

EXTRAORDINARY



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KAAPSTAD, 14 JUNIE 1957.

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DEPARTMENT OF THE PRIME MINISTER.

The following Government Notice is published for general information:

No. 886.] [14th June, 1957.

It is hereby notified that His Excellency the Officer Administering the Government has been pleased to assent to the following Acts, which are hereby published for general information:

	PAGE
No. 38 of 1957: Financial Relations Amendment Act, 1957	2
No. 39 of 1957: Transvaal Gold Law Amendment Act, 1957	6
No. 40 of 1957: Natal Mines Amendment Act, 1957	6
No. 41 of 1957: Cape Town Foreshore Amendment Act, 1957	8
No. 42 of 1957: Agricultural Pests Act, 1957	10
No. 43 of 1957: Deeds Registries Amendment Act, 1957	28
No. 47 of 1957: Wine and Spirits Control Amendment Act, 1957	48

DEPARTEMENT VAN DIE EERSTE MINISTER.

Onderstaande Goewermentskennisgewing word ter algemene inligting gepubliseer:

No. 886.] [14 Junie 1957.

Hierby word bekend gemaak dat dit Sy Eksellensie die Amptenaar belas met die Uitoefening van die Uitvoerende Gesag behaag het om sy goedkeuring te heg aan onderstaande Wette, wat hierby ter algemene inligting gepubliseer word:—

	BLADSY
No. 38 van 1957: Wysigingswet op Finansiële Verhoudings, 1957	3
No. 39 van 1957: Wysigingswet op die Transvaalse Goudwet, 1957	7
No. 40 van 1957: Wysigingswet op Myne in Natal, 1957	7
No. 41 van 1957: Wysigingswet op die Strandgebied, Kaapstad, 1957	9
No. 42 van 1957: Wet op Landbouplae, 1957	11
No. 43 van 1957: Wysigingswet op Registrasie van Aktes, 1957	29
No. 47 van 1957: Wysigingswet op Beheer oor Wyn en Spiritualieë, 1957	49

No. 38, 1957.]

ACT

To amend the Financial Relations Consolidation and Amendment Act, 1945, to provide for the payment of certain grants to provincial revenue funds in lieu of the general and special subsidies prescribed in that Act, and to abolish certain taxes.

(Afrikaans text signed by the Officer Administering the Government.)

(Assented to 6th June, 1957.)

BE IT ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Amendment of section 6 of Act 38 of 1945, as amended by section 32 of Act 48 of 1947 and section 12 of Act 28 of 1948.

1. Section six of the Financial Relations Consolidation and Amendment Act, 1945 (hereinafter called the principal Act), is hereby amended by the addition to sub-section (2) of the following proviso:

“Provided that in respect of the financial year 1956–1957 so much of the normal or recurrent expenditure of a province as is due to—

(a) the payment during that financial year of vacation savings bonuses to persons in the employ of a province; and

(b) salary adjustments (approved by the Minister of Finance) in respect of persons (other than teachers and nurses) so approved who are in the employ of a province, shall not be taken into account in determining the amount, if any, by which the nett expenditure of such province for that financial year exceeds its nett expenditure for the financial year immediately preceding.”.

Grants to be paid to provincial revenue funds in respect of certain financial years in lieu of subsidies under Act 38 of 1945.

2. Notwithstanding anything to the contrary contained in the principal Act, there shall be paid from the Consolidated Revenue Fund, in lieu of the general and special subsidies payable to provincial revenue funds in terms of the principal Act—

(a) to the provincial revenue fund of each province—

(i) in respect of the financial year 1957–1958, an amount equal to the sum of—

(aa) an amount equal to the amount of the general subsidy which accrued to that province in respect of the financial year 1955–1956, plus six per cent of that amount;

(bb) an amount equal to fifty per cent of so much of the expenditure incurred in connection with the salary adjustments referred to in paragraph (b) of the proviso to sub-section (2) of section six of the principal Act as relates to adjustments of salaries in respect of the financial year 1956–1957; and

(cc) an amount equal to six per cent of the sum of the amounts referred to in items (aa) and (bb);

(ii) in respect of the financial year 1958–1959, an amount equal to the amount payable under subparagraph (i), plus six per cent of that amount;

(iii) in respect of the financial year 1959–1960, an amount equal to the amount payable under subparagraph (ii), plus six per cent of that amount;

(b) to the provincial revenue fund of the province of the Cape of Good Hope—

(i) in respect of the financial year 1957–1958, an amount of seven hundred and fifty thousand pounds;

(ii) in respect of the financial year 1958–1959, an amount of seven hundred and ninety-five thousand pounds; and

(iii) in respect of the financial year 1959–1960, an amount of eight hundred and forty-two thousand seven hundred pounds;

No. 38, 1957.]

WET

Tot wysiging van die Konsolidasie- en Wysigingswet op Finansiële Verhoudings, 1945, om vir die betaling van sekere bydraes aan provinsiale inkomstefondse in plaas van die algemene en spesiale subsidies in daardie Wet voorgeskryf, voorsiening te maak, en om sekere belastinge af te skaf.

(Afrikaanse teks deur die Amptenaar Belas met die Uitoefening van die Uitvoerende Gesag geteken.)
(Goedgekeur op 6 Junie 1957.)

DIT WORD BEPAAL deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, soos volg:—

1. Artikel ses van die Konsolidasie- en Wysigingswet op Finansiële Verhoudings, 1945 (hieronder die Hoofwet genoem), word hierby gewysig deur by sub-artikel (2) die volgende voorbehoudsbepaling te voeg:

Wysiging van artikel 6 van Wet 38 van 1945, soos gewysig by artikel 32 van Wet 48 van 1947 en artikel 12 van Wet 28 van 1948.

„Met dien verstande dat ten opsigte van die boekjaar 1956–1957 soveel van die normale of terugkerende uitgawes van 'n provinsie wat te wyte is aan—

(a) die betaling gedurende daardie boekjaar van vakansie-besparingsbonusse aan persone in diens van 'n provinsie; en

(b) deur die Minister van Finansies goedgekeurde salaris-aanpassings ten opsigte van aldus goedgekeurde persone (met uitsondering van onderwysers en verplegers) in diens van 'n provinsie,

nie by die bepaling van die bedrag, as daar is, waarmee die netto-uitgawes van daardie provinsie ten opsigte van bedoelde boekjaar sy netto-uitgawes vir die onmiddellik voorafgaande boekjaar oorskry, in aanmerking geneem word nie.”.

2. Ondanks andersluidende bepalings van die Hoofwet, word daar, in plaas van die algemene en spesiale subsidies ingevolge die Hoofwet aan provinsiale inkomstefondse betaalbaar, uit die Gekonsolideerde Inkomstefonds betaal—

Bydraes aan provinsiale inkomstefondse betaal te word ten opsigte van sekere boekjare in plaas van subsidies ingevolge Wet 38 van 1945.

(a) aan die provinsiale inkomstefonds van elke provinsie—

(i) ten opsigte van die boekjaar 1957–1958, 'n bedrag gelyk aan die som van—

(aa) 'n bedrag gelyk aan die bedrag van die algemene subsidie wat ten opsigte van die boekjaar 1955–1956 aan daardie provinsie toegekom het, plus ses persent van daardie bedrag;

(bb) 'n bedrag gelyk aan vyftig persent van soveel van die uitgawes in verband met die in paragraaf (b) van die voorbehoudsbepaling by sub-artikel (2) van artikel ses van die Hoofwet bedoelde salaris-aanpassings aangegaan as wat op aanpassings van salarisse ten opsigte van die boekjaar 1956–1957 betrekking het; en

(cc) 'n bedrag gelyk aan ses persent van die som van die bedrae in items (aa) en (bb) bedoel;

(ii) ten opsigte van die boekjaar 1958–1959, 'n bedrag gelyk aan die bedrag betaalbaar ingevolge sub-paragraaf (i), plus ses persent van daardie bedrag;

(iii) ten opsigte van die boekjaar 1959–1960, 'n bedrag gelyk aan die bedrag betaalbaar ingevolge sub-paragraaf (ii), tesame met 'n bedrag gelyk aan ses persent van daardie bedrag;

(b) aan die provinsiale inkomstefonds van die provinsie die Kaap die Goeie Hoop—

(i) ten opsigte van die boekjaar 1957–1958, 'n bedrag van sewehonderd-en-vyftigduisend pond;

(ii) ten opsigte van die boekjaar 1958–1959, 'n bedrag van sewehonderd vyf-en-negentigduisend pond; en

(iii) ten opsigte van die boekjaar 1959–1960, 'n bedrag van agthonderd twee-en-veertigduisend sewehonderd pond;

(c) to the provincial revenue fund of the province of the Orange Free State—

- (i) in respect of the financial year 1957–1958, an amount of eight hundred thousand pounds;
- (ii) in respect of the financial year 1958–1959, an amount of eight hundred and forty-eight thousand pounds; and
- (iii) in respect of the financial year 1959–1960, an amount of eight hundred and ninety-eight thousand eight hundred and eighty pounds; and

(d) to the provincial revenue fund of the province of Natal—

- (i) in respect of the financial year 1957–1958, an amount of four hundred thousand pounds;
- (ii) in respect of the financial year 1958–1959, an amount of four hundred and twenty-four thousand pounds; and
- (iii) in respect of the financial year 1959–1960, an amount of four hundred and forty-nine thousand four hundred and forty pounds:

Provided that if in respect of any of the financial years 1957–1958, 1958–1959 and 1959–1960 any expenditure of the nature referred to in paragraph (a) of the proviso to sub-section (2) of section six of the principal Act is incurred by a province, there may, in the discretion of the Minister of Finance, be paid to that province in addition to any other amount payable to it under this section such an amount, not exceeding one-half of such expenditure, as the said Minister may determine.

Abolition of certain taxes on companies.

3. Notwithstanding anything to the contrary contained in the principal Act, no province shall levy a tax on companies or on the taxable income of companies in respect of the year of assessment ending on the thirtieth day of June, 1957, or any subsequent year of assessment.

Short title.

4. This Act shall be called the Financial Relations Amendment Act, 1957.

- (c) aan die provinsiale inkomstefonds van die provinsie die Oranje-Vrystaat—
- (i) ten opsigte van die boekjaar 1957–1958, 'n bedrag van agthonderdduisend pond;
 - (ii) ten opsigte van die boekjaar 1958–1959, 'n bedrag van agthonderd agt-en-veertigduisend pond; en
 - (iii) ten opsigte van die boekjaar 1959–1960, 'n bedrag van agthonderd agt-en-negentigduisend agthonderd-en-tagtig pond; en
- (d) aan die provinsiale inkomstefonds van die provinsie Natal—
- (i) ten opsigte van die boekjaar 1957–1958, 'n bedrag van vierhonderdduisend pond;
 - (ii) ten opsigte van die boekjaar 1958–1959, 'n bedrag van vierhonderd vier-en-twintigduisend pond; en
 - (iii) ten opsigte van die boekjaar 1959–1960, 'n bedrag van vierhonderd nege-en-veertigduisend vierhonderd-en-veertig pond:

Met dien verstande dat indien ten opsigte van enige van die boekjare 1957–1958, 1958–1959 en 1959–1960 uitgawes van die in paragraaf (a) van die voorbehoudsbepaling by sub-artikel (2) van artikel ses van die Hoofwet bedoelde aard deur 'n provinsie aangegaan word, daar na goëddunke van die Minister van Finansies aan daardie provinsie, benewens enige ander bedrag ingevolge hierdie artikel aan daardie provinsie betaalbaar, 'n bedrag betaal kan word wat bedoelde Minister bepaal maar wat nie die helfte van bedoelde uitgawes te bowe gaan nie.

3. Ondanks andersluidende bepalings van die Hoofwet, mag geen provinsie ten opsigte van die aanslagjaar eindigende op die dertigste dag van Junie 1957 of 'n daaropvolgende aanslagjaar 'n belasting op maatskappye of op die belasbare inkomste van maatskappye hef nie.

Afskaffing van sekere belastinge op maatskappye.

4. Hierdie Wet heet die Wysigingswet op Finansiële Verhoudings, 1957.

Kort titel.

No. 39, 1957.]

ACT**To amend the Precious and Base Metals Act, 1908, of the Transvaal.***(English text signed by the Officer Administering the Government.)**(Assented to 6th June, 1957.)*

BE IT ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Amendment of section 98 of Act 35 of 1908 of Transvaal as substituted by section 1 of Act 24 of 1954.

1. Section *ninety-eight* of the Precious and Base Metals Act, 1908, of the Transvaal, is hereby amended by the substitution for sub-paragraph (ix) of paragraph (a) of sub-section (1) of the following sub-paragraph:

“(ix) to any building society for the repayment, in instalments, of any amount owing by such employee to the society in respect of a housing loan, or to any other person for the payment of rent owing by such employee in respect of a house occupied by him, or for the payment, in instalments, of any amount owing by such employee in respect of the purchase price of a house; or”.

Short title.

2. This Act shall be called the Transvaal Gold Law Amendment Act, 1957.

No. 40, 1957.]

ACT**To amend the Natal Mines Act, 1899.***(Afrikaans text signed by the Officer Administering the Government.)**(Assented to 6th June, 1957.)*

BE IT ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Amendment of section 60*bis* of Act 43 of 1899 (Natal), as inserted by section 1 of Act 20 of 1955.

1. Section *sixty bis* of the Natal Mines Act, 1899, is hereby amended by the substitution for sub-section (7) of the following sub-section:

“(7) Nothing in this section contained shall be construed as derogating in any manner whatever from any right to prospect, search or mine for minerals or to use the surface of any land in connection with prospecting or mining operations held by any person under this Act as at the first day of April, 1957, or from any right of the heir or legatee of any such person or from any right of any such person or his heir or legatee to renew or convert any such right or amalgamate prospecting or mining claims or as prohibiting, nullifying, invalidating or affecting in any manner whatever any agreement concerning such rights which existed on the first day of April, 1957: Provided that the provisions of sub-section (2) shall apply with reference to any such right except as regards the cession, transfer or disposal thereof to an heir or a legatee or the conversion of a prospecting claim into a mining claim by any such person or an heir or a legatee or the amalgamation of prospecting or mining claims held by any such person or an heir or a legatee.”.

Short title.

2. This Act shall be called the Natal Mines Amendment Act, 1957.

No. 39, 1957.]

WET

Tot wysiging van die „Precious and Base Metals Act, 1908,” van Transvaal.

(Engelse teks deur die Amptenaar Belas met die Uitoefening
van die Uitvoerende Gesag geteken.)
(Goedgekeur op 6 Junie 1957.)

