

EXTRAORDINARY



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[No. 2112.]

PROCLAMATION

*by the State President of the
Republic of South Africa.*

No. R. 172, 1968.

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

Whereas the Minister of Agriculture, in terms of section 17 (3) (a) of the Marketing Act, 1937 (No. 26 of 1937), accepted the Scheme appearing in the Schedule hereto, and has, in terms of section 21 (1) (b) of the said Act recommended the approval of the said Scheme;

Now, therefore, under the powers vested in me by section 22 (1) (a) of the said Act, I do hereby declare that the said Scheme shall come into operation on the date of publication hereof.

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

J. J. FOUCHÉ,
State President.

By Order of the State President-in-Council.

D. C. H. UYS.

SCHEDULE.

SCHEME IN TERMS OF THE MARKETING ACT, 1937, FOR THE REGULATION OF THE MARKETING OF KARAKUL PELTS AND MATTERS INCIDENTAL THERETO.

Name and Scope of Scheme.

1. (1) This Scheme shall be known as the Karakul Scheme and shall relate to karakul pelts.

(2) The provisions of this Scheme shall apply in the Republic of South Africa and in the territory of South West Africa to the persons hereinafter referred to who are concerned in the production of karakul pelts or who deal therewith in the course of trade.

Definitions.

2. In this Scheme, unless inconsistent with the context, a word or expression to which a meaning has been assigned in the Act, has the same meaning, and—

(i) "Board" means the Karakul Board established by section 3; (viii)

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PROKLAMASIE

*van die Staatspresident van die
Republiek van Suid-Afrika.*

No. R. 172, 1968.

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

Nademaal die Minister van Landbou, kragtens artikel 17 (3) (a) van die Bemarkingswet, 1937 (No. 26 van 1937), die Skema wat in die Bylae hiervan verskyn, aangeneem het, en kragtens artikel 21 (1) (b) van genoemde Wet goedkeuring van genoemde Skema aanbeveel het;

So is dit dat ek, kragtens die bevoegdheid my verleen by artikel 22 (1) (a) van genoemde Wet, hierby verklaar dat die genoemde Skema op die datum van publikasie hiervan in werking tree.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die Tiende dag van Junie Eenduisend Negehoenderd Agt-en-sestig.

J. J. FOUCHÉ,
Staatspresident.

Op las van die Staatspresident-in-rade.

D. C. H. UYS.

BYLAE.

SKEMA KRAGTENS DIE BEMARKINGSWET, 1937, VIR DIE REËLING VAN DIE BEMARKING VAN KARAKOELPELSE EN AANGELEENTHEDE IN VERBAND DAARMEE.

Naam en Omvang van Skema.

1. (1) Hierdie Skema heet die Karakoelskema en het betrekking op karakoelpelse.

(2) Die bepalings van hierdie Skema is van toepassing in die Republiek van Suid-Afrika en in die gebied Suidwes-Afrika op die persone hierna genoem wat betrokke is by die produksie van karakoelpelse of wat daarmee as 'n besigheid handel.

Woordomskrywing.

2. In hierdie Skema, tensy in stryd met die samehang, het 'n woord of uitdrukking waaraan in die Wet 'n betekenis geheg is, dieselfde betekenis en beteken—

(i) „beheerde gebied”, die Republiek van Suid-Afrika en die gebied Suidwes-Afrika; (iii)

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- (ii) "broker" means a person who arranges the sale of karakul pelts on behalf of the owner thereof; (v)
- (iii) "controlled area" means the Republic of South Africa and the territory of South West Africa; (i)
- (iv) "dealer" means a person who carries on a business as buyer and seller of karakul pelts for his own account; (iii)
- (v) "exporter" means any person who exports or intends to export karakul pelts from the controlled area; (ix)
- (vi) "karakul pelt" means a flayed or cured or processed karakul lamb skin which is intended for the fur trade, or any portion of such a karakul lamb skin; (iv)
- (vii) "Minister" means the Minister of Agriculture; (vi)
- (viii) "process" or "processing" means the subjecting of a karakul pelt to a tanning process or other similar process in which the skin and the hair are not separated from one another; (x)
- (ix) "processor" means a person who, in respect of karakul pelts purchased or produced by him, processes such karakul pelts for the purpose of dealing in the course of trade with such karakul pelts, or a person who processes karakul pelts on behalf of the owner thereof; (xi)
- (x) "producer" means a person who produces karakul pelts or on whose behalf karakul pelts are produced; (vii)
- (xi) "the Act" means the Marketing Act, 1937 (No. 26 of 1937), and the regulations made thereunder. (ii)

Administration of the Scheme and Constitution of the Board.

