



UNION OF SOUTH AFRICA  
UNIE VAN SUID-AFRIKA

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

## PROCLAMATIONS

BY HIS EXCELLENCY THE HONOURABLE ERNEST GEORGE JANSEN, DOCTOR OF LAWS, GOVERNOR-GENERAL OF THE UNION OF SOUTH AFRICA.

\* No. 183, 1954.]

**SCHEME FOR REGULATING THE PRODUCTION AND MARKETING OF DAIRY PRODUCTS AND MATTERS INCIDENTAL THERETO IN TERMS OF THE MARKETING ACT, 1937, AS AMENDED.**

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

Now, therefore, under the powers vested in me by paragraph (a) of sub-section (1) of section *twenty-two* of the said Act, I do hereby declare that the said scheme shall come into operation on the 1st of October, 1954, in substitution for the Dairy Products Marketing Scheme, published under Proclamation No. 199 of 1940, as amended.

GOD SAVE THE QUEEN.

Given under my Hand and Great Seal at Pretoria on this Twenty-eighth day of September, One thousand Nine hundred and Fifty-four.

E. G. JANSEN,  
Governor-General.

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

S. P. LE ROUX.

## SCHEDULE.

**SCHEME FOR REGULATING THE PRODUCTION AND MARKETING OF DAIRY PRODUCTS AND MATTERS INCIDENTAL THERETO IN TERMS OF THE MARKETING ACT, 1937, AS AMENDED.**

**NAME AND NATURE OF SCHEME, AREAS IN WHICH IT SHALL APPLY AND PRODUCTS TO WHICH IT SHALL RELATE.**

### NAME AND SCOPE OF SCHEME.

1. (1) This scheme shall be known as the Dairy Products Marketing Scheme and shall relate to creamery butter, factory cream, farm butter, farm dairy butter, any butter substitute referred to in sub-section (2) of section *two* of the Dairy Industry Act, 1918 (Act No. 16 of 1918), factory cheese, cheesemilk, farm cheese, process cheese, condensing milk, skim-milk, condensed milk, dried milk, milk powder and skim-milk powder, and shall apply throughout the Union.

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

## PROKLAMASIES

VAN SY EKSELLENSIE DIE EDELE ERNEST GEORGE JANSEN, DOKTOR IN DIE REGTE, GOEWERNEUR-GENERAAL VAN DIE UNIE VAN SUID-AFRIKA.

\* No. 183, 1954.]

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

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

So is dit dat ek, kragtens die bevoegdheid my verleen by paragraaf (a) van subartikel (1) van artikel *twee-en-twintig* van genoemde Wet, hierby verklaar dat genoemde skema op 1 Oktober 1954 in werking tree, ter vervanging van die Suiwelproduktebemarkingskema, soos afgekondig by Proklamasie No. 199 van 1940, soos gewysig.

GOD BEHOEDE DIE KONINGIN.

Gegee onder my Hand en Grootseël te Pretoria, op hede die Agt-en-twintigste dag van September Eenduisend Negehoenderd Vier-en-vyftig.

E. G. JANSEN,  
Goewerneur-generaal.

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

S. P. LE ROUX.

## BYLAE.

**SKEMA VIR DIE REËLING VAN DIE PRODUKSIE EN DIE BEMARKING VAN SUIWELPRODUKTE EN AANGELEENTHEDE WAT DAARMEE GEPAARD GAAN, KRAGTENS DIE BEMARKINGSWET, 1937, SOOS GEWYSIG.**

**NAAM EN AARD VAN SKEMA, GEBIEDE WAARIN DIT VAN TOEPASSING IS EN PRODUKTE WAAROP DIT BETREKKING HET.**

### NAAM EN OMVANG VAN SKEMA.

1. (1) Hierdie skema heet die Suiwelproduktebemarkingskema en het betrekking op fabrieksbutter, fabrieksroom, plaasbutter, plaasmelkerybutter, enige bottersurrogat vermeld in subartikel (2) van artikel *twee* van die Zuivelnijverheid Wet, 1918 (Wet No. 16 van 1918), fabriekskaas, kaasmelk, plaaskaas, proseskaas, kondenseermelk, afgeroomde melk, kondensmelk, droëmelk, melkpoeier en afgeroomde-melkpoeier, en is dwarsdeur die Unie van toepassing.

(2) The provisions of this scheme shall apply to any co-operative society or co-operative company which handles any product to which this scheme relates, in the same manner as if that society or company were a producer of that product.

#### DEFINITIONS OF PRODUCTS TO WHICH THE SCHEME RELATES AND OF PRODUCERS THEREOF.

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

"board" means the Dairy Industry Control Board, established under the Dairy Industry Control Act, 1930, as reconstituted in terms of section three;

"creamery" means, in relation to—

- the Union, a creamery as defined in the Dairy Industry Act, 1918;
- the territory of South West Africa, a creamery as defined in Ordinance No. 4 of 1932 of that territory;
- the protectorate of Bechuanaland, a creamery as defined in the Bechuanaland Protectorate Dairies and Dairy Produce Regulations, 1941, issued in terms of the Dairy Produce (Bechuanaland Protectorate) Proclamation, 1929, as amended by Proclamation No. 35 of 1930 of that protectorate; and
- the protectorate of Swaziland, a creamery as defined in the Dairy Produce Regulations of that protectorate;

"creamery butter" means butter manufactured in a creamery and butter imported into the Union from any country or territory in relation to which the definition of "creamery" does not apply;

"factory cream" means cream sold for manufacturing purposes to a butter manufacturer;

"farm butter" means butter (other than farm dairy butter) manufactured in the Union elsewhere than in a creamery;

"farm dairy butter" means butter manufactured elsewhere than in a creamery by any member or members of any one household during any period of twelve months commencing on the first day of the calendar month after the date on which any levy imposed under sub-section (3) of section twenty-three becomes operative, during which more than fifty pounds of butter so manufactured by such member or members have been sold;

"cheese factory" means in relation to—

- the Union, a cheese factory as defined in the Dairy Industry Act, 1918;
- the territory of South West Africa, a cheese factory as defined in Ordinance No. 4 of 1932 of that territory;

"factory cheese" means cheese other than process cheese, manufactured in a cheese factory or imported into the Union from any country or territory in relation to which the definition of "cheese factory" does not apply;

"cheesemilk" means milk sold for manufacturing purposes to a cheese manufacturer;

"farm cheese" means cheese manufactured in the Union elsewhere than in a cheese factory;

"condensing milk" means milk sold for the manufacture of condensed milk, milk powder, dried milk or skim-milk powder to the owner of a condensed milk factory, milk powder factory, dried milk factory or skim-milk powder factory;

"skim-milk" means skim-milk sold for manufacturing purposes to a skim-milk powder manufacturer;

"process cheese" means the product obtained by the mixing or blending of different quantities of whole milk cheese whether or not the same make, type or grade and which has been subjected to heat treat-

(2) Die bepaling van hierdie skema is van toepassing op enige koöperatiewe vereniging of koöperatiewe maatskappy wat 'n produk hanteer waarnaar hierdie skema betrekking het, op dieselfde wyse asof daardie vereniging of maatskappy 'n produsent van daardie produk was.

#### OMSKRYWING VAN PRODUKTE WAAROP DIE SKEMA BETREK-KING HET EN VAN PRODUSENTE DAARVAN.

2. In hierdie skema beteken die uitdrukking "die Wet" die Bemarkingswet, 1937, soos gewysig, en die regulasies wat ingevolge daarvan uitgevaardig is, en het 'n uitdrukking waaraan 'n betekenis in die Wet geheg is, dieselfde betekenis wanneer dit in hierdie skema gebesig word; voorts, tensy dit in stryd met die samehang is, beteken—

"raad", die Raad van Toesig op die Suiwelnywerheid, ingestel kragtens die Wet op die Beheer van die Suiwelnywerheid, 1930, soos hersaamgestel kragtens artikel drie;

"botterfabriek" met betrekking tot—

- die Unie, 'n botterfabriek soos omskryf in die Suiwelnywerheid Wet, 1918;
- die gebied Suidwes-Afrika, 'n botterfabriek soos omskryf in Ordonnansie No. 4 van 1932 van genoemde gebied;
- die protektoraat Betsjoeanaland, 'n botterfabriek soos omskryf in die "Bechuanaland Protectorate Dairies and Dairy Products Regulations, 1941", uitgereik ingevolge die "Dairy Produce (Bechuanaland Protectorate) Proclamation, 1929", soos gewysig by Proklamasie No. 35 van 1930 van genoemde protektoraat; en
- die protektoraat Swailand, 'n botterfabriek soos omskryf in die "Dairy Produce Regulations" van genoemde protektoraat;

"fabrieksbotter", botter vervaardig in 'n botterfabriek en botter in die Unie ingevoer uit 'n land of gebied ten opsigte waarvan die omskrywing van "botterfabriek" nie van toepassing is nie;

"fabrieksroom", room vir vervaardigingsdoeleindes aan 'n bottervervaardiger verkoop;

"plaasbotter", botter (uitgenome plaasmelkerybotter) in die Unie elders as in 'n botterfabriek vervaardig;

"plaasmelkerybotter", botter elders as in 'n botterfabriek vervaardig deur 'n lid of lede van een huishouding gedurende 'n tydperk van twaalf maande gereken van die eerste dag van die kalendermaand ná die datum waarop enige heffing opgelê kragtens sub-artikel (3) van artikel drie-en-twintig van krag word, en waarin meer as vyftig pond botter aldus vervaardig deur sodanige lid of lede, verkoop is;

"kaasfabriek" met betrekking tot—

- die Unie, 'n kaasfabriek soos omskryf in die Suiwelnywerheid Wet, 1918;
- die gebied Suidwes-Afrika, 'n kaasfabriek soos omskryf in Ordonnansie No. 4 van 1932 van genoemde gebied;

"fabriekskaas", kaas, uitgenome proseskaas, in 'n kaasfabriek vervaardig of in die Unie ingevoer uit 'n land of gebied ten opsigte waarvan die omskrywing van "kaasfabriek" nie van toepassing is nie;

"kaasmelk", melk vir vervaardigingsdoeleindes aan 'n kaasvervaardiger verkoop;

"plaaskaas", kaas in die Unie elders as 'n kaasfabriek vervaardig;

"kondenseermelk", melk vir die vervaardiging van kondensmelk, melkpoeier, droëmelk of afgeroomde-melkpoeier verkoop aan die eienaar van 'n kondensmelkfabriek, melkpoeierfabriek, droëmelkfabriek of afgeroomde-melkpoeierfabriek;

"afgeroomde melk", afgeroomde melk vir vervaardigingsdoeleindes verkoop aan 'n vervaardiger van afgeroomde-melkpoeier;

"kondensmelk", dieselfde as "gekondenseerde melk", soos gebesig in die Wet, die Suiwelnywerheid Wet, 1918 (Wet No. 16 van 1918) en die Wet op die Beheer van die Suiwelnywerheid, 1930;

"proseskaas", die produk verkry deur die meng of vermeng van verskillende hoeveelhede volmelkkaas, hetsy van dieselfde fabrikaat, soort of graad en wat onderwerp is aan hittebehandeling of pasteurisering.

ment or pasturisation with or without the addition of harmless emulsifying agents and which does not contain more than 45 per cent of moisture and includes imported process cheese;

"producer" in relation to—

- (a) butter substitute, in this scheme also referred to as a "butter substitute manufacturer", means any person who manufactures a butter substitute and includes an importer thereof;
- (b) cheesemilk, in this scheme also referred to as a "cheesemilk producer", means any person who produces and sells cheesemilk;
- (c) condensing milk, in this scheme also referred to as a "condensing milk producer", means any person who produces and sells condensing milk;
- (d) condensed milk, dried milk, milk powder or skim-milk powder, in this scheme also referred to as a "condensed milk manufacturer", means any person who manufactures condensed milk, dried milk, milk powder or skim-milk powder and includes any importer of condensed milk, dried milk, milk powder or skim-milk powder;
- (e) creamery butter, in this scheme also referred to as a "butter manufacturer" means any person who manufactures creamery butter and includes any importer of creamery butter;
- (f) factory cheese, in this scheme also referred to as a "cheese manufacturer", means any person who manufactures factory cheese and includes any importer of factory cheese;
- (g) factory cream, in this scheme also referred to as a "cream producer", means any person who produces and sells factory cream;
- (h) farm butter, in this scheme also referred to as a "farm butter-maker", means any person who manufactures or imports and sells farm butter;
- (i) farm dairy butter, in this scheme also referred to as a "farm dairy butter-maker", means any person who manufactures or imports and sells farm dairy butter;
- (j) farm cheese, in this scheme also referred to as a "farm cheese-maker", means any person who manufactures or imports and sells farm cheese;
- (k) process cheese, in this scheme also referred to as a "process cheese manufacturer", means any person who manufactures process cheese and includes any importer of process cheese;
- (l) skim-milk, in this scheme also referred to as a "skim-milk producer" means any person who produces and sells skim-milk;
- (m) any product imported into the Union, in this scheme also referred to as an "importer", means any person who imports such product.

#### ADMINISTRATION OF THE SCHEME.

##### *Constitution of Board.*

3. (1) This scheme shall be administered by the Dairy Industry Control Board, established under the Dairy Industry Control Act, 1930 (Act No. 35 of 1930) which shall for that purpose, apart from any members who may be appointed in terms of paragraph (c) of sub-section (2) of section thirty-five of this scheme, consist of seventeen members to be appointed by the Governor-General, of whom—

- (a) four shall represent producers supplying cream to creameries (hereinafter referred to as cream producers' members) who shall be nominated in accordance with the provisions of section four;
- (b) one shall represent makers of farm dairy butter and farm butter (hereinafter referred to as the farm dairy butter-makers' member) who shall be nominated by an organisation or association which, in the opinion of the Minister, is representative of farm dairy butter-makers and farm buttermakers in the Union;

met of sonder die byvoeging van skadelose emulsifi-seermiddels en wat hoogstens 45 persent vog bevat, en omvat ook ingevoerde proseskaas;

„produsent”, met betrekking tot—

- (a) bottersurrogaat, in hierdie skema ook 'n „bottersurrogaatvervaardiger” genoem, enigeen wat 'n bottersurrogaat vervaardig, en ook 'n invoerder daarvan;
- (b) kaasmelk, in hierdie skema ook 'n „kaasmelk-produsent” genoem, enigeen wat kaasmelk produseer en verkoop;
- (c) kondenseermelk, in hierdie skema ook 'n „kondenseermelkprodusent” genoem, enigeen wat kondenseermelk produseer en verkoop;
- (d) kondensmelk, droëmelk, melkpoeier of afgeroomde-melkpoeier, in hierdie skema ook 'n „kondensmelkvervaardiger” genoem, enigeen wat kondensmelk, droëmelk, melkpoeier of afgeroomde-melkpoeier vervaardig, en ook enige invoerder van kondensmelk, droëmelk, melkpoeier of afgeroomde-melkpoeier;
- (e) fabrieksbotter, in hierdie skema ook 'n „botter-vervaardiger” genoem, enigeen wat fabrieksbotter vervaardig, en ook enige invoerder van fabrieksbotter;
- (f) fabriekskaas, in hierdie skema ook 'n „kaas-vervaardiger” genoem, enigeen wat fabriekskaas vervaardig en ook enige invoerder van fabriekskaas;
- (g) fabrieksroom, in hierdie skema ook 'n „room-produsent” genoem, enigeen wat fabrieksroom produseer en verkoop;
- (h) plaasbotter, in hierdie skema ook 'n „plaasbottermaker” genoem, enigeen wat plaasbotter vervaardig of invoer en verkoop;
- (i) plaasmelkerybotter, in hierdie skema ook 'n „plaasmelkerybottermaker” genoem, enigeen wat plaasmelkerybotter vervaardig of invoer en verkoop;
- (j) plaaskaas, in hierdie skema ook 'n „plaaskaas-maker” genoem, enigeen wat plaaskaas vervaardig of invoer en verkoop;
- (k) proseskaas, in hierdie skema ook 'n „proseskaasvervaardiger” genoem, enigeen wat proseskaas vervaardig, en ook enige invoerder van proseskaas;
- (l) afgeroomde melk, in hierdie skema ook 'n „produsent van afgeroomde melk” genoem, enigeen wat afgeroomde melk produseer en verkoop;
- (m) enige produk in die Unie ingevoer, in hierdie skema ook 'n „invoerder” genoem, enigeen wat só 'n produk invoer.

#### ADMINISTRASIE VAN DIE SKEMA.

##### *Samestelling van Raad.*

3. (1) Hierdie skema word geadminestreer deur die Raad van Toesig op die Suiwelnywerheid, ingestel kragtens die Wet op die Beheer van die Suiwelnywerheid, 1930 (Wet No. 35 van 1930), wat vir dié doel, afgesien van enige lede wat ingevolge paragraaf (c) van subartikel (2) van artikel vyf-en-dertig van hierdie skema aangestel kan word, bestaan uit sewentien lede deur die Goewerneur-generaal benoem te word en van wie—

- (a) vier die verteenwoordigers moet wees van produsente wat room aan botterfabrieke verskaf (hierna roomprodusentelede genoem), en genomineer moet word ooreenkomstig die bepalinge van artikel vier;
- (b) een die verteenwoordiger moet wees van plaasmelkerybottermakers en plaasbottermakers (hierna die lid vir die plaasmelkerybottermakers genoem) en genomineer moet word deur 'n organisasie of vereniging wat na die mening van die Minister verteenwoordigend is van plaasmelkerybottermakers en plaasbottermakers in die Unie;

- (c) two shall represent producers supplying milk to cheese factories and makers of farm cheese (hereinafter referred to as the cheesemilk producers' members) who shall be nominated in accordance with the provisions of section five;
- (d) two shall represent producers supplying milk to condensed milk factories, dried milk factories, milk powder factories and skim-milk powder factories and producers supplying skim-milk to skim-milk powder factories (hereinafter referred to as the condensing milk producers' members) who shall be nominated in accordance with the provisions of section six;
- (e) three shall represent owners of creameries and manufacturers of butter substitutes (hereinafter referred to as the butter manufacturers' members) who shall be nominated in accordance with the provisions of section seven;
- (f) one shall represent owners of cheese factories including process cheese factories (hereinafter referred to as the cheese manufacturers' member) who shall be nominated by an association which, in the opinion of the Minister, is representative of owners of cheese factories, including process cheese factories, in the Union;
- (g) one shall represent owners of condensed milk, dried milk, milk powder and skim-milk powder factories (hereinafter referred to as the condensed milk manufacturers' member) who shall be nominated by an association which, in the opinion of the Minister, is representative of owners of condensed milk factories, dried milk factories, milk powder factories and skim-milk powder factories in the Union;
- (h) two shall represent consumers of dairy products (hereinafter referred to as consumers' members) of whom—
  - (i) one shall be nominated by the Consumers' Advisory Committee from amongst its members; provided that whenever such member ceases to be a member of that committee he shall also cease to be a member of the board and another member of that committee shall be nominated in his place.
  - (ii) one shall be nominated by the Minister after consultation with the Consumers' Advisory Committee;
- (i) one shall be an officer of the Department of Agriculture nominated by the Minister.

(2) If the Superintendent of Dairying is not nominated as a member of the board under paragraph (i) of subsection (1), he shall be an *ex officio* member of the board and shall in that capacity have the same rights as the other members of the board, except that he shall not have the right to vote at any meeting thereof.

(3) The board may from time to time co-opt not more than two persons to serve as members in an advisory capacity.

#### *Nomination of Cream Producers' Members.*

4. (1) Of the cream producers' members one shall be nominated in respect of each of the four provinces of the Union by an organisation or association of producers which, in the opinion of the Minister, is representative of producers of cream in that province.

(2) Only a producer of cream who, in the opinion of the Minister, has regularly supplied cream to a creamery during the period of twelve months immediately preceding his nomination, may be nominated under this section.

#### *Nomination of Cheesemilk Producers' Members.*

5. (1) The cheesemilk producers' members shall be nominated by an organisation or association of producers which, in the opinion of the Minister, is representative of producers of cheesemilk and of makers of farm cheese in the Union.