DIT WORD BEPAAL deur Haar Majesteit die Koningin,
die Senaat en die Volksraad van die Unie van Suid-Afrika,
as volg:—

1. Artikel *agt-en-negentig* van die „Precious and Base Metals Act, 1908,” van Transvaal, word hierby gewysig deur sub-paragraaf (ix) van paragraaf (a) van sub-artikel (1) deur die volgende sub-paragraaf te vervang:

„(ix) to any building society for the repayment, in instalments, of any amount owing by such employee to the society in respect of a housing loan, or to any other person for the payment of rent owing by such employee in respect of a house occupied by him, or for the payment, in instalments, of any amount owing by such employee in respect of the purchase price of a house; or”.

Wysiging van
artikel 98
van Wet 35
van 1908 van
Transvaal, soos
vervang deur
artikel 1 van Wet
24 van 1954.

2. Hierdie Wet heet die Wysigingswet op die Transvaalse Kort titel.
Goudwet, 1957.

No. 40, 1957.]

WET

Tot wysiging van die „Natal Mines Act, 1899”.

(Afrikaanse teks deur die Amptenaar Belas met die Uitoefening
van die Uitvoerende Gesag geteken.)
(Goedgekeur op 6 Junie 1957.)

DIT WORD BEPAAL deur Haar Majesteit die Koningin, die
Senaat en die Volksraad van die Unie van Suid-Afrika,
soos volg:—

1. Artikel *sestig bis* van die „Natal Mines Act, 1899”, word hierby gewysig deur sub-artikel (7) deur die volgende sub-artikel te vervang:

„(7) Nothing in this section contained shall be construed as derogating in any manner whatever from any right to prospect, search or mine for minerals or to use the surface of any land in connection with prospecting or mining operations held by any person under this Act as at the first day of April, 1957, or from any right of the heir or legatee of any such person or from any right of any such person or his heir or legatee to renew or convert any such right or amalgamate prospecting or mining claims or as prohibiting, nullifying, invalidating or affecting in any manner whatever any agreement concerning such rights which existed on the first day of April, 1957: Provided that the provisions of sub-section (2) shall apply with reference to any such right except as regards the cession, transfer or disposal thereof to an heir or a legatee or the conversion of a prospecting claim into a mining claim by any such person or an heir or a legatee or the amalgamation of prospecting or mining claims held by any such person or an heir or a legatee.”.

Wysiging
artikel 60bis
van Wet 43 van
1899 (Natal), soos
ingevoeg by
artikel 1 van
Wet 20 van 1955.

2. Hierdie Wet heet die Wysigingswet op Myne in Natal, Kort titel.
1957.

No. 41, 1957.]

ACT**To amend the Cape Town Foreshore Act, 1950.***(English text signed by the Officer Administering the Government.)**(Assented to 6th June, 1957.)*

BE IT ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Insertion of sections 11*bis* and 11*ter* in Act 26 of 1950.

1. The following sections are hereby inserted in the Cape Town Foreshore Act, 1950, after section *eleven*:

"Foreshore not part of area of jurisdiction of any local authority.

11*bis*. Subject to the provisions of sections *eleven ter* and *fifteen*, the foreshore shall not form part of the area of jurisdiction of any municipal council, divisional council, village management board or local board but the foreshore or any portion thereof may at any time, with the consent of the Minister, be included in any such area.

Application of certain laws to foreshore.

11*ter*. (1) (a) The Minister may, after consultation with the board, the council and the Administrator of the province of the Cape of Good Hope, by notice in the *Gazette* direct that the foreshore or any portion thereof specified in such notice shall, subject to such conditions and reservations as may be specified in such notice and to any rules made by the board under section *eleven*, form part of the area of jurisdiction of the council for the purpose of the application of any law specified in such notice.

(b) Where any notice under paragraph (a) directs that the foreshore or any portion thereof shall form part of the area of jurisdiction of the council for the purpose of the application of any law, the foreshore or such portion thereof, as the case may be, shall also, subject to such conditions and reservations as may be specified in such notice and to any rules made by the board under section *eleven*, form part of the area of jurisdiction of the council for the purpose of the application of any by-law or regulation made under such law.

(2) The Minister may, after consultation with the board, the council and the Administrator of the province of the Cape of Good Hope, at any time by notice in the *Gazette* withdraw or amend any notice issued under sub-section (1)."

Short title.

2. This Act shall be called the Cape Town Foreshore Amendment Act, 1957.

No. 41, 1957.]

WET

Tot wysiging van die Wet op die Strandgebied, Kaapstad, 1950.

(Engelse teks deur die Amptenaar Belas met die Uitoefening van die Uitvoerende Gesag geteken.)
(Goedgekeur op 6 Junie 1957.)

DIT WORD BEPAAL deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, soos volg:—

1. Die volgende artikels word hierby in die Wet op die Strandgebied, Kaapstad, 1950, na artikel *elf* ingevoeg:

„Strand-
gebied nie
deel van
regsgebied
van enige
plaaslike
owerheid
nie.

11bis. Behoudens die bepalings van artikels *elf ter* en *vyftien*, maak die strandgebied nie deel van die regsgebied van enige munisipale raad, afdelingsraad, dorpsbestuur of plaaslike bestuur uit nie, maar die strandgebied of enige gedeelte daarvan kan te eniger tyd, met die toestemming van die Minister, by enige sodanige gebied ingelyf word.

Invoeging van
artikels 11bis en
11ter in Wet 26
van 1950.

Toepassing
van sekere
wette op
strand-
gebied.

11ter. (1) (a) Die Minister kan, na oorlegpleging met die raad, die stadsraad en die Administrateur van die provinsie Kaap die Goeie Hoop, by kennisgewing in die *Staatskoerant* gelas dat die strandgebied of enige gedeelte daarvan in die kennisgewing vermeld, onderworpe aan sodanige voorwaardes en voorbehoude as wat in sodanige kennisgewing vermeld word en aan enige reëls deur die raad uitgevaardig kragtens artikel *elf*, deel uitmaak van die regsgebied van die stadsraad vir die toepassing van enige in die kennisgewing vermelde wet.

(b) Waar 'n kennisgewing kragtens paragraaf (a) gelas dat die strandgebied of enige gedeelte daarvan deel uitmaak van die regsgebied van die stadsraad vir die toepassing van enige wet, maak die strandgebied of die gedeelte daarvan, na gelang van die geval, ook, onderworpe aan sodanige voorwaardes en voorbehoude as wat in sodanige kennisgewing vermeld word en aan enige reëls deur die raad uitgevaardig kragtens artikel *elf*, deel uit van die regsgebied van die stadsraad vir die toepassing van enige kragtens sodanige wet uitgevaardigde verordening of regulasies.

(2) Die Minister kan, na oorlegpleging met die raad, die stadsraad en die Administrateur van die provinsie Kaap die Goeie Hoop, te eniger tyd by kennisgewing in die *Staatskoerant* enige kennisgewing kragtens sub-artikel (1) uitgereik, intrek of wysig.”.

2. Hierdie Wet heet die Wysigingswet op die Strandgebied, Kort titel. Kaapstad, 1957.

No. 42, 1957.]

ACT

To consolidate the laws relating to the prevention of the introduction into and spread within the Union of insect pests, plant diseases and bee diseases and the regulation of the importation into the Union of exotic animals.

(Afrikaans text signed by the Officer Administering the Government.)

(Assented to 10th June, 1957.)

BE IT ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Definitions.

1. In this Act and the regulations made thereunder, unless the context otherwise indicates—

- (i) "department" means the Department of Agriculture acting through the officer for the time being in control thereof; (ii)
- (ii) "exotic animal" means any animal and any bird, reptile, insect or other member of the animal kingdom which is not indigenous or native to South Africa and includes the eggs of any such animal, bird, reptile, insect or member of the animal kingdom, but does not include stock as defined in the law for the time being in force in the Union relating to diseases of stock; (xii)
- (iii) "honey" means any honey whether or not in combs, and also any preparation consisting partly of honey, which the Minister may, by reason of the likelihood of such preparation conveying bee disease, by notice in the *Gazette* declare to be honey for the purposes of this Act; (iii)
- (iv) "insect pest" means any insect or other invertebrate animal which is injurious to plants; (iv)
- (v) "magistrate" includes an additional or an assistant magistrate; (vi)
- (vi) "Minister" means the Minister of Agriculture; (vii)
- (vii) "nursery" means any premises whereon or wherein trees, shrubs, vines and ornamental or fruit-bearing plants are grown for purposes of sale or disposal in their living state; (v)
- (viii) "occupier" in relation to land or premises, means the person having for the time being the legal right of occupation thereof, and includes an agent of the occupier or any person in actual occupation of the land or premises; (viii)
- (ix) "officer" means an officer of the department to whom the Minister has in writing either generally or specially assigned duties under this Act; (i)
- (x) "plant" means any tree, shrub or vegetation, and the fruit, leaves, cuttings or bark thereof, and includes any live portion of a plant, whether severed or attached, and any dead portion or any product of a plant which has by proclamation under section *fourteen* been declared to be a plant, but does not include any seed unless the seed is specially mentioned in this Act or has by proclamation under section *fourteen* been declared to be a plant; (ix)
- (xi) "plant disease" means any bacterial or fungus or other disease which is injurious to plants; (x)
- (xii) "regulation" means a regulation made and in force under this Act. (xi)

CHAPTER I.

INSECT PESTS AND PLANT DISEASES.

Nurseries.

Registration of nurseries and sale of plants therefrom.

2. (1) Every occupier of a nursery shall, unless exempted by the Minister, register annually that nursery with the department in a manner and at a time prescribed by regulation and shall pay annually in respect of such registration such fee as may be likewise prescribed.

(2) Unless exempted by the Minister, no person shall sell or otherwise dispose of any tree, shrub, vine, ornamental plant

No. 42, 1957.]

WET

Tot samevatting van die wetsbepalings op die voorkoming van die invoer en verspreiding in die Unie van insekteplae, plantsiektes en byesiektes en die reëling van die invoer in die Unie van uitheemse diere.

(Afrikaanse teks deur die Amptenaar Belas met die Uitoefening van die Uitvoerende Gesag geteken.)
(Goedgekeur op 10 Junie 1957.)

DIT WORD BEPAAL deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, soos volg:—

1. In hierdie Wet en die daarkragtens uitgevaardigde regulasies, tensy uit die samehang anders blyk, beteken—

- (i) „amptenaar” ’n amptenaar van die departement aan wie die Minister skriftelik, hetsy in die algemeen of in die besonder, pligte ingevolge hierdie Wet opgedra het; (ix)
- (ii) „departement” die Departement van Landbou handelende deur middel van die amptenaar wat van tyd tot tyd in beheer daarvan is; (i)
- (iii) „heuning” enige heuning, hetsy in koeke of nie, en ook enige preparaat wat gedeeltelik uit heuning bestaan, wat die Minister, op grond van die waarskynlikheid dat bedoelde preparaat byesiektes kan oordra, by kennisgewing in die *Staatskoerant* tot heuning verklaar vir die doeleindes van hierdie Wet; (iii)
- (iv) „insekteleplaag” ’n insek of ander ongewerweld dier wat skadelik is vir plante; (iv)
- (v) „kwekery” enige perseel waarop of waarin bome, struie, wingerdstokke en sierplante of vrugtedraende plante gekweek word met die doel om hulle in lewende toestand te verkoop of van die hand te sit; (vii)
- (vi) „magistraat” ook ’n addisionele of assistent-magistraat; (v)
- (vii) „Minister” die Minister van Landbou; (vi)
- (viii) „okkupeerder”, met betrekking tot grond of ’n perseel, die persoon wat van tyd tot tyd die wettige reg van okkupasie daarvan het, en ook ’n agent van die okkupeerder of iemand wat werklik die grond of perseel okkupeer; (viii)
- (ix) „plant” enige boom, struik of gewas, en die vrugte, blare, steggies of bas daarvan, en ook enige lewende deel van ’n plant, hetsy afgeskei of vas daaraan, en enige dooie gedeelte of produk van ’n plant wat by proklamasie kragtens artikel *veertien* tot ’n plant verklaar is, maar nie ook enige saad nie, tensy die saad uitdruklik in hierdie Wet genoem word of by proklamasie kragtens artikel *veertien* tot ’n plant verklaar is; (x)
- (x) „plantsiekte” enige bakteriese of swam- of ander siekte wat skadelik is vir plante; (xi)
- (xi) „regulasie” ’n regulasie wat ingevolge hierdie Wet uitgevaardig en van krag is; (xii)
- (xii) „uitheemse dier” enige dier en enige voël, reptiel, insek of ander lid van die diereryk wat nie in Suid-Afrika inheems of daaraan eie is nie, en ook die eiers van so ’n dier, voël, reptiel, insek of lid van die diereryk, maar nie ook vee soos omskryf in die wetsbepalings wat van tyd tot tyd in die Unie met betrekking tot veesiektes van krag is nie. (ii)

HOOFSTUK I.

INSEKTEPLAE EN PLANTSIEKTES.

Kwekerye.

2. (1) Elke okkupeerder van ’n kwekery moet, tensy deur die Minister vrygestel, daardie kwekery jaarliks by die departement registreer op die wyse en tyd soos by regulasie voorgeskryf, en moet jaarliks ten opsigte van bedoelde registrasie sodanige gelde wat insgelyks voorgeskryf mag word, betaal.

(2) Tensy deur die Minister vrygestel, mag niemand ’n boom, struik, wingerdstok, sierplant of vrugtedraende plant wat te

Registrasie van kwekerye en verkoop van plante daarvandaan afkomstig.

or fruit-bearing plant which was at any time in any nursery which was not registered in terms of this Act or not exempt from registration under sub-section (1), while such plant was therein.

(3) No person shall sell any tree, shrub, vine, ornamental plant or fruit-bearing plant unless his name and address are legibly and durably affixed to the plant or to the container in which it grows or is packed.

Inspection and
quarantining
of nurseries.

3. (1) Any officer may, at all reasonable times, enter upon any nursery or land adjacent thereto and inspect the same and the plants therein or thereon, and take such steps as may be necessary to determine whether or not any insect pest or plant disease is present.

(2) If, upon any such inspection, the officer finds any plant infected, or has reason to suspect that any plant is infected, with an insect pest or plant disease he may by notice in writing, delivered or transmitted by post to the occupier, and to the magistrate of the district in which the nursery is situate, declare the whole nursery, or any specified area thereof, to be quarantined for a definite or an indefinite period.

