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BUITENGEWONE



EXTRAORDINARY

Staatskoerant

VAN DIE UNIE VAN SUID-AFRIKA

THE UNION OF SOUTH AFRICA

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

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

PROKLAMASIE

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

PROCLAMATION

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

* No. 51, 1939.]

Kragtens die bevoegdheid my verleen by paragraaf (a) van subartikel (1) van artikel twee-en-twintig van die Bemerkingswet, 1937 (Wet No. 26 van 1937), soos gewysig, verklaar, proklameer en maak ek hierby bekend dat die skema wat in die skedule hiervan verskyn, en wat kragtens subartikel (1) van artikel sewentien van daardie Wet aan die Minister van Landbou en Bosbou voorgelê is deur die Raad van Beheer oor die Tabaknywerheid ingestel onder artikel een van die „Tabak-Reëlings Wysigingswet, 1935” (Wet No. 17 van 1935), en wat ooreenkomstig paragraaf (c) van subartikel (3) van voornoemde artikel sewentien deur genoemde Minister aangeneem is met sekere wysigings, op 1 April 1939 in werking tree.

GOD BEHORDE DIE KONING.

Gegee onder my Hand en die Grootseël van die Unie van Suid-Afrika te Kaapstad, op hede die Sestiende dag van Maart Eenduisend Negehoonderd Nege-en-dertig.

PATRICK DUNCAN,
Goewerneur-generaal.

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

W. R. COLLINS.

SKEDULE.

TABAKREELINGSKEMA.

SKEMA VIR DIE REËLING VAN DIE PRODUKSIE EN BEMARKING VAN TABAK.

Naam en Omvang van Skema.

1. (1) Hierdie skema heet die Tabakreëlingskema en het betrekking op tabak wat, vir die doeleindes van die skema, in die volgende klasse verdeel word, naamlik:—

- (a) Turkse tabak;
- (b) oondgedroogde tabak; en
- (c) alle ander tabak wat nie onder (a) of (b) val nie.

* No. 51, 1939.]

Under the powers vested in me by paragraph (a) of subsection (1) of section twenty-two of the Marketing Act, 1937 (Act No. 26 of 1937), as amended, I hereby declare, proclaim and make known that the scheme appearing in the Schedule hereto, which has, in terms of sub-section (1) of section seventeen of that Act, been submitted to the Minister of Agriculture and Forestry by the Tobacco Industry Control Board established under section one of the Tobacco Control Amendment Act, 1935 (Act No. 17 of 1935), and which has in terms of paragraph (c) of sub-section (3) of the aforesaid section seventeen been accepted with certain modifications by the said Minister, shall come into operation on the 1st April, 1939.

GOD SAVE THE KING.

Given under my Hand and the Great Seal of the Union of South Africa at Capetown this Sixteenth day of March One thousand Nine-hundred and Thirty-nine.

PATRICK DUNCAN,
Governor-General.

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

W. R. COLLINS.

SCHEDULE.

TOBACCO CONTROL SCHEME.

SCHEME FOR THE REGULATION OF THE PRODUCTION AND MARKETING OF TOBACCO.

Name and Scope of Scheme.

1. (1) This scheme shall be known as the Tobacco Control Scheme and shall relate to tobacco, which shall for the purposes of the scheme be divided into the following classes, viz.—

- (a) Turkish tobacco;
- (b) flue-cured tobacco; and
- (c) all other tobacco not included under (a) or (b).

(2) Die bepalings van hierdie skema is van toepassing in die Unie op die hierondergenoemde klasse persone wat betrokke is by die produksie, bemaking of verwerking van tabak.

Woordomskrywing.

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

„raad”, die Raad van Beheer oor die Tabaknywerheid ingestel ingevolge die „Tabak-reelings Wysigingswet, 1935” (Wet No. 17 van 1935), soos hersaamgestel ooreenkomstig artikel drie;

„verwerk”, kerf, draai of andersins vir handelsdoeleindes berei, maar behels nie die droging of die sweetproses of die hantering en manipulering van tabak vir die doel van verkoop in blaarvorm nie; en die woorde „verwerker”, „verwerkte” en „verwerking” het dienooorkomstigse betekenisse;

„produsent”, met betrekking tot—

(a) tabak geproduseer in die Unie, die persoon deur of ten behoeve van wie daardie tabak verbou is, of die persoon aan wie daardie tabak gelewer is as vergoeding of as deel van die vergoeding vir die reg om die grond waarop op ’n deel waarvan die tabak verbou is, te gebruik, of die persoon aan wie daardie tabak gelewer is as ’n vergoeding vir bewese dienste;

(b) tabak ingevoer in die Unie, die persoon wat daardie tabak aldus ingevoer het;

„tabak”, tabak van een of ander van die klasse genoem in subartikel (1) van artikel een wat nie verwerk is nie; „Transkeigebied”, die magistraatsdistrikte Bizana, Butterworth, Elliotdale, Engcobo, Flagstaff, Idutywa, Kentani, Komgha, Libode, Lusikisiki, Matatiele, Mount Ayliff, Mount Currie, Mount Fletcher, Mount Frere, Mqanduli, Ngqeleni, Ngamakwe, Port St. Johns, Qumbu, St. Marks, Tsolo, Tsono, Umtata, Umzimkulu, Willowvale, Xalanga;

„groothandelaar in blaartabak”, iemand wat blaartabak koop van enige persoon vir herverkoop aan ander persone as die individuele verbruikers daarvan.

Uitvoering van Skema en Samestelling van Raad.

