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[No. 349.

PROCLAMATION

BY THE STATE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA.

No. R. 254, 1962.]

SCHEME IN TERMS OF THE MARKETING ACT, 1937, AS AMENDED, FOR REGULATING THE MARKETING OF BANANAS 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* read with section *twenty-three* of the Marketing Act, 1937 (Act No. 26 of 1937), as amended, accepted the scheme appearing 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, therefore, under the powers vested in me by paragraph (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 date of publication hereof in substitution for the Banana Scheme published by Proclamation No. 319 of 1957, as amended.

Proclamations Nos. 319 of 1957, 16 of 1958, 273 of 1958, 17 of 1960 and 48 of 1961 are hereby repealed with effect from the date of publication hereof.

Given under my Hand and the Seal of the Republic of South Africa at Bloemfontein on this Twenty-second day of September, 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 BANANAS AND FOR MATTERS INCIDENTAL THERETO.

NAME AND SCOPE OF SCHEME.

1. (1) This scheme shall be known as the Banana Scheme and shall relate to bananas.

(2) The provisions of this scheme shall apply in the Republic to the classes of persons hereinafter mentioned who are concerned in the production of bananas or who deal in the course of trade with bananas.

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PROKLAMASIE

VAN DIE STAATSPRESIDENT VAN DIE REPUBLIEK VAN SUID-AFRIKA.

No. R. 254, 1962.]

SKEMA KRAGTENS DIE BEMARKINGSWET, 1937, SOOS GEWYSIG, VIR DIE REËLING VAN DIE BEMARKING VAN PIESANGS EN DIE AANGELEENTHEDE WAT DAARMEE IN VERBAND STAAN.

Nademaal die Minister van Landbou-ekonomie en -bemarking, kragtens paragraaf (c) van subartikel (3) van artikel *sewentien* geles met artikel *drie-en-twintig* 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 aanbeveel 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 datum van publikasie hiervan in werking tree ter vervanging van die Piesangskema, afgekondig by Proklamasie No. 319 van 1957, soos gewysig.

Proklamasies Nos. 319 van 1957, 16 van 1958, 273 van 1958, 17 van 1960 en 48 van 1961 word hierby herroep met ingang van die datum van publikasie hiervan.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Bloemfontein, op hede die Twee-en-twintigste dag van September 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 PIESANGS EN VIR AANGELEENTHEDE WAT DAARMEE IN VERBAND STAAN.

NAAM EN OMVANG VAN SKEMA.

1. (1) Hierdie skema heet die Piesangskema en het betrekking op piesangs.

(2) Die bepalinge van hierdie skema is van toepassing in die Republiek op die klasse persone hierna genoem wat betrokke is by die produksie van piesangs of wat met piesangs as 'n besigheid handel.

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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, the expression—

"board" means the Banana Control Board as constituted in terms of section 3;

"bananas" means the fruit of the order *Scitamineaceae* and shall include the species *Musa cavendishii*, *Musa sapientum* and *Musa paradisiaca*;

"production area" means any of the following areas:—

- (1) The Magisterial Districts of Barberton, Belfast, Carolina, Letaba, Lydenburg, Nelspruit, Pilgrims Rest, Pietersburg and Zoutpansberg in the Transvaal;
- (2) the Province of Natal;
- (3) the Magisterial Districts of Bizana, Lusikisiki and Port St. Johns in the Cape Province;

"producer" means the person by whom or on whose behalf bananas are produced and also includes in relation to any quantity of bananas—

- (i) acquired for any person as a consideration for the right to use land on which that person has produced a quantity of bananas, or as remuneration for services rendered to a producer of bananas, the person who so acquired that quantity; and
- (ii) which is imported into the Republic, the person who so imports that quantity.

ADMINISTRATION OF SCHEME AND CONSTITUTION OF BOARD.

3. (1) This scheme shall be administered by a board known as the Banana Control Board (hereinafter referred to as "the board") which shall consist of twelve members, to be appointed by the State President, of whom—

- (a) four shall represent producers of bananas in the Transvaal who are members of co-operative societies or co-operative companies which handle bananas and shall be nominated after mutual consultation by such societies or companies which, in the opinion of the Minister, are representative of such producers;
- (b) two shall represent producers of bananas in the Transvaal who are not members of a co-operative society or co-operative company and shall be nominated by an association or associations (after mutual consultation) which in the opinion of the Minister is/are representative of such producers;
- (c) one shall represent producers of bananas in Natal and shall be nominated by the Minister;
- (d) two shall represent persons dealing in the course of trade with and who ripen bananas and shall be nominated by the Minister;
- (e) one shall represent Market Masters and shall be nominated by an association which in the opinion of the Minister is representative of such persons;
- (f) one shall represent consumers of bananas and shall be nominated by the Consumers' Advisory Committee from amongst its members: Provided that when such member ceases to be a member of the Consumers' Advisory Committee, he shall also cease to be a member of the board and another member of that Committee shall be nominated in his place;
- (g) one shall be an officer of the Department of Agricultural Economics and Marketing or the Department of Agricultural Technical Services, nominated by the Minister.

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

WOORDOMSKRYWING.

2. In hierdie skema beteken die uitdrukking „die Wet” die Bemerkingswet, 1937 (Wet No. 26 van 1937), soos gewysig, en die regulasies ingevolge daarvan uitgevaardig, en enige uitdrukking waaraan in daardie Wet ’n betekenis geheg is, het, wanneer dit in hierdie skema gebruyk word, dieselfde betekenis; voorts, tensy dit in stryd is met die samehang, beteken—

“raad”, die Piesangbeheerraad soos saamgestel ingevolge artikel 3;

“piesangs”, die vrugte van die orde *Scitamineaceae* en sluit in die spesies *Musa cavendishii*, *Musa sapientum* en *Musa paradisiaca*;

“produksiegebied”, enige van die volgende gebiede:—

- (1) Die landdrosdistrikte van Barberton, Belfast, Carolina, Letaba, Lydenburg, Nelspruit, Pilgrimsrus, Pietersburg en Soutpansberg in Transvaal;
- (2) die provinsie van Natal;
- (3) die landdrosdistrikte van Bizana, Lusikisiki en Port St. Johns in die Kaapprovinsie;

“produsent”, die persoon deur of ten behoeve van wie piesangs geproduseer word en omvat ook met betrekking tot enige hoeveelheid piesangs—

- (i) wat verkry is van enige persoon as vergoeding vir die reg om grond waarop daardie persoon ’n hoeveelheid piesangs geproduseer het, te gebruik, of as beloning vir dienste aan ’n produsent van piesangs gelewer, die persoon wat daardie hoeveelheid aldus verkry het; en
- (ii) wat in die Republiek ingevoer word, die persoon wat daardie hoeveelheid aldus invoer.

ADMINISTRASIE VAN SKEMA EN SAMESTELLING VAN RAAD.

3. (1) Hierdie skema word geadminestreer deur ’n raad bekend as die Piesangbeheerraad (hierna “die raad” genoem), wat bestaan uit twaalf lede, deur die Staatspresident aangestel te word, van wie—

- (a) vier verteenwoordigers moet wees van piesangprodusente in die Transvaal wat lede is van koöperatiewe verenigings of koöperatiewe maatskappye wat piesangs hanteer en genomineer moet word na onderlinge oorlegpleging deur sodanige verenigings of maatskappye wat, volgens oordeel van die Minister, verteenwoordigend is van sodanige produsente;
- (b) twee verteenwoordigers moet wees van piesangprodusente in die Transvaal wat nie lede van ’n koöperatiewe vereniging of koöperatiewe maatskappye is nie en genomineer moet word deur ’n vereniging of verenigings (na onderlinge oorlegpleging) wat, volgens oordeel van die Minister, verteenwoordigend is van sodanige produsente;
- (c) een ’n verteenwoordiger moet wees van piesangprodusente in Natal en genomineer moet word deur die Minister;
- (d) twee verteenwoordigers moet wees van persone wat met piesangs as ’n besigheid handel en piesangs rypmaak en genomineer moet word deur die Minister;
- (e) een ’n verteenwoordiger moet wees van markmeesters en genomineer moet word deur ’n vereniging wat volgens oordeel van die Minister verteenwoordigend is van sodanige persone;
- (f) een ’n verteenwoordiger moet wees van verbruikers van piesangs, en wie deur die Adviserende Verbruikerskomitee uit sy lede genomineer moet word: Met dien verstande dat, wanneer sodanige lid ook ophou om ’n lid van die Adviserende Verbruikerskomitee 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;
- (g) een ’n amptenaar van die Departement van Landbou-ekonomie en -bemaking of Departement van Landbou-tegniese Dienste moet wees en deur die Minister genomineer moet word.

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

NOTICE TO NOMINATE MEMBERS.

4. Whenever a nomination in terms of paragraph (a), (b), (e) or (f) of sub-section (1) of section 3 becomes necessary, the Minister shall call upon the societies, companies or organisations concerned, or on the Consumers' Advisory Committee, or cause them to be called upon, by notice, in writing, to nominate within a period fixed by such notice such person or persons as they are entitled in terms of the relevant section, to nominate for appointment to the Board.

THE MINISTER MAY NOMINATE IF NO SUITABLE PERSON IS NOMINATED.

5. (1) If any person nominated as aforesaid for appointment to the board in terms of paragraph (a), (b) or (e) of sub-section (1) of section 3 is, in the opinion of the Minister, not suitable for appointment as a member of the board, the Minister may refer that nomination back to the society, company or organisation concerned and call upon that society, company or organisation to nominate some other person for appointment to the board, and if that society, company or organisation thereupon again nominates a person who is, in the opinion of the Minister, not suitable as aforesaid, or whenever that society, company or organisation fails to nominate any person, the Minister may himself nominate any person whom he considers suitable to be a member of the board to represent the interests concerned.

(2) If no society, company or organisation such as is referred to in paragraph (a), (b) or (e) of sub-section (1) of section 3 exists, the Minister may himself nominate a person or persons for appointment to the board to represent the interests concerned.

TENURE OF OFFICE OF MEMBERS OF THE BOARD.

6. (1) Subject to the provisions of sub-section (5) of section 23, the members of the board shall be appointed for a period of two years: Provided that the member referred to in paragraph (g) of sub-section (1) of section 3 shall hold office during the State President's pleasure.