- (c) twee die verteenwoordigers moet wees van produsente wat melk verskaf aan kaasfabrieke en plaaskaasmakers (hierna die kaasmelkprodusentelede genoem) en genomineer moet word ooreenkomstig die bepalings van artikel vyf;
- (d) twee die verteenwoordigers moet wees van produsente wat melk verskaf aan kondensmelkfabrieke, droëmelkfabrieke, melkpoeierfabrieke en afgeroomde-melkpoeierfabrieke en produsente wat afgeroomde melk aan afgeroomde-melkpoeierfabrieke verskaf (hierna die lede vir die kondensermelkprodusentelede genoem) en genomineer moet word ooreenkomstig die bepalings van artikel ses;
- (e) drie die verteenwoordigers moet wees van eenaars van botterfabrieke en vervaardigers van bottersurrogate (hierna die bottervervaardigerslede genoem) en genomineer moet word ooreenkomstig die bepalings van artikel sewe;
- (f) een die verteenwoordiger moet wees van eenaars van kaasfabrieke met inbegrip van proseskaasfabrieke (hierna die kaasvervaardigerslid genoem) en genomineer moet word deur 'n vereniging wat na die mening van die Minister verteenwoordigend is van eenaars van kaasfabrieke, met inbegrip van proseskaasfabrieke, in die Unie;
- (g) een die verteenwoordiger moet wees van eenaars van kondensmelk-, droëmelk-, melkpoeier- en afgeroomdemelkpoeierfabrieke (hierna die lid vir die vervaardigers van kondensmelk genoem) en genomineer moet word deur 'n vereniging wat na die mening van die Minister verteenwoordigend is van eenaars van kondensmelkfabrieke, droëmelkfabrieke, melkpoeierfabrieke en afgeroomdemelkpoeierfabrieke in die Unie;
- (h) twee die verteenwoordigers moet wees van verbruikers van suiwelprodukte (hierna die verbruikerslede genoem) van wie—
  - (i) een deur die Adviserende Verbruikerskomitee uit sy lede genomineer moet word; met dien verstande dat wanneer sodanige lid ook al ophou om lid van genoemde komitee te wees, hy ook ophou om lid van die raad te wees en 'n ander lid van genoemde komitee dan in sy plek genomineer moet word;
  - (ii) een deur die Minister genomineer word na oorlegpleging met die Adviserende Verbruikerskomitee.
- (i) een 'n amptenaar van die Departement van Landbou moet wees wat deur die Minister genomineer word.

(2) Indien die Superintendent van Suiwelbereiding nie as lid van die raad ingevolge paragraaf (i) van subartikel (1) genomineer word nie, is hy amptshalwe lid van die raad en het hy in daardie hoedanigheid dieselfde regte as die ander lede van die raad, met die uitsondering dat hy nie die reg het om op 'n vergadering daarvan te stem nie.

(3) Die raad kan van tyd tot tyd hoogstens twee ander persone koöpteer, om as lede in raadgewende hoedanigheid te dien.

#### *Nominasie van roomprodusentelede*

4. (1) Van die roomprodusentelede moet een ten opsigte van elk van die vier provinsies van die Unie genomineer word deur 'n produsente-organisasie of -vereniging wat na die mening van die Minister verteenwoordigend is van roomprodusente in daardie provinsie.

(2) Slegs 'n produsent van room wat na die mening van die Minister gedurende die tydperk van twaalf maande onmiddellik vóór sy nominasie gereeld room aan 'n botterfabriek verskaf het, mag kragtens hierdie artikel genomineer word.

#### *Nominasie van kaasmelkprodusentelede.*

5. (1) Die kaasmelkprodusentelede moet genomineer word deur 'n produsente-organisasie of -vereniging wat na die mening van die Minister verteenwoordigend is van kaasmelkprodusente en van plaaskaasmakers in die Unie.

(2) Only a producer of cheesemilk or a farm cheesemaker, who, in the opinion of the Minister, has regularly supplied cheesemilk to a cheese factory or has made farm cheese during the period of twelve months immediately preceding his nomination, may be nominated under this section.

*Nomination of Condensing Milk Producers' Members.*

6. (1) The condensing milk producers' members shall be nominated by an organisation or association of producers which, in the opinion of the Minister, is representative of condensing milk producers and producers of skim-milk in the Union.

(2) Only a producer of condensing milk or of skim-milk who, in the opinion of the Minister, has regularly supplied condensing milk to a condensed milk factory, a dried milk factory, a milk powder factory or a skim-milk powder factory or skim-milk to a skim-milk powder factory during the period of twelve months immediately preceding his nomination, may be nominated under this section.

*Nomination of Butter Manufacturers' Members.*

7. Of the butter manufacturers' members—

- (a) one shall be nominated by an association which, in the opinion of the Minister, is representative of owners of creameries operated by co-operative societies or co-operative companies and/or of manufacturers of butter substitutes in the Union; and
- (b) two shall be nominated by an association which, in the opinion of the Minister, is representative of owners of creameries operated by proprietary companies and/or of manufacturers of butter substitutes in the Union.

*Notice to Nominate Members.*

8. Whenever a nomination in terms of paragraph (b), (f), (g) or (h) of sub-section (1) of section three or in terms of section four, five, six or seven of this scheme becomes necessary, the Minister shall call upon the Consumers' Advisory Committee or the organisation or association or person concerned, as the case may be, or cause it to be called upon, by notice in writing, to nominate, within the period fixed in such notice, such person or persons as it is entitled, in terms of the relevant section, to nominate for appointment to the board.

*If no Suitable Person Nominated, Minister may Nominate.*

9. If any person nominated as aforesaid is, in the opinion of the Minister, not suitable for appointment as a member of the board, or in the case of a nomination made under paragraph (h) of sub-section (1) of section three or under section four, five or six, of this scheme, is not suitable or qualified to be a member of the board, the Minister may refer that nomination back to the organisation, association, person or Consumers' Advisory Committee concerned, as the case may be and call upon that organisation, association, person or committee to nominate some other person for appointment to the board and if that organisation, association, person or committee thereupon again nominates a person who is, in the opinion of the Minister, not suitable or not qualified, as aforesaid, or whenever the organisation, association, person or committee fails to nominate a person, the Minister may himself, subject to the provisions of the aforesaid sections, nominate any person whom he considers fit to be a member of the board.

*Nomination when no Organisation or Association Exists.*

10. (1) If the Minister is satisfied that an organisation or association such as is referred to in paragraph (b) of sub-section (1) of section three, and in sections four, five and six of this scheme, is not in existence, the Minister may himself nominate a person or persons qualified for appointment to the board to represent the interests concerned.

(2) Slegs 'n produsent van kaasmelk of 'n plaaskaasmaker wat na die mening van die Minister gedurende 'n tydperk van twaalf maande onmiddellik vóór sy nominasie gereeld kaasmelk aan 'n kaasfabriek verskaf het, of plaaskaas gemaak het, mag kragtens hierdie artikel genomineer word.

*Nominasie van die lede vir die kondenseermelkprodusente.*

6. (1) Die lede van die kondenseermelkprodusente moet genomineer word deur 'n produsente-organisasie of -vereniging wat na die mening van die Minister verteenwoordigend is van kondenseermelkprodusente en produsente van afgeroomde melk in die Unie.

(2) Slegs 'n produsent van kondenseermelk of afgeroomde melk wat, na die mening van die Minister, gedurende die tydperk van twaalf maande onmiddellik vóór sy nominasie gereeld kondenseermelk aan 'n kondensmelkfabriek, 'n droëmelkfabriek, 'n melkpoeierfabriek of 'n afgeroomde-melkpoeierfabriek, of afgeroomde melk aan 'n afgeroomde-melkpoeierfabriek verskaf het, mag kragtens hierdie artikel genomineer word.

*Nominasie van bottervervaardigerslede.*

7. Van die bottervervaardigerslede—

- (a) moet een genomineer word deur 'n vereniging wat, na die mening van die Minister, verteenwoordigend is van eienaars van botterfabrieke wat bestuur word deur koöperatiewe verenigings of koöperatiewe maatskappye en/of van vervaardigers van bottersurrogate in die Unie; en
- (b) moet twee genomineer word deur 'n vereniging wat na die mening van die Minister, verteenwoordigend is van eienaars van botterfabrieke wat bestuur word deur eiendomsmaatskappye en/of van vervaardigers van bottersurrogate in die Unie.

*Kennisgewing om lede te nomineer.*

8. Wanneer 'n nominasie ingevolge paragrafe (b), (f), (g) of (h) van subartikel (1) van artikel drie of ingevolge artikels vier, vyf, ses of sewe van hierdie skema nodig word, moet die Minister die betrokke Adviserende Verbruikerskomitee of organisasie of vereniging of persoon, na gelang van die geval, by skriftelike kennisgewing aansê of laat aansê om binne die tydperk in sodanige kennisgewing bepaal, sodanige persoon of persone te nomineer as wat hulle in gevolge die betrokke artikel geregtig is om vir benoeming tot die raad te nomineer.

*Indien geen geskikte persoon genomineer word nie, kan die Minister nomineer.*

9. Indien enigeen soos voormeld genomineer, na die mening van die Minister, nie geskik is om tot lid van die raad benoem te word nie, of in die geval van 'n nominasie kragtens paragraaf (h) van subartikel (1) van artikel drie of kragtens artikels vier, vyf of ses van hierdie skema, nie geskik of bevoeg is om lid van die raad te wees nie, kan die Minister daardie nominasie terugverwys na die betrokke organisasie, vereniging, persoon of Adviserende Verbruikerskomitee, na gelang van die geval, en daardie organisasie, vereniging, persoon of komitee aansê om iemand anders vir benoeming tot die raad te nomineer, en indien daardie organisasie, vereniging, persoon of komitee daarna weer enigeen nomineer wat, na die mening van die Minister, nie, soos voormeld, geskik of bevoeg is nie, of wanneer die organisasie, vereniging, persoon of komitee eersuim om iemand te nomineer, kan die Minister self, behoudens die bepalings van die voormelde artikels, enigeen nomineer wat hy geskik ag om lid van die raad te wees.

*Nominasie wanneer geen organisasie of vereniging bestaan nie.*

10. (1) Indien die Minister daarvan oortuig is dat 'n organisasie of vereniging soos dié vermeld in paragraaf (b) van subartikel (1) van artikel drie en in artikels vier, vyf en ses van hierdie skema nie bestaan nie, kan die Minister self 'n persoon of persone wat bevoeg is vir benoeming tot die raad, nomineer om die betrokke belange te verteenwoordig.

(2) If an association such as is referred to in paragraphs (f) and (g) of sub-section (1) of section *three* and in section *seven* of this scheme is not in existence, the respective members shall be nominated by a conference of owners of co-operative creameries and/or butter substitute factories and/or creameries other than co-operative creameries or cheese factories, including process cheese factories, or condensed milk factories, dried milk factories, milk powder factories or skim-milk powder factories in the Union, as the case may be, and such conference shall be called by the Minister and shall be held at a time and place to be determined by him.

(3) At any conference called under sub-section (2), any of the said owners of factories may be represented by proxy.

#### *Tenure of Office of Members.*

11. (1) The members of the board shall, subject to the provisions of sub-section (3), be appointed for a period of two years; provided that the member appointed in terms of paragraph (i) of sub-section (1) of section *three* of this scheme shall hold office during the Governor-General's pleasure.

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

(3) Retiring members shall be eligible for reappointment.

(4) Whenever for any reason the office of any member of the board becomes vacant before the expiration of the period for which he was appointed, the Minister may, after consultation with the organisation, association or interests concerned, appoint any other person whom he considers suitable to fill the vacancy until the expiration of the period for which the vacating member was appointed.

(5) Whenever the Minister is satisfied that any member of the board is prevented by illness, absence or any other cause from performing the duties of his office, the Minister may appoint any other person whom he considers suitable to act as the deputy of that member while he is so prevented, and during the period during which the deputy so acts, he shall perform the functions of the member as whose deputy he has been appointed to act.

(6) Whenever a member of the board has, without its leave, absented himself from three consecutive meetings of the board and no one has been appointed to act as his deputy in terms of sub-section (5) of this section, he shall cease to be a member of the board.

#### *Election and Tenure of Office of Chairman.*

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

(2) Whenever the chairman is unable to perform his functions, the vice-chairman shall act in his place and, failing him, the board shall elect another of its members to act as chairman.

#### *Meetings of the Board.*

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

(2) The chairman of the board may 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.

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

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

(2) Indien 'n vereniging soos dié vermeld in paragrawe (f) en (g) van subartikel (1) van artikel *drie* en in artikel *sewe* van hierdie skema, nie bestaan nie, moet die onderskeie lede genomineer word deur 'n konferensie van eenaars van koöperatiewe botterfabrieke en/of battersurrogaatfabrieke en/of botterfabrieke, uitgenome koöperatiewe botterfabrieke of kaasfabrieke, met inbegrip van proseskaasfabrieke of kondensmelkfabrieke, droëmelkfabrieke, melkpoeierfabrieke of afgeroomde-melkpoeierfabrieke in die Unie, na gelang van die geval, en sodanige konferensie moet deur die Minister belê en gehou word op 'n tyd en plek wat hy bepaal.

(3) Op enige konferensie belê kragtens subartikel (2) kan enigeen van genoemde fabriekseienaars kragtens volmag verteenwoordig word.

#### *Ampstermyn van lede.*

11. (1) Die lede van die raad word, behoudens die bepalinge van subartikel (3), vir 'n tydperk van twee jaar benoem: Met dien verstande dat die lid kragtens paragraaf (i) van subartikel (1) van artikel *drie* van hierdie skema benoem word sy amp beklee solank dit die Goewerneur-generaal behaag.

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

(3) Aftredende lede is herbenoembaar.

(4) Wanneer die amp van enige lid van die raad om watter rede ook al vakant raak voor die verstryking van die tydperk waarvoor hy benoem is, kan die Minister, na oorlegpleging met die betrokke organisasie, vereniging of belange enigiemand ander wat hy geskik ag, benoem om die vakature aan te vul totdat die tydperk waarvoor die uittredende lid benoem is, verstryk het.

(5) Wanneer die Minister daarvan oortuig is dat enige lid van die raad weens siekte, afwesigheid of om enige ander rede verhinder word om sy ampspligte te vervul, kan die Minister enigiemand anders wat hy geskik ag, benoem om as plaasvervanger van daardie lid op te tree solank hy aldus verhinder word, en gedurende die tydperk wat die plaasvervanger aldus optree, vervul hy die funksies van die lid in wie se plek hy as plaasvervanger benoem is.

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

#### *Verkiezing en ampstermyn van voorsitter.*

12. (1) Die raad moet op sy eerste vergadering en daarna na gelang dit nodig mag wees, uit sy lede 'n voorsitter en 'n ondervoorsitter kies, wat elkeen as sodanig sy amp beklee vir 'n tydperk van een jaar of totdat hy ophou om lid van die raad te wees, naamlik, die kortste tydperk, en daarna kan hy herkies word.

(2) Wanneer die voorsitter nie sy funksies kan uitoefen nie, tree die ondervoorsitter in sy plek op en as hy dit nie kan doen nie, moet die raad een van sy ander lede kies om as voorsitter op te tree.

#### *Vergaderings van die raad.*

13. (1) Vergaderings van die raad word gehou op die tye en plekke wat die raad of die voorsitter, indien hy deur die raad daartoe gemagtig is, van tyd tot tyd mag bepaal.

(2) Die voorsitter van die raad kan enige tyd 'n spesiale vergadering van die raad belê, om gehou te word op 'n dag en plek wat die voorsitter bepaal.

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

(4) Die vergaderings van die raad word belê by kennisgewing deur of op las van die voorsitter van die raad of enige beamppte van die raad wat deur die raad daartoe gemagtig is.

*Quorum, Majority Decision and Chairman's Casting Vote.*

14. (1) The majority of members of the board shall form a quorum at any meeting of the board; provided when there is no quorum the meeting shall stand adjourned until a date to be fixed by the chairman, at which meeting seven members shall form a quorum.

(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.

*Allowances of Members of Board.*

15. The members of the board and any advisory members co-opted by the board shall be paid such allowances out of the funds of the board, as the board may, with the approval of the Ministers, determine, to meet the reasonable expenses to which they are put in connection with the business of the board.

*Committees of the Board.*

16. (1) The board may, with the approval 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 at a time and place appointed by him.

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

*Financial Year.*

17. The financial year under this scheme shall be the period from the first day of October in each year to the thirtieth day of September in the following year.

*Auditing of Accounts.*

18. (1) The accounts and balance sheet of the board shall be audited annually by the Controller and Auditor-General, who may, for the purpose of such audit, appoint one or more persons to assist him, subject to such directions as he may deem fit.

(2) An amount which shall be determined by the Treasury after consultation with the Minister and the Controller and Auditor-General, shall be paid by the board to the Treasury in respect of such audit.

*General Powers of the Board.*

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

- (a) to appoint such servants and 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) to appoint, subject to conditions approved by the Minister, such agents as it may consider necessary for the proper performance of its functions; provided that if the application of any person for appointment as an agent has been refused, or if the appointment of any person as an agent is terminated, he may on depositing with the Secretary for Agriculture an amount of fifteen pounds appeal against the refusal or termination to the Minister who may dismiss the appeal or if he is satisfied that such person should be appointed as an agent in addition to any other person so appointed or

*Kworum, meerderheidsbesluit en voorsitter se beslissende stem.*

14. (1) Die meerderheid van die lede van die raad maak 'n kworum op enige vergadering van die raad uit: Met dien verstande dat wanneer daar nie 'n kworum is nie, die vergadering verdaag word tot 'n datum wat die voorsitter bepaal, en op sodanige vergadering maak sewe lede 'n kworum uit.

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

*Toela's van lede van die raad.*

15. Aan die lede van die raad en enige adviserende lede deur die raad gekoöpteer, moet sodanige toelaes as wat die raad met die goedkeuring van die Minister bepaal, uit die fondse van die raad betaal word, ter bestryding van die redelike uitgawes wat hulle in verband met die sake van die raad aangaan.

*Komitees van die raad.*

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

(2) Die voorsitter van die raad is amptshalwe lid van enige komitee wat deur die raad benoem word, en kan enige tyd 'n vergadering van 'n komitee belê om behou te word op 'n tyd en plek wat die voorsitter bepaal.

(3) Die beslissing van die meerderheid van al die lede van 'n komitee, is 'n besluit van die komitee.

*Boekjaar.*

17. Die boekjaar ingevolge hierdie skema is die tydperk van die eerste dag van Oktober in elke jaar tot die dertigste dag van September in die daaropvolgende jaar.

*Ouditering van rekenings.*

18. (1) Die rekenings en balansstaat van die raad moet jaarliks geouditeer word deur die Kontroleur en Ouditeur-generaal wat vir die doel van sodanige ouditering een of meer persone kan benoem om hom behulpsam te wees, behoudens sodanige voorskrifte as wat hy mag goed ag.

(2) 'n Bedrag wat deur die Tesourie, na oorlegpleging met die Minister en die Kontroleur en Ouditeur-generaal, bepaal word, moet deur die raad ten opsigte van sodanige ouditering aan die Tesourie betaal word.