3. Hierdie skema word uitgevoer deur die Raad van Beheer oor die Tabaknywerheid, ingestel ingevolge artikel een van die „Tabak-reelings Wysigingswet, 1935”, wat vir daardie doel moet bestaan uit dertien lede, deur die Goewer-neurgeneraal aangestel te word, van wie—

- agttien verteenwoordigers moet wees van tabakprodusente wat lede is van kooperatiewe verenigings of maatskappye, en genomineer moet word ooreenkomstig die bepalings van artikel vyf;
- een ’n verteenwoordiger moet wees van tabakprodusente wat nie lede van kooperatiewe verenigings of maatskappye is nie, en genomineer moet word deur die Suid-Afrikaanse Landbou-unie;
- een ’n verteenwoordiger moet wees van groot tabak-verwerkers, en genomineer moet word ooreenkomstig die bepalings van artikel ses;
- een ’n verteenwoordiger moet wees van klein-tabak-verwerkers, en genomineer moet word ooreenkomstig die bepalings van artikel sewe;
- een ’n verteenwoordiger moet wees van die handel en ’n persoon moet wees wat nie regstreeks of onregstreeks by die handel in tabak betrokke is nie en genomineer moet word deur die Minister;
- een ’n amptenaar moet wees van die Departement van Landbou en Bosbou, deur die Minister genomineer.

Adviseurs van die Raad.

4. (1) Die Minister kan een of meer amptenare van die Departement van Landbou en Bosbou en die Departement van Naturellesake benoem om in adviserende hoedanigheid alle vergaderings of een of meer van die vergaderings van die raad of van ’n komitee van die raad by te woon, en elke amptenaar aldus aangestel het dieselfde regte as die lede van die raad of komitee waartoe hy benoem is, behalwe dat hy geen stem by ’n vergadering daarvan kan uitbring nie.

(2) Die raad kan hoogstens twee persone as adviserende lede van die raad ko-opteer.

Nominasie van Verteenwoordigers van Kooperatiewe Tabakprodusente.

5. (1) Indien daar ’n vereniging bestaan van daardie kooperatiewe organisasies wat, volgens die oordeel van die Minister, verteenwoordigend is van tabakprodusente, dan het daardie vereniging die reg om die lede van die raad waarna verwys word in paragraaf (a) van artikel drie te nomineer, of, indien daar nie so ’n vereniging bestaan nie, is bedoelde kooperatiewe organisasies geregtig om, na onderlinge raadpleging, sodanige lede te nomineer; met dien verstande dat indien daar ’n kooperatiewe organisasie bestaan wat, volgens die oordeel van die Minister, verteenwoordigend is van produsente van Turkse tabak, daardie organisasie geregtig sal wees om een van bedoelde lede te nomineer.

(2) The provisions of this scheme shall apply in the Union to the classes of persons hereinafter mentioned who are concerned in the production, marketing or manufacture of tobacco.

Definitions.

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

“Board” means the Tobacco Industry Control Board established under the Tobacco Control Amendment Act, 1935 (Act No. 17 of 1935), as reconstituted in terms of section three;

“manufacture” means cut, twist or otherwise prepared for purposes of trade, but does not include to cure by drying or sweating, nor the handling and manipulation of tobacco for the purpose of sale in leaf form; and the words “manufacturer”, “manufactured” and “manufacturing” bear corresponding meanings;

“producer”, in relation to—

(a) tobacco produced in the Union, means the person by whom or on whose behalf that tobacco was grown or the person to whom that tobacco was supplied as a consideration or a part of the consideration for the right to use the land on which, or on a portion whereof, it was grown, or the person to whom that tobacco was supplied as a consideration for services rendered;

(b) tobacco imported into the Union, the person who so imported that tobacco;

“tobacco” means tobacco of any of the classes mentioned in sub-section (1) of section one which has not been manufactured;

“Transkeian Territories” means the Magisterial Districts of Bizana, Butterworth, Elliotdale, Engcobo, Flagstaff, Idutywa, Kentani, Komgha, Libode, Lusikisiki, Matatiele, Mount Ayliff, Mount Currie, Mount Fletcher, Mount Frere, Mqanduli, Ngqeleni, Ngamakwe, Port St. Johns, Qumbu, St. Marks, Tsolo, Tsono, Umtata, Umzimkulu, Willowvale, Xalanga;

“wholesale leaf dealer” means any person who purchases leaf tobacco from any person for re-sale to persons other than the individual consumers thereof.

Administration of Scheme and Constitution of Board.

3. This scheme shall be administered by the Tobacco Industry Control Board established under section one of the Tobacco Control Amendment Act, 1935, which shall for that purpose consist of thirteen members to be appointed by the Governor-General, of whom—

- eight shall represent producers of tobacco who are members of co-operative societies or companies and shall be nominated in accordance with the provisions of section five;
- one shall represent producers of tobacco who are not members of any co-operative society or company and shall be nominated by the South African Agricultural Union;
- one shall represent large-scale manufacturers of tobacco and shall be nominated in accordance with the provisions of section six;
- one shall represent the small-scale manufacturers of tobacco and shall be nominated in accordance with the provisions of section seven;
- one shall represent commerce and shall be a person not directly or indirectly connected with the trade in tobacco who shall be nominated by the Minister;
- one shall be an officer of the Department of Agriculture and Forestry nominated by the Minister.

Advisers to the Board.

4. (1) The Minister may nominate one or more officers of the Department of Agriculture and Forestry and the Department of Native Affairs to attend all or one or more of the meetings of the Board or of a committee of the Board in an advisory capacity, and any officer so appointed shall have the same rights as the members of the Board or committee to which he has been appointed, save that he shall not have the right to vote at any meeting thereof.

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

Nomination of Co-operative Tobacco Producers' Representatives.

5. (1) If there is in existence an association of those co-operative organisations which, in the opinion of the Minister, are representative of tobacco producers, that association shall be entitled to nominate the members of the Board referred to in paragraph (a) of section three, or, if there is no such association in existence, the said co-operative organisations shall be entitled after mutual consultation, to nominate such members; provided that if there is in existence a co-operative organisation which, in the opinion of the Minister, is representative of producers of Turkish tobacco, that organisation shall be entitled to nominate one of such members.

(2) Van die lede genomineer ooreenkomstig subartikel (1) moet een die produsente van oondgedroogde tabak in die Unie verteenwoordig, een die produsente van Turkse tabak in die westelike Kaapprovinsie en een elk die tabakprodusente oor die algemeen in—

- (a) Noord-Transvaal;
- (b) Oos-Transvaal en Natal;
- (c) Sentraal-Transvaal;
- (d) Oranje-Vrystaat en Suidwes-Transvaal;
- (e) Suidwestelike Kaapprovinsie; en
- (f) Oostelike Kaapprovinsie.

