for the purposes of such levy the provisions of paragraph (a) of sub-section (1) and sub-section (2) of section 18 shall *mutatis mutandis* apply.

ESTABLISHMENT OF FUNDS.

20. (1) Save as is provided in sub-sections (2) and (3), the Board shall—

(a) establish a Milk Levy Fund for each area, into which shall be paid all amounts derived in the area concerned from a levy imposed on milk or cream in terms of section 18 and such other amounts as may accrue to the Board in that area and from which shall be paid all expenses incurred directly in connection with the milk industry in that area;

(b) establish a General Milk Levy Fund into which shall be paid, from the various funds referred to in paragraph (a), such amounts, which shall be in proportion to the revenue which accrue to each of those funds during each financial year under this scheme, as the Board may determine and from which shall be paid all expenses incurred directly in connection with the milk industry in general.

(2) Save as is provided in sub-section (3), the Board shall establish a Special Levy Fund for each area, into which shall be paid all amounts derived in the area concerned from any special levy imposed under section 19, and such other amounts at the Board's disposal as may be approved by the Minister, and the Board may deal with any moneys in this fund in such manner as may be approved by the Minister.

(3) The Board shall establish one or more reserve funds into which shall be paid such amounts at its disposal as may from time to time be approved by the Minister or as may after consultation with the Board be determined by him after the end of any financial year under this scheme, and the Board may deal with any moneys in any such fund in such manner as may be approved by the Minister.

FIXATION OF PRICES.

21. (1) With the approval of the Minister, the Board may from time to time prohibit any person or any person belonging to any class or group of persons or any person other than a person belonging to any class or group of persons from acquiring, selling or disposing of any quantity of milk or cream or of any class or grade thereof, at a price other than or below or above a price fixed by the Board, or calculated in accordance with a basis determined by the Board for such milk or cream or for such class, grade or quantity thereof.

(2) When exercising its powers under sub-section (1), the Board may, with the approval of the Minister—

(a) determine the charges or costs to be included in, added to or deducted from any price referred to in the said sub-section;

(b) fix in respect of any quantity of milk or cream or of any class or grade thereof, which is acquired for any purpose or by any class of persons, a price which differs from the price fixed in respect of a quantity of milk or cream or of such class or grade thereof acquired for any other purpose or by any other class of persons;

(c) fix in respect of milk or cream or of any class or grade thereof, different prices in respect of different quantities or in respect of different times of the year;

(d) require any price so fixed to be displayed in such manner and form and at such places or on such vehicles and by such persons or classes of persons as may be determined by the Board.

REGISTRASIE VAN PRODUSENTE EN DISTRIBUEERDERS.

22. (1) Geen produsent of distribueerder mag melk of room in 'n gebied verkoop nie tensy hy ten opsigte van daardie gebied by die Raad geregistreer is.

(2) Geen produsent, wat nie 'n produsent-distribueerder is nie, sal aldus geregistreer word nie tensy hy voldoen het aan die vereistes wat by regulasie voorgeskryf mag word en die Raad kan sodanige registrasie verleen vir sodanige tydperk en op sodanige voorwaardes as wat hy mag bepaal en kan die registrasie van so 'n produsent wat bedoelde vereistes of 'n aldus bepaalde voorwaarde oortree het of in gebreke gebly het om daaraan te voldoen, intrek.

(3) Geen distribueerder of produsent-distribueerder sal aldus geregistreer word nie tensy hy voldoen het aan die vereistes wat by regulasie voorgeskryf mag word, en die Raad kan enige sodanige registrasie weier of enige sodanige registrasie goedkeur op sodanige voorwaardes en vir sodanige tydperk as wat hy mag bepaal en kan die registrasie intrek van enige distribueerder of produsent-distribueerder wat bedoelde vereiste of 'n aldus bepaalde voorwaarde oortree het of in gebreke gebly het om daaraan te voldoen.

(4) Enige persoon wat ontevrede is met 'n besluit van die Raad in verband met enige aangeleentheid betreffende sy registrasie kan teen sodanige besluit by die Minister appél aanteken.

VERBOD OP DIE VERKOOP VAN MELK EN ROOM.

23. (1) Die Raad kan, met die goedkeuring van die Minister, enige produsent verbied om melk of room in 'n gebied te verkoop, uitgesonderd aan of deur die Raad of persone wat as 'n besigheid handel met sodanige melk of room: Met dien verstande egter dat die Raad ondanks sodanige verbod, en onderworpe aan die bepalinge van subartikels (2) en (3) van hierdie artikel asook subartikel (3) van artikel 26—

(a) 'n produsent-distribueerder kan toelaat om, onderworpe aan die uitsonderings en voorwaardes wat die Raad mag bepaal, melk of room aan enige persoon te verkoop;

(b) met die Minister se goedkeuring te eniger tyd 'n produsent by permit kan magtig om melk of room wat hy geproduseer het, of enige hoeveelheid daarvan, of vir 'n doel wat die Raad bepaal, te verkoop, op die voorwaardes wat die Raad mag bepaal.

(2) Die Raad kan, behoudens die bepalinge van subartikel (3), enige produsent-distribueerder verbied om in 'n gebied as 'n besigheid te handel met melk of room wat hy van enige persoon verkry het.

(3) Wanneer die Raad 'n verbod kragtens subartikel (2) opgelê het, kan hy, behoudens sodanige voorwaardes of uitsonderings as wat hy mag bepaal, die maksimum hoeveelheid melk of room of die maksimum hoeveelheid daarvan bereken op sodanige basis as wat die Raad mag bepaal, voorskryf wat 'n produsent-distribueerder van iemand anders mag verkry op 'n dag of gedurende 'n tydperk deur die Raad bepaal, met die doel om daarmee as 'n besigheid te handel in die betrokke gebied.

BESTUUR VAN MELKPOEL MET OF SONDER MELKVERKOPEFONDS.