*Algemene bevoegdhede van die raad.*

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

- (a) sodanige amptenare aan te stel en sodanige eiendom aan te skaf of te huur as wat hy nodig ag vir die behoorlike uitoefening van sy funksies en vir die verwesenliking van die oogmerke van hierdie skema: Met dien verstande dat geen vaste eiendom aangeskaf mag word nie, uitgenome met die toestemming van die Minister en op sodanige voorwaardes as wat hy mag goedkeur;
- (b) behoudens voorwaardes deur die Minister goedgekeur, sodanige agente aan te stel wat die raad nodig mag ag vir die behoorlike uitoefening van sy funksies: Met dien verstande dat indien die aansoek van enigeen om aanstelling as agent afgewys word, of die aanstelling van enigeen as 'n agent beëindig word, hy, nadat hy 'n bedrag van vyftien pond by die Sekretaris van Landbou gestort het, teen die afwysing of beëindiging kan appelleer na die Minister, wat die appèl van die hand kan wys of, as hy daarvan oortuig is dat sodanige persoon as agent aangestel behoort te word benewens enige ander aldus aangestelde persoon,

that his appointment should not have been terminated, as the case may be, allow the appeal, and determine the manner in which the amount so deposited shall be disposed of;

- (c) to act as agent for the receipt and sale of any product to which the scheme relates;
- (d) with the approval of the Minister, and subject to the provisions of this scheme, to borrow money to be used for the purpose of attaining the objects of this scheme and to use any money derived from any levy imposed in terms of section *twenty-three* for any object which, in its opinion, will be to the advantage of persons interested in any product to which this scheme relates;
- (e) to accept money or property given to the board by way of donation, grant or otherwise and utilise such money or property in such manner as the Minister may approve;
- (f) to establish an information service in order to advise producers from time to time about marketing conditions in general or about the condition of any particular market;
- (g) to co-operate with any person in doing any act which the board may perform, and to do on behalf of any similar board any act which that board may perform;
- (h) to require every person concerned in the production, marketing or processing of any product to which this scheme relates to furnish the board with such information relating to such product as may be available to such person and as the board may specify;
- (i) with the approval of the Minister, to prescribe the records to be kept, the period for which any such record shall be retained, and the returns to be rendered to the board by any person or class or group of persons producing or dealing in the course of trade with the products to which the scheme relates and the times at which and the form and manner in which such returns shall be so rendered;
- (j) to assist, by grant or loan or otherwise, any undertaking for preserving, processing, storing or conditioning any such product and any research work relating to the improvement, production, processing and marketing of any such product;
- (k) to advise the Minister as to—
  - (i) the conditions regarding grades, standards of quality, methods of packing and the marking of any such product or any receptacle or cover containing it, subject to which any such product may be sold or imported for sale;
  - (ii) the prohibition, control or regulation of the importation or export of any such product; and
  - (iii) all matters relating to the marketing or processing of any such product;
- (l) for the purposes of the enforcement of the provisions of the scheme, to empower any person generally or in any particular case at all reasonable hours—
  - (i) to enter any place occupied by any person who is, or is suspected to be a producer of or person dealing in the course of trade with a product to which the scheme relates, or any place or vehicle in or upon which there is kept, or is suspected to be kept any quantity of such product by any person for any purpose other than consumption by the owner of such product or by the members of his household;

of dat sy aanstelling nie beëindig behoort te gewees het nie, nagelang van die geval, die appèl kan toestaan en die wyse kan bepaal waarop oor die aldus gestorte bedrag beskik moet word;

- (c) op te tree as agente vir die ontvangs en verkoop van enige produk waarop die skema betrekking het;
- (d) met die Minister se goedkeuring en behoudens die bepalings van hierdie skema, geld te leen om aangewend te word vir die verwesenliking van die oogmerke van die skema, en om enige geld verkry uit enige heffing opgelê ingevolge artikel *drie-en-twintig* aan te wend vir enige doel wat na die mening van die raad tot voordeel sal strek van persone wat belang het by enige produk waarop hierdie skema betrekking het;
- (e) geld of eiendom aan te neem wat by wyse van geskenk, toekenning of andersins aan die raad gegee word, en om sodanige geld of eiendom aan te wend op sodanige wyse as wat die Minister mag goedkeur;
- (f) '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 enige besondere mark;
- (g) met engeen saam te werk in enige handeling wat die raad kan verrig, en om namens enige ander soortgelyke raad, enige handeling te verrig wat daardie raad kan verrig;
- (h) van iedereen wat betrokke is by die produksie, bemarking of verwerking van enige produk waarop hierdie skema betrekking het, te vereis om aan die raad sodanige inligting met betrekking tot sodanige produk te verstrek waarvoor sodanige persoon mag beskik en wat die raad mag spesifiseer;
- (i) met die Minister se goedkeuring, die rekords wat gehou moet word, die tydperk waarvoor enige sodanige rekords bewaar moet word, en die opgawes wat aan die raad verstrek moet word deur enige persoon of klas of groep persone wat die produkte waarop die skema betrekking het, produseer of daarmee as 'n besigheid handel, voor te skryf, asook die tye waarop, die vorm waarin en die wyse waarop sodanige opgawes aldus verstrek moet word;
- (j) deur middel van toekenning of lening of andersins hulp te verleen aan enige onderneming vir die preserving, verwerking, opberging of bewerking van sodanige produk en in verband met enige navorsingswerk met betrekking tot die verbetering, produksie, verwerking en bemarking van enige sodanige produk;
- (k) die Minister van advies te dien aangaande—
  - (i) die voorwaardes betreffende grade, kwaliteitstandaarde, verpakkingsmetodes en die merk van enige sodanige produk, of 'n houer of omhulsel wat dit bevat, waarop sodanige produk verkoop of vir verkoop ingevoer kan word;
  - (ii) die verbod op, beheer of reëling van die invoer of uitvoer van enige sodanige produk; en
  - (iii) alle aangeleenthede betreffende die bemarking of verwerking van enige sodanige produk;
- (l) vir die toepassing van die bepalings van die skema, aan engeen in die algemeen of in 'n besondere geval, die bevoegdheid te verleen om op alle redelike tye—
  - (i) enige plek te betree wat geokkupeer word deur enigiemand 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 'n produk waarop die skema betrekking het, of 'n plek of voertuig waarin of waarop daar 'n hoeveelheid van sodanige produk deur enige persoon gehou word of na vermoede gehou word vir enige ander doel as verbruik deur die eienaar van sodanige produk of deur lede van sy huisgesin;

- (ii) to inspect any such product and to examine all books and documents at any such place or in or upon any such vehicle which are believed, upon reasonable grounds, to relate to such product and to make copies of or take extracts from such books and documents; provided that no such person shall have access to any secret document relating to the manufacture of any such product;
  - (iii) to demand from the owner or custodian of any such product any information concerning such product; provided that no such person shall have access to any secret document relating to the manufacture of any such product;
  - (iv) to demand from the owner or custodian of any such book or document an explanation of any entry therein;
  - (v) to seize any books, documents or articles which may afford evidence of the commission of an offence under this scheme or any regulation made under the Act, or any quantity of such product 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 such product which has been so seized, and if he deems fit, to place on any such book, document, article or product, or on the container thereof, any identification mark which he may consider necessary;
  - (vi) to take samples of any such product, including any quantity of such product which has been seized in terms of sub-paragraph (v) of this section, and to examine, analyse or grade such samples or cause them to be examined, analysed or graded;
- (m) to buy any product to which this scheme relates;
- (n) to treat in such manner as it may deem fit, grade, pack, store, process, adapt for sale, insure, advertise and to transport any product which it has bought;
- (o) to sell, whether in its original form or processed wholly or in part, any product which it has bought, or to withhold any part of it from the market;
- (p) with the approval of the Minister to prohibit—
- (i) from time to time any person or any person belonging to any class or group of persons or any person other than a person belonging to any class or group of persons from acquiring, selling or disposing of any quantity of any product to which the scheme relates, or of any class or grade thereof, at a price other than or below or above a price fixed by the board or calculated in accordance with a basis determined by the board, for such product, or for such class, grade or quantity thereof;
  - (ii) the purchase or sale or export for sale of any such product except under permit the issue of which shall be in the discretion of 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 the scheme or of any regulation made under the Act; provided that whenever a prohibition is imposed in pursuance of this paragraph and the board refuses to issue, or cancels such permit, the applicant or holder, as the case may be, shall have the right of appeal to the Minister against the decision of the board, and that the Minister may, after consideration, confirm, set aside or vary such decision;
- (ii) sodanige produk te inspekteer en alle boeke en stukke op enige sodanige plek of in of op sodanige voertuig na te gaan, wat op redelike grond vermoed word op sodanige produk betrekking te hê en afskrifte van of uittreksels uit sodanige boeke en stukke te maak: Met dien verstande dat geen sodanige persoon toegang het tot 'n geheime stuk wat op die vervaardiging van sodanige produk betrekking het nie;
  - (iii) van die eienaar van sodanige produk of die persoon wat dit in sy bewaring het, inligting aangaande die produk te eis: Met dien verstande dat geen sodanige persoon toegang het tot 'n geheime stuk wat op die vervaardiging van sodanige produk betrekking het nie;
  - (iv) van die eienaar van sodanige boek of stuk of die persoon wat dit in sy bewaring het, 'n verklaring van enige aantekening daarin te eis;
  - (v) beslag te lê op boeke, stukke of artikels wat bewys kan lewer van 'n misdryf wat begaan is ingevolge hierdie skema of 'n regulasie kragtens die Wet uitgevaardig, of op enige hoeveelheid van sodanige produk ten opsigte waarvan enige sodanige misdryf vermoedelik begaan is, en om enige boeke, stukke of artikels of enige hoeveelheid van sodanige produk waarop aldus beslag gelê is, van die betrokke plek of voertuig te verwyder of dit op die betrokke plek of voertuig te laat, en om indien hy dit goed ag, op sodanige boek, stuk, artikel of produk, of die houer daarvan, enige identifikasiemerks wat hy nodig mag ag, aan te bring;
  - (vi) van sodanige produk, met inbegrip van enige hoeveelheid van sodanige produk waarop ingevolge subparagraaf (v) van hierdie artikel beslag gelê is, monsters te neem, en sodanige monsters te ondersoek, te ontleed of te gradeer of te laat ondersoek, ontleed of gradeer;
- (m) enige produk waarop hierdie skema betrekking het, te koop;
- (n) met enige produk wat hy gekoop het, te handel soos hy mag goedvind, of dit te gradeer, te verpak, op te berg, te verwerk, vir verkoop geskik te maak, te verseker, te adverteer en te vervoer;
- (o) enige produk wat hy gekoop het, te verkoop, hetsy in sy oorspronklike of in gedeeltelik of geheel en al verwerkte vorm, of 'n deel daarvan van die mark af te hou;
- (p) met die goedkeuring van die Minister—
- (i) van tyd tot tyd, enige persoon of 'n persoon wat tot 'n klas of groep persone behoort of enigiemand anders as 'n persoon wat tot 'n klas of groep persone behoort, te verbied om enige hoeveelheid van enige produk waarop die skema betrekking het of enige klas of graad daarvan te verkry, te verkoop of van die hand te sit teen 'n ander, of 'n laer of hoër prys as 'n prys deur die raad vasgestel of bereken ooreenkomstig 'n basis deur die raad bepaal vir sodanige produk of vir sodanige klas, graad of hoeveelheid daarvan;
  - (ii) die aankoop of verkoop of uitvoer vir verkoop van sodanige produk te verbied, uitgesonderd kragtens permit wat na goedgeeinde deur die raad uitgereik kan word en wat deur die raad ingetrek kan word as die houer daarvan 'n voorwaarde daarin genoem of 'n bepaling van die skema of van 'n regulasie kragtens die Wet uitgevaardig, oortree het of versuim het om daaraan te voldoen; met dien verstande dat wanneer 'n verbod kragtens hierdie paragraaf ook al opgelê word en die raad weier om sodanige 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, ter syde kan stel of kan wysig;

(q) with the approval of the Minister—

- (i) to fix in respect of any quantity of any such product or of any class or grade thereof, which is acquired for any purpose or by any class of persons, a price which differs from the price fixed in respect of a quantity of that product or of that class or grade thereof acquired for any other purpose or by any other class of persons;
  - (ii) to fix in respect of any such product or of any class or grade thereof, different prices in respect of different quantities or in respect of different times of the year;
- (r) whenever the board has imposed a prohibition in terms of sub-paragraph (i) of paragraph (p) of this section, with the approval of the Minister—
- (i) to determine the charges or costs to be included in, added to or deducted from any price referred to in the said sub-paragraph or the weight to be allowed, in relation to any quantity therein referred to, for any container of any of the said products;
  - (ii) to require any person disposing of any of the said products or of any class, grade or quantity thereof on credit or for an amount exceeding an amount determined by the board, to render an invoice containing such particulars as may be so determined; and
  - (iii) to require any price so fixed to be displayed in such manner and form and at such places or on such vehicles and by such persons or classes of persons as may be determined by the board.

#### *Differentiation between Areas and Grades of Products.*

20. Any requirement or prohibition imposed or decision taken by the board which relates to any portion of the area in which this scheme applies or to any class of the product to which this scheme relates, may differ from any such requirement or prohibition or decision which relates to any other portion of the said area or any other class of the said product or shall apply only to specified portions of the said area, or relate only to specified classes of the said product.

#### *Non-disclosure of Information by Board Members and Officials.*

21. No member of the board and no servant or agent of the board shall, except in connection with the administration of this scheme or in connection with legal proceedings thereunder, disclose any information conveyed to the board in terms of this scheme.

#### *Establishment of Funds.*

22. The board shall establish—

- (1) a butter levy fund into which shall be paid all amounts derived from levies imposed on creamery butter, butter substitute and farm dairy butter and from which shall be paid all expenses incurred directly in connection with the butter industry and such other amounts as are specially provided for in this scheme;
- (2) a cheese levy fund into which shall be paid all amounts derived from levies imposed on factory cheese, farm cheese and process cheese and from which shall be paid all expenses incurred directly in connection with the cheese industry and such other amounts as are specially provided for in this scheme;
- (3) a condensing milk levy fund into which shall be paid all amounts derived from levies imposed on condensing milk and skim-milk, and from which shall be paid all expenses incurred directly in connection with the condensing milk industry;

(q) met die goedkeuring van die Minister—

- (i) ten opsigte van enige hoeveelheid van enige sodanige produk of van enige klas of graad daarvan wat verkry is vir enige doel of deur enige klas persone, 'n prys vas te stel, wat verskil van die prys wat vasgestel is ten opsigte van 'n hoeveelheid van daardie produk, of van daardie klas of graad daarvan wat verkry is vir enige ander doel of deur enige ander klas persone; of
  - (ii) ten opsigte van sodanige produk of van enige klas of graad daarvan verskillende pryse ten opsigte van verskillende hoeveelhede of ten opsigte van verskillende tye van die jaar vas te stel;
- (r) wanneer die raad ook al 'n verbod kragtens sub-paragraaf (i) van paragraaf (p) van hierdie artikel, met die goedkeuring van die Minister opgelê het—
- (i) die gelde of koste te bepaal, wat ingesluit of bygevoeg moet word by of afgetrek moet word van enige prys in gemelde subparagraaf genoem, of die gewig vas te stel wat ten opsigte van enige hoeveelheid daarin genoem, toegelaat moet word vir enige houder van enigeen van genoemde produkte;
  - (ii) van enigiemand wat enigeen van genoemde produkte of van enige klas, graad of hoeveelheid daarvan van die hand sit op krediet of teen 'n hoër bedrag as die bedrag deur die raad bepaal, te vereis dat hy 'n faktuur verskaf met sodanige besonderhede as wat aldus bepaal mag word;
  - (iii) te vereis dat enige aldus vasgestelde prys vertoon moet word in sodanige vorm en op sodanige wyse en plekke of op sodanige voertuie en deur sodanige persone of klasse persone as wat die raad mag bepaal.

#### *Differensiasie tussen gebiede en grade van produkte.*

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

#### *Nie-bekendmaking van inligting deur raadslede en beamptes.*

21. Geen lid van die raad en geen amptenaar of agent van die raad mag, uitgesonderd in verband met die administrasie van hierdie skema of in verband met regsdinge ingevolge daarvan, enige inligting ooreenkomstig hierdie skema aan die raad verstrek, bekendmaak nie.

#### *Instelling van fondse.*

22. Die raad moet—

- (1) 'n botterheffingsfonds instel waarin alle bedrae verkry uit heffings op fabrieksbutter, battersurrogaat en plaasmelkerybutter gestort moet word en waaruit betaal moet word alle koste regstreeks in verband met die botterbedryf aangegaan en sodanige ander bedrae waarvoor spesiaal in hierdie skema voorsiening gemaak word;
- (2) 'n kaasheffingsfonds instel waarin alle bedrae verkry uit heffings op fabriekskaas, plaaskaas en proseskaas gestort moet word en waaruit betaal moet word alle koste regstreeks in verband met die kaasbedryf aangegaan en sodanige ander bedrae waarvoor spesiaal in hierdie skema voorsiening gemaak word;
- (3) 'n kondenseermelkheffingsfonds instel waarin alle bedrae verkry uit heffings op kondenseermelk en afgeroomde melk gestort moet word en waaruit betaal moet word alle koste regstreeks in verband met die kondenseermelkbedryf aangegaan;

- (4) a general fund into which shall, from time to time, be paid—
- (i) such sums as the board may determine from the butter, cheese and condensing milk levy funds, respectively; and
  - (ii) revenues accruing to the board from any source other than levies;
- and from which shall be paid all expenses not incurred directly in connection with the butter, cheese or condensing milk industry;
- (5) special funds into which shall be paid the proceeds of special levies imposed under section *twenty-four* and such other amounts at the disposal of the board as may be approved by the Minister and which shall be dealt with in such manner as the Minister may approve;
- (6) 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 any financial year under the scheme and the board may deal with any moneys in any such fund in such manner as may be approved by the Minister.

#### *Imposition of Levies.*

23. (1) The board may, with the approval of the Minister, and subject to the provisions of this section, impose on any product to which this scheme relates, a levy at such a rate as the board may determine, which levy shall be payable at such times and in such a manner as may be prescribed by regulation under the Act; provided that any levy imposed in respect of any such product of a particular class, grade or standard of quality, may differ from any such levy imposed in respect of any such product of any other class, grade or standard of quality.

(2) The levy on creamery butter shall not exceed one penny per pound of such butter and shall be payable by every butter manufacturer on the total quantity of such butter sold by him.

(3) The levy on farm dairy butter shall not exceed one penny per pound of such butter and shall be payable by every farm dairy butter-maker on the total quantity of farm dairy butter sold by him.

(4) The levy on factory cheese shall not exceed one penny per pound of such cheese, and shall be payable by every cheese manufacturer on the total quantity of such cheese sold by him.

(5) The levy on farm cheese shall not exceed one penny per pound of such cheese and shall be payable by every farm cheese-maker on the total quantity of such cheese sold by him.

(6) The levy on condensing milk shall not exceed two pennies for every 100 pounds, or part thereof, of such milk purchased or otherwise acquired by a condensed milk manufacturer and shall be payable by every such manufacturer on the total quantity of such milk received by him.

(7) The levy on any butter substitute shall not exceed one penny per pound of such butter substitute and shall be payable by every butter substitute manufacturer on the total quantity of butter substitute sold by him.

(8) The levy on skim-milk shall not exceed two pennies for every 100 pounds or part thereof of such milk purchased or otherwise acquired by a skim-milk powder manufacturer and shall be payable by every such manufacturer on the total quantity of such milk received by him.

#### *Special Levies.*

24. (1) The board may, with the approval of the Minister, and subject to the provisions of this section, impose on any product to which this scheme relates, a special levy at such a rate as the board may determine, which levy shall be payable at such times and in such manner as may be prescribed by regulation under the Act, and

(4) 'n algemene fonds instel waarin die volgende van tyd tot tyd gestort moet word—

- (i) sodanige bedrae as wat die raad mag bepaal, uit onderskeidelik die botter-, kaas- en kondenseermelkheffingsfonds; en
- (ii) inkomste wat aan die raad toeval uit ander bronne as heffings;

en waaruit betaal moet word alle koste wat nie regstreeks in verband met die botter-, kaas- of kondenseermelkbedryf aangegaan is nie;

(5) spesiale fondse instel waarin die opbrengs van spesiale heffings opgelê kragtens artikel *vier-entwintig* gestort moet word, asook sodanige ander bedrae tot beskikking van die raad as wat die Minister mag goedkeur en waarmee handel moet word op sodanige wyse as wat die Minister mag goedkeur;

(6) een of meer reserwefondse instel waarin die raad sodanige bedrae tot sy beskikking moet stort as wat die Minister van tyd tot tyd mag goedkeur of wat na oorlegpleging met die raad deur hom vasgestel mag word na die einde van enige boekjaar onder hierdie skema, en die raad kan met enige gelde in enige sodanige fonds handel op sodanige wyse as wat die Minister goedkeur.

#### *Oplegging van heffings.*

23. (1) Die raad kan met die goedkeuring van die Minister en behoudens die bepalinge van hierdie artikel, ten opsigte van enige produk waarop hierdie skema betrekking het, 'n heffing opelê volgens 'n skaal wat die raad mag bepaal, en sodanige heffing is betaalbaar op sodanige wyse en tye as wat by regulasie kragtens die Wet voorgeskryf mag word; met dien verstande dat enige heffing opgelê ten opsigte van sodanige produk van 'n bepaalde klas, graad of kwaliteitstandaard kan verskil van enige sodanige heffing opgelê ten opsigte van enige sodanige produk van enige ander klas, graad of kwaliteitstandaard.

(2) Die heffing op fabrieksbotter mag hoogstens een pennie per pond sodanige botter wees en is betaalbaar deur elke bottervervaardiger op die totale hoeveelheid van sodanige botter deur hom verkoop.

(3) Die heffing op plaasmelkerybotter mag hoogstens een pennie per pond sodanige botter wees en is betaalbaar deur elke plaasmelkerybottermaker op die totale hoeveelheid plaasmelkerybotter deur hom verkoop.

(4) Die heffing op fabriekskaas mag hoogstens een pennie per pond sodanige kaas wees en is betaalbaar deur elke kaasvervaardiger op die totale hoeveelheid sodanige kaas deur hom verkoop.

(5) Die heffing op plaaskaas mag hoogstens een pennie per pond sodanige kaas wees en is betaalbaar deur elke plaaskaasmaker op die totale hoeveelheid sodanige kaas deur hom verkoop.

(6) Die heffing op kondenseermelk mag hoogstens twee pennies wees vir elke 100 pond of gedeelte daarvan, van sodanige melk gekoop of andersins verkry deur 'n kondenseermelkvervaardiger en is betaalbaar deur elke sodanige vervaardiger op die totale hoeveelheid sodanige melk deur hom ontvang.