(2) 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.

(3) Retiring members shall be eligible for reappointment.

(4) 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.

(5) 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.

(6) 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 (5) 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.

7. (1) Subject to the provisions of sub-section (6) of section 23, 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.

KENNISGEWING OM LEDE TE NOMINEER.

4. Wanneer 'n nominasie ingevolge paragraaf (a), (b), (e) of (f) van subartikel (1) van artikel 3 nodig word, moet die Minister die betrokke verenigings, maatskappye of organisasies, of die Adviserende Verbruikerskomitee, by skriftelike kennisgewing aansê of laat aansê om binne 'n tydperk in sodanige kennisgewing vasgestel, sodanige persoon of persone te nomineer as wat hulle ingevolge die betrokke artikel geregtig is om vir aanstelling in die raad te nomineer.

INDIEN GEEN GESKIKTE PERSOON GENOMINEER WORD NIE, KAN DIE MINISTER NOMINEER.

5. (1) Indien enigeen soos voormeld genomineer vir aanstelling in die raad ingevolge paragraaf (a), (b) of (e) van subartikel (1) van artikel 3 volgens oordeel van die Minister nie geskik is om as lid van die raad aangestel te word nie, kan die Minister daardie nominasie terugverwys na die betrokke vereniging, maatskappy of organisasie en daardie vereniging, maatskappy of organisasie aansê om iemand anders vir aanstelling in die raad te nomineer en indien daardie vereniging, maatskappy of organisasie daarna weer 'n persoon nomineer wat, volgens oordeel van die Minister, nie geskik is nie, soos vermeld, of wanneer die vereniging, maatskappy of organisasie in gebreke bly om iemand te nomineer, kan die Minister self enigiemand nomineer wat hy geskik ag om lid van die raad te wees om die betrokke belange te verteenwoordig.

(2) Ingeval geen vereniging, maatskappy of organisasie soos dié in paragraaf (a), (b) of (e) van subartikel (1) van artikel 3 genoem, bestaan nie, kan die Minister self 'n persoon nomineer vir aanstelling in die raad om die betrokke belange te verteenwoordig.

AMPSTERMYN VAN RAADSLEDE.

6. (1) Behoudens die bepalings van subartikel (5) van artikel 23, word die lede van die raad vir 'n tydperk van twee jaar aangestel: Met dien verstande dat die lid genoem in paragraaf (g) van subartikel (1) van artikel 3 sy amp beklee solank dit die Staatspresident behaag.

(2) 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.

(3) Aftredende lede kan weer aangestel word.

(4) Wanneer die amp van enige lid van die raad om watter rede ook al vakant raak 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 uitredende lid aangestel is, verstryk het.

(5) Wanneer die Minister daarvan oortuig is dat 'n lid van die raad weens siekte, afwesigheid, of om enige ander rede verhinder word om sy ampspligte te vervul, kan die Minister enige ander persoon, wat hy geskik ag, aanstel om as plaasvervanger van daardie lid op te tree solank hy aldus verhinder word.

(6) Wanneer 'n lid van die raad sonder die raad se verlof van drie agtereenvolgende raadsvergaderings afwesig was en niemand ingevolge subartikel (5) aangestel is om as plaasvervanger op te tree nie, hou hy op om lid van die raad te wees.

VERKIESING EN AMPSTERMYN VAN VOORSITTER EN ONDERVOORSITTER.

7. (1) Behoudens die bepalings van subartikel (6) van artikel 23, moet die raad op sy eerste vergadering en daarna, na gelang dit nodig mag wees, uit sy lede 'n voorsitter 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, naamlik die kortste tydperk, 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, naamlik die kortste tydperk, en daarna kan hy herkies word.

(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.

8. (1) All meetings of the board shall be held at such times and places as the board, or the chairman if authorised thereto by the board, may from time to time determine.

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

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

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

QUORUM, MAJORITY DECISION AND CHAIRMAN'S CASTING VOTE.

9. (1) Seven members of the board, appointed in terms of sub-section (1) of section 3 and sub-sections (4) and (5) of section 6, 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 board meeting shall constitute a decision of the board: Provided that in the event of an equality of votes, the chairman shall have a casting vote in addition to his deliberative vote.

COMMITTEES OF THE BOARD.

10. (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) The board may establish in any area in which this scheme or any provision thereof applies, one or more committees to be constituted in such manner as may be determined by the board with the approval of the Minister, 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 in question or in respect of bananas 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.

(3) Whenever any 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 on a day and at a place appointed by him.

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

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

FINANCIAL YEAR.

11. The financial year under this scheme shall be the period from the first day of July in each year to the last day of June in the following year.

AUDITING.

12. (1) The accounts and balance sheet of the board shall be audited annually by the Controller and Auditor-General.

(3) Wanneer die voorsitter, om watter rede ook al, nie sy pligte kan vervul nie, moet die ondervoorsitter in sy plek optree en ingeval sowel die voorsitter as die ondervoorsitter nie hulle pligte kan vervul nie, moet die raad een van sy ander lede kies om as voorsitter op te tree.

VERGADERINGS VAN DIE RAAD.

8. (1) Alle vergaderings van die raad moet gehou word 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.

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

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

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

KWORUM, MEERDERHEIDSBESLISSING EN BESLISSENDE STEM VAN VOORSITTER.

9. (1) Sewe lede van die raad aangestel ingevolge sub-artikel (1) van artikel 3 en subartikels (4) en (5) van artikel 6, maak 'n kworum uit by enige vergadering van die raad.

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

KOMITEES VAN DIE RAAD.

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

(2) Die raad kan in enige gebied waarin hierdie skema of enige bepaling daarvan van toepassing is, een of meer komitees instel wat saamgestel moet word op 'n wyse wat deur die raad met die goedkeuring van die Minister bepaal mag word, ten einde die raad te adviseer aangaande enige aangeleentheid betreffende die uitvoering van hierdie skema, of enige bepaling daarvan, in die betrokke gebied, of ten opsigte van piesangs en waaraan die raad op die voorwaardes wat die Minister goedkeur, sodanig van sy bevoegdhede onder hierdie skema kan oordra as wat hy met die goedkeuring van die Minister bepaal.

(3) Wanneer enige 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 goedkeuring van die voorsitter van die raad, 'n vergadering van die komitee belê om gehou te word op 'n dag en plek deur hom bepaal.

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

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

BOEKJAAR.

11. Die boekjaar ooreenkomstig hierdie skema is die tydperk van die eerste dag van Julie elke jaar tot die dertigste dag van Junie in die daaropvolgende jaar.

ODITERING.

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

(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.

13. In addition to 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) with the approval of the Minister to determine the allowances payable out of the funds of the board to its members, advisory members or members of a committee appointed in terms of section 10;
- (c) 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;
- (d) 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 14 for any object which, in the opinion of the board, will be to the advantage of persons interested in the production and marketing of bananas;
- (e) 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;
- (f) 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;
- (g) 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;
- (h) to act as agent for the receipt and sale of bananas;
- (i) to conduct a pool for the sale of bananas and to treat in such manner as it may deem fit, grade, pack, store, adapt for sale, insure, transport and advertise bananas in connection with which it conducts a pool;
- (j) to finance any pool conducted by the board and to make advances to the contributors to the pool;
- (k) to assist by grant, loan or otherwise, any undertaking for preserving, processing, storing or conditioning bananas and any research work relating to the improvement, production, processing and marketing of bananas;
- (l) to require every person concerned in the production, marketing or processing of bananas to furnish the board with such information relating to such bananas as may be available to such person and as the board may specify;

(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 BEVOEGDHEID VAN DIE RAAD.

13. 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, behalwe met die toestemming van die Minister en op sodanige voorwaardes as wat hy mag goedkeur;
- (b) met die Minister se goedkeuring die toelaes vas te stel wat uit die raad se fondse aan sy lede, advise-rende lede of lede van 'n komitee ingestel ingevolge artikel 10, betaal moet word;
- (c) behoudens voorwaardes deur die Minister goedge-keur, 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 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 aange-stel, 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;
- (d) met die Minister se goedkeuring geld te leen om aan-gewend te word vir die verwesenliking van die oog-merke van hierdie skema en om enige geld verkry uit enige heffing opgelê ingevolge artikel 14 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 piesangs;
- (e) 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 goed-keur;
- (f) '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;
- (g) 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;
- (h) as agent vir die ontvangs en verkoop van piesangs op te tree;
- (i) 'n poel vir die verkoping van piesangs te bestuur en om piesangs ten opsigte waarvan hy 'n poel bestuur, te behandel soos hy goetvind, dit te gradeer, te verpak, op te berg, vir verkoop geskik te maak, te verseker, te vervoer en, te adverteer;
- (j) 'n poel wat deur die raad bestuur word, te finansieer en om aan bydraers tot die poel geld voor te skiet;
- (k) deur middel van toekenning of lening of andersins hulp te verleen aan enige onderneming vir die preserving, verwerking, opberging of bewerking van piesangs en in verband met enige navorsings-werk met betrekking tot die verbetering, produksie, verwerking en bemarking van piesangs;
- (l) van iedereen wat betrokke is by die produksie, bemarking of verwerking van piesangs te vereis om aan die raad die inligting met betrekking tot sodanige piesangs te verstrek waarvoor sodanige persoon mag beskik en wat die raad mag spesifiseer;

- (m) with the approval of the Minister, to prescribe the records to be kept, the period for which any such records 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 bananas and the times at which and the form and manner in which such returns shall be so rendered;
- (n) to advise the Minister as to—
- (i) the conditions, regarding grades, standards of quality, methods of packing of bananas and the marking of any receptacle or cover containing them, subject to which bananas may be sold or imported for sale;
 - (ii) the prohibition, control or regulation of the importation or export of bananas; and
 - (iii) all matters relating to the marketing or processing of bananas;
- (o) to determine the maximum quantity of bananas which may, during any period determined by the board, be brought into or removed out of any area defined by the board.

LEVY ON BANANAS.