3. (1) This Scheme shall be administered by the Karakul Board, which shall consist of nine members to be appointed by the State President, of whom—

(a) five shall be representatives of producers of whom three and two respectively shall represent producers in South West Africa and in the Republic and shall as the case may be, be nominated by an association or associations, after mutual consultation, which, in the opinion of the Minister is/are representative of such producers: Provided that such representatives shall be bona fide producers of karakul pelts;

(b) one shall be a representative of breeders of pedigree karakul sheep in the controlled area and shall be nominated by an association or associations, after mutual consultation, which in the opinion of the Minister is/are representative of such breeders: Provided that such a representative shall be a bona fide breeder of pedigree karakul sheep;

(c) one shall be a representative of brokers in the controlled area and shall be nominated by an association or associations, after mutual consultation, which in the opinion of the Minister is/are representative of such brokers;

(d) one shall be a representative of dealers in the controlled area and shall be nominated by an association or associations, after mutual consultation, which in the opinion of the Minister is/are representative of such dealers;

(e) one shall be an officer of the Department of Agricultural Economics and Marketing or the Department of Agricultural Technical Services and shall be nominated by the Minister.

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

(ii) „die Wet”, die Bemarkingswet, 1937 (No. 26 van 1937), en die regulasies daarkragtens uitgevaardig; (xi)

(iii) „handelaar”, ’n persoon wat ’n besigheid dryf as koper en verkoper van karakoelpelse vir eie rekening; (iv)

(iv) „karakoelpels”, ’n afgeslagte of bereide of verwerkte karakoellamvel wat bestem is vir die pelshandel, of enige gedeelte van so ’n karakoellamvel; (vi)

(v) „makelaar”, ’n persoon wat die verkoop van karakoelpelse namens die eienaar daarvan reël; (ii)

(vi) „Minister”, die Minister van Landbou; (vii)

(vii) „produsent”, ’n persoon wat karakoelpelse produseer of ten behoeve van wie karakoelpelse geproduseer word; (x)

(viii) „Raad”, die by artikel 3 ingestelde Karakoelraad; (i)

(ix) „uitvoerder”, enige persoon wat karakoelpelse uit die beheerde gebied uitvoer of voornemens is om dit so uit te voer; (v)

(x) „verwerk” of „verwerking”, die onderwerping van ’n karakoelpels aan ’n looiproses of enige ander proses waarby die pels en die hare nie van mekaar geskei word nie; (viii)

(xi) „verwerker”, iemand wat karakoelpelse wat hy gekoop of geproduseer het, verwerk met die doel om met sodanige karakoelpelse as ’n besigheid te handel, of iemand wat karakoelpelse ten behoeve van die eienaar daarvan verwerk. (ix)

Uitvoering van die Skema en Samestelling van die Raad.

3. (1) Hierdie Skema word toegepas deur die Karakoelraad, wat uit nege lede bestaan en deur die Staatspresident aangestel word, van wie—

(a) vyf verteenwoordigers moet wees van produsente waarvan drie en twee onderskeidelik produsente in Suidwes-Afrika en in die Republiek moet verteenwoordig en moet, na gelang van die geval, genomineer word deur ’n vereniging of verenigings, na onderlinge raadpleging, wat volgens oordeel van die Minister verteenwoordigend van sodanige produsente is: Met dien verstande dat sodanige verteenwoordigers *bona fide*-produsente van karakoelpelse moet wees;

(b) een ’n verteenwoordiger moet wees van telers van stamboekkarakoelskape in die beheerde gebied en genomineer moet word deur ’n vereniging of verenigings, na onderlinge raadpleging, wat volgens oordeel van die Minister verteenwoordigend van sodanige telers is: Met dien verstande dat sodanige verteenwoordiger ’n *bona fide*-teler van stamboekkarakoelskape moet wees;

(c) een ’n verteenwoordiger moet wees van makelaars in die beheerde gebied en genomineer moet word deur ’n vereniging of verenigings, na onderlinge raadpleging, wat volgens oordeel van die Minister verteenwoordigend van sodanige makelaars is;

(d) een ’n verteenwoordiger moet wees van handelaars in die beheerde gebied en genomineer moet word deur ’n vereniging of verenigings, na onderlinge raadpleging, wat volgens oordeel van die Minister verteenwoordigend is van sodanige handelaars;

(e) een ’n amptenaar van die Departement Landbou-ekonomie en -bemarking of die Departement 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 section 3 (1) (a), (b), (c) or (d) becomes necessary, the Minister shall call upon the associations concerned 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 said 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 is, in the opinion of the Minister, not suitable for appointment as a member of the Board or not qualified to be a member of the Board, the Minister may refer the nomination back to the association concerned and call upon the association to nominate some other person for appointment to the Board, and if the association thereupon again nominates a person who is, in the opinion of the Minister, not suitable or not qualified as aforesaid, or whenever the association fails to nominate any person, the Minister may himself, subject to the proviso's to section 3 (1) (a) and (b), nominate any person whom he considers suitable to be a member of the Board to represent the interests concerned.