(3) Niemand wat kragtens hierdie artikel genomineer is, mag as lid van die raad aangestel word nie tensy die Minister oortuig is dat hy verteenwoordigend is van die belange ten opsigte waarvan hy genomineer is.

Nominasie van Lid vir Grootverwerkers.

6. Die lid van die raad bedoel in paragraaf (c) van artikel drie, word genomineer deur die South African Federated Chamber of Industries, Incorporated, en moet 'n persoon wees wat volgens oordeel van die Minister, geskik is om verwerkers van tabak te verteenwoordig van wie elkeen gedurende die twaalf maande wat die nominasie onmiddellik voorafgegaan het, minstens een miljoen pond tabak verwerk het.

Nominasie van Lid vir Kleinverwerkers.

7. Die lid van die raad bedoel in paragraaf (d) van artikel drie, word genomineer deur die South African Federated Chamber of Industries, Incorporated, en moet 'n persoon wees wat volgens oordeel van die Minister geskik is om verwerkers van tabak te verteenwoordig van wie elkeen gedurende die twaalf maande wat die nominasie onmiddellik voorafgegaan het, minder as een miljoen pond tabak verwerk het.

Aansegging om Verteenwoordigers te Nomineer.

8. Wanneer 'n nominasie ooreenkomstig paragraaf (b) van artikel drie of ooreenkomstig artikel vyf, ses, of sewe nodig word, moet die Minister die betrokke vereniging of organisasie by skriftelike kennisgewing aansê of laat aansê om binne 'n tydperk in die kennisgewing vasgestel, sodanige persoon of persone te nomineer as wat dit ooreenkomstig die betrokke artikel geregtig is om vir aanstelling op die raad te nomineer.

Indien 'n Vereniging of Organisasie nie bestaan nie of versuim om 'n Nominasie in te dien, kan Minister nomineer

9. Indien 'n vereniging of organisasie soos bedoel in paragraaf (b) van artikel drie of in artikel vyf, ses of sewe nie bestaan nie, of versuim om, wanneer hy daartoe aangesê is kragtens artikel agt, iemand te nomineer wat hy kragtens die betrokke artikel geregtig is om vir aanstelling op die raad te nomineer, kan die Minister self so 'n persoon vir aanstelling op die raad nomineer om die betrokke belange te verteenwoordig.

Ampsduur van Lede van Raad.

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

(2) Na verloop van een jaar vanaf die eerste aanstelling van lede van die raad, tree vier van die agt lede aangestel kragtens paragraaf (a) van artikel drie en twee van die lede aangestel kragtens paragrafe (b), (c), (d) en (e) van genoemde artikel af, en moet die vakatures wat aldus ontstaan, gevul word.

(3) Watter van die lede van die raad moet aftree ingevolge subartikel (2) van hierdie artikel, word deur loting beslis.

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

(5) Aftredende lede kan weer aangestel word.

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

(7) Wanneer die Minister oortuig is dat 'n lid van die raad weens siekte, afwesigheid of om 'n ander rede verhinder word om sy ampswerksaamhede te verrig, kan die Minister iemand anders aanstel om as plaasvervanger van daardie lid op te tree solank hy aldus verhinder word.

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

Verkieping en Ampsduur van Voorsitter.

11. (1) Die raad moet op sy eerste vergadering en daarna wanneer dit nodig word, een van sy lede tot voorsitter kies wat sy amp as sodanig beklee vir een jaar tot verstryking van die tydperk waarvoor hy as lid van die raad aangestel is, watter tydperk die kortste mag wees, en herkiesbaar is.

(2) Wanneer die voorsitter om enige rede nie sy pligte kan waarneem nie, moet die raad een van sy ander lede aanstel om as voorsitter te ageer vir sodanige tydperk as wat hy mag vasstel.

(2) Of the members nominated in terms of sub-section (1) one shall represent producers of flue-cured tobacco in the Union, one shall represent producers of Turkish tobacco in the Western Cape Province and one each shall represent producers of tobacco generally in—

- (a) the Northern Transvaal;
- (b) the Eastern Transvaal and Natal;
- (c) the Central Transvaal;
- (d) the Orange Free State and the South-Western Transvaal;
- (e) the South-Western Cape; and
- (f) the Eastern Cape Province.

(3) No person nominated under this section shall be appointed as a member of the Board unless the Minister is satisfied that he is representative of the interests in respect of which he has been nominated.

Nomination of Large-Scale Manufacturers' Representative.

6. The member of the Board referred to in paragraph (c) of section three, shall be nominated by the South African Federated Chamber of Industries, Incorporated, and shall be a person whom the Minister deems suitable to represent manufacturers of tobacco each of whom manufactured not less than one million pounds of tobacco during the period of twelve months immediately preceding the nomination.

Nomination of Small-Scale Manufacturers' Representative.

7. The member of the Board referred to in paragraph (d) of section three, shall be nominated by the South African Federated Chamber of Industries, Incorporated, and shall be a person whom the Minister deems suitable to represent manufacturers of tobacco each of whom manufactured less than one million pounds of tobacco during the period of twelve months immediately preceding the nomination.

Notice to nominate Representatives.

8. Whenever any nomination in terms of paragraph (b) of section three or in terms of section five, six or seven, becomes necessary, the Minister shall call upon the association or organisation concerned, or cause it to be called upon, by notice in writing, to nominate within a period fixed by such notice, such person or persons as it is entitled, in terms of the relevant section, to nominate for appointment to the Board.

If an Association or Organisation is not in existence or fails to submit a Nomination, Minister may nominate.

9. If any association or organisation referred to in paragraph (b) of section three, or in section five, six or seven, is not in existence, or fails on being called upon under section eight, to nominate any person whom, in terms of the relevant section, it is entitled to nominate for appointment to the Board, the Minister may himself nominate such a person for appointment to the Board to represent the interests concerned.

Tenure of Office of Members of the Board.

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

(2) After the expiration of one year from the first appointment of members of the Board, four of the eight members referred to in paragraph (a) of section three and two of the members referred to in paragraphs (b), (c), (d) and (e) of the said section shall retire, and the vacancies so arising shall be filled.