24. Wanneer die Raad 'n verbod kragtens subartikel (1) van artikel 23 opgelê het, kan hy—

(a) 'n melkpoel ingevolge die bepalinge van artikel 25 bestuur; of

(b) sodanige melkpoel tesame met 'n melkverkoopfonds ingevolge die bepalinge van artikels 26 en 27 of 28, na gelang van die geval, bestuur.

25. (1) Behoudens die bepalinge van artikel 24, kan die Raad ten opsigte van 'n gebied 'n melkpoel instel en bestuur en waaraan—

(a) enige produsent wat ingevolge artikel 22 vir sodanige gebied geregistreer is, melk of room kan lewer wat deur hom geproduseer is, maar wat meer is as die hoeveelheid wat hy aan distribueerders of produsent-distribueerders wat in die gebied geregistreer is, van die hand kan sit;

REGISTRATION OF PRODUCERS AND DISTRIBUTORS.

22. (1) No producer or distributor shall sell milk or cream within an area, unless he is registered with the Board in respect of that area.

(2) No producer, who is not a producer-distributor, shall be so registered unless he has complied with such requirements as may be prescribed by regulation, and the Board may grant any such registration for such period and on such conditions as it may determine and may cancel the registration of any producer who has contravened or failed to comply with the said requirements or any condition so determined.

(3) No distributor or producer-distributor shall be so registered unless he has complied with such requirements as may be prescribed by regulation, and the Board may refuse any such registration or may grant any such registration on such conditions and for such period as it may determine, and may cancel the registration of any distributor or producer-distributor who has contravened or failed to comply with the said requirements or any condition so determined.

(4) Any person who is dissatisfied with a decision of the Board in connection with any matter relating to his registration, may appeal to the Minister against such decision.

PROHIBITION ON THE SALE OF MILK AND CREAM.

23. (1) The Board may, with the approval of the Minister, prohibit any producer from selling milk or cream in an area, except to or through the Board or persons dealing with such milk or cream in the course of trade: Provided, however, that notwithstanding such prohibition and subject to the provisions of sub-sections (2) and (3) of this section and sub-section (3) of section 26, the Board may—

(a) permit a producer-distributor to sell, subject to such exceptions and conditions as may be determined by the Board, milk or cream to any person;

(b) with the approval of the Minister, at any time by permit authorise a producer to sell milk or cream produced by him, or any quantity thereof, or for a purpose determined by the Board, on such conditions as the Board may determine.

(2) Save as is provided in sub-section (3), the Board may prohibit any producer-distributor from dealing in the course of trade in an area with milk or cream which he has acquired from any person.

(3) Whenever the Board has imposed a prohibition in terms of sub-section (2), it may prescribe, subject to such conditions of exceptions as it may determine, the maximum quantity of milk or cream, or the maximum quantity thereof as determined on a basis determined by the Board, which a producer-distributor may acquire from any person on any day or during any period determined by the Board, for the purpose of dealing therewith in the course of trade in the area concerned.

CONDUCT OF MILK POOL WITH OR WITHOUT MILK SALES FUND.

24. Whenever the Board has imposed a prohibition under sub-section (1) of section 23, it may conduct—

(a) a milk pool in terms of section 25; or

(b) such milk pool in conjunction with a milk sales fund in terms of sections 26 and 27 or 28, as the case may be.

25. (1) Subject to the provisions of section 24, the Board may in respect of an area, establish and conduct a milk pool to which—

(a) any producer registered for such area in terms of section 22, may deliver milk or cream produced by him in excess of the quantity which he can dispose of to distributors or producer-distributors registered in the area;

(b) enige distribueerder of produsent-distribueerder wat ingevolge artikel 22 vir sodanige gebied geregistreer is, enige hoeveelheid melk of room wat bo sy behoeftes is, namens die produsent van wie sodanige melk of room ontvang is, kan lewer,

en die Raad kan van tyd tot tyd gelas dat enige hoeveelheid sodanige melk of room bestem vir lewering aan die melkpoel versend word na en gelever word aan sodanige persone as wat die Raad mag bepaal.

(2) Die eiendomsreg op enige hoeveelheid melk of room aan die melkpoel gelever vir verkoop, gaan by die lewering daarvan oor op die Raad, wat dit kan verwerk, opberg, verseker, adverteer, vervoer en vir rekening van sodanige melkpoel verkoop op die wyse wat die Raad met die goedkeuring van die Minister mag bepaal.

(3) So gou doenlik na die einde van elke kalendermaand moet die Raad die netto opbrengs van die melkpoel in 'n gebied bepaal deur van die bruto opbrengs verkry uit—

(a) die verkoop van melk en room aan die Raad gelever en deur die Raad vir rekening van die melkpoel aangeneem;

(b) enige bedrag wat met die goedkeuring van die Minister in genoemde melkpoel gestort mag word, af te trek die koste verbonde aan die verkoop van die melk en room aan die Raad gelever en deur die Raad vir rekening van genoemde melkpoel aangeneem, waarby ingesluit word alle uitgawes en koste regstreeks in verband met die ontvangs, hantering, opberging, finansiering en verkoop van sodanige melk en room aangegaan en die koste van bestuur van genoemde melkpoel soos deur die Raad van tyd tot tyd bepaal: Met dien verstande dat die opbrengs verkry uit die van die hand sit van enige melk of room gelever aan die Raad en deur die Raad vir rekening van die genoemde melkpoel aangeneem, in 'n toestand wat dit onmoontlik maak om dit as melk of room te verkoop, nie in die bruto opbrengs van die melkpoel gestort word nie.

(4) Behoudens die bepalinge van subartikel (5) en van artikels 26 en 27 of 28, na gelang van die geval, moet die Raad die netto opbrengs van die melkpoel soos bepaal ooreenkomstig subartikel (3), verdeel onder die betrokke produsente in verhouding tot die totale hoeveelheid melk en room deur of ten behoeve van elke sodanige produsent aan die Raad gelever en deur die Raad vir rekening van sodanige melkpoel aangeneem.