(2) If an association referred to in section 3 (1) (a), (b), (c) or (d) does not exist, the Minister may himself, subject to the provisos to section 3 (1) (a) and (b), 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 subsection (2), a member of the Board shall be appointed for a period of two years, except the member referred to in section 3 (1) (e) who shall hold office during the State President's pleasure.

(2) Three of the five members referred to in section 3 (1) (a) (i.e. two of the members who represent producers in South West Africa and one of the members who represent producers in the Republic), and one of the members referred to in section 3 (1) (b), (c) and (d), shall retire upon the expiration of a period of one year after the first appointment of members to the Board.

(3) The members of the Board to retire in accordance with subsection (2) shall be determined by lot.

(4) If at the expiration of the period for which a member was appointed, no new appointment was made in his place that member shall continue to hold office until such an appointment has been made, but in no case for a longer period than three months.

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

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

(7) Whenever for any reason a member of the Board is absent or unable to fulfil his duties, the Minister may appoint any other person whom he considers suitable to act in the place of that member during his absence or while he is unable to fulfil his duties, and such person shall hold office as if he were a member of the Board: Provided that a person so appointed to act in the place of the Chairman or Vice-chairman shall perform the duties of an ordinary member only, unless the Board decides otherwise.

Kennisgewing vir die Nominasie van Lede.

4. Wanneer 'n nominasie ingevolge artikel 3 (1) (a), (b), (c) of (d) nodig word, moet die Minister die betrokke verenigings by skriftelike kennisgewing aansê of laat aansê om binne 'n tydperk in die kennisgewing vasgestel, sodanige persoon of persone te nomineer as wat hulle ingevolge genoemde 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 'n persoon wat soos voormeld genomineer is, na die mening 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 en daardie vereniging versoek om iemand anders vir aanstelling in die Raad te nomineer en indien daardie vereniging weer 'n persoon nomineer wat na die mening van die Minister nie geskik is om as lid van die Raad aangestel te word nie, of wanneer die vereniging versuim om iemand binne die tydperk te nomineer wat deur of namens die Minister in 'n skriftelike kennisgewing aan daardie vereniging vermeld is, kan die Minister self, behoudens die voorbehoudbepalings in artikel 3 (1) (a) en (b), iemand nomineer wat hy geskik ag om as lid van die Raad aangestel te word om die betrokke belange te verteenwoordig.

(2) Indien 'n vereniging vermeld in artikel 3 (1) (a), (b), (c) of (d) nie bestaan nie, kan die Minister self, behoudens die voorbehoudsbepalings in artikel 3 (1) (a) en (b), 'n persoon of persone nomineer vir aanstelling in die Raad om die betrokke belange te verteenwoordig.

Ampstermyn van Lede van die Raad.

6. (1) Behoudens die bepalinge van subartikel (2), word 'n lid van die Raad vir 'n tydperk van twee jaar aangestel; behalwe die in artikel 3 (1) (e) bedoelde lid wat sy amp beklee solank dit die Staatspresident behaag.

(2) Drie van die vyf lede genoem in artikel 3 (1) (a) (naamlik, twee van die lede wat produsente in Suidwes-Afrika verteenwoordig en een van die lede wat produsente in die Republiek verteenwoordig), en een van die lede genoem in artikel 3 (1) (b), (c) en (d), tree af na verloop van een jaar na die eerste aanstelling van lede in die Raad.

(3) Die lede van die Raad wat kragtens subartikel (2) moet aftree, word deur die lot beslis.

(4) Indien daar, by die verstryking van die tydperk waarvoor 'n lid aangestel was, geen nuwe aanstelling in sy plek gedoen is nie, bly daardie lid in sy amp aan totdat so 'n aanstelling gedoen is, maar in geen geval vir langer as drie maande nie.

(5) Aftredende lede kan weer aangestel word.

(6) Wanneer die amp van 'n lid van die Raad om enige rede vakant word voor verloop van die tydperk waarvoor hy aangestel is, kan die Minister iemand anders wat hy geskik ag, aanstel om die vakature te vul totdat die tydperk waarvoor die uitgetrede lid aangestel was verstreke is.

(7) Wanneer 'n lid van die Raad om die een of ander rede afwesig is of nie in staat is om sy amppligte uit te voer nie, kan die Minister iemand anders wat hy geskik ag, aanstel om op te tree in die plek van daardie lid gedurende sy afwesigheid of solank hy nie in staat is om sy amppligte uit te voer nie, en so 'n persoon beklee sy amp asof hy 'n lid van die Raad is: Met dien verstande dat iemand wat aldus aangestel is om in die plek van die Voorsitter of Ondervoorsitter op te tree, slegs die pligte van 'n gewone lid uitvoer tensy die Raad anders besluit.

(8) A member shall vacate his office if he is absent without the permission of the Board from three consecutive meetings of the Board and no one has been appointed to act in his place in terms of subsection (7).