(7) Die heffing op enige bottersurrogaat mag hoogstens een pennie per pond sodanige bottersurrogaat wees en is betaalbaar deur elke bottersurrogaatvervaardiger op die totale hoeveelheid bottersurrogaat deur hom verkoop.

(8) Die heffing op afgeroomde melk mag hoogstens twee pennies wees vir elke 100 pond of deel daarvan, van sodanige melk gekoop of andersins verkry deur 'n vervaardiger van afgeroomde-melkpoeier, en is betaalbaar deur elke sodanige vervaardiger op die totale hoeveelheid sodanige melk deur hom ontvang.

#### *Spesiale heffings.*

24. (1) Die raad kan, met die goedkeuring van die Minister en behoudens die bepalinge van hierdie artikel, ten opsigte van enige produk waarop hierdie skema betrekking het, 'n spesiale heffing opelê volgens 'n skaal wat die raad mag bepaal, en sodanige heffing is betaalbaar op sodanige wyse en tye as wat by regulasie kragtens die Wet

the proceeds of which shall be paid into the special funds established in terms of paragraph (5) of section *twenty-two* of this scheme and shall be utilised in the manner indicated in that section; provided that such levy shall not be payable on any product imported into the Union.

(2) Any special levy on creamery butter shall be payable by every butter manufacturer on the total quantity of creamery butter sold by him.

(3) Any special levy on factory cheese shall be payable by every cheese manufacturer on the total quantity of factory cheese sold by him.

(4) Any special levy on condensing milk shall be payable by every condensed milk manufacturer on the total quantity of condensing milk received by him.

#### *Annual Averaging of Levies and Special Levies.*

25. Notwithstanding anything to the contrary contained in sections *twenty-three* and *twenty-four* of this scheme, the board shall, after the end of every financial year—

(a) determine the average levy and average special levy per pound imposed by it during that year on respectively creamery butter and each class of factory cheese, by dividing the total levy and the total special levy accrued from such creamery butter or each class of such factory cheese, as the case may be, by the total quantity of creamery butter or each class of factory cheese manufactured during that year; and

(b) ascertain the total amount of levy or special levy, as the case may be, each producer of creamery butter or each class of factory cheese would have paid during that year had he paid such average levy or average special levy,

and the board shall, if such latter amount exceeds the amount actually paid as levy or special levy by such producer during that year, collect the difference from that producer and if such amount is less than the amount actually paid, refund the difference to that producer.

#### *Registration of Producers and Persons Dealing with Dairy Products in the Course of Trade.*

26. (1) (a) No producer (other than a cream producer, cheesemilk producer, condensing milk producer, importer, farm dairy butter-maker, farm butter-maker, skim-milk producer) shall, except for consumption by himself or members of his household, manufacture or process any product to which the scheme relates, or convert it into any other product or commodity or cause it to be manufactured, processed or converted, unless he has been registered with the board.

(b) No person shall deal in the course of trade with factory cream, cheesemilk, condensing milk or skim-milk, unless he has been registered with the board.

(2) No such producer or person shall be so registered unless he has complied with such requirements as may be prescribed by regulation, and the board may refuse any such registration or grant any such registration on such conditions and for such period as it may determine and may cancel the registration of any such producer or person who has failed to comply with the said requirements or has contravened any conditions so determined; provided that any such producer or person shall have the right of appeal to the Minister against any decision of the board relative to his registration and that the Minister may, after consideration of any such appeal, and after consultation with the Marketing Council, confirm, set aside or vary such decision or make such order in connection therewith as he may deem fit.

(3) The board may, with the approval of the Minister, prescribe the procedure in connection with the consideration of applications for registration in pursuance of this section.

voorgeskrif mag word, en die opbrengs daarvan moet gestort word in die spesiale fondse ingestel ingevolge paragraaf (5) van artikel *twee-en-twintig* van hierdie skema en moet aangewend word op die wyse in daardie artikel aangedui; met dien verstande dat sodanige heffing nie betaalbaar is op enige produk wat in die Unie ingevoer word nie.

(2) Enige spesiale heffing op fabrieksbotter is betaalbaar deur elke bottervervaardiger op die totale hoeveelheid fabrieksbotter deur hom verkoop.

(3) Enige spesiale heffing of fabriekskaas is betaalbaar deur elke kaasvervaardiger op die totale hoeveelheid fabriekskaas deur hom verkoop.

(4) Enige spesiale heffing op kondenseermelk is betaalbaar deur elke kondensmelkvervaardiger op die totale hoeveelheid kondenseermelk deur hom ontvang.

#### *Jaarlikse berekening van gemiddeldes van heffings en spesiale heffings.*

25. Ondanks andersluidende bepalings in artikels *drie-en-twintig* en *vier-en-twintig* van hierdie skema vervat, moet die raad na die einde van elke boekjaar—

(a) die gemiddelde heffing en gemiddelde spesiale heffing per pond wat hy gedurende daardie jaar onderskeidelik ten opsigte van fabrieksbotter en elke klas fabriekskaas opgelê het, bereken deur die totale heffing en die totale spesiale heffing wat opgeloop het ten opsigte van sodanige fabrieksbotter of elke klas sodanige fabriekskaas, na gelang van die geval, te verdeel deur die totale hoeveelheid fabrieksbotter of elke klas fabriekskaas wat gedurende daardie jaar vervaardig is, en

(b) die totale bedrag van die heffing of spesiale heffing, na gelang van die geval, vasstel wat elke produsent van fabrieksbotter of elke klas fabriekskaas gedurende daardie jaar sou betaal het indien hy sodanige gemiddelde heffing of gemiddelde spesiale heffing betaal het,

en die raad moet, indien laasgenoemde bedrag groter is as die bedrag wat sodanige produsent werklik gedurende daardie jaar aan heffing of spesiale heffing betaal het, die verskil van daardie produsent invorder, en indien sodanige bedrag kleiner is as die bedrag wat werklik betaal is, die verskil aan daardie produsent terugbetaal.

#### *Registrasie van produsente en persone wat met suiwelprodukte as 'n besigheid handel.*

26. (1) (a) Geen produsent (uitgenome 'n roomprodusent, kaasmelkprodusent, kondenseermelkprodusent, invoerder, plaasmelkerybottermaker, plaasbottermaker, produsent van afgeroomde melk) mag, uitgesonderd vir verbruik deur homself of lede van sy huisgesin, enige produk waarop die skema betrekking het, vervaardig of verwerk, of dit in enige ander produk of verbruiksartikel omsit of dit laat vervaardig, verwerk of omsit nie, tensy hy by die raad geregistreer is; en

(b) niemand mag met fabrieksroom, kaasmelk, kondenseermelk of afgeroomde melk as 'n besigheid handel nie, tensy hy by die raad geregistreer is.

(2) Geen sodanige produsent of persoon mag aldus geregistreer word nie, tensy hy voldoen het aan sodanige vereistes as wat by regulasie voorgeskrif mag word, en die raad kan enige sodanige registrasie weier of enige sodanige registrasie goedkeur op sodanige voorwaardes en vir sodanige tydperk as wat hy mag bepaal en kan die registrasie intrek van enige sodanige produsent of persoon wat nie aan genoemde vereistes voldoen het nie of enigeen van die aldus bepaalde voorwaardes oortree het; met dien verstande dat enige sodanige produsent of persoon die reg het om by die Minister appél aan te teken teen 'n beslissing van die raad met betrekking tot sy registrasie, en dat die Minister, na oorweging van enige sodanige appél, en na oorlegpleging met die Bemakingsraad, sodanige beslissing kan bekragtig, ter syde kan stel of kan wysig, of sodanige bevel in verband daarmee kan uitreik as wat hy mag goedvind.

(3) Die raad kan, met die goedkeuring van die Minister, die prosedure voorskryf in verband met die oorweging van aansoeke om registrasie ingevolge hierdie artikel.

MARKETING OF CREAMERY BUTTER.

*Marking and Grading of Creamery Butter.*

27. (1) No person shall sell any creamery butter unless the package wherein it is delivered bears on the outside thereof the words "choice butter", "keurbotter", or "table butter", "tafelbotter", or "household butter", "huisbotter", or "cooking butter", "bakbotter", according to the grade of such butter, in plainly visible capital printed letters not smaller than one-quarter of an inch in height if the butter contained in such package weighs one pound or less, and not smaller than one inch in height if the butter contained in such package weighs more than one pound.

(2) No person shall sell any creamery butter unless the package wherein it is delivered bears on the outside thereof the name, address and registered number of the creamery wherein such butter was manufactured, in plainly visible capital printed letters not smaller than one-quarter of an inch in height if the butter contained in such package weighs one pound or less and not smaller than one inch in height if the butter contained in such package weighs more than one pound.

(3) If a person appointed in terms of section *thirty-seven* of the Act, 1937 (hereinafter referred to as an inspector) has examined any consignment, parcel or lot of creamery butter manufactured in the same creamery and has found that at least one box or case from each churning comprising such consignment, parcel or lot contains butter of a grade other than that indicated on the packages, he may mark them in a manner prescribed by regulation and the butter so marked shall not be sold until it has been removed from such packages and placed in packages indicating the correct grade of such butter and the indication of the inappropriate grade on such boxes or cases has been obliterated and replaced by an indication of the correct grade; provided that if the owner of such butter informs the board in writing that he does not accept the finding of such inspector the board shall arrange for such butter to be examined by another inspector and if the two inspectors disagree, the question in issue shall be determined by the Superintendent of Dairying or his nominee, whose decision shall be final.

(4) Whenever the finding of the first inspector is upheld by the second inspector or by the Superintendent of Dairying or his nominee, the owner of the butter in question shall pay all costs necessarily entailed by such further examination of the butter and by any intervention of the Superintendent of Dairying.

(5) For the purpose of this section an examination of one package containing five pounds or less of butter from any case or box containing such packages shall be deemed to constitute an examination of the whole contents of such case or box.

*Sale Through the Board.*

28. The board may, with the approval of the Minister, prohibit any butter manufacturer from selling any creamery butter to any person or through any channel other than the board.

*Pooling of Proceeds.*

29. (1) Whenever the board has imposed any prohibition under section *twenty-eight* of this scheme, it shall conduct an annual pool for the sale of creamery butter in accordance with the provisions of this section.

(2) As soon as may be after all the creamery butter manufactured during any financial year under this scheme has been sold, the board shall determine per pound of such butter—

- (a) the gross amount which would have been realised in respect of each grade had all such butter been sold in the Union at the prices determined by the board from time to time for general sale;
- (b) the commission incurred by the board in connection with the sale of such butter and which shall include selling charges, storage charges, insurance, delivery costs and *del credere* commission and which in respect of each grade shall bear the same relation

BEMARKING VAN FABRIEKSBOTTER.

*Merk en gradering van fabrieksbutter.*

27. (1) Niemand mag fabrieksbutter verkoop nie, tensy die pakkie waarin dit gelever word aan die buitekant daarvan gemerk is met die woorde „choice butter”, „keurbotter” of „table butter”, „tafelbotter” of „household butter”, „huisbotter” of „cooking butter”, „bakbotter”, volgens die graad van sodanige botter, in duidelik sigbare gedrukte hoofletters van minstens 'n kwartduim groot as die botter in sodanige pakkie een pond of minder weeg, en minstens een duim groot as die botter in sodanige pakkie meer as een pond weeg.

(2) Niemand mag fabrieksbutter verkoop nie, tensy aan die buitekant van die pakkie waarin dit gelever word, die naam, adres en registrasienuommer van die botterfabriek waarin sodanige botter vervaardig is, aangedui word in duidelik sigbare gedrukte hoofletters van minstens 'n kwartduim groot, as die botter in die pakkie een pond of minder weeg, en minstens een duim groot as die botter in sodanige pakkie meer as een pond weeg.

(3) Indien 'n persoon aangestel kragtens artikel *sewendeertig* van die Wet (hierna 'n inspekteur genoem), enige besending, pak of spesifieke hoeveelheid fabrieksbutter wat in dieselfde botterfabriek vervaardig is, ondersoek het en vind dat minstens een doos of kis verkry uit een keer se karring wat sodanige besending, pak of spesifieke hoeveelheid uitmaak, botter bevat van 'n ander graad as dié op die pakkies aangedui, kan hy hulle merk op 'n wyse by regulasie voorgeskryf, en die aldus gemerkte botter mag nie verkoop word voordat dit uit sodanige pakkies verwyder is en in pakkies geplaas is wat die juiste graad van sodanige botter aandui en die aanduiding van die onjuiste graad op sodanige dose of kiste uitgewis en deur 'n aanduiding van die juiste graad vervang is nie; met dien verstande dat as die eienaar van sodanige botter die raad skriftelik meedeel dat hy nie die bevinding van sodanige inspekteur aanvaar nie, die raad reëlins moet tref om sodanige botter deur 'n ander inspekteur te laat ondersoek en as die twee inspekteurs nie saamstem nie, moet oor die geskilpunt beslis word deur die Superintendent van Suiwelbereiding, of iemand deur hom aangewys, by wie die eindbeslissing berus.

(4) Wanneer die eerste inspekteur se bevinding onderskryf word deur die tweede inspekteur of deur die Superintendent van Suiwelbereiding of die persoon deur hom aangewys, moet die eienaar van die betrokke botter alle koste betaal wat noodwendig aangegaan is in verband met sodanige verdere ondersoek van die botter en enige tussenkoms van die Superintendent van Suiwelbereiding.

(5) Vir die toepassing van hierdie artikel word 'n ondersoek van een pakkie met 5 pond of minder botter uit 'n kis of doos wat sodanige pakkies bevat, geag 'n ondersoek van die hele inhoud van daardie kis of doos te wees.

*Verkoop deur bemiddeling van die Raad.*

28. Die raad kan met die goedkeuring van die Minister enige bottervervaardiger verbied om fabrieksbutter aan enigiemand anders of deur enige ander kanaal as die raad te verkoop.

*Verkoeling van opbrengs.*

29. (1) Wanneer die raad 'n verbod kragtens artikel *agt-en-twintig* van hierdie skema opgelê het, moet hy ooreenkomstig die bepalinge van hierdie artikel 'n jaarlikse poel vir die verkoop van fabrieksbutter daarop nhou.

(2) So gou doenlik nadat al die fabrieksbutter gedurende enige boekjaar onder hierdie skema vervaardig, verkoop is, moet die raad vir elke pond sodanige botter bepaal—

- (a) die bruto bedrag wat ten opsigte van sodanige botter van elke graad verkry sou gewees het indien al sodanige botter in die Unie verkoop was teen die pryse deur die raad van tyd tot tyd vir algemene verkoop vasgestel;
- (b) die kommissie deur die raad betaal in verband met die verkoop van sodanige botter, en waarby verkoopkoste, opbergingskoste, versekering, aflewingskoste en *del credere* kommissie inbegrepe is, en wat ten opsigte van elke graad in dieselfde ver-

to the gross value as determined in paragraph (a) for the corresponding grade as the total commission incurred bears to the gross value (determined as aforesaid) of all such creamery butter manufactured during that year;

- (c) the cost of grading such butter;
- (d) the cost of operating the pool;
- (e) the store charges, at a rate to be determined by the board which shall be paid to any butter manufacturer in respect of the storage of any such butter manufactured by him, for a period in excess of sixty days after the close of the calendar month in which it was manufactured;
- (f) the average transport costs as approved by the board incurred on creamery butter manufactured in the Union (excluding South West Africa) and despatched on the directions of the board;
- (g) the average transport costs as approved by the board incurred on creamery butter manufactured in South West Africa (hereinafter referred to as the territory), and despatched on the directions of the board;

and shall thereupon in respect of each grade pay the differences between the amount determined under paragraph (a) and—

- (i) in the case of butter manufacturers in the Union the sum of the amounts determined under paragraphs (b), (c), (d), (e) and (f); and
- (ii) in the case of butter manufacturers in the territory the sum of the amounts determined under paragraphs (b), (c), (d) (e) and (g);

on the total quantity of such butter of each grade manufactured by each butter manufacturer during the financial year concerned; provided that the amount so paid to each butter manufacturer shall be reduced by such amounts as the board may have advanced to such manufacturer in terms of sub-section (6) of this section plus any other amounts which may be due to the board by such manufacturer.

(3) Whenever during any financial year under this scheme creamery butter which, in the opinion of the board, is surplus to the requirements of the Union is exported and the quantity of such butter exported from the territory on the directions of the board, expressed as a percentage of the total quantity despatched from the territory on the directions of the board during the said period, exceeds the quantity of such butter exported from the Union (including the territory) on the directions of the board, expressed as a percentage of the total quantity manufactured in the Union (including the territory) and despatched on the directions of the board during such period, then for the purposes of paragraphs (f) and (g) of sub-section (2) of this section the transport costs on creamery butter manufactured within the Union (excluding the territory) shall be calculated as if the transport costs actually incurred in respect of the excess quantity thus exported from the territory have been included and the transport costs incurred on a like quantity of creamery butter despatched on the directions of the board from creameries situated within the Union (excluding the territory) for sale within the Union (excluding the territory) have been excluded, and the expenses incurred in connection with the transport of creamery butter manufactured in the territory and despatched on the directions of the board shall be calculated as if the transport costs included and excluded as aforesaid have been excluded and included respectively.

For the purposes of this sub-section the transport costs incurred on creamery butter despatched on the directions of the board from creameries situated within the Union (excluding the territory) shall be calculated on the basis of the average transport costs incurred per pound of the total quantity of such creamery butter thus despatched for sale within the Union.

(4) Whenever the gross amount actually realised from the sale of all creamery butter manufactured during any financial year less any expenditure [but other than expenditure provided for in sub-section (2) of this section]

houding staan tot die bruto waarde soos bepaal in paragraaf (a) vir die ooreenstemmende graad as wat die totale kommissie wat betaal is, staan tot die bruto waarde (bepaal soos voormeld) van alle fabrieksbotter wat gedurende daardie jaar vervaardig is;

- (c) die koste van gradering van sodanige botter;
- (d) die koste in verband met die bestuur van die poel;
- (e) die opbergingskoste, volgens 'n skaal deur die raad vasgestel, wat aan enige bottervervaardiger betaal moet word ten opsigte van die opberging van enige sodanige botter deur hom vervaardig, vir 'n langer tydperk as sestig dae na die einde van die kalendermaand waarin dit vervaardig is;
- (f) die gemiddelde vervoerkoste soos deur die raad goedgekeur en wat aangegaan is ten opsigte van fabrieksbotter in die Unie (uitgenome Suidwes-Afrika) vervaardig en op las van die raad versend;
- (g) die gemiddelde vervoerkoste soos deur die raad goedgekeur en wat aangegaan is ten opsigte van fabrieksbotter in Suidwes-Afrika (hierna die gebied genoem) vervaardig en op las van die raad versend;

en moet daarna ten opsigte van elke graad die verskil betaal tussen die bedrag bepaal ingevolge paragraaf (a) en—

- (i) in die geval van bottervervaardigers in die Unie, die som van die bedrae wat ingevolge paragrawe (b), (c), (d), (e) en (f) bepaal is; en
- (ii) in die geval van bottervervaardigers in die gebied, die som van die bedrae wat ingevolge paragrawe (b), (c), (d), (e) en (g) bepaal is;

op die totale hoeveelheid sodanige botter van elke graad deur elke vervaardiger gedurende die betrokke boekjaar vervaardig; met dien verstande dat die bedrag aldus aan elke bottervervaardiger betaal, verminder moet word met sodanige bedrae as wat die raad ooreenkomstig subartikel (6) van hierdie artikel aan sodanige vervaardiger mag voorgeskiet het, plus enige ander bedrae wat deur sodanige vervaardiger aan die raad verskuldig mag wees.

(3) Gebeur dit in die loop van 'n boekjaar onder hierdie skema dat fabrieksbotter wat, na die mening van die raad, meer is as die Unie se behoeftes, uitgevoer word en die hoeveelheid sodanige botter op las van die raad uit die gebied uitgevoer, uitgedruk as 'n persentasie van die totale hoeveelheid op las van die raad gedurende genoemde tydperk uit die gebied versend, groter is as die hoeveelheid sodanige botter op las van die raad uit die Unie (met inbegrip van die gebied) uitgevoer, uitgedruk as 'n persentasie van die totale hoeveelheid vervaardig in die Unie (met inbegrip van die gebied) en op las van die raad gedurende sodanige tydperk versend, dan moet die vervoerkoste op fabrieksbotter in die Unie (uitgesonderd die gebied) vervaardig, vir die toepassing van paragrawe (f) en (g) van subartikel (2) van hierdie artikel bereken word asof die vervoerkoste werklik aangegaan ten opsigte van die surplushoeveelheid aldus uit die gebied uitgevoer, ingesluit was en die vervoerkoste aangegaan in verband met dieselfde hoeveelheid fabrieksbotter op las van die raad versend van botterfabrieke geleë in die Unie (uitgesonderd die gebied) vir verkoop in die Unie (uitgesonderd die gebied) uitgesluit was, en moet die koste aangegaan in verband met die vervoer van fabrieksbotter in die gebied vervaardig en op las van die raad versend, bereken word asof die vervoerkoste ingesluit en uitgesluit soos voornom, onderskeidelik uitgesluit en ingesluit was.