14. (1) The board may, with the approval of the Minister and on such basis as the board may determine, impose a levy on bananas produced in a production area or imported into the Republic, which levy—

- (a) may be in the form of a fixed amount on or of a percentage or portion of the selling price of every unit or quantity of bananas purchased or sold;
 - (b) may, in respect of any particular class, grade or standard of quality of bananas, differ from any such levy in respect of any other class, grade or standard of quality of bananas;
 - (c) may, in respect of any unit or quantity of bananas which is imported into the Republic from any other country or territory, differ from but not exceed any levy in respect of any unit or quantity of bananas which is produced in the Republic;
 - (d) may, in respect of any unit or quantity of bananas which is exported from the Republic or is exported from the Republic to any particular country or territory, differ from any such levy in respect of any unit or quantity of bananas which is not so exported;
 - (e) shall not exceed—
 - (i) where the levy is imposed as a fixed amount on any unit or quantity of bananas purchased or sold, ten cents per 100 lb.;
 - (ii) where the levy is imposed as a percentage or portion of the selling price of every unit or quantity of bananas purchased or sold, five per cent of such selling price.
- (2) Any levy imposed in terms of sub-section (1) shall—
- (a) in the case of bananas which are sold through the board, be added to and made payable at the same time as the price at which the board disposes of the bananas to any person or be deducted from the price payable by the board to the producers of the bananas when payment is made; and
 - (b) in the case of bananas sold under the authority of a permit issued in terms of section 17 otherwise than through the board, be paid to the board, by the person in whose favour such permit was issued and at such times and in such manner as may be prescribed by regulation under the Act.
- (3) Any agent or market master who has paid the levy on bananas sold on behalf of a producer, may recover such levy from such producer.

(m) 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 piesangs 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;

- (n) die Minister van advies te bedien aangaande—
- (i) die voorwaardes, wat betref grade, kwaliteitstandaarde en verpakkingsmetodes van piesangs en die merking van enige houder of omhulsel wat hulle bevat, waarop piesangs verkoop of vir verkoop ingevoer mag word;
 - (ii) die verbod op, beheer oor of reëling van die invoer of uitvoer van piesangs; en
 - (iii) alle aangeleenthede betreffende die bemerking of verwerking van piesangs;
- (o) die grootste hoeveelheid piesangs te bepaal wat gedurende enige tydperk deur die raad bepaal, in 'n deur die raad omskrewe gebied ingebring of daaruit verwyder mag word.

HEFFING OP PIESANGS.

14. (1) Die raad kan met die goedkeuring van die Minister en op so 'n basis as wat die raad mag bepaal, 'n heffing lê op piesangs wat in 'n produksiegebied geproduseer is of in die Republiek ingevoer is, en sodanige heffing—

- (a) kan in die vorm wees van 'n vasgestelde bedrag op of van 'n persentasie of gedeelte van die verkoopprijs van elke eenheid of hoeveelheid piesangs gekoop of verkoop;
 - (b) kan ten opsigte van 'n besondere klas, graad of kwaliteitstandaard van piesangs, verskil van so 'n heffing ten opsigte van enige ander klas, graad of kwaliteitstandaard van piesangs;
 - (c) kan ten opsigte van enige eenheid of hoeveelheid piesangs wat uit enige ander land of gebied in die Republiek ingevoer word, verskil van maar nie meer wees nie as enige heffing ten opsigte van enige eenheid of hoeveelheid piesangs wat in die Republiek geproduseer word;
 - (d) kan ten opsigte van enige eenheid of hoeveelheid piesangs wat uit die Republiek uitgevoer word of uit die Republiek na enige bepaalde land of gebied uitgevoer word, verskil van enige sodanige heffing ten opsigte van enige eenheid of hoeveelheid piesangs wat nie aldus uitgevoer word nie;
 - (e) mag nie hoër wees nie as—
 - (i) tien sent per 100 lb. waar die heffing in die vorm van 'n vasgestelde bedrag op enige eenheid of hoeveelheid piesangs gekoop of verkoop, gelê word;
 - (ii) vyf persent van die koopprys waar die heffing in die vorm van 'n persentasie of gedeelte van die verkoopprijs van enige eenheid of hoeveelheid piesangs gekoop of verkoop, opgelê word.
- (2) 'n Heffing opgelê kragtens subartikel (1) moet—
- (a) in die geval van piesangs wat deur bemiddeling van die raad verkoop word, bygevoeg by en op dieselfde tydperk betaalbaar gemaak word as die prys waarteen die raad die piesangs aan enige persoon van die hand sit, of afgetrek word van die prys deur die raad betaalbaar aan die produsente van die piesangs wanneer betaling geskied;
 - (b) in die geval van piesangs wat op gesag van 'n permit uitgereik ingevolge artikel 17 anders as deur bemiddeling van die raad verkoop word, aan die raad betaal word deur die persoon in wie se guns sodanige permit uitgereik is en wel op sodanige tye en wyse as wat by regulasie kragtens die Wet voorgeskryf mag word.
- (3) 'n Agent of markmeester wat die heffing betaal het op piesangs wat hy ten behoeve van 'n produsent verkoop het, kan sodanige heffing van sodanige produsent verhaal.

SPECIAL LEVY ON BANANAS.

15. The board may, with the approval of the Minister and on such basis as the board may determine, impose a special levy on bananas produced in a production area or imported into the Republic and for the purposes of such special levy the provisions of paragraphs (a), (b), (c) and (d) of sub-section (1) and sub-sections (2) and (3) of section 14 shall *mutatis mutandis* apply.

ESTABLISHMENT OF FUNDS.

16. (1) Save as is provided in sub-sections (2) and (3), the board shall establish a fund to be known as the Banana Levy Fund, to be administered and controlled by the board and into which shall be paid all moneys derived from any levies imposed under section 14 and all other moneys which may accrue to the board, and from which all payments by the board shall be made.

(2) The board shall establish a special fund into which shall be paid the proceeds of any special levy imposed under section 15 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 a reserve fund into which shall be paid such amounts at the disposal of the board 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 this fund in such manner as may be approved by the Minister.

SPECIAL POWERS OF THE BOARD RELATING TO THE MARKETING OF BANANAS.

17. (1) With the approval of the Minister the board may prohibit any producer of bananas from selling outside a production area bananas produced in a production area or imported into the Republic or any class, grade, quantity or percentage thereof which the board may from time to time determine, except through the board or such persons as may be determined by the board.

(2) With the approval of the Minister the board may from time to time prohibit any producer of bananas from selling outside a production area bananas produced by him in a production area, except such class, grade, quantity or percentage thereof as the board has determined or except for such purposes as the board has defined.

(3) With the approval of the Minister the board may prohibit any person from purchasing bananas or any class, grade or quantity thereof (determined by the board), from any person in a production area, other than the board, for the purpose of selling such bananas to any person outside a production area, except under the authority of a permit which may be issued by the board subject to such conditions (if any) as the board may determine.

(4) Notwithstanding any prohibition imposed under sub-section (1), the board may, with the approval of the Minister, at any time by permit authorise a producer of bananas to sell bananas produced by him in a production area or imported into the Republic, or a class, grade or quantity of such bananas or for a purpose determined by the board, on such conditions as the board may determine.

POOLING OF PROCEEDS.

18. (1) Whenever the board has imposed a prohibition in terms of sub-section (1) of section 17, it may conduct pools in terms of the provisions of this section for the sale of bananas which are, in pursuance of the said prohibition, delivered to the board for sale, and may finance such pools.

(2) The board may conduct a separate pool for each size group of each grade of bananas sold by it during such period as it may, with the approval of the Minister determine. Provided that whenever the board deems it expedient, and with the approval of the Minister, it may conduct a pools in respect of a group of sizes or a group of grades.

SPESIALE HEFFING OP PIESANGS.

15. Die raad kan met die goedkeuring van die Minister en op so 'n basis as wat die raad mag bepaal, 'n spesiale heffing op piesangs wat in 'n produksiegebied geproduseer is of in die Republiek ingevoer is, lê, en vir die doeleindes van sodanige spesiale heffing is die bepalings van paragrawe (a), (b), (c) en (d) van subartikel (1) en subartikel (2) en (3) van artikel 14, *mutatis mutandis* van toepassing.

INSTELLING VAN FONDSE.

16. (1) Behoudens die bepalings van subartikels (2) en (3), moet die raad 'n fonds instel wat moet bekendstaan as die piesangheffingsfonds, wat deur die raad bestuur en beheer moet word en waarin alle bedrae verkry uit heffings wat kragtens artikel 14 opgelê is, en alle ander gelde wat aan die raad mag toeval, gestort moet word en waaruit alle betalings deur die raad gedoen moet word.

(2) Die raad moet 'n spesiale fonds instel en die opbrengs van enige spesiale heffing opgelê kragtens artikel 15 en sodanige ander bedrae tot die beskikking van die raad as wat deur die Minister goedgekeur mag word, in hierdie fonds stort, en die raad kan met gelde in hierdie fonds handel op die wyse wat deur die Minister goedgekeur mag word.

(3) Die raad moet 'n reserwefonds 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 onder die skema en na oorlegpleging met die raad bepaal, en die raad kan oor gelde in hierdie fonds beskik op die wyse wat die Minister mag goedkeur.

SPESIALE BEVOEGHEDHE VAN DIE RAAD MET BETREKKING TOT DIE BEMARKING VAN PIESANGS.

17. (1) Die raad is bevoeg om met die Minister se goedkeuring enige produsent van piesangs te belet om piesangs wat in 'n produksiegebied geproduseer is of in die Republiek ingevoer is of enige klas, graad, hoeveelheid of persentasie daarvan wat die raad van tyd tot tyd mag bepaal, buite 'n produksiegebied te verkoop uitgesonderd deur bemiddeling van die raad of sodanige persone as wat deur die raad bepaal mag word.

(2) Die raad kan met die Minister se goedkeuring 'n produsent van piesangs van tyd tot tyd belet om piesangs wat hy in 'n produksiegebied geproduseer het buite 'n produksiegebied te verkoop, behalwe 'n klas, graad, hoeveelheid of persentasie daarvan wat die raad vasgestel het, of behalwe vir 'n doel wat die raad bepaal het.

(3) Die raad kan met die Minister se goedkeuring enige persoon verbied om piesangs of 'n klas, graad of hoeveelheid daarvan (deur die raad bepaal) van enige persoon in 'n produksiegebied, behalwe van die raad, te koop met die doel om sodanige piesangs aan enige persoon buite 'n produksiegebied te verkoop, behalwe op gesag van 'n permit wat die raad mag uitreik onderworpe aan sodanige voorwaardes (as daar is) as wat die raad mag bepaal.