Election and Tenure of Office of Chairman and Vice-Chairman.

7. (1) The Board shall at its first meeting, and thereafter whenever it becomes necessary, elect one of its members to be the Chairman and one of its members to be the Vice-chairman of the Board.

(2) The Chairman of the Board shall, subject to his remaining a member of the Board, hold office as Chairman for the period terminating on the date of the first meeting of the Board held subsequent to the expiration of one year after the date of his election and be eligible for re-election as Chairman.

(3) The provisions of subsection (2) shall *mutatis mutandis* apply in respect of the Vice-chairman.

(4) Whenever the Chairman is absent or unable to fulfil any of his functions, the Vice-chairman shall act in his stead and whenever both the Chairman and the Vice-chairman are absent or unable to fulfil their functions the Board shall elect another of its members to act as Chairman.

Meetings of the Board.

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

(2) All subsequent meetings of the Board shall be held at such times and places as the Board, or the Chairman or an official of the Board if authorised thereto by the Board, may determine.

(3) The Chairman of the Board may himself at any time call a special meeting of the Board, to be held at a time and place determined by him.

(4) At the written request of not less than three members of the Board, the Chairman shall call a special meeting of the Board to be held within 21 days from the date of receipt of such request and at a time and place determined by him.

(5) A meeting of the Board shall be convened by notice given by or by direction of the Chairman of the Board or an official of the Board authorised thereto by the Board.

Quorum and Procedure at Meetings.

9. (1) Six members of the Board appointed in terms of section 3 (1) or section 6 (6) or (7) shall form a quorum at any meeting of the Board.

(2) The decision of at least five members of the Board, appointed as aforesaid present at any meeting of the Board, shall constitute a decision of the Board.

Allowances to Members of the Board.

10. The members of the Board, other than the member referred to in section 3 (1) (e), but including the advisory members of the Board and any acting member appointed by the Minister in terms of section 6 (7), shall receive such allowances out of the funds of the Board as the Board may, with the approval of the Minister, determine, to meet all reasonable expenses which any such member or acting member may incur in connection with the business of the Board.

Committees of the Board.

11. (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

(8) 'n Lid ontruim sy amp indien hy sonder verlof van die Raad van drie agtereenvolgende vergaderings van die Raad afwesig is en niemand kragtens subartikel (7) aangestel is om in sy plek op te tree nie.

Verkiesing en Ampstermyn van Voorsitter en Ondervoorsitter.

7. (1) Die Raad kies op sy eerste vergadering en daarna so dikwels as wat dit nodig mag word, een van sy lede as Voorsitter en een van sy lede as Ondervoorsitter van die Raad.

(2) Mits hy lid van die Raad bly, beklee die Voorsitter van die Raad sy amp as Voorsitter vir die tydperk wat eindig op die datum van die eerste vergadering van die Raad gehou na verstryking van een jaar na die datum van sy verkiesing en kan hy as Voorsitter herkies word.

(3) Die bepalinge van subartikel (2) is *mutatis mutandis* ten opsigte van die Ondervoorsitter van toepassing.

(4) Wanneer die Voorsitter afwesig is of nie in staat is om enige van sy werksaamhede te verrig nie, moet die Ondervoorsitter in sy plek optree en wanneer sowel die Voorsitter as die Ondervoorsitter afwesig is of nie in staat is om hul werksaamhede te verrig nie, moet die Raad een van sy ander lede kies om as Voorsitter op te tree.

Vergaderings van die Raad.

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

(2) Alle daaropvolgende vergaderings van die Raad word gehou op die tye en plekke wat die Raad, of die Voorsitter of 'n beamppte van die Raad indien deur die Raad daartoe gemagtig, bepaal.

(3) Die Voorsitter van die Raad kan self te eniger tyd 'n spesiale vergadering van die Raad belê wat gehou moet word op 'n tyd en plek deur hom bepaal.

(4) Op skriftelike versoek van minstens drie lede van die Raad moet die Voorsitter 'n spesiale vergadering van die Raad belê, wat binne 21 dae na die datum van die ontvangs van so 'n versoek en op 'n tyd en plek wat hy bepaal, gehou moet word.

(5) 'n Vergadering van die Raad word belê by kennisgewing deur of op gesag van die Voorsitter van die Raad of 'n beamppte van die Raad wat deur die Raad daartoe gemagtig is.

Kworum en Prosedure by Vergaderings.

9. (1) Ses lede van die Raad aangestel kragtens artikel 3 (1) of artikel 6 (6) of (7), maak 'n kworum uit by enige vergadering van die Raad.

(2) Die besluit van minstens vyf lede van die Raad wat soos voormeld aangestel is en wat op 'n raadsvergadering aanwesig is, maak 'n besluit van die Raad uit.

Toelae aan Lede van die Raad.