(5) Die opbrengs van enige hoeveelheid melk en room gelever aan die Raad en wat ingevolge die voorbehoudsbepaling by subartikel (3) nie deel van die bruto opbrengs van die melkpoel uitmaak nie, min die koste aangegaan in verband met die hantering en van die hand sit daarvan, moet aan die persoon van wie sodanige hoeveelheid melk en room ontvang is, betaal word.

(6) Vir die doel van enige berekening van hoeveelhede of betalings wat ingevolge hierdie artikel gedoen moet word, kan die Raad enige hoeveelheid room omreken in 'n ekwivalente hoeveelheid melk op 'n basis wat die Raad mag bepaal.

26. (1) Indien die Raad 'n melkpoel instel en bestuur ingevolge subartikel (1) van artikel 25, kan die Raad, met die goedkeuring van die Minister, van enige persoon vereis om op sodanige datum as wat die Raad spesifiseer aan die Raad te betaal, vir die krediet van die melkverkoopfonds, ingestel ingevolge subartikel (2), die aankoopprys van melk en room deur hom in die gebied gekoop en ontvang van produsente gedurende die voorafgaande kalendermaand en nie gelever aan sodanige melkpoel nie, min enige voorskotbepaling of ander bedrae wat enige sodanige persoon met die toestemming van die Raad gedoen het aan, of betaal het namens, enige sodanige produsent.

(2) Wanneer die Raad ingevolge subartikel (1) optree, moet hy 'n melkverkoopfonds vir die gebied instel waarin, behoudens die bepalinge van hierdie artikel, alle gelde verkry uit die verkoop in die gebied van melk of room deur produsente en die netto opbrengs verkry uit die verkoop van melk deur bemiddeling van die melkpoel in artikel 25 genoem, gestort moet word, en waaruit produsente na goeddunke van die Raad betaal moet word ooreenkomstig die bepalinge van artikel 27 of artikel 28.

(b) any distributor or producer-distributor registered for such area in terms of section 22 may deliver any quantity of milk or cream in excess of his requirements, on behalf of the producer from whom such milk or cream was received,

and the Board may from time to time direct that any quantity of such milk or cream intended for delivery to the milk pool, be consigned and delivered to such persons as it may determine.

(2) The ownership in any quantity of milk or cream delivered to the milk pool for sale, shall on delivery thereof vest in the Board, which may process, store, insure, advertise, transport and sell it for the account of such pool in such manner as the Board may, with the approval of the Minister, determine.

(3) As soon as may be possible after the end of every calendar month, the Board shall determine the net proceeds of the milk pool in an area by deducting from the gross proceeds derived from—

(a) the sale of milk and cream delivered to the Board and accepted by the Board for account of the milk pool; and

(b) any amount credited to the said milk pool with the approval of the Minister;

the costs incurred in the sale of the milk and cream delivered to the Board and accepted by the Board for account of the said milk pool, which includes all expenses and costs directly incurred in the receipt, handling, storage, financing and sale of such milk and cream and the costs of conducting the said milk pool as determined by the Board from time to time: Provided that the proceeds derived from the disposal of any milk or cream delivered to the Board and accepted by the Board for account of the said milk pool in a condition which precludes it from being sold as milk or cream, shall not be paid into the gross proceeds of the milk pool.

(4) Subject to the provisions of sub-section (5) and of sections 26 and 27 or 28, as the case may be, the Board shall distribute the net proceeds of the milk pool as determined in terms of sub-section (3) amongst the producers concerned in proportion to the total quantity of milk and cream delivered to the Board by or on behalf of each such producer and accepted by the Board for account of such milk pool.

(5) The proceeds of any quantity of milk or cream delivered to the Board and which in terms of the proviso to sub-section (3) are excluded from the gross proceeds of the milk pool, shall, less the costs incurred in the handling and disposal thereof, be paid to the person from whom such quantity of milk or cream was received.

(6) For the purpose of any calculation of quantities or payments required to be made in terms of this section, the Board may convert any quantity of cream into an equivalent quantity of milk on such basis as the Board may determine.

26. (1) If the Board establishes and conducts a milk pool in terms of sub-section (1) of section 25, the Board may, with the approval of the Minister, require any person to pay to the Board, on such date as the Board may specify, for the credit of the milk sales fund established in terms of sub-section (2), the purchase price of milk and cream purchased and received by him in the area from producers during the preceding calendar month, and not delivered to such milk pool less any advance payment or other amounts which any such person may, with the consent of the Board, have made to or paid on behalf of any such producer.

(2) Whenever the Board acts in terms of sub-section (1), it shall establish a milk sales fund for the area into which, subject to the provisions of this section, all moneys realised on the sale of milk or cream in the area by producers and the net proceeds realised on the sale of milk through the milk pool referred to in section 25, shall be paid and from which producers shall be paid, in the discretion of the Board, in accordance with the provisions of section 27 or section 28.

(3) (a) Dit sal 'n voorwaarde wees by enige vrystelling verleen ingevolge paragraaf (a) of (b) van subartikel (1) van artikel 23 van die werking van 'n verbod opgelê ingevolge daardie subartikel, dat indien die melkverkoepfonds verdeel word ingevolge artikel 28, die Raad, met die goedkeuring van die Minister, van die betrokke produsent-distribueerder of produsent kan vereis om, op sodanige datum as wat die Raad mag spesifiseer aan die Raad te betaal, vir die krediet van die melkverkoepfonds, die aankoopprys van melk en room deur hom geproduseer en in die betrokke gebied verkoop ingevolge sodanige vrystelling gedurende die voorafgaande kalendermaand en nie ingevolge artikel 25 aan die melkpoel gelewer nie, min die aankoopprys van enige hoeveelheid van sodanige melk of room as wat die Raad na goedduke mag bepaal.