(4) Ondanks enige verbod kragtens subartikel (1) opgelê, kan die raad, met die Minister se goedkeuring, op enige tyd 'n produsent van piesangs by wyse van permit magtig om piesangs wat hy in 'n produksiegebied geproduseer het, of wat hy in die Republiek ingevoer het, of 'n klas, graad, hoeveelheid of persentasie van sodanige piesangs of vir 'n doel wat die raad bepaal, te verkoop op sodanige voorwaardes as wat die raad mag bepaal.

VERPOELING VAN OPBRENGS.

18. (1) Wanneer die raad 'n verbod ingevolge subartikel (1) van artikel 17 opgelê het, kan hy poele ooreenkomstig die bepalings van hierdie artikel bestuur vir die verkoop van piesangs wat ingevolge genoemde verbod aan die raad vir verkoop gelewer word, en mag hy bedoelde poele finansieer.

(2) Die raad kan 'n aparte poel bestuur ten opsigte van elke groottegroep van elke graad piesangs deur hom verkoop gedurende sodanige tydperk as wat hy met die Minister se goedkeuring mag bepaal: Met dien verstande dat wanneer die raad dit goedvind, en met die Minister se goedkeuring, hy 'n poel ten opsigte van 'n groep groottes of 'n groep grade kan bestuur.

(3) For the purpose of conducting the pools the board may select a particular unit of quantity as a standard unit of quantity and may, on such basis as it may determine, convert any quantity of bananas delivered to it in any particular type or size of container to the equivalent number of the said standard unit of quantity.

(4) Each quantity of bananas delivered to the board for sale shall be assigned to the size group and grade to which such quantity of bananas is found by the board to belong at the point where such bananas are delivered by the board to the purchaser thereof.

(5) The board may treat in such manner as it may deem fit, regrade, pack, store, adapt for sale, insure, transport and, with the approval of the Minister, advertise any bananas in connection with which it conducts a pool.

(6) Whenever a producer has, on directions of the board, delivered bananas for the account of a pool in a more expensive pack than the pack ordinarily prescribed by the board for deliveries to that pool, the board may pay to the producer concerned an amount equivalent to the difference, as determined by the board, between the cost of packing in the said more expensive pack and the cost of packing in the pack ordinarily prescribed, as aforesaid, and such payments shall be regarded as costs incurred in the conduct of the pool.

(7) As soon as may be after all the bananas accepted by the board for the account of a pool have been sold, the board shall determine the net proceeds of that pool by deducting from the gross proceeds thereof the costs incidental to the sale of such bananas, which shall include all expenses and costs directly incurred in connection with the receipt, handling, storing, financing and sale of such bananas and the costs of the conduct of the pool as determined by the board from time to time.

(8) Subject to the provision of sub-section (9), the net proceeds of each pool, as determined in terms of sub-section (7), shall be distributed to producers who contributed to that pool, in proportion to the respective quantities of bananas delivered by each producer and accepted by the board for the account of that pool.

(9) The amount payable to a producer in terms of sub-section (8)—

- (a) shall be diminished by the amount of any advances paid to that producer in terms of sub-section (10);
- (b) shall be diminished by the amount representing any levy due and payable under section 14 and any special levy due and payable under section 15 on the bananas so delivered by that producer;
- (c) may, in the case of bananas so delivered by that producer and which, because of its superior or inferior quality, consistently realised during a period more or less, as the case may be, than the average realization of bananas of the same size group and grade of all producers in the same pool during the same period, be increased or diminished by an amount per unit of quantity equivalent to the average of the differences—arising out of quality—as determined by the board, between the average amounts realised per such unit of quantity for such bananas of such producer and the average amounts realised per such unit of quantity during corresponding periods for bananas of the same size group and grade of all producers participating in the same pool;

(3) Vir die bestuur van die poele kan die raad 'n besondere hoeveelheidseenheid as 'n standaard-hoeveelheidseenheid kies en, op so 'n basis as wat hy mag bepaal, enige hoeveelheid piesangs wat aan hom in enige besondere tipe of grootte houer gelever word, omsit na die ekwivalente aantal van die genoemde standaard-hoeveelheidseenheid.

(4) Elke hoeveelheid piesangs wat aan die raad vir verkoop gelever word, moet toegewys word aan die groottegroep en graad waaraan sodanige hoeveelheid piesangs deur die raad gevind word te behoort by die plek waar sodanige piesangs deur die raad aan die koper daarvan gelever word.

(5) Die raad mag enige piesangs ten opsigte waarvan hy 'n poel bestuur, behandel soos hy mag goedvind, hergradeer, verpak, opberg, vir verkoop geskik maak, versker, vervoer en, met die Minister se goedkeuring, adverteer.

(6) Wanneer 'n produsent in opdrag van die raad piesangs vir die rekening van 'n poel gelever het in 'n duurder verpakking as die verpakking gewoonlik deur die raad voorgeskryf vir lewerings aan daardie poel, kan die raad aan die betrokke produsent 'n bedrag betaal wat gelyk is aan die verskil, soos deur die raad bepaal, tussen die koste van verpakking in die genoemde duurder verpakking en die koste van verpakking in die verpakking gewoonlik voorgeskryf, soos vermeld, en sodanige betaling sal beskou word as koste aangegaan by die bestuur van die poel.

(7) So gou doenlik nadat al die piesangs wat die raad vir die rekening van 'n poel aangeneem het, verkoop is, moet die raad die netto-opbrengs van daardie poel bepaal deur van die bruto-opbrengs daarvan af te trek die koste verbonde aan die verkoop van sodanige piesangs, waarby ingesluit word alle uitgawes en koste regstreeks in verband met die ontvangs, hantering, opberging, finansiering en verkoop van sodanige piesangs aangegaan en die koste van bestuur van die poel soos deur die raad van tyd tot tyd bepaal.

(8) Behoudens die bepalinge van subartikel (9), moet die netto-opbrengs van elke poel, soos bepaal ooreenkomstig subartikel (7), onder die produsente wat tot daardie poel bygedra het, verdeel word in verhouding tot die onderskeie hoeveelhede piesangs wat elke produsent gelever het en wat die raad vir die rekening van daardie poel aangeneem het.

(9) Die bedrag aan 'n produsent volgens subartikel (8) betaalbaar—

- (a) moet verminder word met die bedrag van enige voorskotte kragtens subartikel (10) aan daardie produsent betaal;
- (b) moet verminder word met die bedrag verteenwoordigende enige heffing verskuldig en betaalbaar ingevolge artikel 14 en enige spesiale heffing verskuldig en betaalbaar ingevolge artikel 15 op die piesangs aldus deur daardie produsent gelever;
- (c) kan, in die geval van piesangs aldus deur daardie produsent gelever en wat, weens die beter of slegter kwaliteit daarvan, voortdurend gedurende 'n tydperk meer of minder behaal het, na gelang van die geval, as die gemiddelde opbrengs van piesangs van dieselfde groottegroep en graad van alle produsente in dieselfde poel gedurende dieselfde tydperk, vermeerder of verminder word met 'n bedrag per hoeveelheidseenheid gelykstaande aan die gemiddelde van die verskille—weens die kwaliteit—soos deur die raad bepaal, tussen die gemiddelde bedrae behaal per sodanige hoeveelheidseenheid deur sodanige piesangs van sodanige produsent en die gemiddelde bedrae behaal per sodanige hoeveelheidseenheid gedurende ooreenstemmende tydperke deur piesangs van dieselfde groottegroep en graad van alle produsente wat aan dieselfde poel deelneem;

- (d) may, in respect of any quantity of bananas so delivered by that producer in any particular area, be increased by an amount equivalent to the difference between the railage on that quantity from that area to a market determined by the board, and the railage on a similar quantity to the same market from an area, defined by the board, which has the highest railage to the said market;
- (e) may be diminished by the costs incurred by the board in repacking or otherwise preparing for sale any bananas so delivered by that producer and which have, in the opinion of the board, arrived at the point where such bananas are delivered by the board to the purchaser thereof, in a wasty condition; and
- (f) may, in respect of bananas so delivered by that producer and which have, in the opinion of the board, arrived at such point in a wasty condition, be diminished by an amount which, in the opinion of the board, represents the loss incurred as a result of such bananas so arriving in such wasty condition.

(10) The board may, with the approval of the Minister, from time to time and at any time before the net proceeds of the sale of bananas delivered to the board and accepted by the board for the account of a pool have been distributed as provided in this section, make advances to producers who have so delivered such bananas, in proportion to the respective quantities of such bananas so delivered by them.

(11) Notwithstanding anything to the contrary contained in this section, the board may, when it has sold bananas for the account of a pool referred to in sub-section (2)—

- (a) reduce the amount to be distributed from such a pool by an amount determined by the board with the approval of the Minister; and
- (b) increase the amount to be distributed from any other pool referred to in that sub-section with an amount determined in the same manner.

(12) For the purposes of this section—

“grade” shall mean the grade of bananas as determined in the manner prescribed by regulation under section forty-three of the Act.

DIFFERENTIATION BETWEEN AREAS AND CLASSES OF BANANAS.

19. Any requirement or prohibition imposed or decision taken by the board which relates to any area within the Republic or to any class of bananas may differ from any such requirement or prohibition or decision which relates to any other area of the Republic or any other class of bananas or may apply only to specified portions of the Republic or relate only to specified classes of bananas.

INSPECTION POWERS.