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

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

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

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

(7) Whenever the Minister is satisfied that any member of the Board is prevented by illness, absence or any other cause from performing the duties of his office, the Minister may appoint any other person to act as the deputy of that member while he is so prevented.

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

Election and Tenure of Office of Chairman.

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

(2) Whenever for any reason the chairman is unable to perform his duties, the Board shall elect another of its members to act as chairman for such period as it may determine.

Vergaderings van die Raad.

12. (1) Die eerste vergadering van die raad soos hersaamgestel ooreenkomstig artikel drie, word gehou op 'n dag en plek deur die Minister vasgestel te word.

(2) Alle daaropvolgende vergaderings van die raad word gehou op die tye en plekke wat die raad van tyd tot tyd vasstel.

(3) Die voorsitter van die raad kan self te eniger tyd 'n spesiale vergadering van die raad byeenroep wat gehou moet word op 'n dag en plek wat hy vasstel, en moet op skriftelike versoek van minstens vyf lede van die raad, 'n spesiale vergadering aldus byeenroep.

(4) Die vergaderings van die raad word byeengeroep by kennisgewing deur of op las van die voorsitter.

Kworum, Meerderheidsbeslissing en Beslissende Stem van Voorsitter.

13. (1) Nege lede van die raad maak 'n kworum uit vir enige vergadering van die raad.

(2) Die beslissing van die meerderheid van die raadslede wat op 'n vergadering van die raad aanwesig is, maak 'n beslissing van die raad uit; met dien verstande dat by 'n staking van stemme die voorsitter benewens sy beraadslagende stem ook 'n beslissende stem het.

Komitees van Raad.

14. (1) Die raad kan, met die Minister se toestemming en onderworpe aan die voorwaardes wat die raad mag stel, een of meer komitees uit sy lede benoem en, na goeddunke, van sy eie bevoegdhede aan so 'n komitee oordra; met dien verstande dat die raad nog bekleed bly met 'n bevoegdheid wat hy aan so 'n komitee mag oordra.

(2) Die voorsitter van die raad is *ex officio* lid van elke komitee wat die raad aanstel en kan te eniger tyd 'n vergadering van 'n komitee belê, om gehou te word op 'n dag en plek wat hy vasstel.

(3) 'n Besluit van die meerderheid van al die lede van 'n komitee maak 'n besluit van die komitee uit.

Boekjaar.

15. Die boekjaar onder hierdie skema beslaan die tydperk vanaf de eerste dag van Mei in elke jaar tot die dertigste dag van April in die volgende jaar.

Ouditering.

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

(2) 'n Aldus aangestelde persoon ontvang sodanige besoldiging as wat die raad bepaal.

Bevoegdhede van die Raad.

17. Die raad is bevoeg—

- (a) om sodanige dienaars aan te stel, teen sodanige besoldiging en op sodanige voorwaardes as wat hy mag bepaal, en om 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 die skema;
- (b) om met die Minister se goedkeuring die toelaes vas te stel wat uit die raad se fondse aan sy lede en sy adviserende lede betaal moet word;
- (c) om met die Minister se goedkeuring geld te leen wat aangewend moet word tot verwesenliking van die doel van die skema, en om sy fondse te gebruik vir enige doel wat volgens die raad se oordeel tot voordeel sal wees van die produksie en bemarking van tabak;
- (d) om 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 te gebruik op 'n wyse wat die Minister goedkeur;
- (e) om uit sy fondse alle skulde te betaal wat hy mag of moet maak by die verrigting van sy werksaamhede onder hierdie skema;
- (f) om 'n inligtingsdiens in te stel ten einde produsente van tyd tot tyd in te lig aangaande bemarkingstoestande oor die algemeen of aangaande die toestand van 'n besondere mark, en om sodanige inligting aangaande die tabaknywerheid te versprei as wat hy ag in die belang van daardie nywerheid te wees;
- (g) om met enigen saam te werk by die verrigting van enigiets waartoe die raad bevoeg is;
- (h) om enigen te belet om tabak wat hy uitgevoer het, te verkoop, behalwe deur bemiddeling van die agentskap of agentskappe, hetsy binne of buite die Unie, wat die raad vir die doel aanwys;
- (i) om van elke persoon wat betrokke is by die produksie, bemarking of verwerking van tabak te vereis dat hy aan die raad alle inligting met betrekking tot tabak moet verstrek waaroor bedoelde persoon beskik en wat die raad mag spesifiseer;
- (j) om deur middel van toekenning of lening of op 'n ander wyse, hulp te verleen aan ondernemings vir die opberging of herkondisionering van tabak, met dien verstande dat geen sodanige lening vir 'n langer termyn as twaalf maande mag wees nie en, om deur middel van toekenning of lening of op ander wyse hulp te verleen in verband met navorsingswerk betreffende die verbetering, produksie, verwerking en bemarking van tabak;

Meetings of the Board.

12. (1) The first meeting of the Board as reconstituted in terms of section three, shall be held on a day and at a place to be appointed by the Minister.

(2) All subsequent meetings of the Board shall be held at such times and places as the Board shall from time to time determine.

(3) The chairman of the Board may himself at any time call a special meeting of the Board, to be held on a day and at a place to be appointed by him, and shall so call a special meeting if requested thereto in writing, by not less than five members of the Board.

(4) The meetings of the Board shall be convened by notice given by or on the direction of the chairman.

Quorum, Majority Decision and Chairman's Casting Vote.

13. (1) Nine members of the Board shall form a quorum at any meeting of the Board.

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

Committees of Board.

14. (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 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 to be appointed by him.

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

Financial Year.

15. The financial year under this scheme shall be the period from the first day of May in each year to the thirtieth day of April in the following year.

Audit.

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

(2) Any person so appointed shall receive such remuneration as the Board may determine.

Powers of the Board.