(3) No person shall, without a permit in writing from the department, remove or cause to be removed any plant from a quarantined area of a nursery: Provided that a plant may, for the purpose of its destruction or treatment, be removed from any such quarantined area under such conditions or restrictions and to such place as the department or the officer may prescribe.

(4) No person shall, without the permission of an officer, remove or otherwise interfere with any stake, peg, tag or other mark placed by or on the order of an officer in or near a quarantined area.

(5) If the person registered in respect of a nursery is charged with a contravention of sub-section (4) and it is proved that a stake, peg, tag or other mark has been removed or otherwise interfered with in contravention of the said sub-section, that person shall be deemed to have so removed or interfered with such stake, peg, tag or mark unless he proves to the satisfaction of the court that he forbade the act constituting the contravention.

Removal of
quarantine.

4. (1) If any area of a nursery is quarantined under section *three* either for a definite or an indefinite period, the occupier may apply in writing to the department for the removal of the quarantine.

(2) The department shall, within six weeks after the date of the application, cause a further inspection to be made and, if it is deemed expedient, the quarantine may, subject to the provisions of sub-section (4), be removed by written notice, which shall be delivered or transmitted by post to the occupier and to the magistrate of the district in which the nursery is situate.

(3) In respect of any inspection of a nursery under this section the occupier shall pay such fee as is prescribed by regulation, together with the travelling and like expenses (if any) incurred by the department in carrying out that inspection.

(4) No quarantine shall be removed until the fees and expenses aforesaid have been paid.

Disinfecting
of plants.

5. (1) Every occupier of a nursery shall, unless specially exempted by the department, provide and maintain in good order in his nursery, for the disinfecting of plants, such an air-tight chamber as is prescribed by regulation.

(2) An officer may require any plant in the nursery before it is dispatched therefrom to be disinfected in such an air-tight chamber in accordance with regulation or in such other manner as he may prescribe.

Destruction
of plants
infected with
disease.

6. The Minister may destroy, or cause to be destroyed, or order the immediate destruction of—

(a) any plant which in a nursery is infected with any insect pest or plant disease deemed by him to be specially dangerous; or

(b) any plant which is in a nursery and though not proved to be so infected, is in his opinion liable to have become so infected.

eniger tyd in 'n kwekery was wat nie ingevolge hierdie Wet geregistreer was, of nie kragtens sub-artikel (1) van registrasie vrygestel was terwyl sodanige plant daarin was nie, verkoop of andersins van die hand sit nie.

(3) Niemand mag 'n boom, struik, wingerdstok, sierplant of vrugtedraende plant verkoop tensy sy naam en adres op leesbare en duursame wyse aan die plant of aan die houer waarin dit groei of verpak is, geheg is nie.

3. (1) Enige amptenaar kan te alle redelike tye enige kwekery of daaraan grensende grond betree en dit en die plante daarin of daarop inspekteer, en sodanige stappe doen as wat nodig is om te bepaal of enige insekteplaag of plantsiekte aanwesig is al dan nie.

Inspeksie en
onder kwaran-
tyn plaas van
kwekerye.

(2) Indien die amptenaar by so 'n ondersoek vasstel dat enige plant besmet is, of rede het om te vermoed dat enige plant besmet is, met 'n insekteplaag of plantsiekte, kan hy by skriftelike kennisgewing wat aan die okkupeerder en aan die magistraat van die distrik waarin die kwekery geleë is, oorhandig of deur die pos gestuur word, verklaar dat die hele kwekery of enige bepaalde deel daarvan vir 'n bepaalde of 'n onbepaalde tydperk onder kwarantyn is.

(3) Niemand mag sonder 'n skriftelike permit van die departement enige plant van 'n gebied onder kwarantyn in 'n kwekery verwyder of laat verwyder nie: Met dien verstande dat, onderworpe aan die voorwaardes of beperkings wat die departement of die amptenaar mag voorskryf, 'n plant van so 'n gebied onder kwarantyn na 'n aldus voorgeskrewe plek verwyder kan word om vernietig of behandel te word.

(4) Niemand mag sonder toestemming van 'n amptenaar enige steekbaken, pen, etiket of ander merk wat deur of op die bevel van 'n amptenaar geplaas is op of in die nabyheid van 'n gebied onder kwarantyn, verwyder of andersins daarmee peuter nie.

(5) Indien die persoon wat ten opsigte van 'n kwekery geregistreer is, weens 'n oortreding van sub-artikel (4) aangekla word, en dit bewys word dat 'n steekbaken, pen, etiket of ander merk verwyder of andersins mee gepeuter is in stryd met bedoelde sub-artikel, word daardie persoon geag bedoelde steekbaken, pen, etiket of merk aldus te verwyder het of daarmee aldus te gepeuter het, tensy hy tot oortuiging van die hof bewys dat hy die handeling wat die oortreding uitmaak, verbied het.

4. (1) Indien enige gebied in 'n kwekery ingevolge artikel drie onder kwarantyn geplaas is, hetsy vir 'n bepaalde of 'n onbepaalde tydperk, kan die okkupeerder skriftelik by die departement om opheffing van die kwarantyn aansoek doen.

Opheffing van
kwarantyn.

(2) Die departement moet binne ses weke na die datum van die aansoek 'n verdere ondersoek laat instel, en indien dit wenslik geag word, kan die kwarantyn, behoudens die bepalings van sub-artikel (4), by skriftelike kennisgewing wat aan die okkupeerder en aan die magistraat van die distrik waarin die kwekery geleë is oorhandig of deur die pos gestuur moet word, opgehef word.

(3) Die okkupeerder moet ten opsigte van die inspeksie van 'n kwekery ingevolge hierdie artikel, sodanige gelde as wat by regulasie voorgeskryf is, tesame met die reiskoste en soortgelyke uitgawes (as daar is) deur die departement in die uitvoering van die ondersoek aangegaan, betaal.

(4) Geen kwarantyn word opgehef alvorens voormelde gelde en uitgawes betaal is nie.

5. (1) Elke okkupeerder van 'n kwekery moet, tensy uitdruklik deur die departement vrygestel, in sy kwekery 'n by regulasie voorgeskrewe lugdigte kamer vir die ontsmetting van plante voorsien en in goeie orde in stand hou.

Ontsmetting
van plante.

(2) 'n Amptenaar kan gelas dat enige plant in die kwekery alvorens dit daarvandaan weggestuur word, volgens voorskrif van regulasies in bedoelde lugdigte kamer of op die ander wyse wat hy mag voorskryf, ontsmet moet word.

6. Die Minister kan enige plant—

- (a) wat in 'n kwekery besmet is met enige insekteplaag of plantsiekte wat hy besonder gevaarlik ag; of
- (b) wat in 'n kwekery is en wat, hoewel nie bewys is dat dit aldus besmet is nie, na sy oordeel moontlik aldus besmet kon geword het,

Vernietiging
van plante
wat met siekte
besmet is.

vernietig of laat vernietig of die onmiddellike vernietiging daarvan beveel.

Compensation.

7. (1) Compensation shall be paid to the occupier of a nursery for any plant destroyed under paragraph (b) of section six, but not for any plant destroyed under paragraph (a) thereof.

(2) Compensation payable under sub-section (1) shall, if the occupier so requires, be assessed by two persons, one nominated by the department and the other by the occupier.

(3) If the persons so nominated fail to agree as to the amount of compensation to be awarded, they shall choose a competent umpire whose award shall be binding and conclusive.

INTRODUCTION OF PLANTS INTO THE UNION.

Prohibition of introduction of plants except through a port of entry.

8. No person shall introduce or cause to be introduced from overseas into the Union any plant otherwise than by post or through the port of Cape Town, Durban, East London or Port Elizabeth or through any other port of entry mentioned in a proclamation in the *Gazette* which may be issued by the Governor-General prescribing ports of entry for plants.

Prohibition of introduction of certain plants absolutely or subject to restrictions, and of all plants without a permit.

9. (1) No person shall introduce or cause to be introduced from overseas into the Union—

- (a) eucalyptus, acacia or coniferous plants;
- (b) peach stones;
- (c) the seeds and the flowering or seed heads of any species of *Arctium*;
- (d) fresh stone fruits, namely apricots, plums, peaches, nectarines and cherries;
- (e) any species of *Opuntia*;
- (f) lucerne hay, whether fresh or dried;
- (g) *hibiscus esculentus*;
- (h) *hibiscus cannabinus*, excluding Kenaf fibre which has been retted or decorticated;
- (i) any cotton plant or wild cotton plant of the genus *Gossypium* or *Thurberia* or any other plant of the family *Malvaceae* or any plant of the genus *Bauhinia*.

(2) No person shall introduce or cause to be introduced from overseas into the Union—

- (a) grape vines or other plants of the family *Vitaceae*;
- (b) sugar canes;
- (c) plants cultivated for the production of rubber;
- (d) tea plants;
- (e) cotton seeds;
- (f) lucerne seed;
- (g) lucerne plants or any portion thereof;
- (h) any seed of tobacco or of any plant belonging to the genus *Nicotiana*,

unless the introduction is supervised by an officer with the observance of such precautions as the department may in each case prescribe, and a permit has been obtained under sub-section (3).

(3) No person shall introduce or cause to be introduced into the Union from overseas any plant whatever without the written permit of the department specially authorizing the introduction of that plant: Provided that fruit, bulbs, tubers, vegetables, such portions of plants as can not be propagated, and herbaceous plants shall only be deemed to be plants for the purposes of this sub-section when so declared by the Minister by notice in the *Gazette*.

(4) The issue of a permit shall be in the discretion of the department, and it may attach conditions to the permit.

(5) Any such permit may limit the number of plants to be introduced thereunder to a maximum of ten rooted plants or one hundred cuttings of one variety.

(6) An officer may cause to be destroyed any plant introduced in contravention of this section, together with the covering and packing material thereof.

Inspection of plants on introduction.

10. (1) Any officer may examine any plant introduced into the Union from overseas, together with the packing material or other coverings thereof, for the purpose of discovering whether it is infected with any insect pest or plant disease, and the consignee or his agent shall, upon request, remove the coverings and afford the officer every facility for conducting the examination.

(2) The officer may cause any plant, with the covering or packing materials thereof, to be disinfected or otherwise treated

7. (1) Skadevergoeding word aan die okkupeerder van 'n Skadevergoeding.
kwekery betaal vir enige plant wat ingevolge paragraaf (b) van
artikel ses vernietig word, maar nie vir 'n plant wat ingevolge
paragraaf (a) daarvan vernietig word nie.

(2) Skadevergoeding ingevolge sub-artikel (1) betaalbaar,
word, indien aldus deur die okkupeerder vereis, deur twee per-
sone vasgestel, van wie een deur die departement en die ander
deur die okkupeerder benoem word.

(3) Indien die aldus benoemde persone nie ooreen kan kom
met betrekking tot die bedrag van skadevergoeding wat toegeken
moet word nie, moet hulle 'n bevoegde skeidsregter kies, wie
se toekenning bindend en afdoende is.

INVOER VAN PLANTE IN DIE UNIE.

8. Niemand mag enige plant van oorsee in die Unie invoer of Verbod op in-
laat invoer nie, behalwe deur die pos of deur die hawe van voer van plante
Kaapstad, Durban, Oos-Londen of Port Elizabeth of deur behalwe deur
enige ander invoerhawe vermeld in 'n proklamasie in die 'n invoerhawe.
Staatskoerant deur die Goewerneur-generaal uitgevaardig waar-
in invoerhawes vir plante voorgeskryf word.

9. (1) Niemand mag—

- (a) eukaliptus-, akasia- of keëldraende plante;
- (b) perskepitte;
- (c) die saad en blom- of saadknoppe van enige *Arctium*-
soort;
- (d) vars pitvrugte, te wete, appelkose, pruime, perskes,
kaalperskes en kersies;
- (e) enige *Opuntia*-soort;
- (f) lusernhooi, hetsy vars of gedroog;
- (g) *hibiscus esculentus*;
- (h) *hibiscus cannabinus*, uitgesonderd Kenaf-vesel wat geroot
of ontbas is;
- (i) enige katoenplant of wilde katoenplant van die geslagte
Gossypium of *Thurberia* of enige ander plant wat tot
die familie *Malvaceae* behoort of enige plant wat tot
die geslag *Bauhinia* behoort,

Verbod op in-
voer van sekere
plante algeheel
of onderhewig
aan beperkings,
en van alle
plante sonder
permit.

van oorsee in die Unie invoer of laat invoer nie.

(2) Niemand mag—

- (a) wingerdstokke of ander plante van die familie *Vitaceae*;
- (b) suikerriet;
- (c) plante wat vir die produksie van rubber gekweek word;
- (d) teeplante;
- (e) katoensaad;
- (f) lusernsaad;
- (g) lusernplante of enige gedeelte daarvan;
- (h) enige saad van tabak of van enige plant behorende tot
die geslag *Nicotiana*,

van oorsee in die Unie invoer of laat invoer nie, tensy 'n ampte-
naar met inagneming van sodanige voorsorgsmaatreëls as wat
die departement in elke geval mag voorskryf oor die invoer
toesig hou, en 'n permit ingevolge sub-artikel (3) verkry is.

(3) Niemand mag enige plant hoegenaamd van oorsee in die
Unie invoer of laat invoer sonder die skriftelike permit van die
departement waarby die invoer van daardie plant uitdruklik
gemagtig word nie: Met dien verstande dat vrugte, bolle,
knolle, groente, gedeeltes van plante wat nie vir voortplanting
bruikbaar is nie, en kruidagtige plante slegs geag word plante te
wees vir die doeleindes van hierdie sub-artikel wanneer hulle
deur die Minister by kennisgewing in die *Staatskoerant* aldus
verklaar is.

(4) Die uitreiking van 'n permit geskied na goeddunke van
die departement en hy kan die permit aan voorwaardes onder-
worpe stel.

(5) So 'n permit kan die aantal plante wat uit hoofde daarvan
ingevoer kan word tot hoogstens tien plante met wortels of
honderd steggies van enige soort beperk.

(6) 'n Amptenaar kan enige plant wat in stryd met hierdie
artikel ingevoer is, tesame met die omhulsel en verpakkings-
materiaal daarvan, laat vernietig.

10. (1) 'n Amptenaar kan enige plant wat van oorsee in die Inspeksie van
Unie ingevoer word, tesame met die verpakkingsmateriaal of plante by in-
ander omhulsels daarvan ondersoek, ten einde vas te stel of dit voer.
met enige insekteplaag of plantsiekte besmet is, en die ge-
adresseerde of sy agent moet, op versoek, die omhulsels verwyder
en die amptenaar alle fasiliteite vir die uitvoering van die onder-
soek verleen.