20. The Board shall have power, 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—

- (a) to enter any place occupied by any person who is, or is suspected to be, a producer of or person dealing in the course of trade with bananas, or any place or vehicle in or upon which there is kept, or is suspected to be kept, any quantity of bananas by any person for any purpose other than consumption by the owner of such bananas or by the members of his household;
- (b) to inspect any such bananas 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 bananas and to make copies of or take extracts from such books and documents;

(d) kan, ten opsigte van enige hoeveelheid piesangs aldus deur daardie produsent in enige besondere gebied gelewer, vermeerder word met 'n bedrag gelykstaande aan die verskil tussen die spoorvrag op daardie hoeveelheid van daardie gebied na 'n mark deur die raad bepaal en die spoorvrag op 'n gelyke hoeveelheid na dieselfde mark vanaf 'n ander gebied, deur die raad bepaal, vanwaar die spoorvrag na die genoemde mark die hoogste is;

(e) kan verminder word met die koste deur die raad aangegaan by die herverpakking of andersins vir verkoop, geskikmaking van enige piesangs aldus deur daardie produsent gelewer en wat, na die mening van die raad, in 'n bederfde toestand aangekom het by die plek waar daardie piesangs deur die raad aan die koper daarvan gelewer word; en

(f) kan ten opsigte van piesangs aldus deur daardie produsent gelewer en wat, na die mening van die raad, in 'n bederfde toestand by sodanige plek aangekom het, verminder word met 'n bedrag wat, na die mening van die raad, die verlies voorstel wat gely is deurdat sodanige piesangs in sodanige bederfde toestand aldus aangekom het.

(10) Die raad kan, met die goedkeuring van die Minister, van tyd tot tyd en te eniger tyd voordat die netto-opbrengs uit die verkoop van piesangs gelewer aan die raad en deur die raad vir die rekening van 'n poel aangeneem, verdeel is soos in hierdie artikel bepaal, aan produsente wat sodanige piesangs aldus gelewer het, voorskotte maak in verhouding tot die onderskeie hoeveelhede van sodanige piesangs aldus deur hulle gelewer.

(11) Ondanks andersluidende bepalinge in hierdie artikel, kan die raad, wanneer hy piesangs verkoop het vir die rekening van 'n poel in subartikel (2) genoem—

- (a) die bedrag wat uit so 'n poel verdeel moet word, verminder met 'n bedrag wat hy met die Minister se goedkeuring bepaal; en
- (b) die bedrag wat uit enige ander poel genoem in daardie subartikel verdeel moet word, vermeerder met 'n bedrag wat op dieselfde wyse bepaal is.

(12) Vir die toepassing van hierdie artikel beteken „graad” die graad piesangs wat bepaal is op die wyse wat by regulasie kragtens artikel drie-en-veertig van die Wet voorgeskryf is.

ONDERSKEIDING TUSSEN GEBIEDE EN KLASSE VAN PIESANGS.

19. 'n Voorskrif van of verbod opgelê of 'n besluit geneem deur die raad met betrekking tot enige gebied in die Republiek of 'n klas piesangs, kan verskil van sodanige voorskrif of verbod of besluit met betrekking tot enige ander gebied in die Republiek of 'n ander klas piesangs of kan van toepassing wees alleen in aangegewe gedeeltes van die Republiek of alleen op aangegewe klasse piesangs betrekking hê.

INSPEKSIEBEVOEGDHEDE.

20. Die raad het die bevoegdheid om vir die toepassing van die bepalinge van hierdie skema, aan enige persoon in die algemeen of in enige besondere geval die bevoegdheid te verleen om op alle redelike tye—

- (a) 'n plek te betree wat geokkipeer word deur enige 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, piesangs, of 'n plek of voertuig waarin of waarop daar 'n hoeveelheid piesangs deur enige persoon gehou word of na vermoede gehou word vir enige ander doel as verbruik deur die eienaar van sodanige piesangs of deur lede van sy huisgesin;
- (b) enige sodanige piesangs te inspekteer en alle boeke en stukke op sodanige plek of in of op sodanige voertuig na te gaan, wat op redelike grond vermoed word op sodanige piesangs betrekking te hê, en afskrifte van of uittreksels uit sodanige boeke of stukke te maak;

- (c) to demand from the owner or custodian of such bananas any information concerning such bananas;
- (d) to demand from the owner or custodian of any such book or document an explanation of any entry therein;
- (e) to seize any books, documents or articles which may afford evidence of the commission of an offence under the Act or this scheme or any regulation made under the Act, or any quantity of bananas 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 bananas which has been so seized, and if he deem fit to place on any such book, document, article or bananas, or on the container thereof, any identification mark which he may consider necessary;
- (f) to take samples of any such bananas, including any quantity of such bananas which has been seized in terms of paragraph (e), and to examine, analyse or grade such samples or cause them to be examined, analysed or graded.

OFFENCES AND PENALTIES.

21. 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 in force in terms of the provisions of sub-section (1) of section 23; 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 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 in force in terms of the provisions of sub-section (1) of section 23 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 in force in terms of the provision of sub-section (1) of section 23; or

(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.

LIQUIDATION OF SCHEME.

22. In the event of the discontinuance of this scheme, all assets of the board shall be realised and if, after all the debts of the board have been paid, there is—

- (a) a surplus, the amount thereof shall be distributed amongst the persons liable for the payment of any levy imposed under section 14 in proportion to the respective amounts contributed by them towards the funds of the board by means of levy during the period of three years immediately preceding the date of discontinuance of the scheme or during the period the scheme was in operation, whichever is the shorter period;

- (c) van die eienaar van sodanige piesangs of die persoon wat dit in sy bewaring het, inligting aangaande sodanige piesangs te eis;
- (d) 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;
- (e) 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 piesangs ten opsigte waarvan enige sodanige misdryf vermoedelik begaan is, en enige boeke, stukke of artikels of enige hoeveelheid piesangs 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, artikel of piesangs, of die houer daarvan, enige identifikasiemerk wat hy nodig mag ag, aan te bring;
- (f) van enige sodanige piesangs, met inbegrip van enige hoeveelheid piesangs waarop ingevolge paragraaf (e) beslag gelê is, monsters te neem en sodanige monsters te ondersoek, te ontleed of te gradeer of te laat ondersoek, ontleed of gradeer.

MISDRYWE EN STRAFBEPALINGS.

21. 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, uitgereik, geneem of gemaak of van krag ingevolge die bepalings van subartikel (1) van artikel 23; 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 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 van krag ingevolge die bepalings van subartikel (1) van artikel 23 of ingevolge 'n voorwaarde genoem in subartikel (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 van krag ingevolge die bepalings van subartikel (1) van artikel 23, moet bewaar; of

(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 skuldigverklaring, strafbaar met 'n boete van van hoogstens tweehonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met beide sodanige boete en gevangenisstraf.

OPHEFFING VAN SKEMA.

22. Ingeval hierdie skema opgehef word, moet alle bates van die raad tot geld gemaak word en indien daar nadat al die skulde van die raad betaal is—

- (a) 'n surplus is, moet die bedrag daarvan onder die persone wat aanspreeklik is vir die betaling van 'n heffing opgelê kragtens artikel 14 verdeel word in verhouding tot die onderskeie bedrae deur hulle tot die fondse van die raad by wyse van heffing bygedra gedurende die tydperk van drie jaar onmiddellik vóór die datum waarop die skema opgehef word, of gedurende die tydperk wat die skema in werking was, wat ookal die kortste tydperk is;

(b) a deficit, the amount thereof shall be recoverable from the persons referred to in paragraph (a) in the proportion calculated in the manner described in that paragraph.

NOTICES, PROHIBITIONS, REQUIREMENTS, DECISIONS, DETERMINATIONS, FUNDS AND MEMBERS OF THE BANANA CONTROL BOARD.

23. (1) All notices, prohibitions, requirements, decisions or determinations issued, imposed, taken or made under the Banana Scheme published under Proclamation No. 319 of 1957, as amended, and not withdrawn in terms of those provisions, shall continue in force until amended or withdrawn by the board in terms of this scheme.

(2) All authorizations, registrations, appointments, contracts or appeals issued, made, concluded or noted under the Banana Scheme published under Proclamation No. 319 of 1957, 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.

(3) Any assets and liabilities of the board administering the Banana Scheme published under Proclamation No. 319 of 1957, as amended, shall vest in the board administering this scheme.

(4) Any moneys in any fund established in terms of the Banana Scheme published under Proclamation No. 319 of 1957, as amended, shall be transferred to the corresponding fund established in terms of this scheme.

(5) The members appointed to the Banana Control Board in terms of Proclamation No. 319 of 1957, as amended, and holding office immediately prior to the date of the coming into operation of this scheme, shall be deemed to have been appointed as members to the Banana Control Board in terms of this scheme and shall, notwithstanding the provision in sub-section (1) of section 6 that members shall be appointed for a period of two years but subject to the other provisions of the said section, hold office as and from the date of the coming into operation of this scheme for the unexpired portions of the respective periods for which they were appointed in terms of the said Proclamation No. 319 of 1957, as amended.

(6) The person elected as Chairman of the Banana Control Board in terms of Proclamation No. 319 of 1957, as amended, and holding office as such immediately prior to the date of the coming into operation of this scheme, shall be deemed to have been elected as Chairman to the Banana Control Board in terms of this scheme and shall, as and from the date of the coming into operation of this scheme and subject to the provisions of section 7, continue to hold office for the unexpired portion of the period for which he was elected in terms of Proclamation No. 319 of 1957, as amended.

(7) Any committee appointed by the board in terms of Proclamation No. 319 of 1957, as amended, shall be deemed to have been appointed in terms of section 10 of this scheme.

GOVERNMENT NOTICES.

DEPARTMENT OF CUSTOMS AND EXCISE.

No. R. 1614.] [5 October 1962.
CUSTOMS ACT, 1955.—AMENDMENT OF THE
SECOND SCHEDULE (No. 2/192).

I, NICOLAAS DIEDERICH, Acting Minister of Finance, acting in terms of the powers vested in me by section ninety-eight of the Customs Act, 1955, hereby amend the Second Schedule to the said Act to the extent set out in the Schedule hereto.

N. DIEDERICH,
Acting Minister of Finance.

(b) 'n tekort is, is die bedrag daarvan verhaalbaar op die persone genoem in paragraaf (a) in die verhouding bereken op die wyse in daardie paragraaf beskryf.

KENNISGEWINGS, VERBODSBEPALINGS, VOORSKRIFTE, BESLUITE, VASSTELLINGS, FONDSE EN LEDE VAN DIE PIESANGBEHEERRAAD.

23. (1) Alle kennisgewings, verbodsbepalings, voorskrifte, besluite, vasstellings of bepalinge wat uitgevaardig, opgelê, geneem of gedoen is kragtens die Piesangskema bekendgemaak by Proklamasie No. 319 van 1957, soos gewysig, en wat nie ingevolge genoemde bepalinge ingetrek is nie, bly van krag totdat die raad hulle ingevolge hierdie skema wysig of intrek.