17. The Board shall have power—

- (a) to appoint such servants at such remuneration and on such conditions as it may determine, 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 the scheme;
- (b) with the approval of the Minister, to determine the allowances payable out of the funds of the Board to its members and its advisory members;
- (c) with the approval of the Minister, to borrow money to be used for the purpose of attaining the objects of the scheme, and to utilise its funds for any object which in its opinion will be to the advantage of the production and marketing of tobacco;
- (d) to accept money or property given to the Board by way of donation, grant or otherwise and to utilise such money or property in such manner as the Minister may approve;
- (e) to pay out of its funds all debts which it may, or is required to incur in the exercise of its functions under this scheme;
- (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, and to disseminate such information concerning the tobacco industry as it considers to be in the interests of that industry;
- (g) to co-operate with any person in doing any act which the Board may perform;
- (h) to prohibit any person from selling any tobacco which he has exported, except through such agency or agencies, whether within or outside the Union, as the Board may designate for the purpose;
- (i) to require every person concerned in the production, marketing or processing of tobacco to furnish the Board with such information relating to tobacco as may be available to such person and as the Board may specify;
- (j) to assist, by grant or loan or otherwise, any undertaking for storing or re-conditioning tobacco provided that any such loan shall not be for a period exceeding twelve months and to assist by grant or loan or otherwise any research work relating to the improvement, production, processing and marketing of tobacco;

(k) om die Minister van advies te dien aangaande—

- (i) die voorwaardes, wat betref grade, kwaliteit-standaarde, verpakkingsmetodes en die merking van tabak of 'n houer of omslag wat dit bevat, waarop tabak verkoop mag word;
 - (ii) die verbod op, en die beheer of reëling van die invoer of uitvoer van tabak;
 - (iii) alle aangeleenthede betreffende die bemerking of verwerking van tabak; en
 - (iv) enigiets anders waaromtrent die raad dit mag goed-dink om aanbevelings by die Minister te maak;
- (l) om uit sy fondse aan enigeen wat tabak uit die Unie uitvoer 'n toelae of premie te betaal wat kan wissel volgens die klas, graad, standaard of kwaliteit van die uitgevoerde tabak, en waarvan tabak onder 'n vas-gestelde kwaliteit uitgesluit kan word;
- (m) om middele te ontwerp vir die gebruik van surplus tabak;
- (n) om vir die uitvoering van die bepalings van hierdie skema enig iemand oor die algemeen of in 'n besondere geval te magtig om op alle redelike tye—

- (i) 'n plek te betree wat geokkupeer word deur 'n produsent van tabak of deur iemand wat op redelike gronde vermoed word so'n produsent te wees, of 'n plek te betree waar 'n hoeveelheid tabak deur iemand gehou word vir 'n ander doel as verbruik daarvan deur die eienaar daarvan;
 - (ii) sodanige tabak te inspekteer en alle boeke en stukke op bedoelde plek na te gaan wat op redelike gronde vermoed word op daardie tabak betrekking te hê;
 - (iii) van die eienaar van daardie tabak of die persoon wat daardie tabak in bewaring het, inligting aangaande daardie tabak te eis;
 - (iv) van die eienaar van sodanige boek of stuk of die persoon wat dit in bewaring het, 'n verklaring van aantekeninge daarin te eis;
 - (v) beslag te lê op boeke, stukke of tabak wat bewys kan lewer van 'n oortreding van die bepalings van hierdie skema of van 'n regulasie uitgevaardig kragtens die Wet;
- (o) om met die Minister se goedkeuring 'n produsent van tyd tot tyd te belet om tabak wat hy geproduseer het, te verkoop behalwe sodanige klas, graad, hoeveelheid of persentasie daarvan as wat die raad vasgestel het, of behalwe vir 'n doel wat die raad bepaal het;
- (p) om met die Minister se goedkeuring van tyd tot tyd—

- (i) 'n produsent te belet om tabak wat hy geproduseer het, te verkoop, of
- (ii) iemand te belet om tabak wat deur wie ook geproduseer is, of 'n graad, klas of hoeveelheid daarvan (hetsy in sy oorspronklike of in gedeeltelik of geheel en al verwerkte vorm), te verkoop,

teen 'n ander prys as 'n prys deur die raad vasgestel, of teen 'n laer prys as 'n prys deur die raad vasgestel vir 'n besondere klas, graad of hoeveelheid tabak.

Heffing op Tabak.

18. (1) Die raad kan met goedkeuring van die Minister 'n heffing opslê op tabak van enige van die klasse genoem in subartikel (1) van artikel een, en kan van tyd tot tyd die heffing wysig; met dien verstande dat die heffing aldus opgelê nie een pennie per pond tabak van enige sodanige klas te bowe mag gaan nie.

(2) Elke heffing opgelê kragtens subartikel (1) en elke wysiging van 'n heffing moet deur die Minister by kennisgewing in die *Staatskoerant* bekend gemaak word, en tree in werking op 'n dag in daardie kennisgewing vermeld.

(3) 'n Heffing opgelê op tabak van een van die bedoelde klasse kan verskil van 'n heffing opgelê op tabak van 'n ander sodanige klas.

(4) 'n Heffing opgelê kragtens hierdie artikel is betaalbaar ooreenkomstig die bepalings van artikel negentien.

Betaling van Heffing.

19. (1) Elke agent aangestel onder artikel een-en-twintig, wat tabak van 'n klas waarop 'n heffing gelê is, verkoop of uitvoer, moet binne dertig dae na die einde van elke kalendermaand, aan die raad 'n som betaal gelyk aan die heffing op die gehele hoeveelheid tabak van daardie klas wat hy in die loop van die voorafgaande kalendermaand aldus verkoop of uitgevoer het.

(2) Iedereen wat as handelaar met tabak handel en wat tabak van 'n klas waarop 'n heffing gelê is, invoer, of van 'n produsent koop of op ander wyse verkry, moet binne dertig dae na die einde van elke kalendermaand, aan die raad 'n som betaal gelyk aan die heffing op die gehele hoeveelheid tabak van daardie klas wat hy in die loop van die voorafgaande kalendermaand aldus ingevoer, gekoop of verkry het.