(2) Die amptenaar kan enige plant tesame met die omhulsel
of verpakkingsmateriaal daarvan laat ontsmet of andersins laat

in manner prescribed by the department, and the consignee or his agent shall pay in respect thereof such fees and charges as are prescribed by regulation.

(3) If the disinfecting or treatment is carried out at a place specially provided for the purpose, delivery of the plant shall not be made until all such fees and charges have been paid to the officer or to the department.

(4) Any person to whom any plant introduced into the Union from overseas has been consigned shall, when required by an officer, furnish a certificate stating—

- (a) the name and address of the consignor;
- (b) the number and the kind of packages;
- (c) the names, quantities, varieties and grade marks of the plants in the consignment; and
- (d) the place of origin of each of such plants,

and if any plant not specified in the certificate is found in the consignment or, being so specified, is certified under a false or misleading name or description, the officer may, subject to the approval of the department, cause that plant to be destroyed.

(5) Any person who furnishes under sub-section (4) a certificate which is false in any material particular, shall be guilty of an offence.

Cleansing and
disinfecting
of plants.

11. (1) If upon any such examination as is described in section ten, any plant is found to be infected wholly or partially with an insect pest or plant disease, that plant, together with the packing material thereof and its receptacle and all articles therein, may be cleansed and disinfected at the expense of the consignee, in manner prescribed by, and to the satisfaction of, the examining officer and at such place as he may determine.

(2) If the cleansing and disinfecting is not carried out, or if the insect pest or plant disease is not eradicated by the cleansing and disinfecting, the Minister may cause the plant to be destroyed, together with the packing material, receptacle and articles aforesaid.

(3) If, upon any such examination, an insect pest or plant disease is found, the examining officer may, subject to the approval of the department, cause the plant to be destroyed, together with the packing material, receptacle, and articles aforesaid.

Issue of
clearance certi-
ficates.

12. Whenever, in respect of any consignment of plants introduced into the Union from overseas, an officer is satisfied that the provisions of this Act and the regulations have been complied with, he shall, upon the request of the consignee, deliver or transmit to him a certificate to that effect.

Application of
provisions of
Act relative to
plants from over-
sea to plants
introduced from
parts of South
Africa outside
the Union.

13. (1) The Governor-General may, from time to time by proclamation in the *Gazette*, declare that any of the provisions of sections eight to twelve, inclusive, shall, from the date of the publication of such proclamation or from any subsequent date specified therein, apply *mutatis mutandis* in respect of the introduction into the Union of plants from any territory outside the Union.

(2) The Governor-General may, from time to time by like proclamation, declare that any such provision which has been so applied in respect of any territory shall cease to be applicable in respect of that territory.

MISCELLANEOUS.

Power of Gover-
nor-General to
extend appli-
cation of cer-
tain provisions
of Act.

14. The Governor-General may by proclamation in the *Gazette*—

- (a) declare the seed of any plant or any dead portion or product of a plant to be a plant for the purposes of this Act;
- (b) vary, by addition or withdrawal, the list of plants the introduction whereof into the Union is under section nine prohibited, supervised, or restricted;
- (c) prohibit or restrict the introduction into the Union from anywhere, or from any specified country or place, of any plant, insect or germ of any plant disease;
- (d) prohibit or restrict the removal of any plant, insect or germ of any plant disease from one place to another within the Union.

Special powers
of the Minis-
ter.

15. (1) The Minister may, in writing, empower generally or specially any officer to enter upon any premises, other than a nursery, and inspect the same and ascertain by exposing the roots of plants, by the removal of bark, or by the cutting of fruit or flowers, or otherwise, whether upon those premises there is any insect pest or plant disease, and if any such officer

behandel op die wyse wat die departement voorskryf, en die geadresseerde of sy agent moet ten opsigte daarvan die by regulasie voorgeskrewe gelde en koste betaal.

(3) Indien die ontsmetting of behandeling uitgevoer word op 'n plek wat spesiaal vir die doel voorsien is, word die plant nie afgelewer totdat al die bedoelde gelde en koste aan die amptenaar of aan die departement betaal is nie.

(4) Iemand aan wie 'n plant wat van oorsee in die Unie ingevoer word, geadresseer is, moet, wanneer 'n amptenaar dit vereis, 'n sertifikaat verstrek waarin—

(a) die naam en adres van die afsender;

(b) die aantal en die soort van pakkette;

(c) die name, hoeveelhede, soorte en graadmerke van die plante in die besending; en

(d) die plek van herkoms van elke sodanige plant, vermeld word, en indien 'n plant wat nie in die sertifikaat vermeld is nie in die besending gevind word of, indien aldus vermeld, onder 'n valse of misleidende naam of beskrywing gesertifiseer is, kan die amptenaar, onderworpe aan die goedkeuring van die departement, daardie plant laat vernietig.

(5) Iemand wat 'n sertifikaat ingevolge sub-artikel (4) verstrek wat in enige wesentlike opsig vals is, is aan 'n misdryf skuldig.

11. (1) Indien enige plant by 'n ondersoek soos in artikel *Reiniging en ontsmetting van plante.* tien beskryf geheel of gedeeltelik besmet bevind word met 'n insekteplaag of plantsiekte, kan daardie plant, tesame met die verpakkingsmateriaal en houer daarvan en alle artikels daarin op koste van die geadresseerde gereinig en ontsmet word op die wyse voorgeskryf deur en tot bevrediging van die ondersoekende amptenaar en op 'n plek wat hy bepaal.

(2) Indien die reiniging en ontsmetting nie uitgevoer word nie, of indien die insekteplaag of plantsiekte nie deur die reiniging en ontsmetting vernietig word nie, kan die Minister die plant tesame met die verpakkingsmateriaal, houer en voormelde artikels laat vernietig.

(3) Indien by so 'n ondersoek 'n insekteplaag of plantsiekte ontdek word, kan die ondersoekende amptenaar, onderworpe aan die goedkeuring van die departement, die plant tesame met die verpakkingsmateriaal, houer en voormelde artikels laat vernietig.

12. Wanneer 'n amptenaar ten opsigte van 'n besending *Uitreiking van vrylatingssertifikate.* plante wat van oorsee in die Unie ingevoer word, oortuig is dat aan die bepalings van hierdie Wet en die regulasies voldoen is, moet hy, op versoek van die geadresseerde, aan hom 'n sertifikaat te dien effekte oorhandig of stuur.

13. (1) Die Goewerneur-generaal kan van tyd tot tyd by *Toepassing van bepalinge van Wet met betrekking tot plante van oorsee ingevoer, op plante uit dele van Suid-Afrika buite die Unie ingevoer.* proklamasie in die *Staatskoerant* verklaar dat enige van die bepalinge van artikels *agt* tot en met *twaalf* vanaf die datum van publikasie van daardie proklamasie of vanaf 'n daarin vermeld latere datum *mutatis mutandis* van toepassing is ten aansien van die invoer in die Unie van plante van enige gebied buite die Unie.

(2) Die Goewerneur-generaal kan van tyd tot tyd by dergelijke proklamasie verklaar dat so 'n bepaling wat aldus ten opsigte van 'n gebied toegepas is, nie meer ten opsigte van daardie gebied van toepassing is nie.

DIVERSE BEPALINGS.

14. Die Goewerneur-generaal kan by proklamasie in die *Staatskoerant*— *Bevoegdheid van Goewerneur-Generaal om toepassing van sekere bepalinge van Wet uit te brei.*

(a) die saad van enige plant of enige dooie gedeelte of produk van 'n plant tot 'n plant verklaar vir die doeleindes van hierdie Wet;

(b) die lys van plante waarvan die invoer in die Unie ingevolge artikel *nege* verbied, onder toesig of beperk is, deur toevoeging of intrekking wysig;

(c) die invoer in die Unie van waar ook al, of van enige besondere land of plek, van enige plant, insek of kiem van 'n plantsiekte, verbied of beperk;

(d) die verwydering van enige plant, insek of kiem van 'n plantsiekte van een plek na 'n ander binne die Unie, verbied of beperk.

15. (1) Die Minister kan 'n amptenaar in die algemeen of *Spesiale bevoegdheid van die Minister.* in die besonder skriftelik magtig om enige ander perseel as 'n kwekery te betree en te inspekteer, en deur die blootlegging van die wortels van plante, deur die verwydering van die bas daarvan of deur die afsny van vrugte of blomme, of andersins, vas te stel of daar enige insekteplaag of plantsiekte op daardie

suspects or discovers upon any such premises the existence of any insect pest or plant disease, he may by notice in writing to the occupier of the premises, stating the nature of the pest or disease, declare the whole or any part of the premises to be quarantined for a definite or an indefinite period.

(2) The Minister may, in writing, specially empower any officer to take such steps as may be necessary for eradicating on any premises any such insect pest or plant disease, and compensation (the amount whereof shall be ascertained as provided by sub-sections (2) and (3) of section *seven*) shall be paid to any person whose property is injuriously affected by the exercise of any function which such officer is empowered to perform: Provided that no such steps shall be taken unless fourteen days' previous notice of the intention to take such steps has been given to the owner of the premises.

(3) The provisions of sub-sections (3), (4) and (5) of section *three* and sub-sections (1) and (2) of section *four* shall *mutatis mutandis* apply to any area quarantined under this section: Provided that when any quarantine has been imposed, based on suspicion only, the Minister shall cause a further inspection to be made within a period of four weeks, and if upon such inspection it is found that such suspicion is not well founded, the quarantine shall immediately be removed by written notice to the occupier.

Restriction
as to planting
of citrus
plants on cer-
tain land.

16. Except with the permission of the Minister, no person shall plant or raise or keep any citrus plant—

- (a) on any land on which any citrus plant has, owing to the presence of citrus canker, been destroyed on the authority of the Minister under this Act or on any land adjacent to such land; or
- (b) on any land within an area proclaimed or notified under this Act to be a quarantined or restricted area by reason of the presence of citrus canker:

Provided that the provisions of this section shall not apply in respect of the keeping on any such land of plants which existed thereon on the eighth day of July, 1918.

Compensation
not to be
paid in re-
spect of de-
struction of
plants infected
with citrus
canker.

17. Notwithstanding anything contained in section *seven* or *fifteen* no compensation shall be paid to the owner or occupier of any nursery or of any premises in respect of the destruction of any plant—

- (a) on account of its having been infected with citrus canker; or
- (b) planted, raised or kept in contravention of section *sixteen*.

CHAPTER II.

LOCUST DESTRUCTION.

Notification
by occupier
of deposit
of eggs of
locusts and
of appearance
of voetgangers.

18. (1) The occupier of any land whereon flying locusts appear or have appeared, or deposit or have deposited eggs or whereon any voetgangers appear or have appeared, shall as soon as that fact has come to his knowledge give notice thereof to the magistrate of the district wherein such land is situate or to any justice of the peace or to any police post in that district.

(2) In such notice the said occupier shall define as nearly as may be the locality on his land where flying locusts have appeared or are depositing or have deposited eggs or where voetgangers have appeared, and give such other information as may be prescribed by regulation.

(3) For the purposes of this Chapter the occupier of land which is in a native reserve or location shall be the head of the kraal, and the notice required by this section shall be given to the headman, who shall report the facts notified to the magistrate of the district.

Action to be
taken by
department.

19. (1) On receipt of any such notice the person to whom the notice is given shall transmit the import thereof to the department.

(2) The department may, by its officers, take such steps for the destruction of any locusts or locust eggs on any land as it may deem advisable or as may be prescribed by regulation.

perseel is, en indien so 'n amptenaar die bestaan van enige insekteplaag of plantsiekte op so 'n perseel vermoed of ontdek, kan hy by skriftelike kennisgewing aan die okkupeerder van die perseel, waarin die aard van die plaag of siekte vermeld word, verklaar dat die perseel of enige deel van die perseel vir 'n bepaalde of 'n onbepaalde tydperk onder kwarantyn is.

(2) Die Minister kan skriftelik 'n amptenaar spesiaal magtig om sodanige stappe te doen as wat nodig mag wees om so 'n insekteplaag of plantsiekte op enige perseel uit te roei, en skadevergoeding (die bedrag waarvan vasgestel moet word soos by sub-artikels (2) en (3) van artikel *sewe* bepaal) word aan enige persoon betaal wie se eiendom op nadelige wyse getref word deur die uitoefening van enige funksie wat so 'n amptenaar gemagtig is om te verrig: Met dien verstande dat geen sodanige stappe gedoen mag word tensy daar aan die eienaar van die perseel vooraf veertien dae kennis van die voorneme om sodanige stappe te doen, gegee is nie.

(3) Die bepalings van sub-artikels (3), (4) en (5) van artikel *drie* en sub-artikels (1) en (2) van artikel *vier* is *mutatis mutandis* van toepassing op 'n gebied wat ingevolge hierdie artikel onder kwarantyn geplaas is: Met dien verstande dat wanneer kwarantyn bloot op grond van 'n vermoede opgelê is, die Minister 'n verdere inspeksie binne 'n tydperk van vier weke moet laat doen, en indien by so 'n inspeksie bevind word dat bedoelde vermoede nie gegrond is nie, word die kwarantyn onmiddellik by skriftelike kennisgewing aan die okkupeerder opgehef.

16. Behalwe met toestemming van die Minister, mag niemand 'n sitrusplant plant of kweek of hou—

Beperkings
betreffende
die plant van
sitrusplante
op sekere grond.

(a) op grond waarop enige sitrusplant weens die aanwesigheid van sitruskanker, op gesag van die Minister ingevolge hierdie Wet vernietig is nie, of op grond wat aan sodanige grond grens nie; of

(b) op grond geleë binne 'n gebied wat weens die aanwesigheid van sitruskanker by proklamasie of kennisgewing ingevolge hierdie Wet as 'n gebied onder kwarantyn of beperking verklaar is nie:

Met dien verstande dat die bepalings van hierdie artikel nie van toepassing is op die hou op sodanige grond van plante wat op die agste dag van Julie 1918 reeds daarop was nie.

17. Ondanks die bepalings van artikel *sewe* of *vyftien* word geen skadevergoeding betaal aan die eienaar of okkupeerder van 'n kwekerij of van 'n perseel ten aansien van die vernietiging van enige plant—

Skadevergoeding nie betaalbaar ten opsigte van die vernietiging van plante met sitruskanker besmet nie.

(a) omdat dit met sitruskanker besmet was nie; of

(b) wat in stryd met artikel *sestien* geplant, gekweek of gehou is nie.