Vir die toepassing van hierdie subartikel moet die vervoerkoste aangegaan in verband met fabrieksbotter op las van die raad versend van botterfabrieke in die Unie (uitgesonderd die gebied) geleë, bereken word op die basis van die gemiddelde vervoerkoste aangegaan per pond van die totale hoeveelheid van sodanige fabrieksbotter aldus vir verkoop in die Unie versend.

(4) Wanneer die bruto bedrag werklik verkry uit die verkoop van alle fabrieksbotter gedurende enige boekjaar vervaardig, min enige uitgawes [maar uitgesonderd uit-

incurred directly in connection with the sale of such butter differs from the gross amount which, if determined on the basis specified in paragraph (a) of sub-section (2) of this section, would have been realised for all such butter, such difference shall be debited or credited, as the case may be, to a butter equalisation account to which the proceeds of any special levy imposed under section *twenty-four* may be paid or such portion thereof as may be determined by the board from time to time plus any amounts as provided for in terms of this scheme or as may be determined by the board.

(5) Whenever the prices fixed in terms of paragraph (p) of section *nineteen* of this section in respect of factory cream are varied during any financial year, the board shall determine in respect of each butter manufacturer whose premises are situate in the Union, the average cost of factory cream per pound of butter (as determined by the board) to such manufacturer and the average cost of factory cream per pound of butter (as determined by the board) to all such manufacturers and if the average cost to such manufacturer exceeds the average cost to all manufacturers, the difference shall be paid to that manufacturer on all butter manufactured by him during that financial year, and if the average cost to such manufacturer is less than the average for all manufacturers, the difference shall be recovered from such manufacturer on all butter manufactured by him during that financial year.

(6) The board shall make monthly advances out of proceeds of the sale of creamery butter to butter manufacturers who have manufactured creamery butter during any calendar month in proportion to the total quantities of butter manufactured by them during that calendar month; provided that the board may require adequate security from such manufacturers, which security may take into account the stocks of creamery butter held by each manufacturer.

(7) Except as may be convenient for purposes of export, the board shall use every endeavour to ensure that creamery butter manufactured by different butter manufacturers shall as far as possible be sold in approximately equal proportions.

(8) For the purpose of this section, unless the context otherwise indicates—

- (a) all the creamery butter of any grade manufactured during any financial year under this scheme, shall be deemed to have been sold as soon as a quantity of creamery butter of that grade equal to the quantity so manufactured has been sold;
- (b) imported butter shall, subject to the provisions of paragraph (e) of this sub-section, be deemed to have been manufactured in the Union during the calendar month during which it is imported into the Union;
- (c) any creamery butter shall be included in the pool for butter of the grade in which it is delivered for sale on the directions of the board, or, if it is not so delivered within ninety days after the end of the calendar month in which it was manufactured, in the pool for the grade in which it is found to be on the expiration of that period;
- (d) creameries situated in the protectorates of Bechuanaland, Swaziland and Basutoland shall, for the purpose of the calculation of the average transport costs referred to in sub-sections (2) and (3) of this section be deemed to be situated in the Union;
- (e) any butter which has during any calendar month or during any financial year under this scheme been manufactured in the territory of South West Africa or in any of the protectorates of Bechuanaland, Swaziland and Basutoland, and to which the provisions of this section apply in accordance with and subject to the terms of section *thirty-five*, shall be deemed to have been manufactured in the Union during that calendar month or financial year, as the case may be;

gawes waarvoor in subartikel (2) van hierdie artikel voorsiening gemaak word], regstreeks in verband met die verkoop van sodanige botter aangegaan, verskil van die bruto bedrag wat, indien bereken op die basis gespesifiseer in paragraaf (a) van subartikel (2) van hierdie artikel vir al sodanige botter verkry sou geword het, moet sodanige verskil, na gelang van die geval, gedebiteer word teen of gekrediteer word in 'n botternivelleringsrekening, waarin die opbrengste van enige spesiale heffing opgelê kragtens artikel *vier-en-twintig* gestort kan word, of sodanige deel daarvan as wat die raad van tyd tot tyd mag bepaal plus enige bedrae waarvoor in hierdie skema voorsiening gemaak word of wat deur die raad bepaal mag word.

(5) Wanneer die pryse ingevolge paragraaf (p) van artikel *negentien* van hierdie skema ten opsigte van fabrieksroom vasgestel, gedurende enige boekjaar verander word, moet die raad ten opsigte van elke bottervervaardiger wie se perseel in die Unie geleë is, bepaal die gemiddelde koste van fabrieksroom per pond botter (soos bepaal deur die raad) vir sodanige vervaardiger en die gemiddelde koste van fabrieksroom per pond botter (soos bepaal deur die raad) vir al sodanige bottervervaardigers en, indien die gemiddelde koste vir sodanige vervaardiger meer is as die gemiddelde koste vir alle vervaardigers, moet die verskil aan daardie vervaardiger betaal word op alle botter gedurende daardie boekjaar deur hom vervaardig en, indien die gemiddelde koste vir sodanige vervaardiger minder is as die gemiddelde koste vir alle vervaardigers, moet die verskil op sodanige vervaardiger verhaal word op alle botter gedurende daardie boekjaar deur hom vervaardig.

(6) Die raad moet maandeliks uit die opbrengste van die verkope van fabrieksbotter voorskotte uitkeer aan bottervervaardigers wat gedurende enige kalendermaand fabrieksbotter vervaardig het en wel in verhouding tot die totale hoeveelhede botter wat gedurende daardie kalendermaand deur hulle vervaardig is: Met dien verstande dat die raad toereikende sekuriteit van sodanige vervaardigers kan vereis en die voorrade fabrieksbotter deur elke sodanige bottervervaardiger gehou, vir die bepaling van daardie sekuriteit in ag kan neem.

(7) Uitgesonderd vir sover dit vir uitvoerdoeleindes gerieflik is, moet die raad alles in sy vermoë doen om te verseker dat fabrieksbotter deur verskillende bottervervaardigers vervaardig, sover moontlik in ongeveer gelyke verhoudings verkoop word.

(8) Vir die toepassing van hierdie artikel en tensy uit die verband anders blyk, word—

- (a) al die fabrieksbotter van enige graad gedurende enige boekjaar onder hierdie skema vervaardig, geag verkoop te gewees het sodra 'n hoeveelheid fabrieksbotter van daardie graad gelyk aan die aldus vervaardigde hoeveelheid verkoop is;
- (b) ingevoerde botter, behoudens die bepalings van paragraaf (e) van hierdie subartikel, geag in die Unie vervaardig te gewees het gedurende die kalendermaand waarin dit in die Unie ingevoer word;
- (c) fabrieksbotter ingesluit in die poel vir botter van die graad waarin dit op las van die raad vir verkoop gelewer is, of, indien dit nie binne negentig dae na die einde van die kalendermaand waarin dit vervaardig is, aldus gelewer is nie, in die poel vir die graad waarin dit aan die einde van daardie tydperk gevind word;
- (d) botterfabrieke geleë in die protektorate Betsjoeanaland, Swaziland en Basotoland vir die berekening van die gemiddelde vervoerkoste genoem in subartikels (2) en (3) van hierdie artikel, geag in die Unie geleë te wees;
- (e) enige botter wat gedurende enige kalendermaand of enige boekjaar onder hierdie skema in die gebied Suidwes-Afrika of in engeen van die protektorate Betsjoeanaland, Swaziland en Basotoland vervaardig is en waarop die bepalings van hierdie artikel van toepassing is ooreenkomstig en behoudens die bepalings van artikel *vyf-en-dertig*, geag in die Unie vervaardig te gewees het gedurende daardie kalendermaand of boekjaar, na gelang van die geval;

- (f) any amounts representing premiums, as fixed by the board, which may be realised in respect of the sale of unsalted butter, or butter of a special grade, or butter packed in a special container, and sold on behalf of particular butter manufacturers, shall be paid to such manufacturers less any expenditure incurred by the board directly in connection with the realisation of such premiums.

#### MARKETING OF FACTORY CHEESE AND FARM CHEESE.

##### *Sale through the Board or Agencies.*

30. The board may, with the approval of the Minister—

- (a) prohibit any cheese manufacturer from selling any factory cheese to any person or through any channel other than the board;
- (b) prohibit any farm cheese-maker from selling any farm cheese in such areas as the board may specify, except through such agency as the board may determine.

##### *Pooling of Proceeds.*

31. (1) Whenever the board has imposed any prohibition under paragraph (a) of section thirty of this scheme, it shall conduct an annual pool for the sale of factory cheese in accordance with the provisions of this section.

(2) As soon as may be after all the factory cheese manufactured during any financial year under this scheme has been sold, the board shall determine per pound of such cheese—

- (a) the gross amount which would have been realised in respect of each grade had all such cheese been sold in the Union at the prices determined by the board from time to time for general sale;
- (b) the commission incurred by the board in connection with the sale of such cheese and which shall include selling charges, storage charges, insurance, delivery costs and *del credere* commission and which in respect of each grade shall bear the same relation to the gross value as determined in paragraph (a) of the corresponding grade as the total commission incurred bears to the gross value (determined as aforesaid) of all such factory cheese manufactured during that year;
- (c) the cost of grading such cheese;
- (d) the cost of operating the pool;
- (e) the average transport costs as approved by the board incurred on factory cheese manufactured in the Union (excluding South West Africa) and despatched on the directions of the board;
- (f) the average transport costs as approved by the board incurred on factory cheese manufactured in South West Africa (hereinafter referred to as the territory) and despatched on directions of the board;

and shall thereupon, in respect of each grade, pay the difference between the amount determined under paragraph (a) and—

- (i) in the case of cheese manufacturers in the Union the sum of the amounts determined under paragraphs (b), (c), (d) and (e); and
- (ii) in the case of cheese manufacturers in the territory the sum of the amounts determined under paragraphs (b), (c), (d) and (f);

on the total quantity of such cheese of each grade manufactured by each cheese manufacturer during the financial year concerned; provided that the amount so paid to each cheese manufacturer shall be reduced by such amounts as the board may have advanced to such manufacturers in terms of sub-section (6) of this section plus any other amounts which may be due to the board by such manufacturer.

(3) Whenever the gross amount actually realised from the sale of all factory cheese manufactured during any financial year less any expenditure [but other than expenditure provided for in sub-section (2) of this section] incurred directly in connection with the sale of such cheese, differs from the gross amount which, if determined on the basis specified in paragraph (a) of sub-section (2) of this section would have been realised for

- (f) enige bedrae wat premies, soos deur die raad vasgestel, verteenwoordig en wat verkry mag word ten opsigte van die verkoop van ongesoute botter, of botter van 'n spesiale graad, of botter in 'n spesiale houer verpak, en verkoop ten behoeve van bepaalde bottervervaardigers, aan sodanige vervaardigers betaal min enige uitgawe wat die raad regstreeks in verband met die verkryging van sodanige premies aangegaan het.

#### BEMARKING VAN FABRIEKSKAAS EN PLAASKAAS.

##### *Verkoop deur bemiddeling van die raad of agentskappe.*

30. Die raad kan, met die goedkeuring van die Minister—

- (a) enige kaasvervaardiger verbied om fabriekskaas aan enigiemand ander of deur enige ander kanaal as die raad te verkoop;
- (b) enige plaaskaasmaker verbied om enige plaaskaas te verkoop in sodanige gebiede as wat die raad mag bepaal, uitgesonderd deur bemiddeling van sodanige agentskap as wat die raad mag bepaal.

##### *Verpoeling van opbrengs.*

31. (1) Wanneer die raad ook al kragtens paragraaf (a) van artikel dertig van hierdie skema 'n verbod opgelê het, moet hy ooreenkomstig die bepalings van hierdie artikel 'n jaarlikse poel vir die verkoop van fabriekskaas daarop nahou.

(2) So gou doenlik nadat al die fabriekskaas wat gedurende enige boekjaar onder hierdie skema vervaardig, verkoop is, moet die raad vir elke pond sodanige kaas bepaal—

- (a) die bruto bedrag wat ten opsigte van elke graad verkry sou gewees het indien al sodanige kaas in die Unie verkoop was teen die pryse deur die raad van tyd tot tyd vir algemene verkoop vasgestel;
- (b) die kommissie, deur die raad betaal in verband met die verkoop van sodanige kaas, en waarby verkoopkoste, opbergingskoste, versekering, afleweringkoste en *del credere* kommissie inbegrepe is, en wat ten opsigte van elke graad in dieselfde verhouding staan tot die bruto waarde soos bepaal in paragraaf (a) vir die ooreenstemmende graad as wat die totale kommissie wat betaal is, staan tot die bruto waarde (bepaal soos voormeld) van alle fabriekskaas wat gedurende daardie jaar vervaardig is;
- (c) die koste van gradering van sodanige kaas;
- (d) die koste in verband met die bestuur van die poel;
- (e) die gemiddelde vervoerkoste soos deur die raad goedgekeur en wat aangegaan is ten opsigte van fabriekskaas in die Unie (uitgenome Suidwes-Afrika) vervaardig en op las van die raad versend;
- (f) die gemiddelde vervoerkoste soos deur die raad goedgekeur en wat aangegaan is ten opsigte van fabriekskaas in Suidwes-Afrika (hierna die gebied genoem) vervaardig en op las van die raad versend;

en moet daarna ten opsigte van elke graad die verskil betaal tussen die bedrag bepaal ingevolge paragraaf (a) en—

- (i) in die geval van kaasvervaardigers in die Unie, die som van die bedrae wat ingevolge paragrawe (b), (c), (d) en (e) bepaal is; en
- (ii) in die geval van kaasvervaardigers in die gebied, die som van die bedrae wat ingevolge paragrawe (b), (c), (d) en (f) bepaal is;

op die totale hoeveelheid sodanige kaas van elke graad deur elke vervaardiger gedurende die betrokke boekjaar vervaardig: Met dien verstande dat die bedrag aldus aan elke kaasvervaardiger betaal, verminder moet word met sodanige bedrae as wat die raad ooreenkomstig subartikel (6) van hierdie artikel aan sodanige vervaardiger mag voorgeskiet het, plus enige ander bedrae wat deur sodanige vervaardiger aan die raad verskuldig mag wees.

(3) Wanneer die bruto bedrag werklik verkry uit die verkoop van alle fabriekskaas gedurende enige boekjaar vervaardig, min enige uitgawes [maar uitgesonderd uitgawes waarvoor in subartikel (2) van hierdie artikel voorsiening gemaak is] regstreeks in verband met die verkoop van sodanige kaas aangegaan, verskil van die bruto bedrag wat, indien bereken op die basis gespesifiseer in paragraaf (a) van subartikel (2) van hierdie artikel, vir al sodanige

all such cheese, such difference shall be debited or credited, as the case may be, to a cheese equalisation account, to which the proceeds of any special levy imposed under section *twenty-four* may be paid or such portion thereof as may be determined by the board from time to time plus any other amounts as provided for in terms of this scheme or as may be determined by the board.

(4) Whenever the difference referred to in sub-section (3) between the gross amount actually realised and the gross amount determined on the basis specified in paragraph (a) of sub-section (2), results in a debit to the cheese equalisation account, the board shall determine the average deficit per pound of such cheese by dividing the total amount so debited to the cheese equalisation account by the total number of pounds of all factory cheese and farm cheese manufactured in the Union, the territory and the protectorates of Bechuanaland, Swaziland and Basutoland and shall thereafter transfer from the cheese levy fund to the cheese equalisation account an amount calculated by multiplying the average deficit per pound, so determined, by the total number of pounds of farm cheese manufactured in the Union and sold during the aforesaid financial year, or such lesser amount as the board may determine.

(5) Whenever the prices fixed in terms of paragraph (p) of section *nineteen* of this scheme in respect of cheesemilk are varied during any financial year, the board shall determine in respect of each manufacturer whose premises are situate in the Union the average cost of cheesemilk per pound of cheese (as determined by the board) to such manufacturer and the average cost of cheesemilk per pound of cheese (as determined by the board) to all such manufacturers, and, if the average cost to such manufacturer exceeds the average cost to all manufacturers, the difference shall be paid to that manufacturer on all cheese manufactured by him during that financial year, and if the average cost to such manufacturer is less than the average for all manufacturers, the difference shall be recovered from such manufacturer on all cheese manufactured by him during that financial year.

(6) The board shall make monthly advances out of proceeds of the sale of factory cheese to manufacturers who have manufactured factory cheese during any calendar month in proportion to the total quantities of cheese manufactured by them during that calendar month; provided that the board may require adequate security from such manufacturers, which security may take into account the stocks of factory cheese held by each manufacturer.

(7) Except as may be convenient for purposes of export, the board shall use every endeavour to ensure that factory cheese manufactured by different cheese manufacturers shall as far as possible be sold in approximately equal proportions.

(8) For the purpose of this section, unless the context otherwise indicates—

- (a) all factory cheese of any class and grade manufactured during any financial year under this scheme, shall be deemed to have been sold as soon as a quantity of factory cheese of that class and grade equal to the quantity so manufactured has been sold;
- (b) "cheese" shall mean Gouda cheese, Cheddar cheese and any other hard-pressed cheese, whether or not used by the manufacturer thereof in the production of process cheese, but shall not include "Roquefort" cheese or imported cheese of any class not ordinarily manufactured in the Union or imported process cheese;
- (c) Gouda cheese graded into any grade other than first grade shall be deemed to be of the same grade as second grade Cheddar cheese;
- (d) imported cheese shall, subject to the provisions of paragraph (f), be deemed to have been manufactured in the Union during the calendar month during which it is imported into the Union;

kaas verkry sou geword het, moet sodanige verskil, na gelang van die geval, gedebiteer word teen of gekrediteer word in 'n kaasnivelleringsrekening, waarin die opbrengste van enige spesiale heffing opgelê kragtens artikel *vier-en-twintig* gestort kan word, of sodanige deel daarvan as wat die raad van tyd tot tyd mag bepaal plus enige ander bedrae waarvoor in hierdie skema voorsiening gemaak word of wat deur die raad bepaal mag word.

(4) Wanneer die verskil in subartikel (3) genoem, tussen die bruto bedrag werklik verkry en die bruto bedrag soos bepaal in paragraaf (a) van subartikel (2) op 'n debet teen die kaasnivelleringsrekening uitloop, moet die raad die gemiddelde tekort per pond sodanige kaas bepaal deur die totale bedrag aldus teen die kaasnivelleringsrekening gedebiteer, te verdeel deur die totale aantal ponde van alle fabriekskaas en plaaskaas wat in die Unie, die gebied en die protektorate Betsjoeanaland, Swaziland en Basotoland vervaardig is, en moet daarna van die kaasheffingsfonds na die kaasnivelleringsrekening 'n bedrag oordra wat bereken is deur die gemiddelde tekort aldus bepaal, te vermenigvuldig met die totale aantal ponde plaaskaas in die Unie vervaardig en gedurende voormelde boekjaar verkoop, of sodanige kleiner bedrag as wat die raad mag bepaal.

(5) Wanneer die pryse ingevolge paragraaf (p) van artikel *negentien* van hierdie skema ten opsigte van kaas-melk vasgestel, gedurende enige boekjaar verander word, moet die raad ten opsigte van elke vervaardiger wie se perseel in die Unie geleë is, bepaal die gemiddelde koste van kaasmelk per pond kaas (soos bepaal deur die raad) vir sodanige vervaardiger en die gemiddelde koste van kaasmelk per pond kaas (soos bepaal deur die raad) vir al sodanige vervaardigers en, indien die gemiddelde koste vir sodanige vervaardiger meer is as die gemiddelde koste vir alle vervaardigers, moet die verskil aan daardie vervaardiger betaald word op alle kaas gedurende daardie boekjaar deur hom vervaardig en, indien die gemiddelde koste vir sodanige vervaardiger minder is as die gemiddelde koste vir alle vervaardigers, moet die verskil op sodanige vervaardiger verhaal word op alle koste gedurende daardie boekjaar deur hom vervaardig.