(2) Alle magtigings, registrasies, aanstellings, kontrakte of appêle uitgereik, gemaak, gesluit of aangeteken kragtens die Piesangskema bekendgemaak by Proklamasie No. 319 van 1957, soos gewysig, en van krag of hangende, na gelang van die geval, onmiddellik voor die datum van inwerking-treding van hierdie skema, word geag kragtens hierdie skema uitgereik, gemaak, gesluit of aangeteken te gewees het.

(3) Die bates en laste van die raad wat die Piesangskema bekendgemaak by Proklamasie No. 319 van 1957, soos gewysig, uitvoer, gaan oor op die raad wat hierdie skema uitvoer.

(4) Enige gelde in enige fonds ingestel kragtens die Piesangskema bekendgemaak by Proklamasie No. 319 van 1957, soos gewysig, word oorgedra na die onderskeie fondse kragtens hierdie skema ingestel.

(5) Die lede wat kragtens Proklamasie No. 319 van 1957, soos gewysig, in die Piesangbeheerraad aangestel is en hulle amp beklee onmiddellik voor die datum van inwerkingtreking van hierdie skema, word geag as lede van die Piesangbeheerraad kragtens hierdie skema aangestel te gewees het en beklee hulle amp, ongeag die bepaling in subartikel (1) van artikel 6 dat lede vir 'n tydperk van twee jaar aangestel word maar onderworpe aan die ander bepalinge van genoemde artikel, van die datum van die inwerkingtreking van hierdie skema vir die onverstreke gedeeltes van die onderskeie tydperke waarvoor hulle kragtens genoemde Proklamasie No. 319 van 1957, soos gewysig, aangestel is.

(6) Die persoon wat kragtens Proklamasie No. 319 van 1957, soos gewysig, tot Voorsitter van die Piesangbeheerraad verkies is en daardie amp onmiddellik voor die datum van die inwerkingtreking van hierdie skema beklee, word geag kragtens hierdie skema tot Voorsitter van die Piesangbeheerraad verkies te gewees het en bly daardie amp beklee met ingang van die datum van die inwerkingtreking van hierdie skema en onderworpe aan die bepalinge van artikel 7, vir die onverstreke gedeelte van die tydperk waarvoor hy kragtens Proklamasie No. 319 van 1957, soos gewysig, verkies is.

(7) 'n Komitee wat kragtens Proklamasie No. 319 van 1957, soos gewysig, deur die raad aangestel is, word geag kragtens artikel 10 van hierdie skema aangestel te gewees het.

GOEWERMENSKENNISGEWINGS.

DEPARTEMENT VAN DOEANE EN AKSYNS.

No. R. 1614.] [5 Oktober 1962.
DOEANEWET, 1955.—WYSIGING VAN DIE
TWEDE BYLAE (No. 2/192).

Ek, NICOLAAS DIEDERICH, Waarnemende Minister van Finansies, handelende kragtens die bevoegdheid my verleen by artikel agt-en-negentig van die Doeane wet, 1955, wysig hierby die Tweede Bylae van genoemde Wet in die mate in die Bylae hiervan aangetoon.

N. DIEDERICH,
Waarnemende Minister van Finansies.

SCHEDULE.

Item.	Article.	Duty rebated as under.
686	By the substitution, for the heading to the item, of the following heading:— “Industry for the manufacture of radios, gramradios, gramophones and apparatus for sound recording and reproducing.—” By the addition, after paragraph (6), of the following paragraph:— “(7) Tape and wire winders... ..	To the extent of the intermediate duty.”

NOTE.—The effect of this notice is to replace the existing heading to item 686 by a new heading and to make provision for a rebate to the extent of the intermediate duty on tape and wire winders when imported or taken out of bond by registered manufacturers for use in the industry mentioned in the notice.

BYLAE.

Item.	Artikel.	Korting op reg toegestaan soos hieronder aangedui.
686	Deur die opskrif van die item deur die volgende opskrif te vervang:— „Nywerheid vir die vervaardiging van radio's, gramradio's, grammofoon en toestelle vir klankopname en -weergawe.—” Deur na paragraaf (6) die volgende paragraaf by te voeg:— „(7) Band- en draadwenners.....	Tot die bedrag van die intermediêre reg.”

OPMERKING.—Die uitwerking van hierdie kennisgewing is dat die bestaande opskrif van item 686 deur 'n nuwe opskrif vervang word en dat voorsiening vir 'n korting tot die bedrag van die intermediêre reg gemaak word op band- en draadwenners wanneer dit deur geregistreerde vervaardigers ingevoer of uit entrepot geneem word vir gebruik in die nywerheid genoem in die kennisgewing.

DEPARTMENT OF TRANSPORT.

No. R. 1620.] [5 October 1962.
MERCHANT SHIPPING ACT, 1951 (ACT No. 57 of 1951), AS AMENDED.

In terms of sub-section (2) of section *three hundred and fifty-six* of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), as amended, the Minister of Transport hereby notifies that the International Convention respecting Load Lines, 1930, contained in the Fourth Schedule to the aforementioned Act, has in terms of paragraph 1 of Article *twenty* thereof, been amended as set out in the Schedule hereto.

SCHEDULE.

Annex II of the Convention has been amended—

- by the substitution in the first paragraph under “Zones”, delineating the southern boundary of the northern “Winter Seasonal” zone, for the words “Vancouver Island at lat. 50° N., Fusan” of the words “British Columbia at lat. 55° N., Pusan”;
- by the substitution in the fifth paragraph under “Zones” delineating the northern boundary of the southern “Winter Seasonal” zone, for the words “west coast of Australia at lat. 35° S., thence along the south coast of Australia to Cape Arid” of the words “point lat. 35° 30' S., long. 118° E., off the southern coast of Australia”;
- by the insertion in sub-paragraph (a) of paragraph (6) under “Seasonal Areas”, delineating seasonal tropical areas in the South Pacific Ocean, after the expression “lat. 11° S.” where it appears for the second time of the words “Mackay to be considered as being on the boundary of the ‘Seasonal Tropical’ and ‘Summer’ Zones”.

DEPARTEMENT VAN VERVOER.

No. R. 1620.] [5 Oktober 1962.
HANDELSKEEPVAARTWET, 1951 (WET No. 57 VAN 1951), SOOS GEWYSIG.

Kragtens subartikel (2) van artikel *driehonderd ses-en-vyftig* van die Handelskeepvaartwet, 1951 (Wet No. 57 van 1951), soos gewysig, maak die Minister van Vervoer hierby bekend dat die Internasionale Konvensie insake Laslyne, 1930, wat in die Vierde Bylae tot voornoemde Wet vervat is, kragtens paragraaf 1 van Artikel *twintig* daarvan gewysig is, soos in bygaande Bylae gemeld.

BYLAE.

Aanhangsel II van die Konvensie is gewysig—

- deur in die eerste paragraaf onder „Vaargebiede”, waarin die suidelike grens van die noordelike „periodiek winter”-vaargebied omskryf word—
 - die woorde „Vancouver op 50° noorderbreedte” deur die woorde „Brits-Columbië op 55° noorderbreedte” te vervang; en
 - die woord „Fusan” deur die woord „Pusan” te vervang;
- deur in die vyfde paragraaf onder „Vaargebiede”, waarin die noordelike grens van die suidelike „periodiek winter”-vaargebied omskryf word, die woorde „na die weskus van Australië op 35° suiderbreedte, vervolgens langs die suidkus van Australië tot Kaap Arid” deur die woorde „na 'n punt op 35° 30' suiderbreedte en 118° oosterlengte op die hoogte van die suidkus van Australië” te vervang;
- deur in subparagraaf (a) van paragraaf (6) onder „Periodieke Vaargebiede”, waarin periodiek tropiese vaargebiede in die Suidelike Stille Oseaan beskryf word, na die uitdrukking „11° suiderbreedte”, waar dit die tweede keer voorkom, die woorde „Mackay moet geag word op die grenslyn te lê van die „periodiek tropiese” vaargebied en die „somer”-vaargebied”, in te voeg.

DEPARTMENT OF RAILWAYS, HARBOURS AND AIRWAYS.

No. R. 1645.]

[5 October 1962.]

I, BAREND JACOBUS SCHOEMAN, Minister of Transport of the Republic of South Africa, do hereby, after consultation with the Railways and Harbours Board, make the following regulations in terms of sub-section (2) of section three of the Railway Board Act, 1962 (Act No. 73 of 1962):

RAILWAY BOARD REGULATIONS.

1. The existing regulations, published in Government Notice No. 413 of 17th March, 1917, are hereby repealed, and any action lawfully taken under any provision of the said regulations shall be deemed to have been taken under the corresponding provision of these regulations.

2. The General Manager shall submit the following matters for the consideration of the Minister:—

- (a) Any question affecting the general policy of the railways and harbours.
- (b) Any proposal relating to a substantial alteration in the tariffs, fares and other dues and charges on or at the railways and harbours or to any alteration in such tariffs which would materially affect any established principle or which involves other important considerations.
- (c) The estimates of revenue and expenditure, including loan expenditure, which are from time to time to be submitted to Parliament.
- (d) All bills affecting the railways and harbours which it is proposed shall be submitted to Parliament.
- (e) Any proposed appointment, permanent change, or retirement which affects a member of the permanent staff occupying a position governed by a maximum substantive salary exceeding R4,800 per annum, and any proposed granting of a salary scale increment to a member of the permanent staff who occupies a position governed by a maximum substantive salary exceeding R5,700 per annum.
- (f) Any proposed retrenchment of permanent staff which would involve the retirement of more than ten such servants in connection with any one scheme.
- (g) The contemplated grant—
 - (i) to an officer the maximum salary of whose appointment exceeds R3,225 per annum, of a bonus of any amount;
 - (ii) to a servant other than one referred to in subparagraph (i), of a bonus exceeding R100, with the exception of a bonus not exceeding R400 awarded for the submission of a suggestion or invention which results in substantial saving.
- (h) Any contemplated grant from the Benevolent Fund which in any individual instance exceeds R200.
- (i) Any contemplated grant from the Institutes Fund which in any individual instance exceeds R5,000.
- (j) Any proposed regulation, amendment of a regulation, or any other matter which is required by any Act or regulation to be submitted for the authority of the State President or the Executive Council.
- (k) Any suggested substantial change in the organisation of any of the departments of the railways and harbours.
- (l) The general policy regarding diminution of expenditure.
- (m) The investment of funds with the Public Debt Commissioners and the amount of money to be retained as working balances.