(b) Indien die melkverkoepfonds ingevolge artikel 27 verdeel word, is die bepalings van hierdie artikel en genoemde artikel 27 van toepassing op al die melk en room deur 'n produsent-distribueerder geproduseer en in die betrokke gebied verkoop, indien sodanige produsent-distribueerder ingevolge paragraaf (a) van subartikel (1) van artikel 23, vrystel is van die werking van 'n verbod ingevolge daardie subartikel opgelê, op voorwaarde dat indien die Raad 'n verdere verbod ingevolge subartikel (2) van artikel 23 oël en sodanige produsent-distribueerder dan toelaat om ingevolge 'n uitsondering gemagtig kragtens subartikel (3) van artikel 23 'n groter hoeveelheid melk of room te verkry as wat daarkragtens in die algemeen voorgeskryf is vir produsent-distribueerders in sodanige gebied, die melk en room aldus geproduseer en verkoop deur sodanige produsent-distribueerder onderworpe sal wees aan die bepalings van hierdie artikel en van artikel 27.

(c) Vir die toepassing van hierdie artikel word enige hoeveelheid melk en room aldus deur enige sodanige produsent-distribueerder of produsent geproduseer en verkoop aan ander persone as distribueerders of produsent-distribueerders en ten opsigte waarvan hy ingevolge paragraaf (a) of (b) van subartikel (1) van artikel 23 vrystel is van die werking van 'n verbod opgelê ingevolge daardie subartikel, geag deur hom gekoop te gewees het van die produsent daarvan.

(4) Vir die doel van enige berekening van hoeveelhede of betalings wat ingevolge hierdie artikel of artikel 27 of 28 gedoen moet word, kan die Raad enige hoeveelheid room omset in 'n ekwivalente hoeveelheid melk op 'n basis wat die Raad mag bepaal.

(5) Die Raad kan, met die goedkeuring van die Minister, van enige distribueerder of produsent-distribueerder wat melk of room koop van 'n produsent of produsent-distribueerder, na gelang van die geval, vereis om aan die Raad sodanige sekuriteit te gee as wat by regulasie voorgeskryf mag word vir die betaling van enige bedrag aan die Raad verskuldig ingevolge hierdie artikel, en die Raad kan oor enige sekuriteit wat aldus gegee word, beskik op 'n wyse in sodanige regulasie gespesifiseer.

(6) Onder sodanige omstandighede en onderworpe aan sodanige uitsonderings en voorwaardes as wat die Raad mag bepaal, kan die Raad enige klas van produsente wat onderworpe is aan 'n verbod opgelê ingevolge subartikel (1) van artikel 23, vrystel van die bepalings van hierdie artikel en van artikel 27 of 28, na gelang van die geval.

27. (1) Indien die Raad verkies om die melkverkoepfonds ingevolge hierdie artikel te verdeel, moet hy so gou moontlik en daarna minstens eenkeer elke boekjaar 'n raming maak van die daaglikse hoeveelheid melk en room wat in die gebied van die hand gesit kan word teen die pryse wat die Raad ingevolge artikel 21 vasstel waarteen distribueerders en produsent-distribueerders melk of room in die gebied van 'n produsent mag verkry (hierna in hierdie artikel kwotapryse genoem) en die hoeveelheid aldus geraam, met inagneming van die bepalings van subartikel (2) van hierdie artikel, toewys onder die produsente wat ten opsigte van die gebied geregistreer is, in verhouding tot die hoeveelheid melk en room wat elkeen in die gebied van die hand gesit het gedurende sodanige voorafgaande tydperk as wat die Raad met die goedkeuring van die Minister, bepaal: Met dien verstande dat die hoeveelhede aldus toegewys (hierna kwotas genoem), aangesuiwer kan

(3) (a) It shall be a condition of any exemption granted in terms of paragraph (a) or (b) of sub-section (1) of section 23, from the operation of a prohibition imposed in terms of that sub-section, that if the milk sales fund is distributed in terms of section 28, the Board may require, with the approval of the Minister, the producer-distributor or producer concerned to pay to the Board, on such date as the Board may specify, for the credit of the milk sales fund, the purchase price of milk and cream produced and sold by him in the area concerned in terms of such exemption during the preceding calendar month and not delivered in terms of section 25 to the milk pool, less the purchase price of any quantity of such milk or cream as the Board, in its discretion, may determine.

(b) If the milk sales fund is distributed in terms of section 27 the provisions of this section and of the said section 27 shall apply to all the milk and cream produced and sold in the area concerned by a producer-distributor, if such producer-distributor has been exempted in terms of paragraph (a) of sub-section (1) of section 23 from the operation of a prohibition imposed in terms of that sub-section, on condition that if the Board imposes a further prohibition in terms of sub-section (2) of section 23, and then permits such producer-distributor under an exception authorized in terms of sub-section (3) of section 23 to acquire a greater quantity of milk or cream than that prescribed generally in terms thereof for producer-distributors in such area, the milk or cream so produced and sold by such producer-distributor shall be subject to the provisions of this section and of section 27.

(c) For the purposes of this section any quantity of milk and cream so produced and sold by any such producer-distributor or producer to persons other than distributors or producer-distributors and in respect of which he has been exempted in terms of paragraph (a) or (b) of sub-section (1) of section 23 from the operation of a prohibition imposed in terms of that sub-section, shall be deemed to have been purchased by him from the producer thereof.

(4) For the purpose of any calculation of quantities or payments required to be made in terms of this section or section 27 or 28 the Board may convert any quantity of cream into an equivalent quantity of milk on such basis as the Board may determine.

(5) The Board, may with the approval of the Minister, require any distributor or producer-distributor purchasing milk or cream from a producer or producer-distributor, as the case may be, to furnish the Board with such security as may be prescribed by regulation, for the payment of any amount due to the Board in terms of this section, and the Board may deal with any security so furnished in a manner as may be specified in such regulation.

(6) Under such circumstances and subject to such exceptions and conditions as may be determined by the Board, the Board may exempt from the provisions of this section and of section 27 or 28, as the case may be, any class of producers who are subject to a prohibition imposed in terms of sub-section (1) of section 23.