(6) Die raad moet maandeliks uit die opbrengste van die verkope van fabriekskaas voorskotte uitkeer aan vervaardigers wat gedurende enige kalendermaand fabriekskaas vervaardig het en wel in verhouding tot die totale hoeveelheid kaas wat gedurende daardie kalendermaand deur hulle vervaardig is: Met dien verstande dat die raad toereikende sekuriteit van sodanige vervaardigers kan vereis en die voorrade fabriekskaas deur elke sodanige vervaardiger gehou, vir die bepaling van daardie sekuriteit in ag kan neem.

(7) Uitgesonderd vir sover dit vir uitvoerdoeleindes gerieflik is, moet die raad alles in sy vermoë doen om te verseker dat fabriekskaas deur verskillende kaasvervaardigers vervaardig, sover moontlik in ongeveer gelyke verhoudings verkoop word.

(8) Vir die toepassing van hierdie artikel en tensy uit die verband anders blyk—

- (a) word alle fabriekskaas van enige klas of graad gedurende enige boekjaar onder hierdie skema vervaardig, geag verkoop te gewees het sodra 'n hoeveelheid fabriekskaas van daardie klas en graad gelyk aan die aldus vervaardigde hoeveelheid verkoop is.
- (b) beteken „kaas” Goudakaas, Cheddarkaas en enige ander hard-geperste kaas, afgesien daarvan of die vervaardiger daarvan dit in die produksie van proseskaas gebruik of nie, maar omvat nie „Roquefort”-kaas of ingevoerde kaas van enige klas wat nie gewoonlik in die Unie vervaardig word nie, of ingevoerde proseskaas nie;
- (c) word Goudakaas wat as enige ander graad as eerste-graad gegradeer word, geag van dieselfde graad te wees as tweedegraadse Cheddarkaas;
- (d) word ingevoerde kaas, behoudens die bepalings van paragraaf (f), geag vervaardig te gewees het in die Unie gedurende die kalendermaand waarin dit in die Unie ingevoer word;

- (e) subject to the provisions of paragraph (c), cheese of any class shall be included in the pool for the class and grade in which it is delivered for sale on the directions of the board;
- (f) cheese which has during any calendar month or during any financial year under this scheme been manufactured in the territory of South West Africa or in any of the protectorates of Bechuanaland, Swaziland and Basutoland, and to which the provisions of this section apply in accordance with and subject to the terms of section *thirty-five* shall be deemed to have been manufactured in the Union during that calendar month or financial year, as the case may be;
- (g) any amount representing premiums, as fixed by the board, which may be realised in respect of the sale of small cheeses, or cheese of a special grade, or cheese packed in a special container and sold on behalf of particular cheese manufacturers, shall be paid to such manufacturers less any expenditure incurred by the board in connection with the realisation of such premiums.

#### MARKETING OF FARM BUTTER AND FARM DAIRY BUTTER.

##### *Sale of Farm Dairy Butter and Butter Substitutes.*

32. The board may, with the approval of the Minister, prohibit any farm dairy butter-maker, or butter substitute manufacturer, in such area or areas as the board may determine, from selling any farm dairy butter or butter substitute, as the case may be, to any person other than the board, or otherwise than through an agent appointed by the board.

##### *Manufacture of Butter Substitutes.*

33. The board may enter into contracts with any person for the manufacture of butter substitutes on its behalf.

34. Whenever the board has entered into a contract with any person to manufacture butter substitutes on its behalf, it may purchase farm butter or farm dairy butter for the purpose of such manufacture in such markets and at such prices (which prices may be based on the quality of the farm butter purchased) as it may decide, and may sell such butter substitute; provided that any profits made or losses sustained, as the case may be, shall be credited or debited to the butter levy fund.

#### BUTTER AND CHEESE FROM ADJOINING TERRITORIES.

##### *Application of Sections Twenty-nine and Thirty-one to Butter and Cheese manufactured in Neighbouring Territories.*

35. (1) The provisions of sections *twenty-nine* and *thirty-one* shall apply to any butter or cheese which has been produced in the territory of South West Africa or in any of the protectorates of Bechuanaland, Swaziland and Basutoland (hereinafter referred to as the protectorates), and which arrives in any part of the Union, including the port of Walvis Bay, in transit from the territory or any such protectorate to a destination other than the Union, in the same manner as if that butter or cheese had been produced in the Union.

(2) It shall be a condition of the application of the said provisions that—

- (a) the administration of the territory or the protectorates shall—
  - (i) provide for the imposition on all butter and cheese produced in the territory or in any such protectorate of levies at least equal to the levies imposed under section *twenty-three* on butter and cheese produced in the Union;
  - (ii) prohibit the export of butter and cheese from the territory or any such protectorate to or through the Union, except as the board may direct;

- (e) word enige klas kaas, behoudens die bepaling van paragraaf (c), nigesluit in die poel vir die klas en graad waarin dit op las van die raad vir verkoop gelewer word;
- (f) word kaas wat gedurende enige kalendermaand of gedurende enige boekjaar onder hierdie skema in die gebied Suidwes-Afrika of in enigeen van die protektorate Betsjoeanaland, Swaziland en Basoetoland vervaardig is en waarop die bepaling van hierdie artikel van toepassing is ooreenkomstig en behoudens die bepaling van artikel *vyf-en-dertig*, geag in die Unie vervaardig te gewees het gedurende daardie kalendermaand of boekjaar, na gelang van die geval;
- (g) moet enige bedrag wat premies, soos deur die raad vasgestel, verteenwoordig en wat verkry mag word ten opsigte van die verkoop van klein kase, of kaas van 'n spesiale graad, of kaas in 'n spesiale houer verpak, en verkoop ten behoeve van bepaalde kaasvervaardigers, aan sodanige vervaardigers betaal word min enige uitgawe wat die raad regstreeks in verband met die verkryging van sodanige premies aangegaan het.

#### BEMARKING VAN PLAASBOTTER EN PLAASMELKERYBOTTER.

##### *Verkoop van plaasmelkerybotter en bottersurrogate.*

32. Die raad kan, met die goedkeuring van die Minister, enige plaasmelkerybottermaker of bottersurrogaatvervaardiger in sodanige gebied of gebiede wat die raad mag bepaal, verbied om enige plaasmelkerybotter of bottersurrogaat, na gelang van die geval, te verkoop aan enigiemand anders as die raad, of op 'n ander wyse as deur 'n agent deur die raad aangestel.

##### *Vervaardiging van bottersurrogate.*

33. Die raad kan met enigeen kontrakte aangaan om namens hom bottersurrogate te vervaardig.

34. Wanneer die raad 'n kontrak met enigeen aangegaan het om bottersurrogate namens hom te vervaardig, kan die raad plaasbotter of plaasmelkerybotter koop vir die doel van sodanige vervaardiging op sodanige markte en teen sodanige pryse (wat gebaseer kan word op die kwaliteit van die plaasbotter gekoop) as waartoe die raad mag besluit, en sodanige bottersurrogaat verkoop: Met dien verstande dat die botterheffingsfonds vir enige wins gemaak of verliese gely, na gelang van die geval, gekrediteer of gedebiteer word.

#### BOTTER EN KAAS UIT AANGRENSENDE GEBIEDE.

##### *Toepassing van artikels nege-en-twintig en een-en-dertig op botter en kaas wat in naburige gebiede vervaardig is.*

35. (1) Die bepalinge van artikels *nege-en-twintig* en *een-en-dertig* is van toepassing op enige botter of kaas wat geproduseer is in die gebied Suidwes-Afrika (hierna die gebied genoem) of in enigeen van die protektorate Betsjoeanaland, Swaziland en Basoetoland (hierna die protektorate genoem), en wat in enige deel van die Unie, met inbegrip van die hawe Walvisbaai aankom onderweg van die gebied of enigeen van genoemde protektorate na 'n ander bestemming as die Unie, en wel op dieselfde wyse asof daardie botter of kaas in die Unie geproduseer was.

(2) Dit is 'n voorwaarde vir die toepassing van genoemde bepaling dat—

- (a) die administrasie van die gebied of die protektorate—
  - (i) voorsiening daarvoor moet maak om ten opsigte van alle botter en kaas in die gebied of in enigeen van genoemde protektorate geproduseer, heffings op te lê wat minstens gelyk is aan die heffings wat kragtens artikel *drie-en-twintig* opgelê word ten opsigte van botter en kaas in die Unie geproduseer;
  - (ii) die uitvoer van botter en kaas uit die gebied of enigeen van genoemde protektorate na of via die Unie moet verbied, uitgesonderd soos deur die raad gelas mag word;

- (iii) provide for the registration of butter manufacturers, cheese manufacturers and farm cheese-makers in the territory or the protectorates on the same terms as are or may be prescribed under or by virtue of section *twenty-six* in respect of butter manufacturers, cheese manufacturers and farm cheese-makers in the Union;
  - (iv) require butter manufacturers, cheese manufacturers and farm cheese-makers in the territory or in the protectorates to submit to the board returns similar to those prescribed by the board in terms of sub-section (i) of section *nineteen* of this scheme;
  - (v) prescribe penalties for any contravention of these provisions, such penalties to be at least equal to those prescribed in terms of the Act or this scheme for similar contraventions in the Union;
- (b) at the end of every financial year under this scheme there shall be paid, in so far as the territory is concerned, by the administration of the territory, and, in so far as the protectorates are concerned, by the administration of the protectorates—
- (i) into the butter levy fund referred to in sub-section (1) of section *twenty-two* of this scheme, an amount equal to the amount which would have been payable by way of levy under sub-section (2) of section *twenty-three*, on the total quantity of creamery butter manufactured in the territory or in the protectorates, as the case may be, and exported to or through the Union during the said financial year, as if such creamery butter had been manufactured and sold in the Union;
  - (ii) to the board, for credit to the butter equalisation account referred to in sub-section (4) of section *twenty-nine*, an amount which bears the same proportion to any amount debited to such butter equalisation account in terms of the said sub-section as the total quantity of creamery butter manufactured in the territory and the protectorates bears to the total quantity of creamery butter manufactured in the Union, the territory and the protectorates during any such financial year;
  - (iii) into the cheese levy fund referred to in sub-section (2) of section *twenty-two*, an amount equal to the amount which would have been payable by way of levy under sub-sections (4) and (5) of section *twenty-three* on the total quantities of factory cheese and farm cheese manufactured in the territory or in the protectorates, as the case may be, or imported into the territory or into the protectorates, as the case may be, from any place other than the Union during the aforesaid financial year, as if that factory cheese and farm cheese had been manufactured in the Union;
  - (iv) to the board for credit to the cheese equalisation account referred to in sub-section (3) of section *thirty-one* an amount calculated by multiplying any deficit per pound of cheese manufactured as determined in terms of sub-section (4) of the said section by the total number of pounds of cheese manufactured in the territory and the protectorates during the particular financial year;
- (c) the administration of the territory and the administration of the protectorates shall each be entitled to appoint one person as a member of the board in addition to the members referred to in section
- (iii) voorsiening moet maak vir die registrasie van bottervervaardigers, kaasvervaardigers en plaaskaasmakers in die gebied of die protektorate op dieselfde voorwaardes as wat kragtens en uit hoofde van artikel *ses-en-twintig* voorgeskryf word of mag word ten opsigte van bottervervaardigers, kaasvervaardigers en plaaskaasmakers in die Unie;
  - (iv) van bottervervaardigers, kaasvervaardigers en plaaskaasmakers in die gebied of die protektorate moet vereis om aan die raad opgetees te verstrek soortgelyk aan dié deur die raad ingevolge subartikel (i) van artikel *negentien* van hierdie skema voorgeskryf;
  - (v) strawwe moet voorskryf vir 'n oortreding van hierdie bepalings, en sodanige strawwe moet minstens gelyk wees aan dié voorgeskryf ingevolge die Wet of hierdie skema vir soortgelyke oortredings in die Unie;
- (b) daar aan die einde van elke boekjaar onder hierdie skema, vir sover dit die gebied betref, deur die administrasie van die gebied en, vir sover dit die protektorate betref, deur die administrasie van die protektorate—
- (i) in die botterheffingsfonds in subartikel (1) van artikel *twee-en-twintig* van hierdie skema genoem, 'n bedrag gestort moet word gelyk aan die bedrag wat by wyse van heffing betaalbaar sou gewees het kragtens subartikel (2) van artikel *drie-en-twintig* op die totale hoeveelheid fabrieksbotter vervaardig in die gebied of in die protektorate, na gelang van die geval, en uitgevoer na of *via* die Unie gedurende genoemde boekjaar, asof sodanige fabrieksbotter in die Unie vervaardig en verkoop was;
  - (ii) aan die raad, vir die kredit van die botternivelleringsrekening, genoem in subartikel (4) van artikel *nege-en-twintig*, 'n bedrag betaal moet word wat in dieselfde verhouding staan tot die bedrag wat ingevolge voornoemde subartikel teen sodanige botternivelleringsrekening gedebiteer is as wat die totale hoeveelheid fabrieksbotter wat in die gebied en die protektorate vervaardig is, staan tot die totale hoeveelheid fabrieksbotter wat in die Unie, die gebied en die protektorate gedurende dieselfde boekjaar vervaardig is;
  - (iii) in die kaasheffingsfonds, genoem in subartikel (2) van artikel *twee-en-twintig*, 'n bedrag gestort moet word gelyk aan die bedrag wat by wyse van heffing betaalbaar sou gewees het kragtens subartikels (4) en (5) van artikel *drie-en-twintig* op die totale hoeveelhede fabriekskaas en plaaskaas in die gebied of in die protektorate, na gelang van die geval, vervaardig of ingevoer in die gebied of in die protektorate, na gelang van die geval, uit enige ander plek as die Unie gedurende voornoemde boekjaar, asof daardie fabriekskaas en plaaskaas in die Unie vervaardig was;
  - (iv) aan die raad, vir die kredit van die kaasnivelleringsrekening, genoem in subartikel (3) van artikel *een-en-dertig*, 'n bedrag betaal moet word bereken deur die tekort per pond kaas vervaardig, soos bepaal ingevolge subartikel (4) van genoemde artikel, te vermenigvuldig met die totale aantal ponde kaas in die gebied en die protektorate gedurende die bepaalde boekjaar vervaardig;
- (c) die administrasie van die gebied en die administrasie van die protektorate elk geregtig is om een persoon te benoem tot lid van die raad benewens die lede in artikel *drie* genoem, en dat enige aldus benoemde

three, and any member so appointed shall have the same rights as other members of the board in relation to any matter which affects such territory or the protectorates (whichever he represents) as well as the Union, but shall not have the right to vote on any matter which, in the opinion of the chairman of the board, does not affect the territory or the protectorates, as the case may be.

#### OFFENCES AND PENALTIES.

##### 36. Any person who—

- (a) contravenes or fails to comply with any provisions of this scheme or any prohibition, requirement or order issued thereunder; or
- (b) obstructs any person in the lawful exercise of his functions under this scheme, or wilfully fails or refuses to make any statement or give any explanation demanded by any such person or makes a false statement or gives a false explanation or causes a false statement to be made or a false explanation to be given to any such person, knowing such statement or explanation to be false; or
- (c) without the written permission of a person authorised thereto by the board, removes or causes to be removed any book, document, article or product seized in terms of sub-paragraph (v) of paragraph (f) of section *nineteen* of this scheme, from the place where it was left by such person or tampers with any such book, document, article or product or any identification mark placed thereon by such person,

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

#### NOTICES, PROHIBITIONS, REQUIREMENTS, DECISIONS, DETERMINATIONS, ASSETS, LIABILITIES, FUNDS AND MEMBERS OF DAIRY INDUSTRY CONTROL BOARD.

37. (1) All notices, prohibitions, requirements, decisions or determinations issued, imposed, taken or made under the Dairy Products Marketing Scheme, published under Proclamation No. 199 of 1940, as amended, shall continue in force until amended or withdrawn in terms of this scheme.

(2) Any assets or liabilities vesting in the board in terms of the scheme, published under Proclamation No. 199 of 1940, as amended, shall remain vested in the board as if such assets or liabilities accrued under this scheme.

(3) Any moneys in any fund established under the scheme, published under Proclamation No. 199 of 1940, as amended, shall be transferred to a similar fund under this scheme.

(4) The members appointed to the Dairy Industry Control Board in terms of Proclamation No. 199 of 1940, as amended, shall continue in office on the board referred to in this scheme until the period of office for which they were appointed in terms of the said proclamation, as amended, shall have expired, after which date(s) members to be appointed to the board shall be appointed in accordance with the provisions of this scheme.

#### LIQUIDATION OF SCHEME.

##### 38. In the event of the discontinuance of this scheme—

- (a) any assets of the board, remaining after all its liabilities have been met, shall be disposed of in such manner as the Minister may determine; and
- (b) any deficit which may exist after all the assets of the board have been realised shall be made up by contributions from the persons liable for the payment of any levy imposed under section *twenty-three*, in proportion to the amounts for which they respectively became so liable during the preceding twelve months.

lid dieselfde regte as ander lede van die raad het met betrekking tot enige aangeleentheid wat die gebied of die protektorate (naamlik dié wat hy verteenwoordig) sowel as die Unie raak, maar nie die reg het om te stem oor enige aangeleentheid wat na die mening van die voorsitter van die raad nie die gebied of die protektorate, na gelang van die geval, raak nie.

#### MISDRYWE EN STRAFBEPALINGS.

##### 36. Iedereen wat—

- (a) 'n bepaling van hierdie skema of enige verbod, voorskrif of bevel ingevolge daarvan uitgereik, oortree of versuim om daaraan te voldoen; of
- (b) enigeen belemmer in die wettige uitoefening van sy funksies ingevolge hierdie skema, of opsetlik versuim of weier om enige verklaring te doen of 'n verduideliking te verstrek wat deur enige sodanige persoon geëis word of wat 'n valse verklaring doen of 'n valse verduideliking verstrek of 'n valse verklaring laat doen of 'n valse verduideliking laat verstrek aan sodanige persoon, watende dat sodanige verklaring of verduideliking vals is; of
- (c) sonder die skriftelike toestemming van 'n persoon deur die raad daartoe gemagtig, enige boek, dokument, artikel of produk waarop ingevolge subparagraaf (v) van paragraaf (f) van artikel *negentien* van hierdie skema beslag gelê is, verwyder of laat verwyder van die plek waar dit deur sodanige persoon gelaat is of peuter aan sodanige boek, dokument, artikel of produk of enige identifikasie-merk wat sodanige persoon waarop geplaas het;

is skuldig aan 'n misdryf en by skuldigverklaring strafbaar met 'n boete van hoogstens honderd pond of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met beide sodanige boete en gevangenisstraf.

#### KENNISGEWINGS, VERBODSBEPALINGS, VEREISTES, BESLUITE, VASSTELLINGS, BATES, LASTE, FONDSE EN LEDE VAN DIE RAAD VAN TOESIG OP DIE SUIWELNYWERHEID.

37. (1) Alle kennisgewings, verbodsbepalings, vereistes, besluite of vasstellings uitgereik, opgelê, geneem of gedoen kragtens die Suiwelproduktebemarkingskema, afgekondig by Proklamasie No. 199 van 1940, soos gewysig, bly van krag totdat dit ingevolge hierdie skema gewysig of ingetrek word.

(2) Alle bates of laste wat die raad het ingevolge die skema, afgekondig by Proklamasie No. 199 van 1940, soos gewysig, bly die bates en laste van die raad asof daardie bates en laste ingevolge hierdie skema aan die raad toegeval het.

(3) Alle gelde in enige fonds ingestel kragtens die skema, afgekondig by Proklamasie No. 199 van 1940, soos gewysig, moet na 'n soortgelyke fonds onder hierdie skema oorgedra word.

(4) Die lede benoem tot die Raad van Toesig op die Suiwelnywerheid ingevolge Proklamasie No. 199 van 1940, soos gewysig, bly lede van die raad in hierdie skema genoem, totdat die ampstermyn waarvoor hulle benoem is ingevolge genoemde proklamasie, soos gewysig, verstryk het, en na daardie datum(s) word lede wat tot die raad benoem word, ooreenkomstig die bepalinge van hierdie skema benoem.

#### OPHEFFING VAN SKEMA.

##### 38. Ingeval hierdie skema opgehef word—

- (a) moet daar oor alle bates van die raad wat oorbly nadat al sy skulde betaal is, beskik word op sodanige wyse as wat die Minister mag bepaal; en
- (b) enige tekort wat mag bestaan nadat al die bates van die raad tot geld gemaak is, aangesuiwer word met bydraes van diegene wat aanspreeklik is vir die betaling van enige heffing kragtens artikel *drie-en-twintig* opgelê, in verhouding tot die bedrae waarvoor hulle onderskeidelik gedurende die voorafgaande twaalf maande aldus aanspreeklik geword het.

\* No. 184, 1954.]