(3) Elke produsent wat tabak van 'n klas waarop 'n heffing gelê is, en wat deur hom in die Unie geproduseer is, verwerk of laat verwerk, moet binne dertig dae na die einde van elke kalendermaand, aan die raad 'n som betaal gelyk aan die

(k) to advise the Minister as to—

- (i) the conditions, regarding grades, standards of quality, methods of packing, and the marking of any tobacco or any receptacle or cover containing it, subject to which any tobacco may be sold;
 - (ii) the prohibition, control or regulation of the importation or export of tobacco;
 - (iii) all matters relating to the marketing or processing of tobacco; and
 - (iv) any other matter in regard to which the Board may deem it expedient to make recommendations to the Minister;
- (l) to pay out of its funds to any person who exports tobacco from the Union, a bounty or premium which may vary according to the class, grade, standard or quality of the tobacco exported and from which may be excluded tobacco below a specified quality;
- (m) to devise means for the use of surplus tobacco;
- (n) for the purpose of the enforcement of the provisions of this scheme, to empower any person generally or in any particular case at all reasonable hours—

- (i) to enter any place occupied by any producer of tobacco or by any person who is believed upon reasonable grounds to be such a producer, or enter any place where any quantity of tobacco is kept by any person for any purpose other than its consumption by the owner thereof;
 - (ii) to inspect any such tobacco and to examine all books and documents at any such place which are believed, upon reasonable grounds, to relate to that tobacco;
 - (iii) to demand from the owner or custodian of any such tobacco any information concerning that tobacco;
 - (iv) to demand from the owner or custodian of any such book or document an explanation of any entry therein;
 - (v) to seize any books, documents or tobacco which may afford evidence of any contravention of the provisions of this scheme or of any regulation made under the Act;
- (o) with the approval of the Minister from time to time to prohibit any producer from selling tobacco which he has produced, except such class, grade, quantity or percentage thereof as the Board has determined or except for such purposes as the Board has defined;
- (p) with the approval of the Minister from time to time to prohibit—

- (i) any producer from selling tobacco which he has produced, or
- (ii) any person from selling tobacco produced by any person, or any grade, class or quantity thereof (whether in its original form or wholly or partly processed),

at a price other than a price fixed by the Board or at a price below a price fixed by the Board for any particular class, grade or quantity of tobacco.

Levy on Tobacco.

18. (1) The Board may, with the approval of the Minister, impose a levy on tobacco of any of the classes mentioned in sub-section (1) of section one, and may from time to time vary the levy; provided that the levy so imposed shall not exceed one penny per pound of tobacco of any such class.

(2) Any levy imposed by virtue of sub-section (1) and every alteration of any levy shall be made known by the Minister by notice in the *Gazette*, and shall become operative upon the date stated in such notice.

(3) Any levy imposed on tobacco of any one of the said classes may differ from any levy imposed on tobacco of any other such class.

(4) Any levy imposed in terms of this section, shall be paid in accordance with the provisions of section nineteen.

Payment of Levy.

19. (1) Any agent appointed under section twenty-one who sells or exports any tobacco of a class on which a levy has been imposed shall, within thirty days after the close of every calendar month, pay to the Board a sum equal to the levy on the whole quantity of tobacco of that class which he so sold or exported during the course of the preceding calendar month.

(2) Any person dealing with tobacco in the course of trade who imports or who purchases or otherwise acquires from a producer any tobacco of a class on which a levy has been imposed shall, within thirty days after the close of every calendar month, pay to the Board a sum equal to the levy on the whole quantity of tobacco of that class which he so imported, purchased or acquired during the course of the preceding calendar month.

(3) Any producer who manufactures or causes to be manufactured any tobacco produced by himself in the Union, of a class on which a levy has been imposed shall, within thirty days after the close of every calendar month, pay to the Board a sum equal to the levy on the whole quantity

heffing op die gehele hoeveelheid tabak van daardie klas wat hy aldus verwerk of laat verwerk het en wat hy verkoop het gedurende daardie kalendermaand, tensy die heffing op daardie tabak reeds tevore betaal is.

(4) Iedereen wat tabak verkoop wat geproduseer is in die Transkeigebied, van 'n klas waarop 'n heffing gelê is, en wat hy gekoop of andersins verkry het van 'n produsent daarvan, moet binne dertig dae na die einde van elke kalendermaand aan die raad 'n som betaal gelyk aan die heffing op die gehele hoeveelheid tabak van daardie klas wat hy in die loop van die voorafgaande kalendermaand aldus verkoop het.

(5) Die juistheid van die ingevolge subartikel (1), (2), (3) of (4) betaalde bedrag moet deur die persoon wat dit betaal gestaan word deur toesending aan die raad op dieselfde tyd waarop betaling geskied van 'n opgawe, in 'n deur die Minister by regulasie voorgeskrewe vorm, aantonende die gewig van tabak ten opsigte waarvan die heffing deur hom verskuldig is ingevolge die betrokke subartikel, en indien hy gedurende enige maand geen heffing verskuldig is nie, moet hy binne dertig dae na die einde van daardie kalendermaand 'n nul-opgawe, in 'n vorm insgelyks voorgeskrewe, aan die raad stuur.

Instelling van Tabakheffingsfonds.

20. Die raad moet 'n fonds instel onder die benaming Tabakheffingsfonds, waar in alle bedrae verkry uit enige heffing opgelê kragtens artikel agtien van hierdie skema, tesame met alle ander gelde deur die raad verkry uit enige ander bron, gestort moet word, en waaruit alle bedrae deur die raad verskuldig betaal moet word.

Verbod op Verkoop van Tabak deur Produsente.

21. (1) Die raad kan, met die Minister se goedkeuring, 'n produsent van tabak belet om tabak wat hy elders in die Unie dan in die Transkeigebied geproduseer het, te verkoop deur 'n ander kanaal as 'n agentskap wat die raad aanwys, en kan vir daardie doel, ten opsigte van sodanige gebiede en op sodanige voorwaardes as wat hy goedvind, agente aanstel met magtiging om sodanige agentskappe vir die verkoop van tabak ten behoeve van produsente te dryf.

(2) 'n Verbod opgelê kragtens subartikel (1) is, behoudens die bepalings van daardie subartikel, van toepassing in sodanige gebiede as wat die raad spesifiseer.