27. (1) If the Board elects to distribute the milk sales fund in terms of this section, it shall as soon as possible and thereafter at least once in every financial year estimate the daily quantity of milk and cream which can be disposed of in the area at the prices determined by the Board in terms of section 21 at which distributors and producer-distributors may acquire milk or cream in the area from a producer (hereinafter in this section referred to as quota prices) and shall, having due regard to the provisions of sub-section (2) of this section, allocate the quantity so estimated amongst the producers registered in respect of the area, in proportion to the quantity of milk and cream disposed of by each in the area during such preceding period as the Board may, with the approval of the Minister, determine: Provided that the quantities as allocated (hereinafter referred to as quotas), may be

word in verhouding tot die mate waarin die gemiddelde daaglikse hoeveelheid melk en room wat elke maand gedurende die twaalf maande wat die maand waarin die kwotas toegewys word, onmiddellik voorafgaan, in die gebied deur 'n produsent van die hand gesit is, afwyk van die gemiddelde hoeveelheid melk en room per dag wat gedurende dieselfde twaalf maande in die gebied deur sodanige produsent van die hand gesit is: Met dien verstande voorts dat—

- (i) wanneer 'n produsent vir 'n korter tydperk as die genoemde twaalf maande melk of room in die gebied van die hand gesit het, genoemde afwyking ten opsigte van sodanige produsent oor sodanige korter tydperk bepaal kan word;
- (ii) as 'n produsent geen melk of room in die gebied van die hand gesit het gedurende die tydperk wat die Raad ingevolge hierdie subartikel bepaal het, of, onderworpe aan die bepaling van subartikel (4) van hierdie artikel, as 'n produsent-distribueerder gedurende sodanige tydperk melk of room in die gebied van die hand gesit het wat ingevolge 'n voorwaarde of uitsondering wat die Raad kragtens artikel 23 mag bepaal, vrygestel was van enige bepaling van hierdie artikel, kan die Raad, ter enigertyd, 'n kwota ten opsigte van die gebied aan sodanige produsent of produsent-distribueerder toeken op 'n basis en op sodanige voorwaardes as wat die Raad met die goedkeuring van die Minister, mag bepaal;
- (iii) die Raad, indien hy dit nodig ag, op versoek van 'n produsent aan wie 'n kwota ten opsigte van die gebied toegeken is, en daarna sy plaas verkoop het, genoemde kwota van sodanige produsent of 'n gedeelte daarvan, aan enige ander produsent kan oordra.

(2) So gou moontlik na die einde van elke kalendermaand moet die Raad ten opsigte van daardie maand—

- (a) die totale hoeveelheid melk en room bepaal wat in die gebied teen die kwotapryse vir die gebied verkoop is, wat vir die doel van die melkverkoopfonds vir die gebied geag word die hoeveelheid melk of room te wees wat van produsente gekoop of op 'n ander wyse verkry is deur distributeurs in die gebied en nie aan die betrokke melkpoel in artikel 26 genoem, gelewer is nie, plus sodanige hoeveelheid (soos deur die Raad vasgestel) melk of room geproduseer deur produsente wat deur genoemde melkpoel verkoop mag gewees het teen die pryse wat nie laer as die kwotapryse vir die gebied is nie;
- (b) die onderskeie kwotas bereken vir die gebied vir die maand en aan elke produsent toegewys ingevolge subartikel (1), aansuiwer deur sodanige kwotas of te verhoog of te verlaag, na gelang van die geval, in dieselfde verhouding as wat die totale hoeveelheid melk en room wat in die gebied verkoop is teen die kwotapryse vir die gebied, soos vasgestel ingevolge paragraaf (a) van hierdie subartikel, of groter of kleiner is as die totale kwotas vir die gebied toegewys soos voornem: Met dien verstande dat wanneer gevind word dat 'n produsent gedurende die maand minder melk of room in die gebied verkoop het as die totaal van sy kwota soos aangesuiwer, die maandelikse kwotas vir die gebied van die produsente wat meer melk of room in die gebied verkoop het as hul genoemde maandelikse kwotas, soos aangesuiwer, eweredig verhoog moet word totdat die onderskeie totale van alle kwotas vir die gebied vir die maand gelyk is aan die totale hoeveelheid melk en room in die gebied verkoop teen die kwotapryse vir die gebied, soos bepaal ingevolge paragraaf (a) van hierdie subartikel.

(3) Wanneer die maandelikse kwotas van alle produsente aangesuiwer is soos bepaal in paragraaf (b) van subartikel (2), moet die Raad elke produsent uit die melkverkoopfonds vir die gebied die betrokke kwotaprys per gelling melk of room betaal ten opsigte van sy betrokke kwota soos vir daardie maand aangesuiwer, min enige

adjusted in proportion to the extent to which the average daily quantity of milk and cream disposed of in the area by a producer during each month of the twelve months immediately preceding the month in which the quotas are allocated, deviates from the average quantity of milk and cream per day disposed of in the area during the same twelve months by such producer: Provided further that—

- (i) when a producer has disposed of milk or cream in the area during a shorter period than the said twelve months, the said deviation in respect of such producer may be determined over such shorter period;
- (ii) if a producer did not dispose of any milk or cream in the area during the period determined by the Board in terms of this sub-section or subject to the provisions of sub-section (4) of this section, if a producer-distributor has during such period disposed in the area of milk or cream which was subject to a condition or exception determined by the Board in terms of section 23 exempted from any provision of this section, the Board may at any time grant a quota in respect of the area to such producer or producer-distributor on a basis and on such conditions as the Board may, with the approval of the Minister, determine;
- (iii) the Board may, if it deems it expedient, at the request of a producer to whom a quota in respect of the area has been allocated and who has thereafter sold his farm, transfer such quota of such producer or any portion thereof, to any other producer.