HOOFSTUK II.

UITROEIING VAN SPRINKANE.

18. (1) Die okkupeerder van grond waarop vlieënde sprinkane verskyn of verskyn het, of eiers lê of gelê het of waarop voetgangers verskyn of verskyn het, moet, sodra dit tot sy kennis kom, kennis daarvan gee aan die magistraat van die distrik waarin die grond geleë is of aan enige vrederegter of aan enige polisiepos in daardie distrik.

Okkupeerder moet kennis gee van lê van eiers deur sprinkane en verskyning van voetgangers.

(2) In bedoelde kennisgewing moet genoemde okkupeerder die plek op sy grond waar vlieënde sprinkane verskyn het of eiers lê of gelê het of waar voetgangers verskyn het, so noukeurig moontlik omskrywe, en die ander inligting verstrek as wat by regulasie voorgeskryf mag word.

(3) Vir die doeleindes van hierdie Hoofstuk is die okkupeerder van grond wat in 'n Naturelleservaat of -lokaasie geleë is, die hoof van die kraal, en die kennisgewing ingevolge hierdie artikel vereis, word aan die hoofman gegee wat die meegedeelde besonderhede aan die magistraat van die distrik moet rapporteer.

19. (1) By ontvangs van so 'n kennisgewing moet die persoon aan wie die kennisgewing gegee is die inhoud daarvan aan die departement deurstuur.

Stappe wat deur departement gedoen moet word.

(2) Die departement kan deur sy amptenare sodanige stappe vir die uitroeiing van sprinkane of sprinkaaneiers op enige grond doen as wat hy raadsaam mag ag of wat by regulasie voorgeskryf mag word.

Destruction of
voetgangers
by occupier.

20. (1) Every occupier of land on which any swarm of voetgangers appears shall cause them to be immediately destroyed.

(2) Any person who fails to comply with the provisions of sub-section (1) shall be guilty of an offence unless he proves to the satisfaction of the court that he made every effort within his power and means to comply with the provisions thereof.

Material for
the destruction
of voetgangers.

21. (1) The department shall provide free of charge for the destruction of voetgangers such material as it may determine.

(2) Such material shall be deemed to have been provided if it is available at the magistrate's court office or elsewhere in the district.

(3) Unless a supply of such material is so available or he has a supply thereof in his possession, an occupier shall not be held responsible for failure to destroy voetgangers.

(4) Any occupier of land to whom any material or apparatus has been so supplied or lent by the department for the destruction of locusts, who—

(a) applies such material or apparatus to any other purpose; or

(b) wastes any such material; or

(c) without the express permission of the magistrate or locust officer obtained within the three months last preceding, uses the material at a greater strength than directed by the department; or

(d) on the demand of the department or of any person authorized by the department, for the return to it of any apparatus lent by it, fails to return it forthwith, or where the return of such apparatus is impracticable, fails, on like demand, to pay for the same forthwith,

shall be guilty of an offence.

Offence of
driving voet-
gangers.

22. Any occupier of land who drives or causes to be driven, or attempts to drive, or knowingly permits the driving of voetgangers from his land on to the land of his neighbour, shall be guilty of an offence, unless he proves to the satisfaction of the court that growing crops on his land were being threatened by the voetgangers and that in driving them away he took all possible steps to destroy them and did not drive them towards growing crops of his neighbour.

Expenses of
locust de-
struction.

23. (1) If any occupier of land has failed to comply with the provisions of sub-section (1) of section *twenty*, all expenses incurred by the department in destroying or securing the destruction of the voetgangers (whether such destruction is effected by employees of the department or by the occupier of the land on to which the voetgangers passed) may be recovered from that occupier in any competent court: Provided that if the occupier proves to the satisfaction of the court that he made every effort within his power and means to comply with the provisions of sub-section (1) of section *twenty*, he shall not be held liable for the said expenses.

(2) Any court before which an occupier of land is convicted of an offence under section *twenty*, may proceed without pleadings but in his presence, to assess the amount of the expenses referred to in sub-section (1) and may give judgment for that amount with costs in favour of the department, and that judgment may be executed in all respects as a judgment of a magistrate's court in a civil judgment is executed.

(3) In the case of land (other than land mentioned in sub-section (4)) on which there is no person resident as occupier, all such expenses shall be recoverable from the owner by action in any competent court.

(4) In the case of a native reserve or native location, the said expenses shall be recoverable from such male inhabitants thereof who, upon an enquiry held by a magistrate in the presence of the heads of the kraals, are held by him to be responsible for the failure to comply with the said provisions, and the said expenses shall be recoverable from those inhabitants *pro rata* and in the same manner as native poll tax or hut tax is by law recoverable from any natives in the Province concerned who are liable to pay any such tax.

(5) Any such inhabitant who, when ordered by the headman of the reserve or location to perform a reasonable share of

20. (1) Elke okkupeerder van grond waarop 'n swerm voetgangers verskyn, moet hulle onmiddellik laat uitroei.

Uitroeiing van voetgangers deur okkupeerder.

(2) Iemand wat in gebreke bly om aan die bepalings van sub-artikel (1) te voldoen, is aan 'n misdryf skuldig, tensy hy tot oortuiging van die hof bewys dat hy alle pogings binne sy mag en vermoë aangewend het om aan die bepalings daarvan te voldoen.

21. (1) Die departement moet gratis die materiaal wat hy bepaal vir die uitroeiing van voetgangers verskaf.

Materiaal vir die uitroeiing van voetgangers.

(2) Sodanige materiaal word geag verskaf te wees indien dit by die magistraatskantoor of elders in die distrik beskikbaar is.

(3) Tensy 'n voorraad van bedoelde materiaal aldus beskikbaar is of hy 'n voorraad daarvan in sy besit het, word 'n okkupeerder nie verantwoordelik gehou vir versuim om voetgangers uit te roei nie.

(4) 'n Okkupeerder van grond aan wie enige materiaal of apparaat aldus deur die departement voorsien of geleen is vir die uitroeiing van sprinkane wat—

(a) sodanige materiaal of apparaat vir enige ander doel aanwend; of

(b) sodanige materiaal vermors; of

(c) sonder die uitdruklike toestemming van die magistraat of sprinkaanbeampte, binne die laaste drie voorafgaande maande verkry, die materiaal teen 'n hoër sterkte gebruik as wat deur die departement gelas is; of

(d) op aanvraag van die departement of van iemand deur die departement gemagtig, vir die teruggawe aan die departement van enige apparaat deur hom uitgeleen, versuim om dit onverwylde terug te gee, of waar die teruggawe van bedoelde apparaat ondoenlik is, versuim om op 'n dergelike aanvraag onverwylde daarvoor te betaal,

is aan 'n misdryf skuldig.

22. 'n Okkupeerder van grond wat voetgangers van sy grond na dié van sy buurman dryf of laat dryf of probeer dryf, of wetens toelaat dat dit geskied, is aan 'n misdryf skuldig, tensy hy tot oortuiging van die hof bewys dat staande oeste op sy grond deur die voetgangers bedreig was, en dat hy, terwyl hy hulle weggedryf het, alle moontlike stappe gedoen het om hulle uit te roei en hulle nie na staande oeste van sy buurman gedryf het nie.

Dryf van voetgangers 'n misdryf.

23. (1) Indien 'n okkupeerder van grond versuim het om aan die bepalings van sub-artikel (1) van artikel *twintig* te voldoen, kan alle koste deur die departement aangegaan om die voetgangers uit te roei of te laat uitroei (hetsy sodanige uitroeiing bewerkstellig word deur werknemers van die departement of deur die okkupeerder van die grond waarheen die voetgangers getrek het) in enige bevoegde hof op daardie okkupeerder verhaal word: Met dien verstande dat indien die okkupeerder tot oortuiging van die hof bewys dat hy alle pogings in sy mag en vermoë aangewend het om aan die bepalings van sub-artikel (1) van artikel *twintig* te voldoen, hy nie vir genoemde koste verantwoordelik gehou word nie.

Onkoste van uitroeiing van sprinkane.

(2) Enige hof wat 'n okkupeerder van grond weens 'n misdryf ingevolge artikel *twintig* skuldig bevind, kan sonder pleitstukke, maar in sy teenwoordigheid, die in sub-artikel (1) bedoelde koste vasstel, en kan vir daardie bedrag met koste uitspraak gee ten gunste van die departement, en so 'n uitspraak kan in alle opsigte ten uitvoer gelê word soos 'n uitspraak van 'n magistraatshof in 'n siviele saak ten uitvoer gelê word.

(3) In die geval van grond (behalwe in sub-artikel (4) bedoelde grond) waarop daar niemand as okkupeerder woonagtig is nie, is al sulke koste by aksie in enige bevoegde hof op die eienaar verhaalbaar.

(4) In die geval van 'n Naturelleservaat of Naturelle-lokasie, is die genoemde koste op sodanige manlike inwoners daarvan verhaalbaar as wat, by 'n ondersoek deur 'n magistraat in die teenwoordigheid van die hoofde van die krale gehou, deur hom verantwoordelik bevind word vir die versuim om aan genoemde bepalings te voldoen, en genoemde koste is *pro rata* op daardie inwoners verhaalbaar op dieselfde wyse as wat Naturellehoof- of hutbelasting wetlik op Naturelle wat vir die betaling van sodanige belasting in die betrokke provinsie aanspreeklik is, verhaal kan word.

(5) Enige bedoelde inwoner wat, wanneer deur die hoofman van die reservaat of lokasie beveel om 'n redelike deel van die

the work of destroying voetgangers when the same appear in the reserve or location, fails without good reason to carry out such order shall be guilty of an offence and liable on conviction to a fine not exceeding five pounds or, in default of payment, to imprisonment with or without compulsory labour for a period not exceeding fourteen days.

(6) In the case of land which is not a native reserve or location, but which is occupied by natives only, all such expenses may be recovered *pro rata* from such male inhabitants of such land as by law are liable to pay native poll or hut tax, in the same manner as any native poll and hut tax is recoverable from those inhabitants.

CHAPTER III.

BEE DISEASES AND EXOTIC ANIMALS.

Prohibition
as to impor-
tation of
bees, honey,
beeswax, used
beehives, etc.

24. (1) No person shall import or cause to be imported into the Union from any place overseas—

- (a) bees, or their larvae or eggs;
- (b) honey, used bee-hives, used bee-hive accessories or appliances, or any thing which has been used to contain or manipulate bees, honey or beeswax.

(2) The Governor-General may by proclamation in the *Gazette* declare that the provisions of sub-section (1) shall apply in respect of importations from any territory outside the Union, and may in like manner withdraw any such proclamation.

(3) Any bees, articles or things imported in contravention of this section or of any proclamation issued thereunder shall be liable to confiscation and destruction, and the person convicted of such contravention shall, in addition, be liable to any penalties prescribed by this Act for such contravention.

(4) Nothing in this section contained shall be construed as prohibiting or restricting the importation by the Government of bees, their larvae or eggs, or any receptacle containing the same, from any place outside the Union.

Prohibition
of importation
of certain
animals.

25. (1) The Governor-General may from time to time by proclamation in the *Gazette* prohibit or restrict the importation into the Union from anywhere or from any specified country or place, of any particular class of exotic animals.

(2) The department may cause to be destroyed any exotic animal imported in contravention of any proclamation referred to in sub-section (1).

Importation
of exotic
animals by
Government.

26. The Minister may import into the Union and distribute therein any exotic animal (whether its importation has or has not been prohibited under section *twenty-five*) if its importation or distribution is in his opinion necessary or desirable for the destruction of any noxious plant or insect pest, or otherwise in the interests of any branch of farming and neither he nor any person acting under his instructions nor the State shall be liable for any damage or loss suffered by any person as a result of such importation or distribution.

Powers of
inspection,
disinfection
and destruction.

27. (1) Any officer may—

- (a) inspect any consignment reasonably suspected of containing any article or thing or any exotic animal imported in contravention of this Act or any proclamation issued thereunder;
- (b) inspect any apiary or place where bees are kept or any bee-hive or accessory thereto;
- (c) inspect any honey or beeswax which is intended for sale;
- (d) inspect any premises where any exotic animal is kept,

and may give such directions for the cleansing, disinfecting or destruction of any bees, articles, things or places as will secure the eradication or prevention of bee diseases, or give such directions relative to the supervision and control of any exotic animal as will prevent its becoming dangerous or harmful.

(2) Any person who fails to carry out such directions within the period specified therein, shall be guilty of an offence.

(3) If any person fails to carry out such directions within the period specified therein, the department may, at the expense

werk in verband met die vernietiging van voetgangers te doen wanneer voetgangers in die reservaat of lokasie verskyn, sonder goeie rede in gebreke bly om so 'n bevel uit te voer, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyf pond of, by wanbetaling, met gevangenisstraf met of sonder dwangarbeid vir 'n tydperk van hoogstens veertien dae.

(6) In die geval van grond wat nie 'n Naturelleservaat of -lokasie is nie, maar wat uitsluitend deur Naturelle geokkupeer word, kan al sodanige koste *pro rata* verhaal word op sodanige manlike inwoners van bedoelde grond as wat wetlik verplig is om Naturellehoof- of hutbelasting te betaal, op dieselfde wyse waarop Naturellehoof- en hutbelasting op daardie inwoners verhaal kan word.

HOOFSTUK III.

BYESIEKTES EN UITHEEMSE DIERE.

24. (1) Niemand mag—

(a) bye, of die larwes of eiers daarvan;

(b) heuning, gebruikte byekorwe, gebruikte toebehore of toestelle van byekorwe, of enigiets wat gebruik was om bye, heuning of byewas te bevat of te behandel,

Verbod op invoer van bye, heuning, byewas, gebruikte byekorwe, ens.

van enige plek oorsee in die Unie invoer of laat invoer nie.

(2) Die Goewerneur-generaal kan by proklamasie in die *Staatskoerant* verklaar dat die bepalinge van sub-artikel (1) ten opsigte van invoer van enige gebied buite die Unie van toepassing is, en kan so 'n proklamasie op dergelike wyse intrek.

(3) Enige bye, artikels of voorwerpe wat in stryd met hierdie artikel of enige proklamasie daarkragtens uitgevaardig, ingevoer word, kan verbeurd verklaar en vernietig word, en die persoon wat aan so 'n oortreding skuldig bevind word, is bowendien strafbaar met die strawwe by hierdie Wet vir so 'n oortreding voorgeskryf.