(3) Wanneer die raad 'n koöperatiewe vereniging of 'n koöperatiewe maatskappy, wat nie 'n sentrale of federale koöperatiewe maatskappy is nie, as 'n agent onder subartikel (1) aanstel, moet dit 'n voorwaarde van sodanige aanstelling wees dat—

- (a) die regulasies van daardie vereniging of maatskappy deur die raad goedgekeur moet word; en dat
- (b) 'n produsent wat nie 'n lid van sodanige vereniging of maatskappy is nie en wat ingevolge 'n verbod opgelê kragtens subartikel (1) tabak aan daardie vereniging of maatskappy vir verkoop lewer, ten opsigte van die lewering van daardie tabak aan, en die verkoop daarvan deur, sodanige vereniging of maatskappy, onderhewig moet wees aan al die voorwaardes en verpligtings waarvan hy onderhewig sou gewees het indien hy 'n lid van bedoelde vereniging of maatskappy was.
- (4) Elke agent (behalwe 'n koöperatiewe vereniging of koöperatiewe maatskappy) met inbegrip van 'n sentrale of federale koöperatiewe maatskappy, wat vir die doel van hierdie artikel aangestel word—

- (a) is geregtig om van die bedrag verkry uit die verkoop van tabak ten behoeve van 'n produsent, vergoeding af te trek volgens sodanige skaal as wat die raad bepaal; met dien verstande dat die skaal aldus bepaal, mag verskil ten opsigte van verskillende gebiede;
- (b) moet, by aflewering van tabak aan hom deur 'n produsent vir verkoop ten behoeve van daardie produsent, aan sodanige produsent 'n voorskot betaal tot 'n bedrag verteenwoordigende 'n persentasie van sodanige waarde per pond van daardie tabak as wat hy van tyd tot tyd vasstel;
- (c) moet, vir die doeleindes van bereiding vir verkoop en verkoop, al die tabak wat gedurende die boekjaar van daardie agent deur produsente aan hom gelever word vir verkoop ten behoeve van hulself „pool” ooreenkomstig sodanige klassifikasies as wat die raad goedkeur; en
- (d) moet, so spoedig doenlik na afloop van sy boekjaar en nadat al die tabak aldus gedurende daardie boekjaar afgelewer vir verkoop ten behoeve van produsente verkoop is, die netto bedrag bereken wat, ten opsigte van daardie tabak van elke klassifikasie goedgekeur deur die raad onder paragraaf (c), verkry is uit die verkoop van daardie tabak, deur van die bruto bedrag aldus verkry af te trek—

- (i) vergoeding teen die skaal vasgestel deur die raad;
- (ii) 'n bedrag verteenwoordigende die heffing, as daar is, op daardie tabak gelê kragtens artikel agtien en
- (iii) die koste verbonde aan die verkoop van daardie tabak, waarby ingesluit word koste van hantering, gradering, bereiding vir verkoop en verpakking en sodanige ander koste as wat die raad goedkeur,

en moet daarna die netto bedrag, aldus bereken, verdeel onder produsente wat gedurende daardie boekjaar tabak van daardie klassifikasie aan hom vir verkoop gelever het, in verhouding met die totale

of tobacco of that class so manufactured or caused to be manufactured by him and which he sold during that calendar month, unless the said levy has previously been paid on that tobacco.

(4) Any person who sells tobacco produced in the Transkeian Territories, of a class on which a levy has been imposed, which he has purchased or otherwise acquired from a producer thereof, shall, within thirty days after the close of every calendar month, pay to the Board a sum equal to the levy on the whole quantity of tobacco of that class which he so sold during the course of the preceding calendar month.

(5) The correctness of the amount paid in accordance with sub-section (1), (2), (3) or (4) shall be supported by the person making payment by transmitting to the Board at the same time as payment is made a return, in a form prescribed by the Minister by regulation, showing the weight of tobacco in respect of which levy is due by him in terms of the relevant sub-section, and if during any month he has not become liable for the payment of any levy he shall within thirty days after the close of that month transmit to the Board a nil return in a form likewise prescribed.

Establishment of Tobacco Levy Fund.

20. The Board shall establish a fund, to be known as the Tobacco Levy Fund, into which shall be deposited all amounts derived from any levy imposed under section eighteen of this scheme, as also any other moneys which may accrue to the Board from any other source whatsoever, and from which shall be paid all amounts due by the Board.

Prohibition of Sale of Tobacco by Producers.

21. (1) The Board may, with the approval of the Minister, prohibit any producer of tobacco from selling any tobacco produced by him in the Union elsewhere than in the Transkeian Territories through any channel other than such agency as the Board may determine, and may for that purpose appoint, in respect of such areas and on such conditions as it may deem fit, agents who shall be authorised to conduct such agencies for the sale of tobacco on behalf of producers.

(2) Any prohibition imposed in terms of sub-section (1) may, subject to the provisions of that sub-section, apply in respect of such areas as the Board may specify.

(3) Whenever the Board appoints any co-operative society or co-operative company, not being a central or federal co-operative company, as an agent under sub-section (1), it shall be a condition of such appointment that—

- (a) the regulations of such society or company are approved by the Board; and
- (b) any producer who is not a member of such society or company and who delivers tobacco to such society or company for sale in pursuance of a prohibition imposed in terms of sub-section (1) shall, in respect of the delivery of such tobacco to, and the sale thereof by, such society or company, be subject to all such conditions and obligations as he would have been subject to had he been a member of the said society or company.