(2) As soon as may be possible after the close of every calendar month the Board shall in respect of that month—

- (a) determine the total quantity of milk and cream sold in the area at the quota prices for the area, which for the purpose of the milk sales fund for the area shall be deemed to be the quantity of milk or cream purchased or otherwise acquired from producers by distributors in the area and not delivered to the relative milk pool referred to in section 26, plus such quantity (as determined by the Board) of milk or cream produced by producers which may have been sold by the said milk pool at not less than the quota prices for the area;
- (b) adjust the respective quotas computed for the area for the month and allotted to each producer in terms of sub-section (1) by either increasing or decreasing such quotas, as the case may be, in the same proportion as the total quantity of milk and cream sold in the area at the quota prices for the area as determined under paragraph (a) of this sub-section, is either more or less than the total quotas for the area allotted as aforesaid: Provided that whenever it is found that any producer disposed of less milk or cream in the area during the month than the total of his quota as adjusted, the monthly quotas for the area of those producers who disposed of more milk or cream in the area than their said monthly quotas, as adjusted, shall be increased proportionally until the respective totals of all quotas for the area for the month equal the total quantity of milk and cream sold in the area at quota prices for the area, as determined in terms of paragraph (a) of this sub-section.

(3) When the monthly quotas of all producers have been adjusted as provided for in paragraph (b) of sub-section (2), the Board shall pay each producer from the milk sales fund for the area the relative quota price per gallon of milk or cream in respect of his relative quota

betalinge deur 'n distribueerder gedoen aan of namens enige sodanige produsent en min enige bedrae aan die Raad verskuldig deur sodanige produsent, en daarna die saldo van die opbrengs wat uit genoemde melkpoel vir die gebied na genoemde melkverkoopfondse oorgedra is, verdeel onder produsente wat melk aan genoemde melkpoel gelewer het of melk in die gebied van die hand gesit het bo die kwotas ten opsigte waarvan hulle ingevolge hierdie subartikel betaal is, in verhouding tot die onderskeie hoeveelhede aldus deur hulle gelewer of van die hand gesit.

28. (1) Indien die Raad besluit om die melkverkoopfondse ingevolge hierdie artikel te verdeel en behoudens die bepalinge van subartikel (2), moet die Raad die gelde in die melkverkoopfondse verdeel onder produsente in verhouding tot die som van die hoeveelheid melk en room deur of namens elke produsent aan die Raad gelewer en deur die Raad aangeneem vir rekening van die melkpoel en die hoeveelheid melk en room deur hom verkoop aan enige persoon en ten opsigte waarvan die aankoopprys ingevolge artikel 26 aan die Raad vir die krediet van die melkverkoopfondse betaal is.

(2) Wanneer die hoeveelheid melk en room wat gedurende 'n kalendermaand in 'n gebied van die hand gesit is teen die pryse wat die Raad kragtens artikel 21 vasstel en waarteen distribueerders en produsent-distribueerders melk of room in so 'n gebied van 'n produsent mag verkry, minder is as 94% (vier-en-negentig persent) van die totale hoeveelheid melk en room wat gedurende die betrokke maand deur produsente vir verkoop in daardie gebied geproduseer en gelewer is, kan die Raad die netto uitbetaling per eenheid melk en room aan 'n produsent uit die melkverkoopfondse vir so 'n gebied laat wissel na gelang van die totale hoeveelheid melk en room deur sodanige produsent gedurende die betrokke kalendermaand in so 'n gebied verkoop en wel volgens 'n basis en op 'n wyse wat die Raad met die goedkeuring van die Minister mag bepaal.

DIFFERENSIASIE TUSSEN GEBIEDE EN KLASSE VAN PRODUKTE.

29. 'n Voorskrif van of 'n verbod opgelê of 'n besluit geneem deur die Raad met betrekking tot enige gebied of enige gedeelte van 'n gebied of tot enige klas van die produk waarop hierdie skema betrekking het, kan verskil van sodanige voorskrif of verbod of besluit met betrekking tot enige ander gebied of gedeelte van 'n gebied of enige ander klas van genoemde produk, of kan slegs op 'n bepaalde gebied of bepaalde gedeelte van 'n gebied van toepassing wees of slegs betrekking hê op bepaalde klasse van sodanige produk.

MISDRYWE EN STRAFBEPALINGS.

30. Iedereen wat—

(a) 'n oortreding begaan van of versuim om te voldoen aan—

- (i) enige bepaling van hierdie skema of enige verbod, vereiste, voorskrif, besluit of vasstelling ingevolge daarvan opgelê, voorgeskryf, uitgeuitgereik, geneem of gemaak of waarna in subartikel (2) van artikel 31 verwys word; of
- (ii) enige voorwaarde voorgeskryf in verband met sodanige bepaling, verbod, vereiste, voorskrif, besluit of vasstelling; of
- (iii) enige voorwaarde onderworpe waaraan hy ooreenkomstig sodanige bepaling, verbod, vereiste, voorskrif, besluit of vasstelling gemagtig is om enige daad te verrig; of

(b) versuim om enige rekord, faktuur, rekening, staat of opgawe te hou, uit te reik of te verstrek wat hy ingevolge hierdie skema of 'n vereiste voorgeskryf kragtens hierdie skema of ingevolge 'n voorwaarde genoem in subparagraaf (ii) of (iii) van paragraaf (a) moet hou, uitreik of verstrek; of

(c) versuim om enige rekord te bewaar vir die tydperk wat hy dit ingevolge 'n vereiste kragtens hierdie skema voorgeskryf, of waarna in subartikel (2) van artikel 31 verwys word moet bewaar; of

as adjusted for that month, less any payments made to or on behalf of any such producer by a distributor and less any amounts due to the Board by such producer, and shall thereafter distribute the balance of the proceeds transferred from the said milk pool for the area to the said milk sales fund, amongst producers who delivered milk to the said milk pool or disposed in the area of milk in excess of the quotas in respect of which they have been paid in terms of this sub-section, in proportion to the respective quantities so delivered or disposed of by them.

28. (1) If the Board decides to distribute the milk sales fund in terms of this section and save as is provided in sub-section (2), the Board shall distribute the moneys in the milk sales fund amongst producers in proportion to the sum of the quantity of milk and cream delivered to the Board by or on behalf of each producer and accepted by the Board for account of the milk pool and the quantity of milk and cream sold by him to any person and in respect of which the purchase price has been paid to the Board in terms of section 26 for the credit of the milk sales fund.