**PROHIBITION ON SALE OF CREAMERY BUTTER, FACTORY CHEESE AND FARM CHEESE NOT PACKED AND MARKED AS PRESCRIBED BY REGULATION.**

Under the powers vested in me by section *thirty-six* of the Marketing Act, 1937 (Act No. 26 of 1937), as amended, I hereby declare that on and after the date of publication hereof, the sale in the Union of creamery butter, factory cheese and farm cheese, as defined in section 2 of the Dairy Products Marketing Scheme, published under Proclamation No. 183 of 1954, shall be prohibited, unless such creamery butter, factory cheese or farm cheese is packed and is marked to grade in a manner prescribed by regulation under the said Act.

Proclamations No. 18 of 1929 and No. 200 of 1940 are hereby repealed.

GOD SAVE THE QUEEN.

Given under my Hand and Great Seal at Pretoria on this Twenty-eighth day of September, One thousand Nine hundred and Fifty-four.

E. G. JANSEN,  
Governor-General.

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

S. P. LE ROUX.

**GOVERNMENT NOTICES.**

The following Government Notices are published for general information:—

**DEPARTMENT OF AGRICULTURE.**

\* No. 1995.]

[1 October 1954.]

**DAIRY PRODUCTS MARKETING SCHEME.**

**PACKING, GRADING AND MARKING OF CREAMERY BUTTER.**

His Excellency the Governor-General has, under the powers vested in him by section *forty-three* of the Marketing Act, 1937 (Act No. 26 of 1937), as amended, made the following regulations relating to the packing, grading and marking of creamery butter:—

1. The words "choice butter", "keurbotter" or "table butter", "tafelbotter" or "household butter", "huisbotter" or "cooking butter", "bakbotter" referred to in sub-section (1) of section 27 of the Dairy Products Marketing Scheme shall be printed in the centre portion of any wrapper used for the packing of creamery butter in packages containing one pound or less of such butter so as to be plainly visible on a side of the package which is not smaller than any other side of such package. If the butter contained in such package weighs more than one pound, the aforementioned words shall be printed, branded or otherwise clearly marked on two opposite sides of the package containing such butter.

2. On a package referred to in sub-section (2) of section 27 of the Dairy Products Marketing Scheme which contains creamery butter weighing one pound or less—

- (a) the name and address of the creamery wherein such butter was manufactured appearing upon such package in terms of the said sub-section shall be preceded by the words "manufactured by"; and
- (b) the registered creamery number, appearing upon package in terms of the said sub-section, shall be preceded by the words "Registered Creamery No. ...." in plainly visible letters not smaller than one-eighth of an inch in height.

\* No. 184, 1954.]

**VERBOD OP VERKOOP VAN FABRIEKSBOTTER, FABRIEKSKAAS EN PLAASKAAS NIE SOOS VOORGESKRYF BY REGULASIES, VERPAK EN GEMERK NIE.**

Kragtens die bevoegdheid my verleen by artikel *ses-entertig* van die Bemarkingswet, 1937 (Wet No. 26 van 1937), soos gewysig, verklaar ek hierby dat van en na die datum van publikasie hiervan, die verkoop in die Unie van fabrieksbutter, fabriekskaas en plaaskaas, soos omskryf in artikel 2 van die Suiwelproduktebemarkingskema, afgekondig by Proklamasie No. 183 van 1954, verbied word tensy sodanige fabrieksbutter, fabriekskaas of plaaskaas verpak en volgens graad gemerk is op 'n wyse by regulasie kragtens genoemde Wet voorgeskryf.

Proklamasies No. 18 van 1928 en No. 200 van 1940 word hierby herroep.

GOD BEHOEDE DIE KONINGIN.

Gegee onder my Hand en Grootseël te Pretoria, op hede die Agt-en-twintigste dag van September Eenduisend Nege-honderd Vier-en-vyftig.

E. G. JANSEN,  
Goewerneur-generaal.

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

S. P. LE ROUX.

**GOEWERMENSKENNISGEWINGS.**

Onderstaande Goewermenskennisgewing word vir algemene inligting gepubliseer:—

**DEPARTEMENT VAN LANDBOU.**

\* No. 1995.]

[1 Oktober 1954.]

**SUIWELPRODUKTEBEMARKINGSKEMA.**

**VERPAKKING, GRADERING EN MERK VAN FABRIEKSBOTTER.**

Sy Eksellensie die Goewerneur-generaal, het kragtens die bevoegdheid hom verleen by artikel *drie-en-veertig* van die Bemarkingswet, 1937 (Wet No. 26 van 1937), soos gewysig, onderstaande regulasies gemaak in verband met die verpakking, gradering en merk van fabrieksbutter:—

1. Die woorde „choice butter”, „keurbotter” of „table butter”, „tafelbotter”, of „household butter”, „huisbotter” of „cooking butter”, „bakbotter”, genoem in subartikel (1) van artikel 27 van die Suiwelproduktebemarkingskema, moet gedruk wees in die middelste gedeelte van elke omslag gebruik vir die verpakking van fabrieksbutter in pakkies wat een pond of minder van sodanige butter bevat, sodat dit duidelik sigbaar is aan 'n kant van die pakkie, wat nie kleiner as enige ander kant van daardie pakkie is nie. Indien die butter wat sodanige pakkie bevat, meer as een pond weeg, moet voornoemde woorde op twee teenoorgestelde kante van die pakkie wat sodanige butter bevat, gedruk of gebrandmerk of op enige ander wyse duidelik gemerk wees.

2. Op 'n pakkie, genoem in subartikel (2) van artikel 27 van die Suiwelproduktebemarkingskema, wat een pond of minder fabrieksbutter bevat, moet—

- (a) die naam en adres van die botterfabriek waarin sodanige butter vervaardig is en wat ingevolge voornoemde subartikel op sodanige pakkie voorkom, voorafgegaan word deur die woorde „vervaardig deur”; en,
- (b) die registrasienommer van die botterfabriek, wat ingevolge voornoemde subartikel of sodanige pakkie voorkom, voorafgegaan word deur die woorde „Geregistreerde Botterfabriek No. ....” in duidelik sigbare letters van minstens  $\frac{1}{8}$  duim.

3. In addition to any other markings required by law a package referred to in clause 4 may also bear a distinctive design and the brand name of the creamery butter (hereinafter referred to as a brand); provided such brand is registered with and approved by the Dairy Industry Control Board (hereinafter referred to as the board.)

4. Not more than one brand shall be registered in respect of the same grade of creamery butter manufactured by any one butter manufacturer; provided that a separate brand may be registered for unsalted creamery butter and provided further that the board may register the same brand in respect of more than one butter manufacturer.

5. The board may refuse to register a brand which in its opinion is unsuitable or which may mislead any person as regards the quality or origin of any creamery butter; provided that the Board shall not refuse to register at least one brand in respect of each grade of creamery butter if such brand has already been registered under the Patents, Designs, Trade Marks and Copyright Act, 1916.

6. An application to the board to register a brand shall be accompanied by two true copies of the proposed brand one of which shall after registration be returned to the applicant duly endorsed to that effect.

7. The provisions of regulations 5, 6, 7 and 8 shall not apply in the case of butter sold under any scheme or arrangement approved of by the board outside the normal channels of trade.

8. Every butter manufacturer shall cause every box or case into which creamery butter is to be marked—

- (1) in the top right-hand corner of one end of such box or case with the registered number referred to in section five of the Dairy Industry Act, No. 16 of 1918, in figures not less than one inch square enclosed in a circle;
- (2) in the top left-hand corner of the same end of such box or case, at the time of packing with figures indicating the following particulars, viz.:—
  - (a) The number of the churning by which such butter was produced over the number of cases or boxes of butter produced by such churning; and
  - (b) the month of the year over the day in that month on which such butter was produced;
- (3) with the grade of the butter packed in such box or case in plainly visible capital letters not less than one inch in height.

9. (1) All creamery butter shall be graded by a person appointed in terms of section thirty-seven of the Marketing Act, 1937 (hereinafter referred to as an inspector), into four grades, the designations of which shall be—

Choice—Keur-.  
Table—Tafel-.  
Household—Huis-.  
Cooking—Bak-.

(2) The grading shall be according to the following scale of points:—

|                                             |            |
|---------------------------------------------|------------|
| Flavour and aroma                           | 50 points. |
| Texture, including body, grain and moisture | 30 points. |
| Colour                                      | 10 points. |
| Salting                                     | 5 points.  |
| Finish and general appearance               | 5 points.  |

3. Benewens enige ander merke wat by wet vereis word, kan daar ook op 'n pakkie, genoem in klousule 4, 'n onderskeidende ontwerp en die handelsmerknaam van die botterfabriek (hierna die handelsmerk genoem) verskyn; met dien verstande dat sodanige handelsmerk geregistreer is by en goedgekeur is deur die Raad van Toesig op die Suiwelnywerheid (hierna die Raad genoem).

4. Hoogstens een handelsmerk mag geregistreer word ten opsigte van dieselfde graad fabrieksbotter deur 'n bepaalde bottervervaardiger vervaardig; met dien verstande dat 'n afsonderlike handelsmerk vir ongesoute fabrieksbotter geregistreer word, en voorts met dien verstande dat die Raad dieselfde handelsmerk ten opsigte van meer as een bottervervaardiger kan registreer.

5. Die Raad kan weier om 'n handelsmerk te registreer wat na sy mening ongeskik is of wat enigeen kan mislei wat betref die kwaliteit of oorsprong van enige fabrieksbotter; met dien verstande dat die Raad nie mag weier om minstens een handelsmerk ten opsigte van fabrieksbotter van elke graad te registreer nie, indien sodanige handelsmerk reeds kragtens die Wet op Patente, Modellen, Handelsmerke en Auteursrecht, 1916, geregistreer is.

6. 'n Aansoek by die Raad om registrasie van 'n handelsmerk moet vergesel wees van twee juiste afskrifte van die voorgestelde handelsmerk, waarvan een wat behoorlik as sodanig geëndosseer is na registrasie aan die applikant teruggestuur moet word.

7. Die bepalinge van regulasies 5, 6, 7 en 8 is nie van toepassing in die geval van botter wat verkoop word kragtens enige skema of ooreenkoms buite die normale handelskanale, deur die Raad goedgekeur nie.

8. Elke bottervervaardiger moet sorg dat elke doos of kas waarin fabrieksbotter verpak word, gemerk is—

- (1) in die boonste regterkantse hoek van die een koppenent van sodanige doos of kas met die registrasienommer genoem in artikel vyf van die Zuivelnywerheid Wet, No. 16 van 1918, in syfers van minstens een vierkante duim en met 'n kring daarom;
- (2) in die boonste linkerkantse hoek van dieselfde koppenent van sodanige doos of kas, ten tyde van verpakking, met syfers wat onderstaande besonderhede aandui, t.w.—
  - (a) die nommer van die karringproses deur middel waarvan sodanige botter gemaak is, net bokant die aantal dose of kaste wat deur middel van sodanige karringproses gemaak is; en
  - (b) die maand van die jaar net bokant die dag van daardie maand waarop daardie botter gemaak is;
- (3) met die graad van die botter wat in sodanige doos of kas verpak is in duidelik sigbare hoofletters van minstens een duim.

9. (1) Alle fabrieksbotter moet deur 'n persoon aangestel ingevolge artikel sewe-en-dertig van die Bemerkingswet, 1937 (hierna 'n inspekteur genoem), gegradeer word in vier grade, waarvan die benamings is:—

Keur-: Choice.  
Tafel-: Table.  
Huis-: Household.  
Bak-: Cooking.

(2) Die gradering moet ooreenkomstig onderstaande puntetalaal geskied:—

|                                                      |          |
|------------------------------------------------------|----------|
| Smaak en geur                                        | 50 punte |
| Tekstuur, met inbegrip van bou, korrel en voggehalte | 30 punte |
| Kleur                                                | 10 punte |
| Soutgehalte                                          | 5 punte  |
| Afwerking en algemene voorkoms                       | 5 punte  |

(3) For the purpose of differentiating the grades:—  
Choice butter shall score 90 to 100 points.  
Table butter shall score 84 to 89½ points.  
Household butter shall score 75 to 83½ points.  
Cooking butter shall score below 75 points.

(4) The appropriate grade as determined by such inspector shall be branded by him or under his supervision on every box or case containing such butter in plainly visible capital letters not less than one-half inch in height and with the Union Coat of Arms.

(5) Any creamery butter so graded by an inspector and which is contained in packages which do not reflect the grade as determined by the inspector, shall be dealt with in terms of sub-section (3) of section 27 of the Dairy Products Marketing Scheme, but shall not be removed from the premises where such butter has been graded or is stored unless the Senior Dairy Officer for the area concerned is first advised of the destination of such butter by the owner or occupier of such premises. Such butter shall be repacked only in premises approved by the Superintendent of Dairy-ing and shall be resubmitted for grading before sale.

10. No creamery butter shall be graded by an inspector until a period of at least fourteen days has elapsed since the date of manufacture; provided that under special circumstances the Board may reduce the said period.

11. An inspector may regrade any creamery butter which, after a period of storage, is found to be of a grade below that into which it was originally graded in terms of these regulations and any creamery butter so degraded shall be dealt with in terms of the provisions of sub-section (3) of section 27 of the Dairy Products Marketing Scheme and the foregoing regulations relating to creamery butter found to be of a grade other than that indicated on the package.

12. No person shall sell any creamery butter in a package other than that in which it was packed when graded and passed for sale by an inspector in terms of regulation 11.

Government Notices No. 900, dated 29th May, 1931, as amended, and No. 1608, dated 10th October, 1940, as amended, are hereby withdrawn.

\* No. 2029.] [1 Oktober 1954.  
DAIRY PRODUCTS MARKETING SCHEME.

#### PAYMENT OF LEVIES AND SPECIAL LEVIES ON DAIRY PRODUCTS.

His Excellency the Governor-General has, under the powers vested in him by section *forty-three* of the Marketing Act, 1937 (Act No. 26 of 1937), as amended, made the following regulations relating to the payment of levies and special levies imposed on certain dairy products under section 23 or 24 of the Dairy Products Marketing Scheme, published by Proclamation No. 183 of 1954:—

1. Any levy or special levy which has, in terms of section 23 or 24 of the Dairy Products Marketing Scheme published by Proclamation No. 183 of 1954 hereinafter referred to as the scheme), been imposed by the Dairy Industry Control Board (hereinafter referred to as the Board) on creamery butter, factory cheese, farm cheese or condensing melk, shall be paid to the Board at Pretoria—

(a) in the case of any levy or special levy on creamery butter, factory cheese or farm cheese, not later than the last day of the month immediately following that in which such creamery butter, factory cheese or farm cheese was sold; and

(3) Ten einde die grade te onderskei, moet—  
Keurbotter 90 tot 100 punte behaal.  
Tafelbotter 84 tot 89½ punte behaal.  
Huisbotter 75 tot 83½ punte behaal.  
Bakbotter minder as 75 punte behaal.

(4) Die betrokke graad, soos deur sodanige inspekteur bepaal, moet deur hom of onder sy toesig gebrandmerk word op elke doos of kas wat sodanige botter bevat, in duidelik sigbare hoofletters van minstens 'n halfduim, en met die Uniewapen.

(5) Met enige fabrieksbutter aldus deur 'n inspekteur gegradeer en in pakkies verpak waarop die graad soos deur die inspekteur bepaal, nie voorkom nie, moet ooreenkomstig subartikel (3) van artikel 27 van die Suiwelproduktebemarkingskema gehandel word, maar mag nie verwyder word van die persele waarop sodanige botter gegradeer is of opgeberg word nie, tensy die Senior Suiwelbeampte vir die betrokke gebied eers deur die eienaar of die okkupeerder van sodanige persele van die bestemming van botter in kennis gestel is. Sodanige botter mag slegs herverpak word in persele deur die Superintendent van Suiwelbereiding goedgekeur, en moet weer vir gradering aan gebied word alvorens dit verkoop word.

10. Geen fabrieksbutter mag deur 'n inspekteur gegradeer word nie alvorens 'n tydperk van minstens veertien dae na die datum van vervaardiging verstryk het; met dien verstande dat die raad onder buitengewone omstandighede voornoemde tydperk kan verkort.

11. 'n Inspekteur kan fabrieksbutter hergradeer indien, nadat dit vir 'n tydperk opgeberg is, bevind word dat sodanige fabrieksbutter van 'n laer graad is as dié waarin dit oorspronklik ingevolge hierdie regulasies gegradeer is, en met sodanige fabrieksbutter aldus afgegradeer, moet gehandel word ingevolge die bepalings van subartikel (3) van artikel 27 van die Suiwelproduktebemarkingskema en ooreenkomstig voorgaande regulasies met betrekking tot fabrieksbutter ten opsigte waarvan bevind word dat dit nie van dieselfde graad as dié op die pakkie aangedui, is nie.

12. Niemand mag fabrieksbutter in 'n ander pakkie verkoop nie as die pakkie waarin dit verpak was toe dit gegradeer is deur 'n inspekteur vir verkoop ooreenkomstig regulasie 11 goedgekeur.

Goewermenskennisgewing No. 900, gedateer 29 Mei 1931, soos gewysig, en No. 1608, gedateer 10 Oktober 1940, soos gewysig, word hierby ingetrek.

\* No. 2029.] [1 Oktober 1954.  
SUIWELPRODUKTEBEMARKINGSKEMA.

#### BETALING VAN HEFFINGS EN SPESIALE HEFFINGS OP SUIWELPRODUKTE.

Sy Eksellensie die Goewerneur-generaal het, kragtens die bevoegdheid hom verleen by artikel *drie-en-veertig* van die Bemarkingswet, 1937 (Wet No. 26 van 1937), soos gewysig, onderstaande regulasies gemaak met betrekking tot die betaling van heffings en spesiale heffings ten opsigte van sekere suiwelprodukte opgelê kragtens artikel 23 of 24 van die Suiwelproduktebemarkingskema, afgekondig by Proklamasie No. 183 van 1954:—

1. 'n Heffing of spesiale heffing wat, ingevolge artikel 23 of 24 van die Suiwelproduktebemarkingskema, afgekondig by Proklamasie No. 183 van 1954 (hierna die skema genoem), deur die Raad van Toesig op die Suiwelnywerheid (hierna die Raad genoem), opgelê is ten opsigte van fabrieksbutter, fabriekskaas, plaaskaas of kondenseermelk, moet aan die Raad in Pretoria betaal word—

(a) in die geval van enige heffing of spesiale heffing op fabrieksbutter, fabriekskaas of plaaskaas, nie later nie as die laaste dag van die maand onmiddellik na die maand waarin sodanige fabrieksbutter, fabriekskaas of plaaskaas verkoop is; en

- (b) in the case of any levy or special levy on condensing milk, not later than the fifteenth day of the month immediately following that in which such condensing milk was sold.

2. Any payment to the Board by way of levy or special levy on condensing milk shall be accompanied by a return showing the total quantity of condensing milk received by the manufacturer concerned from all condensing milk suppliers during the calendar month in respect of which such payment is effected.

3. Whenever the Board has, in terms of section 28 or paragraph (a) of section 30, imposed any prohibition in connection with the sale of creamery butter or factory cheese, it may deduct from any amount which may, in terms of sub-section (2) of section 29 or sub-section (2) of section 31 of the scheme, become payable to any butter manufacturer or cheese manufacturer, as the case may be, any amount may be due to it from that butter manufacturer or cheese manufacturer in respect of any levy or special levy on creamery butter or factory cheese.

Government Notice No. 1605, dated 10th October, 1940, as amended, is hereby withdrawn.

★ No. 2030.] [1 October 1954.  
DAIRY PRODUCTS MARKETING SCHEME.

#### REGISTRATION OF PRODUCERS AND OF PERSONS DEALING IN THE COURSE OF TRADE WITH DAIRY PRODUCTS.

His Excellency the Governor-General has, under the powers vested in him by section forty-three, read with paragraphs (a), (a) bis and (a) ter of sub-section (1) of section nineteen of the Marketing Act, 1937 (Act No. 26 of 1937), made the following regulations relating to the registration of certain producers of and of persons dealing in the course of trade with dairy products for the purpose of section 26 of the Dairy Products Marketing Scheme, published under Proclamation No. 183 of 1954:—

1. An application by any producer or person dealing in the course of trade with dairy products for registration under section 26 of the Dairy Products Marketing Scheme, published under Proclamation No. 183 of 1954, shall be addressed to the Secretary of the Dairy Industry Control Board (hereinafter referred to as the board), P.O. Box 1284, Pretoria.

2. Application for the renewal of any such registration shall be lodged with the Secretary of the board on or before the thirty-first day of August preceding the year in respect of which the renewal is desired.