(4) Die bepalinge van hierdie artikel word nie so uitgelê dat dit die invoer deur die Regering van bye, die larwes of eiers daarvan of enige houer wat dit bevat, van enige plek buite die Unie verbied of beperk nie.

25. (1) Die Goewerneur-generaal kan van tyd tot tyd by proklamasie in die *Staatskoerant* die invoer in die Unie van enige bepaalde klas van uitheemse diere van waar ook al of van enige bepaalde land of plek, verbied of beperk.

Verbod op invoer van sekere diere.

(2) Die departement kan enige uitheemse dier wat in stryd met 'n in sub-artikel (1) bedoelde proklamasie ingevoer is, laat vernietig.

26. Die Minister kan enige uitheemse dier (hetsy die invoer daarvan ingevolge artikel vyf-en-twintig verbied is al dan nie) in die Unie invoer en daarin versprei, indien die invoer of verspreiding daarvan volgens sy oordeel nodig of wenslik is vir die uitroeiing van enige skadelike plant of insekteplaag, of andersins in belang is van enige vertakking van die boerdery, en nóg hy nóg enigiemand wat op sy instruksies handel nóg die Staat is aanspreeklik vir enige skade of verlies deur enigiemand as gevolg van sodanige invoer of verspreiding gely.

Invoer van uitheemse diere deur Regering.

27. (1) Enige amptenaar kan—

(a) enige besending wat volgens redelike vermoede 'n artikel of voorwerp of uitheemse dier bevat wat in stryd met hierdie Wet of 'n daarkragtens uitgevaardigde proklamasie ingevoer is, inspekteer;

Bevoegdhede tot inspeksie, ont-smetting en vernietiging.

(b) enige byehuis of plek waar bye gehou word of enige byekorw of toebehore daarvan inspekteer;

(c) enige heuning of byewas wat vir verkoop bedoel is, inspekteer;

(d) enige perseel waar 'n uitheemse dier aangehou word, inspekteer,

en kan die voorskrifte vir die reiniging, ontsmetting of vernietiging van bye, artikels, voorwerpe of plekke gee wat sal verseker dat byesiektes uitgeroei of voorkom word, of die voorskrifte met betrekking tot die toesig en beheer oor 'n uitheemse dier gee wat sal verhoed dat dit gevaarlik of skadelik word.

(2) Iemand wat versuim om sodanige voorskrifte binne die daarin vermelde tydperk na te kom, is aan 'n misdryf skuldig.

(3) Indien iemand versuim om sodanige voorskrifte binne die daarin vermelde tydperk na te kom, kan die departement

of that person, do all such acts as are reasonably necessary for securing the eradication or prevention of bee diseases or for the supervision and control of the exotic animal, as the case may be, and may recover the costs incurred in doing such acts by action in a competent court.

CHAPTER IV.

GENERAL.

Powers of officers to enter on land for purposes of the Act or the regulations.

28. (1) Every occupier of land shall permit an officer, on production of his authority, to enter upon that land and carry out any of the provisions of this Act or the regulations which may be carried out by an officer.

(2) Every such occupier shall, when required by any such officer, disclose to him the places on that land whereon are kept any plants, bees, honey, bee-hives, bee-hive accessories, exotic animals or articles or things used to contain the same, and comply with any lawful order of any such officer in respect thereof.

Offence of obstructing officers.

29. Any person who obstructs or hinders any officer in the carrying out of his duties under this Act or the regulations or fails to disclose to him any information which he may lawfully require thereunder, shall be guilty of an offence.

Compensation not payable in respect of injury or destruction resulting from the exercise of any power under this Act.

30. Save as is specially provided in this Act, no compensation shall be payable by the Government, the Minister, the department or any officer in respect of injury to or loss or destruction of any plant, exotic animal or other article resulting from the exercise of any power under this Act or the regulations.

Regulations.

31. The Governor-General may make regulations, not inconsistent with this Act, prescribing—

- (a) any matter which may be prescribed by regulation under this Act;
- (b) the manner and place in which any registration, inspection, disinfecting, cleansing or destruction authorized under this Act shall be carried out;
- (c) the conditions and restrictions governing the importation and keeping of plants, bees, articles, exotic animals and anything whatsoever dealt with under this Act;
- (d) the forms of licenses, permits, certificates, applications and notices under this Act;
- (e) the powers and duties of officers;
- (f) the fees to be charged in respect of any matters in which the charging of fees is under this Act authorized,

and generally for the better carrying out of the objects and purposes of this Act.

Penalties.

32. (1) Any person who contravenes any provision of this Act or of any proclamation issued thereunder or of any regulation or who fails to comply with any provision thereof with which it is his duty to comply where such contravention or failure is not elsewhere declared an offence, shall be guilty of an offence.

(2) Any person guilty of an offence against the provisions of this Act or of any proclamation issued thereunder or of any regulation shall, where no punishment is expressly provided for the offence, be liable on conviction to a fine not exceeding fifty pounds or in default of payment, to imprisonment with or without compulsory labour for a period not exceeding six months.

(3) In the case of a third or subsequent conviction for any such offence, the court may in its discretion sentence the person convicted to such imprisonment without the option of a fine.

Repeal of laws.

33. (1) Subject to the provisions of sub-section (2), the laws mentioned in the Schedule to this Act are hereby repealed to the extent set out in the third column of that Schedule.

op daardie persoon se koste al sodanige handeling verrig as wat redelikerwys nodig is om byesiektes uit te roei of te voorkom of om toesig en beheer oor die uitheemse dier te verseker, na gelang van die geval, en die koste aangegaan by die verrigting van sodanige handeling by aksie in 'n bevoegde hof verhaal.

HOOFTUK IV.

ALGEMEEN.

28. (1) Elke okkupeerder van grond moet 'n amptenaar, by vertoning van sy magtiging, toelaat om daardie grond te betree en om enige van die bepalings van hierdie Wet of die regulasies uit te voer wat deur 'n amptenaar uitgevoer kan word.

Bevoegdhe
van amptenare
om grond vir
doeleindes
van die Wet
of die regu-
lasies te be-
tree.

(2) Elke bedoelde okkupeerder moet, wanneer dit deur so 'n amptenaar vereis word, aan hom die plekke op daardie grond bekend maak waarop enige plante, bye, heuning, byekorwe, toebehore van byekorwe, uitheemse diere of artikels of voorwerpe wat gebruik word om dit te bevat, gehou word, en aan enige wettige bevel van so 'n amptenaar ten opsigte daarvan voldoen.

29. Iemand wat 'n amptenaar by die uitvoering van sy pligte ingevolge hierdie Wet of die regulasies belemmer of hinder of versuim om enige inligting wat hy wettiglik uit hoofde daarvan mag vereis aan hom bekend te maak, is aan 'n misdryf skuldig.

Belemmering
van amptenare
'n misdryf.

30. Behalwe soos uitdruklik in hierdie Wet bepaal, is geen skadevergoeding deur die Regering, die Minister, die departement of enige amptenaar betaalbaar ten opsigte van die beskadiging, verlies of vernietiging van 'n plant, uitheemse dier of ander artikel wat uit die uitoefening van 'n bevoegdheid ingevolge hierdie Wet of die regulasies voortvloei nie.

Skadevergoeding
nie betaalbaar
ten opsigte van
beskadiging of
vernietiging
wat voortspruit
uit die uit-
oefening van 'n
bevoegdheid
ingevolge hierdie
Wet nie.

31. Die Goewerneur-generaal kan regulasies wat nie met hierdie Wet onbestaanbaar is nie, uitvaardig wat—

Regulasies.

- (a) enige aangeleentheid voorskryf wat by regulasie ingevolge hierdie Wet voorgeskryf kan word;
- (b) die wyse voorskryf waarop en die plek waar enige registrasie, inspeksie, ontsmetting, reiniging of vernietiging wat ingevolge hierdie Wet gemagtig is, uitgevoer moet word;
- (c) die voorwaardes en beperkings voorskryf wat geld ten aansien van die invoer en hou van plante, bye, artikels, uitheemse diere en enigiets hoegenaamd waaroor hierdie Wet handel;
- (d) die vorms van lisensies, permitte, sertifikate, aansoeke en kennisgewings ingevolge hierdie Wet voorskryf;
- (e) die bevoegdhe en pligte van amptenare voorskryf;
- (f) die gelde voorskryf wat gehou moet word ten opsigte van aangeleenthede waarvoor die heffing van gelde ingevolge hierdie Wet gemagtig is,

en oor die algemeen vir die beter uitvoering van die oogmerke en doelstellings van hierdie Wet.

32. (1) Iemand wat 'n bepaling van hierdie Wet of van 'n daarkragtens uitgevaardigde proklamasie of van enige regulasie oortree of versuim om aan 'n bepaling daarvan te voldoen wat dit sy plig is om aan te voldoen, is waar so 'n oortreding of versuim nie elders as 'n misdryf verklaar is nie, aan 'n misdryf skuldig.

Strawwe.

(2) Iemand wat aan 'n misdryf ingevolge die bepalings van hierdie Wet of van 'n daarkragtens uitgevaardigde proklamasie of van 'n regulasie skuldig is, is waar daar geen straf uitdruklik vir die misdryf voorgeskryf is nie, by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig pond of, by wanbetaling, met gevangenisstraf met of sonder dwangarbeid vir 'n tydperk van hoogstens ses maande.

(3) In die geval van 'n derde of daaropvolgende skuldigbevinding weens enige sodanige misdryf, kan die hof die veroordeelde na goëddunke tot bedoelde gevangenisstraf sonder die keuse van 'n boete vonnis.

33. (1) Behoudens die bepalings van sub-artikel (2), word die wette genoem in die Bylae by hierdie Wet, hierby herroep vir sover in die derde kolom van daardie Bylae uiteengesit.

Herroeping
van wette.

(2) Any proclamation not repealed by this Act and any regulation, notice, order, direction, authority, permit, certificate, permission or exemption issued, made, promulgated, given or granted or any other action taken under any provision of a law repealed by sub-section (1) shall be deemed to have been issued, made, promulgated, given, granted or taken under the corresponding provision of this Act.

Short title.

34. This Act shall be called the Agricultural Pests Act, 1957.

Schedule.

LAWS REPEALED.

No. and Year of Law.	Title.	Extent of Repeal.
Act No. 11 of 1911.	Agricultural Pests Act, 1911.	The whole.
Act No. 10 of 1919.	Agricultural Pests (Citrus Canker) Act, 1919.	The whole.
Act No. 12 of 1922.	Agricultural Pests Act Amendment Act, 1922.	The whole.
Act No. 6 of 1924.	Agricultural Pests Act Further Amendment Act, 1924.	The whole.
Act No. 18 of 1933.	Agricultural Pests Amendment Act, 1933.	The whole.
Act No. 15 of 1934.	Agricultural Pests Amendment Act, 1934.	The whole.
Proclamation No. 116 of 1927.	—	The whole.
Proclamation No. 151 of 1937.	—	The whole.
Proclamation No. 93 of 1956.	—	In so far as it provides for the addition of plants to the list of plants the introduction whereof into the Union is prohibited under sub-section (1) of section <i>nine</i> of the Agricultural Pests Act, 1911.
Proclamation No. 145 of 1956.	—	The whole.

(2) Enige proklamasie wat nie deur hierdie Wet herroep is nie en enige regulasie, kennisgewing, bevel, voorskrif, magtiging, permit, sertifikaat, toestemming of vrystelling uitgereik, gemaak, uitgevaardig, gegee of verleen en enige ander stappe gedoen kragtens 'n bepaling van 'n by sub-artikel (1) herroepe wetsbepaling, word geag kragtens die ooreenstemmende bepaling van hierdie Wet uitgereik, gemaak, uitgevaardig, gegee, verleen of gedoen te gewees het.

34. Hierdie Wet heet die Wet op Landbouplae, 1957.

Kort titel.

Bylae.

HERROEPE WETTE.

No. en Jaar van Wet.	Titel.	In hoeverre herroep.
Wet No. 11 van 1911.	„Landbouwplagen Wet, 1911”.	Die geheel.
Wet No. 10 van 1919.	„Landbouwplagen (Citrus kanker) Wet, 1919”.	Die geheel.
Wet No. 12 van 1922.	„Landbouwplagen Wet Wijzigings Wet, 1922”.	Die geheel.
Wet No. 6 van 1924.	„Landbouwplagen Wet Verdere Wijzigings Wet, 1924”.	Die geheel.
Wet No. 18 van 1933.	Landbouplae-wysigingswet, 1933. ..	Die geheel.
Wet No. 15 van 1934.	Landbouplae-Wysigingswet, 1934 ..	Die geheel.
Proklamasie No. 116 van 1927.	—	Die geheel.
Proklamasie No. 151 van 1937.	—	Die geheel.
Proklamasie No. 93 van 1956.	—	Vir sover dit voorsiening maak vir die byvoeging van plante tot die lys van plante waarvan die invoer in die Unie ingevolge sub-artikel (1) van artikel nege van die „Landbouwplagen Wet, 1911”, verbied is.
Proklamasie No. 145 van 1956.	—	Die geheel.

No. 43, 1957.]

ACT

To amend the Deeds Registries Act, 1937.

(English text signed by the Officer Administering the Government.)

(Assented to 10th June, 1957.)

BE IT ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Amendment of
section 2 of Act
47 of 1937.

1. Section *two* of the Deeds Registries Act, 1937 (hereinafter referred to as the principal Act), is hereby amended by the deletion of the second proviso to sub-section (1), and the insertion after that sub-section of the following sub-section:

“(1)*bis* No person shall be appointed as registrar or assistant registrar of deeds after the commencement of the Deeds Registries Amendment Act, 1957, unless he has passed the Public Service Law Examination or an examination deemed by the Public Service Commission to be equivalent thereto and has served in the administrative division of the public service in one or more deeds registries or in the deeds registry established by the Deeds Registry Proclamation, 1939 (Proclamation No. 37 of 1939), of the Administrator of South-West Africa, or in one or more deeds registries established under this Act and in the last-mentioned deeds registry for a period of not less than seven years: Provided that this sub-section shall not apply with reference to the appointment as registrar of deeds of any person who held office as registrar of deeds in terms of the said proclamation or as an assistant registrar of deeds at the commencement of the said Act or with reference to the appointment of the Rand townships registrar or assistant Rand Townships registrar.”.

Amendment of
section 3 of
Act 47 of 1937,
as amended by
section 14 of
Act 50 of 1956.