(2) Whenever the quantity of milk and cream disposed of in an area during a calendar month, at the prices fixed by the Board in terms of section 21, and at which distributors and producer-distributors may acquire milk or cream in such an area from a producer, is less than 94% (ninety-four per cent) of the total quantity of milk and cream produced and delivered for sale in that area during the relative month by producers the Board may vary the net payment per unit of milk and cream to a producer from the milk sales fund for such area according to the total quantity of milk and cream sold in such area by such producer during the relative calendar month, on such basis and in such manner as the Board may with the approval of the Minister, determine.

DIFFERENTIATION BETWEEN AREAS AND CLASSES OF PRODUCTS.

29. Any requirement or prohibition imposed or decision taken by the Board which relates to any area or any portion of such an area or to any class of product to which this scheme relates, may differ from any such requirement or prohibition or decision which relates to any other area or portion of an area or any other class of such product or may apply only to a specified area or specified portion of an area, or relate only to specified classes of such product.

OFFENCES AND PENALTIES.

30. Any person who—

(a) contravenes or fails to comply with—

- (i) any provision of this scheme or any prohibition, requirement, direction, decision or determination imposed, prescribed, given or made thereunder, or referred to in sub-section (2) of section 31; or
- (ii) any condition prescribed in connection with any such provision, prohibition, requirement, direction, decision or determination; or
- (iii) any condition subject to which he has in pursuance of any such provision, prohibition, requirement, direction, decision or determination been authorised to do any act; or

(b) fails to keep, issue or render any record, invoice, account, statement or return which he is required to keep, issue or render in terms of this scheme or a requirement prescribed under this scheme or referred to in sub-section (2) of section 31 or in terms of a condition referred to in sub-paragraph (ii) or (iii) of paragraph (a); or

(c) fails to retain any record for the period for which he is required to retain it in terms of a requirement prescribed under this scheme, or referred to in sub-section (2) of section 31; or

(d) in enige rekord, faktuur, rekening, staat of opgawe genoem in paragraaf (b) enige inligting verstrek wat onjuis is of daarop bereken is om te mislei, is skuldig aan 'n misdryf en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met beide sodanige boete en gevangenisstraf.

KENNISGEWINGS, VERBODSBEPALINGS, VEREISTES, BESLUITTE, VASSTELLINGS, BATES, LASTE, FONDSE EN LEDE VAN DIE KAAPSTAD-MELKRAAD.

31. (1) Behoudens die bepalings van hierdie artikel word Proklamasie No. 123 van 1956, soos gewysig, hierby herroep.

(2) Alle kennisgewings, verbodsbepalings, vereistes, besluite of vasstellings uitgereik, opgelê, geneem of gedoen kragtens die Kaapstad-Melkskema, afgekondig by proklamasie No. 123 van 1956, soos gewysig, bly in die Kaapse Skiereiland-gebied van krag tot dat dit ingevolge hierdie skema gewysig of ingetrek word.

(3) Alle magtigings, registrasies, aanstellings (behalwe aanstellings van lede in die Kaapstad-Melkraad), kontrakte of appêlle uitgereik, gemaak, gesluit of aangeteken kragtens die Kaapstad-Melkskema gepubliseer by Proklamasie No. 123 van 1956, soos gewysig, en van krag of hangende, na gelang van die geval, onmiddellik voor die datum van inwerkingtreding van hierdie skema, word geag kragtens hierdie skema uitgereik, gemaak, gesluit of aangeteken te gewees het.

(4) Alle bates of laste wat die Raad het ingevolge die Kaapstad-Melkskema, afgekondig by Proklamasie No. 123 van 1956, soos gewysig, word die bates en laste van die raad ingestel kragtens hierdie skema asof daardie bates en laste ingevolge hierdie skema aan die raad toegeval het.

(5) Alle gelde in enige fonds ingestel kragtens die Kaapstad-Melkskema, afgekondig by Proklamasie No. 123 van 1956, soos gewysig, moet na 'n soortgelyke fonds vir die Kaapse Skiereiland-gebied oorgedra word.

(6) Die Raad wat ingestel is en die lede van die Raad wat aangestel is kragtens artikel 3 van die Kaapstad-Melkskema gepubliseer by Proklamasie No. 123 van 1956, soos gewysig, bly met bestaande bevoegdhede voortbestaan tot dat die lede van die Raad kragtens artikel 3 en die lede van die komitee vir die Kaapse Skiereiland-gebied kragtens artikel 13 van hierdie skema aangestel is.

OPHEFFING VAN SKEMA.

32. (1) Ingeval hierdie skema in geheel opgehef word—

(a) word alle bates van die Raad, hetsy dié afkomstig is uit of in verband gestaan het met die algemene administrasie van die skema of die administrasie van die skema in 'n bepaalde gebied, wat oorbly na alle skulde betaal is aan die Minister oorhandig en die bates aldus oorhandig, word deur die Minister na goedgevondenheid vir die bevordering van die varsmelkbedryf aangewend;

(b) moet enige tekort in die Melkheffingsfonds, ingestel kragtens paragraaf (b) van subartikel (1) van artikel 20, wat mag bestaan na alle bates van die Raad wat ontstaan het uit of in verband gestaan het met die algemene administrasie van die skema tot geld gemaak is aangesuiwer word met bydraes van alle persone wat melk en room gelewer het aan die Raad of aan die persone deur die Raad ingevolge subartikel (1) van artikel 23 bepaal gedurende die tydperk van twaalf maande onmiddellik voorafgaande die datum van sodanige opheffing, in verhouding tot die onderskeie hoeveelhede melk en die melk-ekwivalent van room aldus gelewer deur sulke persone gedurende gemelde tydperk; en

(c) moet enige tekort in 'n Melkheffingsfonds ingestel kragtens paragraaf (a) van subartikel (1) van artikel 20, wat mag bestaan na alle bates van die Raad tot geld gemaak is, wat ontstaan het uit of in verband gestaan het met die administrasie van die skema in die betrokke gebied, aangesuiwer word met bydraes van alle persone wat in sodanige

(d) in any record, invoice, account, statement or return referred to in paragraph (b), furnishes any information which is incorrect or calculated to mislead;

shall be guilty of an offence and on conviction liable to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

NOTICES, PROHIBITIONS, REQUIREMENTS, DECISIONS, DETERMINATIONS, ASSETS, LIABILITIES, FUNDS AND MEMBERS OF THE CAPE TOWN MILK BOARD.