3. An application under Regulation 1 or 2 shall—

(a) in the case of an application for registration as a butter manufacturer, cheese manufacturer, condensed milk manufacturer or process cheese manufacturer, and/or a person dealing in the course of trade with factory cream, cheesemilk, condensing milk or skimmilk, be in the form specified in Annexure A hereto; and

(b) in the case of an application for registration as a farm cheese maker, be in the form specified in Annexure B hereto;

And shall, in the case of an application for the renewal of any registration, be accompanied by the certificate of registration in respect of which the renewal is desired.

4. Any certificate in respect of which renewal is not desired, shall upon its expiration be returned to the board by the holder thereof.

5. Whenever the board has cancelled any certificate of registration, that certificate shall be returned to the board by the holder hereof immediately upon receipt of advice of such cancellation.

Government Notice No. 1606 dated 10th October, 1940, as amended, is hereby withdrawn.

- (b) in die geval van enige heffing of spesiale heffing op kondenseermelk, nie later nie as die vyftiende dag van die maand onmiddellik na die maand waarin sodanige kondenseermelk verkoop is.

2. Enige betaling aan die Raad ten opsigte van 'n heffing of spesiale heffing op kondenseermelk moet vergesel wees van 'n opgawe waarin die totale hoeveelheid kondenseermelk aangetoon word wat deur die betrokke vervaardiger ontvang is van alle kondenseermelkverskaffers gedurende die kalendermaand ten opsigte waarvan daardie betaling geskied.

3. Wanneer die Raad kragtens artikel 28 of paragraaf (a) van artikel 30, 'n verbod in verband met die verkoop van fabrieksbutter of fabriekskaas opgelê het, kan hy van enige bedrag wat ingevolge subartikel (2) van artikel 29 of subartikel (2) van artikel 31 van die skema aan 'n bottervervaardiger of kaasvervaardiger, na gelang van die geval, betaalbaar mag word, enige bedrag aftrek wat ten opsigte van enige heffing of spesiale heffing op fabrieksbutter of fabriekskaas deur daardie bottervervaardiger of kaasvervaardiger aan die Raad verskuldig mag wees.

Goewermenskennisgewing No. 1605, gedateer 10 Oktober 1940, soos gewysig, word hierby ingetrek.

★ No. 2030.] [1 Oktober 1954.  
SUIWELPRODUKTEBEMARKINGSKEMA.

#### REGISTRASIE VAN PRODUSENTE EN PERSONE WAT MET SUIWELPRODUKTE AS 'N BESIGHEID HANDEL.

Sy Eksellensie die Goewerneur-generaal het, kragtens die bevoegdheid hom verleë by artikel drie-en-veertig, gelees met paragrawe (a), (a) bis en (a) ter van subartikel (1) van artikel negeentien van die Bemarkingswet, 1937 (Wet No. 26 van 1937), soos gewysig, onderstaande regulasies gemaak in verband met die registrasie van sekere produsente en van persone wat met suiwelprodukte as 'n besigheid handel, vir die toepassing van artikel 26 van die Suiwelproduktebemarkingskema, afgekondig by Proklamasie No. 183 van 1954:—

1. Die aansoek van enige produsent of persoon wat met suiwelprodukte as 'n besigheid handel, om registrasie kragtens artikel 26 van die Suiwelproduktebemarkingskema afgekondig by Proklamasie No. 183 van 1954, moet gerig word aan die Sekretaris van die Raad van Toesig op Suiwelnywerheid (hierna die raad genoem), Posbus 1284, Pretoria.

2. 'n Aansoek om die hernuwing van sodanige registrasie moet by die Sekretaris van die raad ingedien word voor of op die een-en-dertigste dag van Augustus wat die jaar ten opsigte waarvan hernuwing aangevra word, voorafgaan.

3. 'n Aansoek ingevolge regulasie 1 of 2 moet—

(a) in die geval van 'n aansoek om registrasie as 'n bottervervaardiger, kaasvervaardiger, kondenseermelkvervaardiger of proseskaasvervaardiger, en/of 'n persoon wat as 'n besigheid handel met fabrieksroom, kaasmelk, kondenseermelk of afgeroomde melk, in die vorm wees soos uiteengesit in bygaande Aanhangsel A; en

(b) in die geval van 'n aansoek om registrasie as 'n plaaskaasmaker, in die vorm wees soos uiteengesit in bygaande Aanhangsel B; en moet, in die geval van 'n aansoek om hernuwing van 'n registrasie vergesel wees van die registrasiesertifikaat ten opsigte waarvan hernuwing aangevra word.

4. Enige registrasiesertifikaat ten opsigte waarvan geen hernuwing aangevra word nie, moet by verstryking daarvan deur die houer daarvan aan die raad teruggestuur word.

5. Wanneer die raad 'n registrasiesertifikaat ingetrek het, moet die houer daarvan daardie sertifikaat aan die raad terugstuur, sodra hy van sodanige intrekking in kennis gestel is.

Goewermenskennisgewing No. 1606, gedateer 10 Oktober 1940, soos gewysig, word hierby ingetrek.

ANNEXURE A.

APPLICATION FOR REGISTRATION AS A PRODUCER AND/OR A PERSON DEALING IN THE COURSE OF TRADE WITH DAIRY PRODUCTS IN TERMS OF SECTION 26 OF THE DAIRY PRODUCTS MARKETING SCHEME.

The Dairy Industry Control Board,  
P.O. Box 1284,  
Pretoria.

The undersigned hereby makes application for registration as a\*.....  
in terms of section 26 of the Dairy Products Marketing Scheme, published under Proclamation No. 183 of 1954, and furnishes the following information which he declares to be true and correct to the best of his knowledge and belief:—

Full name of applicant.....  
Full address of applicant.....  
Situation of premises which will be used by applicant.....

Is this application for a new registration or for the renewal of an existing registration?.....

Has a certificate of registration ever been refused you? If so, give full details.....

Have you ever been insolvent or compromised with your creditors? If so, give full details.....

Have you ever been convicted for contravening any of the provisions of the Dairy Products Marketing Scheme or any regulations made thereunder, or any other law or regulation relating to the sale of the product in respect of which you now apply for registration? If so, give full details of charges and dates.....

How long have you carried on the business in respect of which this application is made?.....

How much†.....did you manufacture in the premises concerned during the twelve calendar months immediately preceding the date of this application?.....

How much†.....do you estimate you will manufacture in the premises concerned during the twelve calendar months immediately succeeding the date of this application?.....

Dated at.....this.....day of..... 19...

Signature of Applicant.

\* State whether butter manufacturer, cheese manufacturer, process cheese manufacturer, condensed milk manufacturer, milk powder manufacturer or skim milk powder manufacturer and/or person dealing in the course of trade with factory cream, cheese-milk, condensing milk or skim milk.

† State whether creamery butter, factory cheese, process cheese, condensed milk, milk powder or skim milk powder. If the application should be for registration only as a person dealing in the course of trade, with dairy products, in other words, for a depot, state the quantity of factory cream, cheesemilk, condensing milk or skim milk handled or that will be handled.

AANHANGSEL A.

AANSOEK OM REGISTRASIE AS 'N PRODUSENT EN/OF PERSOON WAT MET SUIWELPRODUKTE AS 'N BESIGHEID HANDEL INGEVOLGE ARTIKEL 26 VAN DIE SUIWELPRODUKTE-BEMARKINGSKEMA.

Die Raad van Toesig op die Suiwelnywerheid,  
Posbus 1284,  
Pretoria.

Ondergetekende doen hierby aansoek om registrasie as 'n\*.....ingevolge artikel 26 van die Suiwelproduktebemarkingskema, afgekondig by Proklamasie No. 183 van 1954, en verstrek onderstaande inligting, wat hy na sy beste wete as juis en korrek verklaar:—

Volle naam van applikant.....  
Volledige adres van applikant.....  
Ligging van perseel wat deur applikant gebruik sal word.....

Is hierdie aansoek 'n aansoek om 'n nuwe registrasie of om hernuwing van 'n bestaande registrasie?.....

Is 'n registrasiesertifikaat ooit aan u geweier? Indien wel, verstrek volle besonderhede.....

Was u ooit insolvent of het u ooit 'n skikking met u skuldeisers aangegaan? Indien wel, verstrek volle besonderhede.....

Is u ooit veroordeel weens 'n oortreding van enigeen van die bepalings van die Suiwelproduktebemarkingskema of enigeen van die regulasies wat ingevolge daarvan gemaak is, of van enige Wet of regulasie met betrekking tot die verkoop van die produk ten opsigte waarvan u nou om registrasie aansoek doen? Indien wel, verstrek volle besonderhede van aanklagte en datums.....

Hoe lank dryf u al die besigheid ten opsigte waarvan u hierdie aansoek doen?.....

Hoeveel†.....het u op die betrokke perseel vervaardig gedurende die twaalf kalendermaande wat die datum van hierdie aansoek onmiddellik voorafgegaan het?.....

Hoeveel†.....verwag u om op die betrokke perseel te vervaardig gedurende die twaalf kalendermaande wat onmiddellik op die datum van hierdie aansoek volg?.....

Gedateer te.....op hede die.....dag van..... 19...

Handtekening van applikant.

\* Meld of dit is as bottervervaardiger, kaasvervaardiger, proseskaasvervaardiger, kondensmelkvervaardiger, melkpoeiervervaardiger of afgeroomde-melkpoeiervervaardiger, en/of persoon wat as 'n besigheid handel met fabrieksroom, kaasmelk, kondenseermelk of afgeroomde melk.

† Meld of dit fabrieksbotter, fabriekskaas, proseskaas, kondensmelk, melkpoeier of afgeroomde-melkpoeier is. Indien dit slegs 'n aansoek is om registrasie as 'n persoon wat met suiwelprodukte as 'n besigheid handel, met ander woorde, 'n depot, meld dan die hoeveelheid fabrieksroom, kaasmelk, kondenseermelk of afgeroomde melk wat gehanteer word of gehanteer sal word.

## ANNEXURE B.

APPLICATION FOR REGISTRATION AS A FARM  
CHEESE MAKER.

The Dairy Industry Control Board,  
P.O. Box 1284,  
Pretoria.

The undersigned hereby applies for registration as a farm cheese maker, in terms of section 26 of the Dairy Products Marketing Scheme, published under Proclamation No. 183 of 1954, and furnishes the following information which he declares to be correct to the best of his knowledge and belief:—

1. Name of applicant.....
2. Address of applicant.....
3. Magisterial District in which applicant resides.....
4. Place where the farm cheese will be manufactured.....
5. Estimate of the quantity of farm chese which will be manufactured by the applicant during the period from the date of this application till the 30th September next.....

Signature of Applicant.

Date.....

\* No. 2031.] [1 October 1954.  
DAIRY PRODUCTS MARKETING SCHEME.

GRADING AND MARKING OF FACTORY CHEESE  
AND FARM CHEESE.

His Excellency the Governor-General has, under the powers vested in him by section *forty-three* of the Marketing Act, 1937 (Act No. 26 of 1937), as amended, made the following regulations relating to the grading of factory cheese and farm cheese:—

1. (1) Every cheese manufacturer, other than an importer of factory cheese, shall cause every cheddar or gouda cheese manufactured by him to be marked on the side of each cheese as soon as possible after its removal from the press and before it is removed to the curing room with—

- (a) the registered number referred to in section *five* of the Dairy Industry Act, No. 16 of 1918, in figures not less than one inch square enclosed in a circle;
- (b) the number of the vat of cheese over the number of cheeses produced from each vat and the month of the year over the day in that month on which such cheese was produced, in figures not less than one-half inch square.

(2) The provisions of paragraph (b) of sub-clause (1) shall also apply to every farm cheese maker manufacturing cheddar cheese.

2. (1) All factory cheese of the cheddar or gouda type shall be graded by a person appointed in terms of section *thirty-seven* of the Marketing Act, 1937 (hereinafter referred to as an inspector), into four grades in the case of cheddar and into two grades in the case of gouda, the designations of which shall be—

| Cheddar.      | Gouda.       |
|---------------|--------------|
| First Grade.  | First Grade. |
| Second Grade. | Grade.       |
| Third Grade.  |              |
| Below.        |              |

## AANHANGSEL B.

AANSOEK OM REGISTRASIE AS 'N PLAASKAAS-  
MAKER.

Die Raad van Toesig op die Suiwelnywerheid,  
Posbus 1284,  
Pretoria.

Ondergetekende doen hierby aansoek om registrasie as 'n plaaskaasmaker, ingevolge artikel 26 van die Suiwelproduktebemarkingskema, afgekondig by Proklamasie No. 183 van 1954, en verstrek onderstaande inligting, wat hy na sy beste wete as juis en korrek verklaar:—

1. Naam van applikant.....
2. Adres van applikant.....
3. Magistraatsdistrik waarin applikant woonagtig is.....
4. Plek waar die plaaskaas vervaardig sal word.....
5. Skatting van die hoeveelheid plaaskaas wat deur die applikant in die tydperk van die datum van hierdie aansoek af tot en met die daaropvolgende 30 September gemaak sal word.....

Handtekening van applikant.

Datum.....

\* No. 2031.] [1 Oktober 1954.  
SUIWELPRODUKTEBEMARKINGSKEMA.

GRADERING EN MERK VAN FABRIEKSKAAS EN  
PLAASKAAS.

Sy Eksellensie die Goewerneur-generaal het, kragtens die bevoegdheid hom verleen by artikel *drie-en-veertig* van die Bemarkingswet, 1937 (Wet No. 26 van 1937), soos gewysig, onderstaande regulasies gemaak in verband met die gradering van fabriekskaas en plaaskaas:—

1. (1) Elke kaasvervaardiger, uitgesonderd 'n invoerder van fabriekskaas, moet alle cheddar- of goudakaas deur hom vervaardig, laat merk aan die kant van elke kaas so gou moontlik na die verwydering daarvan uit die pers en voordat dit na die rypwordingskamer verwyder word, met—

- (a) die registrasienommer, genoem in artikel vyf van die Zuivelnywerheid Wet No. 16 van 1918, in syfers van minstens een vierkante duim en met 'n kring daarom;
- (b) die nommer van die bad kaas bokant die aantal kase wat uit elke bad gemaak is, en die maand van die jaar bokant die dag in daardie maand waarop sodanige kaas gemaak is, in syfers van minstens 'n halwe vierkante duim.

(2) Die bepalings van paragraaf (b) van subklousule (1) is ook van toepassing op elke plaaskaasmaker wat cheddarkaas vervaardig.

2. (1) Alle fabriekskaas van die cheddar- of gouda-tipe moet deur 'n persoon, aangestel ingevolge artikel *sewe-en-dertig* van die Bemarkingswet, 1937 (hierna 'n inspekteur genoem) gegradeer word in vier grade in die geval van cheddar-, en in twee grade in die geval van goudakaas, waarvan die benamings is:—

| Cheddar.     | Gouda.       |
|--------------|--------------|
| Eerstegraad. | Eerstegraad. |
| Tweedegraad. | Graad.       |
| Derdegraad.  |              |
| Ondergraad.  |              |

(2) The grading shall be according to the following scale of points:—

|                                                   |            |
|---------------------------------------------------|------------|
| Flavour and aroma ... ..                          | 50 points. |
| Texture including body, grain and moisture ... .. | 30 points. |
| Colour ... ..                                     | 10 points. |
| Salting ... ..                                    | 5 points.  |
| Finish and general appearance ... ..              | 5 points.  |

(3) For the purpose of differentiating the grades—  
first grade cheddar cheese shall score 90 to 100 points;  
second grade cheddar cheese shall score 80 to 89½ points;  
third grade cheddar cheese shall score 70 to 79½ points;  
below grade cheddar cheese shall score below 70 points;  
first grade gouda cheese shall score 90 to 100 points;  
grade gouda cheese shall score below 90 points;

(4) The appropriate grade as determined by such inspector shall be branded by him or under his supervision on every cheese contained in any consignment, parcel or lot of cheese examined by him, in both official languages and in plainly visible capital letters not less than one-half inch in height and with the Union Coat of Arms.

(5) For the purpose of determining the grade of each cheese and examination of one cheese from each vat of cheese shall be deemed to be an examination of all the cheese produced from such vat.

3. No cheese shall be graded by an inspector until a period of at least six weeks in the case of cheddar cheese or three weeks in the case of gouda cheese, has elapsed since the date of manufacture; provided that under special circumstances the Board may reduce the said periods.

4. An inspector may regrade any factory cheese which, after a period of storage, is found to be of a grade below that into which it was originally graded in terms of these regulations and any cheese so degraded shall be branded in terms of these regulations with the appropriate grade as determined by such inspector and any other grade marks shall be cancelled.

5. No person shall remove or obliterate the grade branded by an inspector in terms of paragraph (4) of clause 2 either when preparing the cheese for sale or when any bandage is removed preparatory to sale by retail.

6. Every person who exposes for sale cheese that has been graded by an inspector shall place on such cheese a card on which is inscribed in plainly visible printed capital letters not less than one inch square, the grade of such cheese in both official languages.

7. Every person who exposes for sale farm cheese of the gouda type shall place on such cheese a card on which is inscribed in plainly visible printed capital letters not less than one inch square, the words "farm gouda cheese" and "plaas goudakaas".

8. The provisions of regulations 2, 3, 4, 5 and 6 shall also apply to cheddar cheese manufactured by any farm cheese maker.

Government Notice No. 688, dated 24th April, 1931, as amended, is hereby withdrawn.

(2) Die gradering moet ooreenkomstig onderstaande puntetalaal geskied:—

|                                                              |           |
|--------------------------------------------------------------|-----------|
| Smaak en geur ... ..                                         | 50 punte. |
| Tekstuur, met inbegrip van bou, korrel- en voggehalte ... .. | 30 punte. |
| Kleur ... ..                                                 | 10 punte. |
| Soutgehalte ... ..                                           | 5 punte.  |
| Afwerking en algemene voorkoms ... ..                        | 5 punte.  |

(3) Ten einde die grade te onderskei, moet—  
eerstegraad-cheddarkaas 90 tot 100 punte behaal;  
tweedegraad-cheddarkaas 80 tot 89½ punte behaal;  
derdegraad-cheddarkaas 70 tot 79½ punte behaal;  
ondergraad-cheddarkaas minder as 70 punte behaal;  
eerstegraad-goudakaas 90 tot 100 punte behaal;  
graad-goudakaas minder as 90 punte behaal.

(4) Die betrokke graad, soos deur sodanige inspekteur bepaal, moet deur hom of onder sy toesig gebrandmerk word op elke kaas wat deel uitmaak van enige besending, pak of spesifieke hoeveelheid kaas deur hom ondersoek, en wel in albei amptelike tale en in duidelik sigbare hoofletters van minstens 'n halfduim, en met die Uniewapen.

(5) Ten einde die graad van elke kaas te bepaal, word 'n ondersoek van een kaas uit elke bad kaas geag 'n ondersoek te wees van al die kaas wat in daardie bad gemaak is.

3. Geen kaas mag deur 'n inspekteur gegradeer word nie alvorens 'n tydperk van minstens ses weke in die geval van cheddarkaas of drie weke in die geval van goudakaas, na die datum van vervaardiging verstryk het: Met dien verstande dat die raad onder buitengewone omstandighede voornoemde tydperke kan verkort.

4. 'n Inspekteur kan fabriekskaas hergradeer indien, nadat dit vir 'n tydperk opgeberg is, bevind word dat sodanige fabriekskaas van 'n laer graad is as dié waarin dit oorspronklik ingevolge hierdie regulasies gegradeer is, en enige kaas aldus afgegradeer, moet ingevolge hierdie regulasies gemerk word met die betrokke graad soos deur sodanige inspekteur bepaal, en enige ander graderingsmerke moet gerojêer word.

5. Niemand mag die graadmerk deur 'n inspekteur ingevolge paragraaf (4) van klousule 2 aangebring, verwyder of uitwis nie, hetsy by die voorbereiding van die kaas vir verkoop, of by die verwydering van die doek ter gereedmaking vir verkoop in die kleinhandel.

6. Enigeen wat kaas, deur 'n inspekteur gegradeer, vir verkoop tentoonstel, moet aan daardie kaas 'n kaart heg waarop die graad van sodanige kaas in duidelik sigbare gedrukte hoofletters van minstens een vierkante duim in albei amptelike tale geskryf is.

7. Enigeen wat plaaskaas van die goudatipe vir verkoop tentoonstel, moet aan sodanige kaas 'n kaart heg waarop die woorde „plaasgoudakaas" en „farm gouda cheese" in duidelik sigbare gedrukte hoofletters van minstens een vierkante duim geskryf is.

8. Die bepalinge van regulasies 2, 3, 4, 5 en 6 is ook van toepassing op cheddarkaas wat deur enige plaaskaasmaker vervaardig is.

Goewermentskennisgewing No. 688, gedateer 24 April 1931, soos gewysig, word hierby ingetrek.

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