2. Section *three* of the principal Act is hereby amended—

(a) by the substitution for paragraph (c) of the following paragraph:

“(c) register grants or leases of land lawfully issued by the Government or grants issued by any other competent authority, and register amendments, renewals and cancellations of such leases, and releases of any part of the property leased;”;

(b) by the substitution for paragraph (g) of the following paragraph:

“(g) register cancellations of registered mortgage bonds, releases of any part of the property hypothecated thereby or of all such property if the debt is further secured by a collateral bond, releases of any joint debtor or of any surety in respect of any such bond, the substitution of another person for a debtor in respect of any such bond, reductions of cover in respect of any such bond intended to secure future debts, and part payments of the capital amount due in respect of any such bond other than a bond intended to secure future debts;”;

(c) by the substitution in paragraph (h) for the word “bonds” where it occurs for the first time of the words “mortgage bonds and notarial bonds”, and the addition at the end of that paragraph of the words “and waivers of preference in respect of registered notarial bonds in favour of other notarial bonds whether registered or about to be registered”;

(d) by the insertion after paragraph (j) of the following paragraph:

“(j)*bis* register releases of any part of the property hypothecated by any registered notarial bond or of all such property if the debt is further secured by a collateral bond, releases of any joint debtor or of any surety in respect of any such bond,

No. 43, 1957.)

WET

Tot wysiging van die Registrasie van Aktes Wet, 1937.

(Engelse teks deur die Amptenaar Belas met die Uitoefening
van die Uitvoerende Gesag geteken.)
(Goedgekeur op 10 Junie 1957.)

DIT WORD BEPAAL deur Haar Majesteit die Koningin,
die Senaat en die Volksraad van die Unie van Suid-Afrika,
soos volg:—

1. Artikel twee van die Registrasie van Aktes Wet, 1937 (hieronder die Hoofwet genoem), word hierby gewysig deur die tweede voorbehoudsbepaling by sub-artikel (1) te skrap en na daardie sub-artikel die volgende sub-artikel in te voeg:

Wysiging van
artikel 2 van Wet
47 van 1937.

„(1)*bis*. Niemand word na die inwerkingtreding van die Wysigingswet op Registrasie van Aktes, 1957, as registrateur of assistent-registrateur van aktes aangestel nie, tensy hy in die Staatsdienseksamen in die Regte of 'n eksamen wat die Staatsdienskommissie daaraan gelykwaardig ag, geslaag het, en in die administratiewe afdeling van die Staatsdiens in een of meer registrasiekantore van aktes of in die registrasiekantoor ingestel deur die Registrasie van Aktes Proklamasie, 1939 (Proklamasie No. 37 van 1939), van die Administrateur van Suidwes-Afrika, of in een of meer ingevolge hierdie Wet ingestelde registrasiekantore van aktes en in laasbedoelde registrasiekantoor vir 'n tydperk van minstens sewe jaar gedien het: Met dien verstande dat hierdie sub-artikel nie met betrekking tot die aanstelling as registrateur van aktes van iemand wat by die inwerkingtreding van bedoelde Wet die amp van registrateur van aktes ingevolge bedoelde proklamasie of van 'n assistent-registrateur van aktes bekleed het, of met betrekking tot die aanstelling van die registrateur of assistent-registrateur van Rand-dorpe van toepassing is nie.”.

2. Artikel drie van die Hoofwet word hierby gewysig—

Wysiging van
artikel 3 van Wet
47 van 1937, soos
gewysig deur
artikel 14 van
Wet 50 van 1956.

(a) deur paragraaf (c) deur die volgende paragraaf te vervang:

„(c) grondbriewe of huurkontrakte van grond wettiglik deur die Regering uitgereik, of grondbriewe deur enige ander bevoegde gesag uitgereik, registreer, en verbeterings, hernuwings en kansellerings van sodanige huurkontrakte, en bevrydings van enige deel van die verhuurde eiendom, registreer;”;

(b) deur paragraaf (g) deur die volgende paragraaf te vervang:

„(g) rojerings van geregistreerde verbande, bevrydings van enige deel van die daarmee beswaarde goed, of van al daardie goed indien die skuld verder verseker is deur 'n bykomende verband, bevrydings van 'n medeskuldenaar of van 'n borg ten opsigte van so 'n verband, die vervanging van 'n skuldenaar ten aansien van so 'n verband deur 'n ander persoon, verminderings in dekking ten opsigte van so 'n verband wat bedoel is om toekomstige skulde te verseker en gedeeltelike afbetalings van die hoofsom verskuldig ten opsigte van 'n ander sodanige verband as een bedoel om toekomstige skulde te verseker, registreer;”;

(c) deur in paragraaf (h) na die woord „verbande” waar dit die eerste maal voorkom die woorde „en notariële verbande” in te voeg, en na die woord „word” die woorde „en afstand van voorrang ten aansien van geregistreerde notariële verbande ten gunste van ander notariële verbande hetsy reeds geregistreer of op die punt om geregistreer te word,” in te voeg;

(d) deur na paragraaf (j) die volgende paragraaf in te voeg:

„(j)*bis*. bevryding van 'n deel van die goed beswaar deur 'n geregistreerde notariële verband, of van al daardie goed indien die skuld verder verseker is deur 'n bykomende verband, bevrydings van 'n medeskuldenaar of van 'n borg ten opsigte

reductions of cover in respect of any such bond intended to secure future debts, and part payments in respect of the capital amount due in respect of any such bond other than a bond intended to secure future debts;";

(e) by the substitution in paragraph (n) for the word "or" of the word "and";

(f) by the substitution for paragraph (p) of the following paragraph:

"(p) register notarial leases, sub-leases, and cessions of leases or of sub-leases, of land, and notarial amendments of such leases and sub-leases, and notarial renewals and notarial cancellations of such leases and sub-leases and notarial releases of any part of the property leased;";

(g) by the deletion in paragraph (s) of the word "registered" where it occurs for the second time; and

(h) by the substitution in paragraph (x) for the words "after notice to" of the words "with the approval of" and for the word "five" of the word "ten".

Amendment of section 4 of Act 47 of 1937.

3. Section *four* of the principal Act is hereby amended by the insertion in paragraph (b) of sub-section (1) after the word "therein" of the words "or in the conditions affecting any such property", and by the deletion of sub-paragraph (v) of that paragraph.

Amendment of section 7 of Act 47 of 1937.

4. Section *seven* of the principal Act is hereby amended by the insertion in paragraph (b) before the word "surveyor" of the word "land".

Amendment of section 10 of Act 47 of 1937.

5. Section *ten* of the principal Act is hereby amended by the insertion in paragraph (k) of sub-section (1) before the word "surveyors" of the word "land".

Substitution of section 13 of Act 47 of 1937.

6. The following section is hereby substituted for section *thirteen* of the principal Act:

"When registration takes place.

13. (1) Deeds executed or attested by a registrar shall be deemed to be registered upon the affixing of the registrar's signature thereto, and deeds, documents or powers of attorney lodged for registration shall be deemed to be registered when the deeds registry endorsement in respect of the registration thereof is signed: Provided that no such deed, document or power which is one of a batch of interdependent deeds, documents or powers of attorney intended for registration together, shall be deemed to be registered until all the deeds, documents or powers of attorney or the registration endorsements in respect thereof, as the case may be, have been signed by the registrar.

(2) If by inadvertence the registrar's signature has not been affixed to a deed executed or attested by him, or to the registration endorsement in respect of the registration of a deed, document or power of attorney lodged for registration, at the time at which the signature should have been affixed in the ordinary course, the registrar may affix his signature thereto when the omission is discovered, and the deed, document or power of attorney shall thereupon be deemed to have been registered at the time aforesaid.

(3) All endorsements or entries made on deeds, documents or powers of attorney or in registers, in connection with the registration of any deed, document or power of attorney, shall be deemed to have been effected simultaneously with the affixing of the signature of the registrar thereto in respect of deeds executed or attested by a registrar or with the signing of his registration endorsement in respect of deeds, documents or powers of attorney lodged for registration, although in fact they may have been made subsequent thereto."

Amendment of section 14 of Act 47 of 1937.

7. Section *fourteen* of the principal Act is hereby amended—

(a) by the substitution for proviso (iii) to paragraph (b) of sub-section (1) of the following proviso:

van so 'n verband, vermindering in dekking ten opsigte van so 'n verband bedoel om toekomstige skulde te verseker, en gedeeltelike afbetalings ten opsigte van die hoofsom verskuldig ten aansien van 'n ander sodanige verband as een bedoel om toekomstige skulde te verseker, registreer;"

(e) deur in paragraaf (n) die woord „of” deur die woord „en” te vervang;

(f) deur paragraaf (p) deur die volgende paragraaf te vervang:

„(p) notariële huurkontrakte, onderverhuring, en sessies van huurkontrakte of van onderverhuring, van grond, en notariële wysigings van sodanige huurkontrakte en onderverhuring, en notariële hernuwings en notariële kansellaties van sodanige huurkontrakte en onderverhuring en notariële bevrydings van 'n gedeelte van die verhuurde eiendom, registreer;"

(g) deur in paragraaf (s) die woord „geregistreeerde” waar dit die tweede maal voorkom te skrap; en

(h) deur in paragraaf (x) die woorde „na kennisgewing aan” deur die woorde „met goedkeuring van” en die woord „vyf” deur die woord „tien” te vervang.

3. Artikel vier van die Hoofwet word hierby gewysig deur Wysiging van artikel 4 van Wet 47 van 1937.
in paragraaf (b) van sub-artikel (1) na die woord „vermeld” die woorde „of die voorwaardes wat op daardie eiendom van toepassing is” in te voeg en deur sub-paragraaf (v) van daardie paragraaf te skrap.

4. Artikel sewe van die Hoofwet word hierby gewysig deur Wysiging van artikel 7 van Wet 47 van 1937.
in die Engelse teks van paragraaf (b) voor die woord „surveyor” die woord „land” in te voeg.

5. Artikel tien van die Hoofwet word hierby gewysig deur Wysiging van artikel 10 van Wet 47 van 1937.
in die Engelse teks van paragraaf (k) van sub-artikel (1) voor die woord „surveyors” die woord „land” in te voeg.

6. Artikel dertien van die Hoofwet word hierby deur die Vervanging van artikel 13 van Wet 47 van 1937.
volgende artikel vervang:
„Wanneer registrasie plaasvind.

13. (1) Aktes wat deur 'n registrateur verly of geattesteer is, word geag geregistreer te wees wanneer die registrateur sy handtekening daarop plaas, en aktes, dokumente of prokurasies vir registrasie ingedien, word geag geregistreer te wees wanneer die registrasiekantoor se endossement ten opsigte van die registrasie daarvan onderteken word: Met dien verstande dat so 'n akte, dokument of prokurasie wat een is van 'n stel onderling afhanklike aktes, dokumente of prokurasies bedoel om saam geregistreer te word, nie geag word geregistreer te wees nie totdat al die aktes, dokumente of prokurasies van die stel of die endossemente ten opsigte van registrasie daarvan, al na die geval, deur die registrateur onderteken is.

(2) Indien die registrateur se handtekening per abuis nie op 'n deur hom verlyde of geattesteerde akte of op 'n endossement van registrasie ten opsigte van die registrasie van 'n akte, dokument of prokurasie vir registrasie ingedien, geplaas is op die tydstip toe die ondertekening in die gewone loop moes geskied het nie, kan die registrateur sy handtekening daarop plaas wanneer die versuim aan die lig kom, en die akte, dokument of prokurasie word daarop geag op voormelde tydstip geregistreer te gewees het.

(3) Alle endossemente of inskrywings op aktes, dokumente of prokurasies of in registers aangebring in verband met die registrasie van 'n akte, dokument of prokurasie, word geag aangebring te gewees het gelyktydig met die toevoeging van die registrateur se handtekening daarop, ten opsigte van aktes verly of geattesteer deur 'n registrateur of met die ondertekening van sy endossement van registrasie ten opsigte van aktes, dokumente of prokurasies vir registrasie ingedien, hoewel hulle inderdaad daarna aangebring mag gewees het.”

7. Artikel veertien van die Hoofwet word hierby gewysig— Wysiging van artikel 14 van Wet 47 van 1937.
(a) deur voorbehoudsbepaling (iii) by paragraaf (b) van sub-artikel (1) deur die volgende voorbehoudsbepaling te vervang:

"(iii) if in the administration of the estate of a deceased person any redistribution of the whole or any portion of the assets in such estate takes place among the heirs (including ascertained fideicommissary heirs) of the deceased, or between such heirs and the surviving spouse, the executor or administrator of such estate may transfer the land or cede the real rights therein direct to the persons entitled thereto in terms of such redistribution."; and

(b) by the addition to that paragraph of the following provisos:

"(iv) in a redistribution mentioned in proviso (iii) it shall be lawful to introduce movable property not forming part of the estate for the purpose of equalising the division;

(v) the provisions of proviso (iii) shall apply *mutatis mutandis* with reference to a redistribution of assets of the joint estate of spouses who were married in community of property and have been divorced or judicially separated, and with reference to a redistribution of assets of a partnership on dissolution of the partnership.

(vi) if a *fideicommissum* is created in a will and the fiduciary dies before transfer of his rights is effected in his name, the executor or the administrator (as the case may be) of the testator's estate, may transfer or cede the full property direct to the fideicommissary."

Amendment of section 17 of Act 47 of 1937, as amended by section 1 of Act 15 of 1953 and section 1 of Act 37 of 1953.

8. Section *seventeen* of the principal Act is hereby amended—

(a) by the deletion in sub-section (3) of the words "and the marital power"; and

(b) by the addition of the following sub-section:

"(6) When immovable property or a bond is registered in the name of—

(a) a woman who has married since the registration was effected; or

(b) a woman who at the date of the registration was married out of community of property or whose marriage was at that date governed by the law of any country other than the Union or the territory of South-West Africa, and who has since been widowed or divorced,

it shall be competent for the registrar on written application by such woman (assisted where necessary by her husband) and on production of the relevant deed and of proof to his satisfaction of the change in her status, to record such change on such deed and in the registers: Provided that where there are two or more interdependent deeds, all such deeds shall be produced for endorsement."

Repeal of section 19 of Act 47 of 1937.

9. Section *nineteen* of the principal Act is hereby repealed.

Amendment of section 21 of Act 47 of 1937.

10. Section *twenty-one* of the principal Act is hereby amended by the addition at the end of paragraph (c) of the word "or" and at the end of the section of the following paragraphs:

"(d) where such transfer is in favour of the surviving spouse; or

(e) where the surviving spouse has signed as executor, the power of attorney to pass such transfer."

Amendment of section 26 of Act 47 of 1937.