10. Die lede van die Raad, behalwe dié in artikel 3 (1) (e) bedoelde lid maar met inbegrip van die adviserende lede van die Raad en 'n deur die Minister kragtens artikel 6 (7) aangestelde waarnemende lid, ontvang uit die fondse van die Raad die toelae wat die Raad, met goedkeuring van die Minister, bepaal ter dekking van alle redelike onkoste wat so 'n lid of waarnemende lid in verband met die sake van die Raad mag aangaan.

Komitees van die Raad.

11. (1) Die Raad kan, met die toestemming van die Minister en onderworpe aan die voorwaardes wat die Raad opla, een of meer komitees uit sy lede benoem en na

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 such committee.

(2) The Chairman of the Board shall *ex officio* be a member of any committee appointed by the Board.

(3) The Board shall in respect of each committee appointed by it make rules with regard to the conduct of and procedure at meetings (including the quorum), the manner in which meetings shall be called and matters incidental thereto.

(4) The decision of the majority of all the members of a committee shall constitute a decision of the committee unless the Board, with the approval of the Minister, determines otherwise.

Financial Year.

12. The financial year of the Board shall be the period from the first day of July in any year to the thirtieth day of June in the next succeeding year, both days inclusive.

Audit.

13. The books, accounts and balance sheet of the Board shall be audited annually by the Controller and Auditor-General in accordance with the provisions of Chapter IV of the Exchequer and Audit Act, 1956 (No. 23 of 1956).

General Powers of the Board.

14. In addition to any other powers vested in the Board by this Scheme, the Board shall have power to—

(a) employ such persons 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) 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;

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

(d) 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;

(e) with the approval of the Minister, borrow money to be used for the purpose of attaining the objects of this Scheme, and use any money derived from any levy imposed in terms of section 15 for any object which in the opinion of the Board will be to the advantage of persons who have an interest in the production and marketing of karakul pelts;

(f) with the approval of the Minister assist, by grant or loan or otherwise, any undertaking for preserving, processing or conditioning karakul pelts;

(g) with the approval of the Minister assist, by grant, loan or otherwise, research work relating to the improvement, production, processing or marketing of karakul pelts;

(h) take such steps as may be approved by the Minister for fostering or stimulating the demand for karakul pelts, whether within or outside the Republic;

goeddunde van sy bevoegdheid aan so 'n komitee oordra: Met dien verstande dat die Raad nie afstand doen van 'n bevoegdheid wat hy aan so 'n komitee opdra nie.

(2) Die Voorsitter van die Raad is *ex officio* lid van enige komitee aangestel deur die Raad.

(3) Die Raad moet ten opsigte van elke komitee wat hy aanstel reëls neerlê met betrekking tot die hou van en die prosedure op vergaderings (met inbegrip van die kworum), die wyse waarop vergaderings belê moet word en aangeleenthede in verband daarmee.

(4) 'n Besluit van die meerderheid van al die lede van 'n komitee maak 'n besluit van die komitee uit, tensy die Raad met goedkeuring van die Minister anders bepaal.

Boekjaar.

12. Die boekjaar van die Raad is die tydperk vanaf die eerste dag van Julie in enige jaar tot die dertigste dag van Junie in die daaropvolgende jaar, albei dae ingesluit.

Oudit.

13. Die boeke, rekenings en balansstaat van die Raad word jaarliks deur die Kontroleur en Ouditeur-generaal geouditeer ooreenkomstig die bepalings van Hoofstuk IV van die Skatkis- en Ouditwet, 1956 (No. 23 van 1956).

Algemene Bevoegdhede van die Raad.

14. Benewens enige ander bevoegdhede wat deur hierdie Skema aan die Raad verleen word, is die Raad bevoeg om—

(a) die persone aan te stel en die eiendom aan te skaf of te huur wat hy nodig ag vir die behoorlike verrigting van sy werksaamhede en vir die bereiking van die doel van hierdie Skema: Met dien verstande dat geen vaste eiendom aangeskaf word nie behalwe met toestemming van die Minister en op die voorwaardes wat hy goedkeur;

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

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

(d) met enigeen mee te doen aan 'n handeling wat die Raad kan verrig, en om namens 'n ander soortgelyke Raad, alle handelinge te verrig wat daardie Raad kan verrig;

(e) met goedkeuring van die Minister geld te leen om aangewend te word ter verwesenliking van die doel van hierdie Skema en geld verkry uit 'n heffing opgelê ingevolge artikel 15 aan te wend vir die doeleindes wat volgens die Raad se oordeel tot voordeel sal wees van persone wat belang het by die produksie en bemarking van karakoelpelse;

(f) met die Minister se goedkeuring deur middel van toekenning of lening of op enige ander wyse hulp te verleen aan ondernemings vir die bewaring, verwerking of bewerking van karakoelpelse;