31. (1) Subject to the provisions of this section, Proclamation No. 123 of 1956, as amended, is hereby repealed.

(2) All notices, prohibitions, requirements, decisions or determinations issued, imposed, taken or made under the Cape Town Milk Scheme published by Proclamation No. 123 of 1956, as amended, shall continue in force in the Cape Peninsula area until amended or withdrawn in terms of this scheme.

(3) All authorizations, registrations, appointments (except appointment of members of the Cape Town Milk Board), contracts or appeals issued, made, concluded or noted under the Cape Town Milk Scheme published by Proclamation No. 123 of 1956, as amended, and in force or pending, as the case may be immediately prior to the date of the coming into operation of this scheme shall be deemed to have been issued, made, concluded or noted under this scheme.

(4) Any assets or liabilities vesting in the Board in terms of the scheme, published by Proclamation No. 123 of 1956, as amended, become the assets and liabilities of the Board established in terms of this scheme, as if such assets or liabilities accrued under this scheme.

(5) Any moneys in any fund established under the scheme, published by Proclamation No. 123 of 1956, as amended, shall be transferred to a similar fund for the Cape Peninsula area.

(6) The Board established and the members of the Board appointed in terms of section 3 of the Cape Town Milk Scheme published by Proclamation No. 123 of 1956, as amended, shall continue to function with existing powers until the members of the Board have been appointed in terms of section 3 and the members of the committee for the Cape Peninsula area have been appointed in terms of section 13 of this scheme.

LIQUIDATION OF SCHEME.

32. (1) In the event of the discontinuance of this scheme in its entirety—

(a) any assets of the Board, whether arising out of or connected with the general administration of the scheme or the administration of the scheme in a particular area which remain after all liabilities have been met, shall be handed over to the Minister and the assets so handed over shall be utilised by the Minister in his discretion for the advancement of the fresh milk industry.

(b) any deficit in the General Milk Levy Fund, established in terms of paragraph (b) of sub-section (1) of section 20, which may exist after all the assets of the Board, which arose out of or were connected with the general administration of the scheme, have been realized, shall be made up by contributions from all persons who delivered milk and cream to the Board or the persons determined by the Board in terms of sub-section (1) of section 23, during the period of twelve months immediately preceding the date of such discontinuance in proportion to the respective quantities of milk and the milk equivalent of cream so delivered by such persons during such period; and

(c) any deficit in a milk levy fund established in terms of paragraph (a) of sub-section (1) of section 20 which may exist after all the assets of the Board, which arose out of or were connected with the administration of the scheme in the area concerned, have been realized, shall be made up by contributions from all persons who in such area delivered

gebied melk en room aan die Raad of aan die persone deur die Raad ingevolge subartikel (1) van artikel 23 bepaal, gelewer het gedurende die tydperk van twaalf maande onmiddellik voorafgaande die datum van sodanige opheffing in verhouding tot die onderskeie hoeveelhede melk en die melk-ekwivalent van room aldus gelewer deur sulke persone gedurende gemelde tydperk.

(2) Ingeval hierdie skema in 'n bepaalde gebied opgehef word—

- (a) moet enige bates van die Raad, wat ontstaan het uit of in verband gestaan het met die administrasie van die skema in sodanige gebied en wat oorbly na alle skulde betaal is, oor beskik word op sodanige wyse as wat die Minister mag bepaal; en
- (b) moet enige tekort in die Melkheffingsfonds ingestel kragtens paragraaf (a) van subartikel (1) van artikel 20 vir sodanige gebied, wat mag bestaan na alle bates van die Raad en wat mag ontstaan het uit of in verband gestaan het met die administrasie van die skema in die betrokke gebied, tot geld gemaak is, aangesuiwer word met bydraes van die persone wat melk en room in die gebied aan die Raad of aan die persone deur die Raad ingevolge subartikel (1) van artikel 23 bepaal gelewer het, gedurende die tydperk van twaalf maande onmiddellik voorafgaande die datum van sodanige opheffing, in verhouding tot die onderskeie hoeveelhede melk en die melk-ekwivalent van room aldus gelewer deur sulke persone gedurende gemelde tydperk.

(3) By die toepassing van hierdie artikel kan die Minister enige hoeveelheid room omsit in 'n ekwivalente hoeveelheid melk op 'n basis wat hy mag bepaal.

milk and cream to the Board or the persons determined by the Board in terms of sub-section (1) of section 23, during the period of twelve months immediately preceding the date of such discontinuance in proportion to the respective quantities of milk and the milk equivalent of cream so delivered by such persons during such period.

(2) In the event of the discontinuance of this scheme in a particular area—

- (a) any assets of the Board, which arose out of or were connected with the administration of the scheme in such area and which remain after all liabilities have been met, shall be disposed of in such manner as the Minister may determine; and
- (b) any deficit, in the Milk Levy Fund, established in terms of paragraph (a) of sub-section (1) of section 20 for such area, which may exist after all the assets of the Board which arose out of or were connected with the administration of the scheme in the area concerned, have been realized, shall be made up by contributions from the persons who delivered milk and cream in that area to the Board or to the persons determined by the Board in terms of sub-section (1) of section 23, during the period of twelve months immediately preceding the date of such discontinuance, in proportion to the respective quantities of milk and the milk equivalent of cream so delivered by such persons during such period.

(3) In the application of this section the Minister may convert any quantity of cream into an equivalent quantity of milk on such basis as he may determine.

INHOUD.

PROKLAMASIE.

No.	BLADSY
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