(4) Any agent (other than a co-operative society or co-operative company) including a central or federal co-operative company, appointed for the purpose of this section shall—

- (a) be entitled to deduct from the amount realised from the sale of tobacco on behalf of any producer, remuneration at such a rate as may be determined by the Board; provided that the rate of remuneration so determined may vary in respect of different areas;
- (b) on delivery to him by any producer of tobacco for sale on behalf of that producer, pay to such producer an advance of an amount representing a percentage of such valuation per pound of that tobacco as may from time to time be determined by him;
- (c) for the purpose of preparation for sale and sale, pool, according to such classifications as may be approved by the Board, all the tobacco delivered to him by producers during any financial year of such agent for sale on their behalf; and
- (d) as soon as may be after the close of the financial year of such agent and after all the tobacco so delivered for sale on behalf of producers during that financial year has been sold, determine in respect of such tobacco of each classification as approved by the Board under paragraph (c) the net amount realised from the sale of that tobacco by deducting from the gross amount so realised—

- (i) remuneration at the rate determined by the Board;
- (ii) an amount representing levy, if any, imposed on that tobacco in terms of section eighteen; and
- (iii) the costs incidental to the sale of that tobacco, which shall include costs of handling, grading, preparation for sale and packing and such other charges as the Board may approve,

and shall thereupon distribute the net amount so determined amongst producers, who have during that financial year delivered tobacco of that classification to such agent for sale, in proportion to the total valuation

waardering van die onderskeie hoeveelhede tabak van daardie klassifikasie wat deur daardie produsente gelewer is gedurende daardie boekjaar bereken op die grondslag van die waardering vasgestel onder paragraaf (b); en van die bedrag aan elke produsent betaalbaar word afgetrek die voorskot wat aan daardie produsent betaal is onder genoemde paragraaf.

Registrasie van Verwerkers en Groothandelaars in Blaartabak.

22. (1) Geen verwerker of groothandelaar in blaartabak mag tabak koop of verkoop tensy hy by die raad geregistreer is nie, en geen sodanige persoon word aldus geregistreer nie tensy hy voldoen het aan die voorskrifte wat by regulasie kragtens die Wet voorgeskryf mag wees en die raad sy registrasie goedkeur.

(2) Die raad kan die registrasie van 'n verwerker of groothandelaar in blaartabak onder subartikel (1) goedkeur op voorwaardes wat die raad stel, en kan die registrasie van so 'n persoon intrek as hy 'n vereiste aldus voorgeskryf of 'n voorwaarde aldus gestel of 'n bepaling van hierdie skema of 'n verbod, voorskrif of bevel daaronder uitgevaardig, oortree het of versuim het om daaraan te voldoen.

(3) Elke verwerker of groothandelaar in blaartabak wie se registrasie onder hierdie artikel deur die raad afgekeur of ingetrek is, kan hom op die Minister beroep teen sodanige afkeuring of intrekking.

Differensiering tussen Gebiede en Klasse Tabak.

23. 'n Voorskrif van, of 'n verbod opgelê of besluit geneem deur die raad met betrekking tot 'n gebied binne die Unie of 'n klas of graad tabak, kan verskil van so 'n voorskrif of verbod of besluit wat betrekking het op 'n ander sodanige gebied of 'n ander klas of graad tabak.

Aantekeninge.

24. Elke agent, verwerker of groothandelaar in blaartabak moet aantekening hou van tabak wat hy in voorraad het, of wat deur hom ontvang, gekoop of andersins verkry, geëa, ingevoer, uitgevoer, verwerk of verkoop word of waarvoor hy andersins beskik, soos die geval mag wees, en moet binne veertien dae na die einde van elke kalendermaand aan die raad 'n kopie van daardie aantekeninge stuur in 'n deur die Minister by regulasie voorgeskrywe vorm.

Opheffing van Skema.

25. Ingeval hierdie skema opgehef word, moet die bate van die raad tot geld gemaak en die opbrings, nadat al die skulde betaal is, verdeel word onder die persone wat heffing betaal het, in eweredigheid met die bedrag deur hulle betaal aan heffing gedurende die voorafgaande drie boekjare onder hierdie skema; en, in geval van 'n tekort, moet die tekort verhaal word op die persone wat heffing betaal het, in eweredigheid met die bedrag deur hulle bygedra by wyse van heffing gedurende die voorafgaande drie boekjare onder hierdie skema of sodanige korter tydperk as wat die skema in werking mag gewees het.

Oortredings en Strawwe.

26. Elkeen wat 'n bepaling van hierdie skema of 'n verbod, voorskrif of bevel daaronder uitgevaardig, oortree of versuim om daaraan te voldoen, is aan 'n oortreding skuldig en by veroordeling strafbaar met 'n boete van hoogstens honderd pond.

of the respective quantities of tobacco of such classification delivered by such producers during that financial year calculated on the basis of the valuation determined under paragraph (b), the amount paid to any producer being reduced by any advance paid to that producer under the said paragraph.

Registration of Manufacturers and Wholesale Leaf Dealers.

22. (1) No manufacturer or wholesale leaf dealer may purchase or sell any tobacco unless he has been registered with the Board and no such person shall be so registered unless he has complied with such requirements as may be prescribed by regulation under the Act and the Board approves of his registration.

(2) The Board may approve of the registration of any manufacturer or wholesale leaf dealer under sub-section (1) on such conditions as it may determine, and may cancel the registration of any such person if he has contravened or failed to comply with any requirement so prescribed or any condition so determined or any provision of this scheme or any prohibition, requirement or order issued thereunder.

(3) Any manufacturer or wholesale leaf dealer whose registration has been rejected or cancelled by the Board under this section may appeal to the Minister against such rejection or cancellation.

Differentiation between Areas and Classes of Tobacco.

23. Any requirement or prohibition imposed or decision taken by the Board which relates to any area within the Union or to any class or grade of tobacco may differ from any such requirement or prohibition or decision which relates to any other such area or any other class or grade of tobacco.

Records.

24. Every agent, manufacturer or wholesale leaf dealer shall keep a record of the tobacco held in stock, received, purchased or otherwise acquired, baled, imported, exported, manufactured, sold or otherwise disposed of by him, as the case may be, and shall within fourteen days after the expiration of each calendar month complete and transmit to the Board a copy of such record in a form prescribed by the Minister by regulation.

Liquidation of Scheme.

25. In the event of the discontinuance of this scheme the assets of the Board shall be realised and the proceeds, after all debts have been paid, shall be distributed amongst the contributors of the levy on a *pro rata* basis to the amount paid by them as levy during the preceding three financial years under this scheme; and in the event of a deficit, such deficit shall be paid by the contributors of the levy on a *pro rata* basis to the amount contributed by them as levy, during the preceding three financial years under this scheme, or such lesser period as the scheme may have been in force.

Offences and Penalties.

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

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