(g) met die Minister se goedkeuring deur middel van toekenning of lening of op ander wyse hulp te verleen in verband met navorsingswerk met betrekking tot die verbetering, produksie, verwerking of bemarking van karakoelpelse;

(h) die stappe te doen wat die Minister goedkeur ter aanmoediging of stimulering van die vraag na karakoelpelse, hetsy binne of buite die Republiek;

(i) with the approval of the Minister prohibit any person or any person belonging to any class or group of persons or any person other than a person belonging to any class or group of persons, from treating karakul pelts, prior to processing, in any manner other than that determined by the Board, except under the authority of a permit which may be issued by the Board subject to the conditions (if any) determined by the Board;

(j) advise the Minister as to—

(i) the conditions regarding grades, standards of quality, methods of packing and the marking of karakul pelts or any receptacle or cover containing karakul pelts, subject to which karakul pelts may be sold or imported for sale;

(ii) the prohibition, control or regulation of the importation or export of karakul pelts; and

(iii) all matters relating to the marketing or processing of karakul pelts.

Levy and Special Levy on Karakul Pelts.

15. (1) The Board may, with the approval of the Minister and on such basis as the Board may determine, impose a levy and a special levy on karakul pelts excluding karakul pelts imported into the controlled area for processing and re-exported from the controlled area.

(2) Such levy and special levy shall be paid to the Board at the times and in the manner which may be prescribed by a regulation under the Act and shall be payable by—

(a) in the case of karakul pelts which are exported from the controlled area, excluding karakul pelts previously imported into the controlled area for processing or in respect of which such levy and special levy have previously been paid by a processor the exporter, irrespective of whether such exporter so exports the karakul pelts concerned on his own behalf or on behalf of any other person;

(b) in the case of karakul pelts which are processed in the controlled area by a processor, excluding karakul pelts which were imported into the controlled area for processing and re-export from the controlled area or which were previously exported from the controlled area, such processor; and

(c) in the case of karakul pelts which are imported into the controlled area, except karakul pelts which are so imported for processing and re-export from the controlled area or which were previously exported from the controlled area, the person on whose behalf the karakul pelts concerned are so imported.

(3) An exporter or processor may recover the amount paid or payable by him in respect of any levy and special levy on karakul pelts which he has exported or processed on behalf of some other person, from that person by deducting it from any amount owing by him to that person or by adding it to any amount owing to him by that person.

Establishment of Funds.

16. (1) Subject to the provisions of subsections (2) and (3), the Board shall establish a fund to be known as the Karakul Pelt Levy Fund, to be administered and controlled by the Board and into which all moneys derived from any levy imposed in terms of section 15 (1) and all the other moneys which the Board may receive, shall be paid, and from which all payments by the Board shall be made.

(i) met die goedkeuring van die Minister, enige persoon of enige persoon wat tot 'n klas of groep persone behoort of enige ander persoon as 'n persoon wat tot 'n klas of groep persone behoort, te verbied om karakoelpelse vóór verwerking te behandel op 'n ander wyse as die wyse deur die Raad bepaal, dan alleen op gesag van 'n permit wat die Raad kan uitreik onderworpe aan voorwaardes (as daar is) deur die Raad bepaal;

(j) die Minister van advies te dien aangaande—

(i) die voorwaardes wat betref grade, kwaliteitstandaarde, verpakkingsmetodes en die merking van karakoelpelse, of 'n houër of omhulsel wat karakoelpelse bevat, waarop karakoelpelse verkoop of vir verkoop ingevoer mag word;

(ii) die verbod op, beheer of reëling van die invoer of uitvoer van karakoelpelse; en

(iii) alle aangeleenthede betreffende die bemerking of verwerking van karakoelpelse.

Heffing en Spesiale Heffing op Karakoelpelse.

15. (1) Die Raad kan met die goedkeuring van die Minister en op die basis wat die Raad mag bepaal, 'n heffing en 'n spesiale heffing lê op karakoelpelse uitgesonderd karakoelpelse in die beheerde gebied ingevoer vir verwerking en weer uit die beheerde gebied uitgevoer.

(2) So 'n heffing en spesiale heffing moet aan die Raad betaal word op die tye en wyse wat by regulasie kragtens die Wet voorgeskryf mag word en is betaalbaar deur—

(a) in die geval van karakoelpelse wat uit die beheerde gebied uitgevoer word, uitgesonderd karakoelpelse wat voorheen in die beheerde gebied ingevoer is vir verwerking of ten opsigte waarvan so 'n heffing en spesiale heffing voorheen deur 'n verwerker betaal is, die uitvoerder, ongeag of sodanige uitvoerder die betrokke karakoelpelse vir sy eie rekening of ten behoeve van 'n ander persoon aldus uitvoer;

(b) in die geval van karakoelpelse wat in die beheerde gebied deur 'n verwerker verwerk word, uitgesonderd karakoelpelse wat in die beheerde gebied ingevoer is vir verwerking en heruitvoer uit die beheerde gebied of wat voorheen uit die beheerde gebied uitgevoer is, sodanige verwerker; en

(c) in die geval van karakoelpelse wat in die beheerde gebied ingevoer word, uitgesonderd karakoelpelse wat aldus ingevoer word vir verwerking en heruitvoer uit die beheerde gebied of wat voorheen uit die beheerde gebied uitgevoer is, die persoon ten behoeve van wie betrokke karakoelpelse aldus ingevoer word.