3. Subject to the provisions of regulation No. 2, the General Manager may enter into agreement with any person within or outside the Republic in connection with matters

DEPARTEMENT VAN SPOORWEE, HAWENS EN LUGDIENS.

No. R. 1645.]

[5 Oktober 1962.]

Ek, BAREND JACOBUS SCHOEMAN, Minister van Vervoer van die Republiek van Suid-Afrika, maak, na raadpleging met die Spoorweg- en Haweraad, die volgende regulasies kragtens subartikel (2) van artikel drie van die Spoorweg-raadwet, 1962 (Wet no. 73 van 1962):

SPOORWEGRAADREGULASIES.

1. Die bestaande regulasies, gepubliseer in Goewermentskennisgewing no. 413 van 17 Maart 1917, word hierby ingetrek, en daar word beskou dat wettige stappe wat ingevolge 'n bepaling van daardie regulasies gedoen is, ingevolge die ooreenstemmende bepaling van hierdie regulasies gedoen is.

2. Die Hoofbestuurder moet die ondergenoemde aangeleenthede vir oorweging aan die Minister voorlê:

- (a) Elke kwessie rakende die algemene beleid van die spoorweë en hawens.
- (b) Elke voorstel insake 'n wesenlike verandering in die tariewe, reisgeld en ander koste en betalings wat op die spoorweë en by die hawens van toepassing is of elke voorstel insake 'n verandering in sodanige tariewe, wat 'n gevestigde beginsel wesenlik sal raak, of waarby ander belangrike oorwegings betrokke is.
- (c) Die begrotings van inkomste en uitgawe, met inbegrip van leningsuitgawe, wat van tyd tot tyd aan die Parlement voorgelê moet word.
- (d) Alle wetsontwerpe rakende die spoorweë en hawens, wat dit die voorneme is om aan die Parlement voor te lê.
- (e) Elke voorgenome aanstelling, permanente verandering of uitdienstreding rakende 'n lid van die vaste personeel wat 'n pos beklee waaraan 'n werklike maksimum salaris van meer as R4,800 per jaar verbonde is, en elke voorgenome toekenning van 'n salarisskaalverhoging aan 'n lid van die vaste personeel wat 'n pos beklee waaraan 'n werklike maksimum salaris van meer as R5,700 per jaar verbonde is.
- (f) Elke voorgestelde afdanking van lede van die vaste personeel waarby meer as tien sodanige dienare in verband met enige skema betrokke sou wees.
- (g) Die voorgenome toekenning—
 - (i) aan 'n amptenaar wat 'n betrekking met 'n maksimum salaris van meer as R3,225 per jaar beklee, van 'n bonus van enige bedrag;
 - (ii) aan 'n ander dienaar as wat in sub-paragraaf (i) bedoel word, van 'n bonus van meer as R100, met uitsondering van 'n bonus van hoogstens R400 toegeken vir die indien van 'n voorstel of uitvinding wat 'n aansienlike besparing meebring.
- (h) Elke voorgenome toekenning uit die Hulpfonds van meer as R200 in elke afsonderlike geval.
- (i) Elke voorgenome toekenning uit die Instituutfonds van meer as R5,000 in elke afsonderlike geval.
- (j) Elke voorgestelde regulasie, wysiging van 'n regulasie, of elke ander saak wat volgens 'n wet of regulasie aan die Staatspresident of die Uitvoerende Raad vir magtiging voorgelê moet word.
- (k) Elke voorgestelde wesenlike verandering in die organisasie van enigen van die departemente van die spoorweë en hawens.
- (l) Die algemene beleid betreffende vermindering van uitgawe.
- (m) Die belegging van fondse by die Staatskuldkommis-sarisse en die bedrag geld wat as bedryfsaldo gehou moet word.

3. Onderworpe aan die bepalinge van regulasie no. 2, kan die Hoofbestuurder met enige persoon binne of buite die Republiek ooreenkomste aangaan in verband met aangeleenthede wat op die bestuur en eksploitasie van die

affecting or incidental to the management and working of the railways and harbours: Provided that—

- (a) subject to paragraph (b) of this proviso, the special authority of the Minister shall be obtained for the concluding of every such agreement where the amount involved exceeds R20,000, unless it is an agreement which arises from the acceptance of a tender that has been duly recommended by the Tender Board, or unless the General Manager is, in terms of any provision of the Tender Board Regulations, empowered to enter into such agreement without the prior authority of the Minister;
- (b) in the case of agreements for the hire or lease of land or buildings, or the supply of water or electric power, the special authority of the Minister shall be obtained for the concluding of every such agreement in respect of which the annual payment exceeds R20,000 or the period exceeds ten years.

4. Where—

- (a) it becomes necessary to incur expenditure in connection with a new work or improvement which has not been specifically approved by Parliament in the Estimates of Expenditure on Capital and Betterment Works for the financial year concerned, and such estimated expenditure exceeds R10,000, the General Manager shall refer the matter to the Minister for approval before the work is commenced;
- (b) it appears that the actual expenditure will exceed the authorised amount in respect of any new work or improvements (whether or not it has been provided for in the Estimates of Expenditure on Capital and Betterment Works) by more than 10 per cent, approval thereof shall be obtained as early as possible—
 - (i) from the Minister, in the case of a work or improvement where the additional amount required exceeds R20,000;
 - (ii) from the General Manager, in the case of a work or improvement where the additional amount required does not exceed R20,000.

5. Subject to the provisions of section three of the Railway Expropriation Act, 1955 (Act No. 37 of 1955), the General Manager is hereby empowered to deal with all matters relating to the expropriation or taking of movable or immovable property which the Administration is empowered by any Law to expropriate or to take, and to decide on the compensation to be paid to any person in terms of section six of the said Act, irrespective of the amount of such compensation.

6. The minutes of the Board, when approved by the Minister, or the instructions of the Minister, shall be sufficient authority for the General Manager to perform such acts or to incur such expenditure as may be necessary in respect of any works or services authorised therein.

7. The General Manager shall, as soon as may be after the close of each financial year, submit to the Minister an annual report on the working of the railways and harbours for such financial year.

8. The General Manager shall submit the following returns and statements for the information of the Minister:—

- (a) Reports of any accidents as referred to in section sixty-seven of the Railways and Harbours Control and Management (Consolidation) Act, 1957 (Act No. 70 of 1957).
- (b) Weekly statements of traffic earnings.
- (c) Monthly summary of indents which exceed in value R10,000 in respect of any one description of article.
- (d) Monthly statements of cash and bank balances held by the Administration as working balances at the end of the month.
- (e) Statement of new banking accounts opened during each month.
- (f) Monthly statements of expenditure on authorised new works, and of the balance available.

spoorweë en hawens betrekking het of daarmee in verband staan: Met dien verstande dat—

- (a) onderworpe aan paragraaf (b) van hierdie voorbehoudsbepaling, die spesiale magtiging van die Minister verkry moet word vir die sluiting van elke sodanige ooreenkoms waarby meer as R20,000 betrokke is, tensy dit 'n ooreenkoms is wat voortspruit uit die aanname van 'n tender wat behoorlik deur die Tenderraad aanbeveel is, of tensy die Hoofbestuurder ingevolge een of ander bepaling van die Tenderraadregulasies gemagtig word om so 'n ooreenkoms sonder die voorafgaande magtiging van die Minister aan te gaan;
- (b) in die geval van ooreenkomste vir die huur of verhuur van grond of geboue, of die lewering van water of elektriese krag, die spesiale magtiging van die Minister verkry moet word vir die sluiting van elke sodanige ooreenkoms ten opsigte waarvan die jaarlikse betaling R20,000 oorskry of die termyn langer as tien jaar is.

4. Waar dit—

- (a) nodig is om uitgawe aan te gaan vir 'n nuwe werk of verbetering wat nie bepaaldelik in die Begroting van Uitgawe aan Kapitaal- en Verbeteringswerke vir die betrokke boekjaar deur die Parlement goedgekeur is nie en sodanige geraamde uitgawe meer as R10,000 beloop, moet die Hoofbestuurder die saak na die Minister vir goedkeuring verwys voordat 'n aanvang met die werk gemaak word;
- (b) blyk dat die werklike uitgawe die goedgekeurde bedrag vir 'n nuwe werk of verbetering (hetsy daarvoor in die Begroting van Uitgawe aan Kapitaal- en Verbeteringswerke voorsiening gemaak is, of nie) met meer as 10 persent sal oorskry, moet goedkeuring daarvoor so spoedig doenlik verkry word—
 - (i) van die Minister, in die geval van 'n werk of verbetering waar die bykomende bedrag benodig op meer as R20,000 te staan kom;
 - (ii) van die Hoofbestuurder, in die geval van 'n werk of verbetering waar die bykomende bedrag benodig hoogstens R20,000 is.

5. Onderworpe aan die bepalings van artikel drie van die Spoorwegonteieningswet, 1955 (Wet no. 37 van 1955), word hierby aan die Hoofbestuurder magtiging verleen om alle aangeleenthede te behartig wat betrekking het op die onteiening of neem van roerende of onroerende goed wat die Administrasie by enige Wet gemagtig is om te onteien of te neem, en om te besluit oor die vergoeding wat kragtens artikel ses van bedoelde Wet aan iemand betaal moet word, ongeag die bedrag van sodanige vergoeding.

6. Die notule van die Raad, as dit deur die Minister goedgekeur is, of die instruksies van die Minister, is voldoende volmag vir die Hoofbestuurder om die handelinge te verrig of die uitgawe aan te gaan wat nodig mag wees vir enige werk of diens wat daarin gemagtig is.

7. Die Hoofbestuurder moet so spoedig doenlik na die end van elke boekjaar 'n verslag oor die bedryf van die spoorweë en hawens vir sodanige boekjaar aan die Minister voorleë.