(3) 'n Uitvoerder of verwerker kan die bedrag van 'n heffing en spesiale heffing deur hom betaal of betaalbaar op karakoelpelse wat hy ten behoeve van 'n ander persoon uitgevoer of verwerk het, op daardie persoon verhaal deur dit af te trek van enige bedrag wat hy aan daardie persoon verskuldig is, of dit by te voeg by enige bedrag wat daardie persoon aan hom verskuldig is.

Instelling van Fondse.

16. (1) Behoudens die bepalings van subartikels (2) en (3) moet die Raad 'n fonds instel wat bekend sal staan as die Karakoelpelsheffingsfonds, wat deur die Raad bestuur en beheer moet word en waarin alle gelde verkry uit 'n heffing wat kragtens artikel 15 (1) opgelê is, en alle ander gelde wat die Raad mag ontvang, gestort moet word en waaruit alle betalings deur die Raad gedoen moet word.

(2) The Board shall establish a special fund into which shall be paid the proceeds of any special levy imposed under section 15 (1) 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 a manner as may be approved by the Minister.

(3) The Board shall establish one or more reserve funds into which shall be paid such amounts at 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 a financial year under this Scheme, and the Board may deal with any moneys in any such fund in such manner as may be approved by the Minister.

Export of Karakul Pelts.

17. The board may, with the approval of the Minister, prohibit any person or any person belonging to any class or group of persons or any person other than a person belonging to any class or group of persons, from exporting any karakul pelts, except under a permit issued by the Board and which may be cancelled by the Board if the holder thereof has contravened or failed to comply with any condition specified therein or any provision of this Scheme or of any regulation made under the Act: Provided that when the Board refuses to issue such permit or cancels it, the applicant or holder, as the case may be, shall have the right to appeal to the Minister against the decision of the Board and that the Minister may after consideration confirm, set aside or amend such decision and provided further that if the levy and special levy imposed in terms of section 15 on the karakul pelts concerned have been paid to the Board at the times and in the manner prescribed by regulation under the Act, the Board shall issue such permit in respect of those karakul pelts.

Records and Returns.

18. The Board may, with the approval of the Minister, prescribe the records to be kept in connection with karakul pelts, the period for which any such record shall be retained and the returns regarding karakul pelts to be rendered to the Board by any person or by any person belonging to any class or group of persons or by any person other than a person belonging to any class or group of persons, and the times at which and the form and manner in which such returns shall be so rendered.

Inspection Powers.

19. The Board shall have the 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 karakul pelts, or any place or vehicle in or upon which there is kept, or is suspected to be kept, any quantity of karakul pelts by any person;

(b) to inspect any such karakul pelts 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 karakul pelts and to make copies of or take extracts from such books or documents;

(c) to demand from the owner or custodian of such karakul pelts any information regarding such karakul pelts;

(2) Die Raad moet 'n spesiale fonds instel waarin die opbrengs van 'n spesiale heffing kragtens artikel 15 (1) opgelê en sulke ander bedrae tot beskikking van die Raad wat die Minister mag goedkeur, gestort moet word en die Raad kan met gelde in hierdie fonds handel op 'n wyse deur die Minister goedgekeur.

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

Uitvoer van Karakoelpelse.

17. Die Raad kan met die goedkeuring van die Minister enige persoon of enige persoon wat tot 'n klas of groep persone behoort of enige ander persoon as 'n persoon wat tot 'n klas of groep persone behoort, verbied om enige karakoelpelse uit te voer behalwe ingevolge 'n permit wat deur die Raad uitgereik word en wat deur die Raad ingetrek kan word as die houer daarvan 'n voorwaarde daarin genoem of 'n bepaling van hierdie Skema of van 'n regulasie kragtens die Wet uitgevaardig, oortree het of versuim het om daaraan te voldoen: Met dien verstande dat wanneer die Raad weier om so 'n permit uit te reik of dit intrek, die applikant of houer, na gelang van die geval, die reg het om na die Minister teen die besluit van die Raad te appelleer, en dat die Minister sodanige besluit na oorweging kan bekragtig, tersyde stel of wysig, en met dien verstande verder dat indien die heffing en spesiale heffing kragtens artikel 15 op die betrokke karakoelpelse gelê aan die Raad betaal is op die tye en wyse soos by regulasie kragtens die Wet voorgeskryf, die Raad so 'n permit ten opsigte van daardie karakoelpelse moet uitreik.

Rekords en Opgawes.

18. Die Raad kan, met die Minister se goedkeuring, die rekords wat in verband met karakoelpelse gehou moet word, die tydperk waarvoor so 'n rekord behou moet word en die opgawes wat omtrent karakoelpelse aan die Raad verstrekk moet word deur enige persoon of deur enige persoon wat tot 'n klas of groep persone behoort of deur enige ander persoon as 'n persoon wat tot 'n klas of groep persone behoort, voorskryf, asook die tye waarop, die vorm waarin en die wyse waarop die opgawes aldus verstrekk moet word.

Inspeksiebevoegdheid.

19. Die Raad het die bevoegdheid om, vir die toepassing 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 geokkupeer word deur 'n persoon wat 'n produsent is, of vermoed word 'n produsent te wees van, of 'n persoon wat as 'n besigheid handel, of vermoed word as 'n besigheid te handel met karakoelpelse, of 'n plek of voertuig waarin of waarop daar 'n hoeveelheid karakoelpelse deur enige persoon gehou word of na vermoede gehou word;

(b) sodanige karakoelpelse te inspekteer en alle boeke en stukke op bedoelde plek of in of op bedoelde voertuig na te gaan wat op redelike gronde vermoed word op karakoelpelse betrekking te hê en afskrifte van of uittreksels uit die boeke of stukke te maak;

(c) van die eienaar van sodanige karakoelpelse of die persoon wat dit in sy bewaring het, inligting aangaande sodanige karakoelpelse te eis;

(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 karakul pelts 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 karakul pelts which has been so seized, and if he deems fit to place on any such book, document, article or karakul pelts, or on the container thereof, any identification mark which he may consider necessary.

Offences and Penalty Clauses.

20. 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, taken or made thereunder; or

(ii) any condition prescribed in connection with any such provision, prohibition, requirement, direction, decision or determination; or

(iii) any condition subject to which he has in pursuance of any such provision, prohibition, requirement, direction, decision or determination been authorised to perform 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 terms of a condition referred to in paragraph (a) (ii) or (iii); 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

(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 R200 or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

Liquidation of Scheme.

21. In the event of the discontinuance of this Scheme—

(a) any assets of the Board after all its debts have been paid shall be handed over to the Minister and the assets so handed over shall be utilised by the Minister in his discretion for the advancement of the karakul pelt industry;

(b) any deficit which may exist after all the assets of the Board have been realised shall be borne by all producers, *pro rata*, to the quantity of karakul pelts produced and sold or dealt with in the course of trade by them during the period of two years immediately preceding the date on which this Scheme is discontinued or during the period this Scheme was in operation, whichever is the shorter period.

(d) van die eienaar van so 'n 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 boeke, stukke of artikels wat bewys kan lewer van 'n misdryf ingevolge die Wet of hierdie Skema of 'n kragtens die Wet uitgevaardigde regulasie gepleeg, of op enige hoeveelheid karakoelpelse ten opsigte waarvan so 'n misdryf vermoedelik gepleeg is, en om boeke, stukke of artikels of enige hoeveelheid karakoelpelse waarop aldus beslag gelê is, van die betrokke plek of voertuig te verwyder of dit op bedoelde plek of voertuig te laat, en na goeëdunke op so 'n boek, stuk, artikel of karakoelpels of die houer daarvan enige identifikasiemerke wat hy nodig mag ag, aan te bring.

Misdrywe en Strafbepalings.

20. 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

(ii) enige voorwaarde voorgeskryf in verband met sodanige bepaling, verbod, vereiste, voorskrif, besluit of vasstelling; of

(iii) enige voorwaarde onderworpe waaraan hy ooreenkomstig sodanige bepaling, verbod, vereiste, voorskrif, besluit of vasstelling gemagtig is om enige daad te verrig; of

(b) versuim om enige rekord, faktuur, rekening, staat of opgawe te hou, uit te reik of te verstrek wat hy ingevolge hierdie Skema of 'n vereiste voorgeskryf kragtens hierdie Skema of ingevolge 'n voorwaarde genoem in paragraaf (a) (ii) of (iii) 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, 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 skuldigbevinding strafbaar met 'n boete van hoogstens R200 of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met beide sodanige boete en gevangenisstraf.

Opheffing van Skema.

21. Ingeval hierdie Skema opgehef word—

(a) word alle bates van die Raad, nadat al sy skulde betaal is, aan die Minister oorhandig en die bate aldus oorhandig, word deur die Minister na goeëdunke vir die bevordering van die karakoelpelsbedryf aangewend;

(b) word enige tekort wat mag bestaan nadat al die bates van die Raad tot geld gemaak is, gedra deur alle produsente, *pro rata* volgens die hoeveelheid karakoelpelse deur hulle geproduseer en verkoop of as 'n besigheid mee gehandel gedurende die tydperk van twee 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.

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