8. Die Hoofbestuurder moet die volgende opgawes en state ter inligting van die Minister indien:

- (a) Verslae van ongelukke waarna in artikel sewe-en-sestig van die Konsolidasiewet op die Beheer en Bestuur van Spoorweë en Hawens, 1957 (Wet no. 70 van 1957) verwys word.
- (b) Weeklikse opgawes van vervoerinkomste.
- (c) 'n Maandelikse opsomming van bestellings waarvan die waarde meer is as R10,000 vir enige enkele soort artikel.
- (d) Maandelikse opgawes van kontant- en banksaldo's wat aan die end van die maand as bedryfsaldo's in besit van die Administrasie is.
- (e) 'n Opgawe van nuwe bankrekenings wat gedurende elke maand geopen is.
- (f) Maandelikse opgawes van uitgawe aan goedgekeurde nuwe werke en van die beskikbare saldo.

(g) Monthly revenue, net revenue, and revenue distribution accounts.

Copies of such statements as affect accounts shall simultaneously be furnished to the Controller and Auditor-General.

9. All reports and returns to be sent in to the Minister of Justice under section *sixty-seven* of Act No. 70 of 1957 and to the State President under section *sixty-eight* of the same Act, shall be sent in by the General Manager.

10. Subject to the directions of the Minister, all other matters affecting the management and working of the railways and harbours but not specifically referred to in these regulations, shall be dealt with by the General Manager at his discretion, but the General Manager may at any time submit to the Minister any subject, not dealt with in these regulations, upon which he may desire guidance or instruction.

11. The General Manager is empowered, subject to the approval of the Minister, to delegate to heads and sub-heads of departments, and such other officers as may be required, such powers and responsibilities not inconsistent with these or other regulations as may be necessary to carry on effectively the management and working of the railways and harbours.

12. Any expression to which a meaning is assigned in section *one* of the Railway Board Act, 1962 (Act No. 73 of 1962), shall, when used in these regulations, have the meaning so assigned to it.

No. R. 1646.]

[5 October 1962.]

The State President has, in terms of section *thirty-two* of the Railways and Harbours Service Act, 1960 (Act No. 22 of 1960), been pleased to approve of the South African Railways and Harbours Staff Regulations, published in Government Notice No. R. 1045 of 15th July, 1960, as amended, being further amended as follows:—

SOUTH AFRICAN RAILWAYS.

STAFF REGULATIONS.

SCHEDULE OF AMENDMENT.

(Operative from 16th August, 1962.)

Regulation No. 147.

In the first line of paragraph (2) substitute the words "A stationary plant attendant" for "An attendant, stationary plant."

No. R. 1647.]

[5 October 1962.]

The State President has, in terms of section *thirty-two* of the Railways and Harbours Service Act, 1960 (Act No. 22 of 1960), been pleased to approve of the South African Railways and Harbours Staff Regulations, published in Government Notice No. R. 1045 of 15th July, 1960, as amended, being further amended as follows:—

SOUTH AFRICAN RAILWAYS.

STAFF REGULATIONS.

SCHEDULE OF AMENDMENT.

(Operative from 16th June, 1962.)

Regulation No. 10.

In sub-paragraph (a) of paragraph (4) delete the word "and" in the fifth line of clause (ii), substitute a semicolon for the full-stop and insert the word "and" after the word "(Marine)" in the third line of clause (iii) and add the following new clause (iv):—

"(iv) the position of aviation technician."

(g) Maandelikse rekenings van inkomste, netto inkomste en inkomsteverdeling.

Afskrifte van state wat op rekenings betrekking het, moet terselfdertyd aan die Kontroleur en Ouditeur-generaal gestuur word.

9. Alle verslae en opgawes wat kragtens artikel *sewe-en-sestig* van Wet no. 70 van 1957 aan die Minister van Justisie, en kragtens artikel *agt-en-sestig* van dieselfde wet aan die Staatspresident gestuur moet word, moet deur die Hoofbestuurder ingestuur word.

10. Onderworpe aan die opdragte van die Minister, moet die Hoofbestuurder na goeie hande handel met alle ander sake wat die bestuur en bedryf van die spoorweë en hawens raak maar nie uitdruklik in hierdie regulasies genoem word nie. Die Hoofbestuurder kan egter te eniger tyd enige onderwerp wat nie in hierdie regulasies behandel word nie, aan die Minister voorleë vir leiding of instruksies.

11. Die Hoofbestuurder is gemagtig om, onderworpe aan die goedkeuring van die Minister, aan departementshoofde en -onderhoofde en sodanige ander amptenare as wat vereis mag word, sodanige bevoegdhede en verantwoordelikhede oor te dra as wat nodig is om die bestuur en bedryf van die spoorweë en hawens doeltreffend te behartig, mits dit nie met hierdie of ander regulasies strydig is nie.

12. 'n Uitdrukking waaraan 'n betekenis toegeskryf word in artikel *een* van die Spoorwegwet, 1962 (Wet no. 73 van 1962), het dieselfde betekenis wanneer dit in hierdie regulasies gebesig word.

No. R. 1646.]

[5 Oktober 1962.]

Dit het die Staatspresident behaag om, kragtens artikel *twee-en-dertig* van die Wet op Spoorweg- en Hawediens, 1960 (Wet no. 22 van 1960), goedkeuring daaraan te verleen dat die Personeelregulasies van die Suid-Afrikaanse Spoorweë en Hawens, soos gewysig, wat in Goewerments-kennisgewing no. R. 1045 van 15 Julie 1960 gepubliseer is, soos volg verder gewysig word:

SUID-AFRIKAANSE SPOORWEE.

PERSONEELREGULASIES.

WYSIGINGSLYS.

(Van krag van 16 Augustus 1962.)

Regulasie no. 147.

Vervang die woorde „bediende van vaste masjinerie” in die eerste reël van paragraaf (2) deur „vastemasjinerie-bediener”.

No. R. 1647.]

[5 Oktober 1962.]

Dit het die Staatspresident behaag om kragtens artikel *twee-en-dertig* van die Wet op Spoorweg- en Hawediens, 1960 (Wet no. 22 van 1960), goedkeuring daaraan te verleen dat die Personeelregulasies van die Suid-Afrikaanse Spoorweë en Hawens, soos gewysig, wat in Goewerments-kennisgewing no. R. 1045 van 15 Julie 1960 gepubliseer is, soos volg verder gewysig word:

SUID-AFRIKAANSE SPOORWEE.

PERSONEELREGULASIES.

WYSIGINGSLYS.

(Van krag van 16 Junie 1962.)

Regulasie no. 10.

In subparagraaf (a) van paragraaf (4) skrap die woord „en” in die vierde reël van klousule (ii), vervang die punt deur 'n kommapunt en voeg die woord „en” in na die woord „Posmeester-generaal” in die derde reël van klousule (iii) en voeg die volgende nuwe klousule (iv) in:

„(iv) in die betrekking lugvaarttegnikus.”

DEPARTMENT OF POSTS AND TELEGRAPHS.

No. R. 1648.]

[5 October 1962.]

The State President has been pleased in terms of section three of the Post Office Act, 1958 (Act No. 44 of 1958), to approve that the Tariff List for the International Telex Service as published under Government Notice No. R. 516 of the 30th March, 1962, as amended, be further amended by—

- (a) the deletion of "Kenya 8 55 2 85 50"; and
(b) the substitution thereof, in alphabetical order, of "East Africa 8 55 2 85 50".

No. R. 1649.]

[5 October 1962.]

AMENDMENT OF TELEPHONE REGULATIONS.

The State President has been pleased, under the provisions of sub-section (4) of section two and of section three of Act No. 44 of 1958, to approve of the following amendment to the Telephone Regulations:—

Telephone Regulation 37.—After "Amanzimtoti", insert "Bethlehem" with effect from 27th October, 1962.

DEPARTMENT OF JUSTICE.

No. R. 1650.]

[5 October 1962.]

EXEMPTION IN TERMS OF SECTION EIGHTEEN (2) OF THE STOCK THEFT ACT, 1959.

By virtue of the powers vested in me by sub-section (2) of section eighteen of the Stock Theft Act, 1959 (Act No. 57 of 1959), I, BALTHAZAR JOHANNES VORSTER, Minister of Justice, hereby exempt any agent defined in paragraph 1 of the Schedule to Government Notice No. 935 of 1962, from compliance with the provisions of section six of the Act in respect of the carcase or portion of the carcase of any bull, cow, ox, heifer, calf, sheep or goat.

B. J. VORSTER,
Minister of Justice.

DEPARTEMENT VAN POS-EN-TELEGRAAFWESE.

No. R. 1648.]

[5 Oktober 1962.]

Dit het die Staatspresident behaag om kragtens artikel drie van die Poswet, 1958 (Wet No. 44 van 1958), sy goedkeuring daaraan te heg dat die Tarieffys vir die Internasionale Teleksdiens, afgekondig by Goewermenskennisgewing No. R. 516 van 30 Maart 1962, soos gewysig, verder gewysig word deur—

- (a) die skrapping van „Kenja 8 55 2 85 50”; en
(b) die vervanging daarvan, in alfabetiese orde, deur „Oos-Afrika 8 55 2 85 50”.

No. R. 1649.]

[5 Oktober 1962.]

WYSIGING VAN TELEFOONREGULASIES.

Dit het die Staatspresident behaag om, kragtens die bepalings van subartikel (4) van artikel twee en van artikel drie van Wet No. 44 van 1958, sy goedkeuring te heg aan onderstaande wysiging van die Telefoonregulasies:—

Telefoonregulasie 37.—Na „Amanzimtoti”, voeg in „Bethlehem” met ingang van 27 Oktober 1962.

DEPARTEMENT VAN JUSTISIE.

No. R. 1650.]

[5 Oktober 1962.]

VRYSTELLING KRAGTENS ARTIKEL AGTIEN (2) VAN DIE WET OP VEEDIEFSTAL, 1959.

Kragtens die bevoegdheid my verleen by subartikel (2) van artikel agtien van die Wet op Veediefstal, 1959 (Wet No. 57 van 1959), stel ek, BALTHAZAR JOHANNES VORSTER, Minister van Justisie, hierby enige agent omskryf in paragraaf 1 van die Bylae van Goewermenskennisgewing No. 935 van 1962, vry van voldoening aan die bepalings van artikel ses van die Wet ten opsigte van die karkas of gedeelte van die karkas van enige bul, koei, os, vers, kalf, skaap of bok.

B. J. VORSTER,
Minister van Justisie.

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