11. Section *twenty-six* of the principal Act is hereby amended by the addition at the end thereof of the following sub-section:

"(7) The provisions of this section shall also apply to partitions of immovable property registered in different deeds registries."

Amendment of section 27 of Act 47 of 1937.

12. Section *twenty-seven* of the principal Act is hereby amended by the addition at the end thereof of the following sub-section:

"(4) Where more than one property is partitioned by

- „(iii) indien daar by die administrasie van die boedel van 'n oorlede persoon 'n herverdeling van al die bates in daardie boedel of 'n deel daarvan plaasvind tussen die erfgename (met inbegrip van bepaalde fideikommissêre erfgename) van die oorledene, of tussen sulke erfgename en die langsewende eggenoot, die eksekuteur of administrateur van die boedel die grond of die saaklike regte daarin, regstreeks kan transporteer of sedeer aan die persone wat volgens die herverdeling daarop geregtig is;” en
- (b) deur by daardie paragraaf die volgende voorbehoudsbepalings te voeg:
 - „(iv) by 'n herverdeling in voorbehoudsbepaling (iii) vermeld, dit toelaatbaar is om roerende goed wat nie deel van die boedel uitmaak nie, in te bring ten einde 'n gelyke verdeling te bewerkstellig;
 - (v) die bepaling van voorbehoudsbepaling (iii) *mutatis mutandis* van toepassing is met betrekking tot 'n herverdeling van bates in die gemeenskaplike boedel van eggenote wat in gemeenskap van goedere getroud was en wat geskei is of ten opsigte van wie 'n geregtelike skeidingsbevel bestaan, en met betrekking tot 'n herverdeling van bates van 'n vennootskap by ontbinding van die vennootskap;
 - (vi) indien 'n fideicommissum deur 'n testament geskep word en die fiduciarius sterf voordat sy regte op sy naam oorgedra is, die eksekuteur of die administrateur (na gelang van die geval) in die boedel van die testateur die volle eiendom regstreeks aan die fideikommissêre erfgenaam kan transporteer of sedeer.”

8. Artikel *sewentien* van die Hoofwet word hierby gewysig—

- (a) deur in sub-artikel (3) die woorde „en die maritale mag” te skrap; en

- (b) deur die volgende sub-artikel daarby te voeg:

„(6) Wanneer onroerende goed of 'n verband geregistreer staan in die naam van—

- (a) 'n vrou wat sedert die registrasie plaasgevind het, getroud is; of

- (b) 'n vrou wat op die datum van die registrasie buite gemeenskap van goedere getroud was of wie se huwelik op daardie datum beheers was deur die reg van 'n ander land as die Unie of die gebied Suidwes-Afrika, en wat daarna 'n weduwee geword het of geskei is,

kan die registrateur op skriftelike aansoek deur bedoelde vrou (bygestaan waar nodig deur haar man) en by oorlegging van die betrokke akte, en van bewys tot sy bevrediging van die verandering in haar status, bedoelde verandering op daardie akte en in die registers aanteken: Met dien verstande dat waar daar twee of meer onderling afhanklike aktes is, al daardie aktes voorgelê moet word om geëndosseer te word.”

Wysiging van artikel 17 van Wet 47 van 1937, soos gewysig deur artikel 1 van Wet 15 van 1953, en artikel 1 van Wet 37 van 1953.

9. Artikel *negentien* van die Hoofwet word hierby herroep.

Herroeping van artikel 19 van Wet 47 van 1937.

10. Artikel *een-en-twintig* van die Hoofwet word hierby gewysig deur aan die end van paragraaf (c) die woord „of” en aan die end van die artikel die volgende paragrawe by te voeg:

Wysiging van artikel 21 van Wet 47 van 1937.

- „(d) waar bedoelde transport ten gunste van die langsewende eggenoot is; of
- (e) waar die langsewende eggenoot die prokurasie om transport te gee as eksekuteur geteken het.”

11. Artikel *ses-en-twintig* van die Hoofwet word hierby gewysig deur aan die end daarvan die volgende sub-artikel by te voeg:

Wysiging van artikel 26 van Wet 47 van 1937.

- „(7) Die bepaling van hierdie artikel is ook van toepassing op verdelings van onroerende goed wat in verskillende registrasiekantore geregistreer is.”

12. Artikel *sewe-en-twintig* van die Hoofwet word hierby gewysig deur aan die end daarvan die volgende sub-artikel by te voeg:

Wysiging van artikel 27 van Wet 47 van 1937.

- „(4) Waar meer as een eiendom deur dieselfde verdeling

the same partition and the whole of any one or more of the properties affected is awarded to an owner, such property or properties may be substituted under that owner's bond, if the bond is over his share in all the properties partitioned."

Amendment of
section 31 of
Act 47 of 1937.

13. Section *thirty-one* of the principal Act is hereby amended—

(a) by the addition at the end of sub-section (2) of the words "or an affidavit to the satisfaction of the registrar that he has been unable to obtain possession of the title deeds";

(b) by the substitution for sub-section (4) of the following sub-section:

"(4) (a) The registrar shall not execute the said deed of transfer unless a certificate has been furnished to him by the expropriating authority referred to in sub-section (1), to the effect that all notices prescribed by or under any law in connection with the change of ownership of such land have been duly served upon the persons entitled to such notices.

(b) The said deed of transfer shall be registered subject to all existing conditions affecting the land in question which have not been expropriated or vested in the transferee."; and

(c) by the addition at the end thereof of the following sub-sections:

"(6) (a) Subject to the provisions of section *eleven* of the Railway Expropriation Act, 1955 (Act No. 37 of 1955), immediately after any land has been expropriated the expropriating authority shall lodge with the registrar a certified copy of the notice of expropriation and two copies of the relevant expropriation plan of the land in question and the registrar shall cause a note of the expropriation to be made in his registers and endorsed on the office copy of the title deed, and if at any time the original of the title deed is lodged in his registry for any purpose, he shall cause a similar note to be endorsed thereon and a copy of the expropriation plan to be annexed thereto.

(b) The existence of any endorsement referred to in paragraph (a), shall not debar the registered owner of the land in question from transferring or otherwise dealing with that land and upon registration of a transfer deed in favour of the transferee in pursuance of the expropriation, any such endorsement shall lapse.

(7) Where a portion of any land has been expropriated and formal transfer of such land to the transferee has not been effected, the registrar shall, on written application by the transferee and the owner cancel any endorsement made in connection with the expropriation in his registers or on the title deed of the land, and thereupon the land so expropriated shall vest in such owner."

Amendment of
section 32 of
Act 47 of 1937.

14. Section *thirty-two* of the principal Act is hereby amended by the substitution for sub-section (4) of the following sub-section:

"(4) The registrar shall not register the said deed unless a certificate has been furnished to him by the transferee to the effect that all notices prescribed by or under any law in connection with the expropriation of such servitude have been served upon the person entitled to such notices, and if it appears from the said certificate that such servitude has been expropriated subject to any existing conditions, the deed shall be passed subject to those conditions."

Amendment of
section 33 of
Act 47 of 1937.

15. Section *thirty-three* of the principal Act is hereby amended by the addition to sub-section (12) of the following proviso:

verdeel word en die geheel van een of meer van die betrokke eiendomme aan 'n eienaar toegeken word, kan daardie eiendom of eiendomme in die verband van so 'n eienaar gesubstitueer word indien die verband oor sy aandeel van al die eiendomme wat verdeel word, geregistreer is."

13. Artikel een-en-dertig van die Hoofwet word hierby gewysig— Wysiging van artikel 31 van Wet 47 van 1937.

(a) deur in sub-artikel (2) na die woord „vermeld” die woorde „of 'n beëdigde verklaring tot bevrediging van die registrateur dat hy nie in staat was om besit van die titelbewys te verkry nie” in te voeg;

(b) deur sub-artikel (4) deur die volgende sub-artikel te vervang:

„(4) (a) Die registrateur registreer nie bedoelde transportakte nie, tensy daar aan hom 'n sertifikaat deur die onteienende owerheid in sub-artikel (1) bedoel, verstrekkend is ten effekte dat alle kennisgewings voorgeskryf deur of ingevolge enige wet in verband met die eiendomsverandering van bedoelde grond, behoorlik bestel is aan die persone wat op sulke kennisgewings geregtig is.

(b) Bedoelde transportakte word geregistreer onderworpe aan alle bestaande voorwaardes verbonde aan die betrokke grond wat nie onteien of in die transportnemer gevestig is nie.”; en

(c) deur aan die end daarvan die volgende sub-artikels by te voeg:

„(6) (a) Die onteienende owerheid moet, behoudens die bepalings van artikel *elf* van die Spoorweg-onteieningwet, 1955 (Wet No. 37 van 1955), onmiddellik nadat enige grond onteien is, 'n gesertifiseerde afskrif van die kennisgewing van onteiening en twee afskrifte van die betrokke onteieningsplan van die betrokke grond by die registrateur indien en die registrateur moet 'n aantekening van die onteiening in sy registers en op die kantoorafskrif van die titelbewys laat aanbring, en indien die oorspronklike titelbewys te eniger tyd vir enige doel by sy kantoor ingehandig word, moet hy 'n soortgelyke endossement daarop laat aanbring en 'n afskrif van die onteieningsplan daaraan laat heg.

(b) Die aanwesigheid van 'n in paragraaf (a) bedoelde endossement belet nie die geregistreerde eienaar van die betrokke grond om daardie grond te transporteer of andersins daarvoor te beskik nie, en by registrasie van 'n transportakte ten gunste van die transportnemer ingevolge die onteiening, verval so 'n endossement.

(7) Waar 'n deel van enige grond onteien is, en formele transport van bedoelde grond aan die transportnemer nie geskied het nie, moet die registrateur op skriftelike aansoek deur die transportnemer en die eienaar enige endossement in verband met die onteiening in sy registers of op die titelbewys van die grond aanbring, roeier, en daarop berus die eiendomsreg in die aldus onteiene grond in bedoelde eienaar.”.

14. Artikel twee-en-dertig van die Hoofwet word hierby gewysig deur sub-artikel (4) deur die volgende sub-artikel te vervang: Wysiging van artikel 32 van Wet 47 van 1937.

„(4) Die registrateur registreer nie die bedoelde akte nie, tensy die transportnemer aan hom 'n sertifikaat verstrekkend is ten effekte dat alle kennisgewings voorgeskryf deur of ingevolge enige wet in verband met die onteiening van bedoelde serwituut, bestel is aan die persone wat op sulke kennisgewings geregtig is, en indien dit uit bedoelde sertifikaat blyk dat sodanige serwituut onteien is onderworpe aan enige bestaande voorwaardes, word die akte onderworpe aan daardie voorwaardes geregistreer.”.

15. Artikel drie-en-dertig van die Hoofwet word hierby gewysig deur die volgende voorbehoudsbepaling by sub-artikel (12) te voeg: Wysiging van artikel 33 van Wet 47 van 1937.

"Provided it shall not be necessary to produce the title deed of the property or a certified copy thereof, if an affidavit by the transferee is produced that he has been unable to obtain possession of such title deed."

Amendment of
section 37 of
Act 47 of 1937.

16. Section *thirty-seven* of the principal Act is hereby amended—

(a) by the substitution for sub-section (2) of the following sub-section:

"(2) If the property concerned is subject to a registered mortgage bond, that bond shall be produced to the registrar by the holder thereof, upon the request and at the expense of the applicant for the certificate of registered title."; and

(b) by the deletion in sub-section (3) of the words "or other deed".

Amendment of
section 39 of
Act 47 of 1937.

17. Section *thirty-nine* of the principal Act is hereby amended by the insertion after sub-section (1) of the following sub-sections, the existing sub-section (2) becoming sub-section (4):

"(2) Any person who is the registered owner of any one or more defined portions of land under a registered deed reflecting conditions or servitudes which have lapsed by merger duly noted or which have been cancelled, may apply for the issue to him of a certificate of registered title in respect of such land free of such conditions or servitudes.

(3) The certificate of registered title referred to in sub-section (2) shall be in the form prescribed and shall supersede the title under which the land was previously held."

Amendment of
section 40 of
Act 47 of 1937.

18. Section *forty* of the principal Act is hereby amended—

(a) by the deletion in sub-section (1) of the words "section *forty-one* of";

(b) by the deletion of paragraph (c) of that sub-section;

(c) by the deletion of sub-section (2);

(d) by the substitution for sub-section (3) of the following sub-section:

"(3) Every such certificate shall be in accordance with the new diagram and shall be issued on written application by the owner or owners of the pieces of land in question accompanied by the title deed or deeds thereof and any bond thereon, together with the written consent of the holder of the bond.";

(e) by the substitution for sub-section (4) of the following sub-section:

"(4) In registering the certificate, the registrar shall endorse on the title deed or deeds that they have, in respect of the land described in the certificate, been superseded by the certificate, and on the certificate that the land therein described or the share thereof referred to in such endorsement, is mortgaged by such bond and shall make such endorsements on the bond and such entries in the registers as shall clearly indicate that the land is now owned by virtue of the certificate and that the land or such share thereof is subject to such bond.";

(f) by the substitution for sub-section (5) of the following sub-section:

"(5) (a) If a portion only of the land represented on the new diagram is mortgaged, a certificate may not be issued unless the bond is cancelled: Provided that on the written application of the owner and with the consent of the mortgagee, all the land included in the new diagram may be substituted for the land originally mortgaged under the bond.

(b) If different portions of the land represented on the new diagram are mortgaged under different bonds, the certificate may not be issued unless the bonds are cancelled.";

(g) by the addition to paragraph (a) of sub-section (6) of the following proviso:

„Met dien verstande dat dit nie nodig is om die titelbewys van die eiendom of 'n gesertifiseerde afskrif daarvan oor te lê nie, indien die transportnemer 'n beëdigde verklaring oorlê dat hy nie in staat was om besit van sodanige titelbewys te verkry nie.”.

16. Artikel *sewe-en-dertig* van die Hoofwet word hierby gewysig—

Wysiging van artikel 37 van Wet 47 van 1937.

(a) deur sub-artikel (2) deur die volgende sub-artikel te vervang:

„(2) Indien die betrokke eiendom met 'n geregi-streerde verband beswaar is, moet die verband deur die houer daarvan op versoek en op koste van die aansoeker om die sertifikaat van geregistreerde titel aan die registrateur oorgelê word.”; en

(b) deur in sub-artikel (3) die woorde „of ander akte” te skrap.

17. Artikel *nege-en-dertig* van die Hoofwet word hierby gewysig deur na sub-artikel (1) die volgende sub-artikels in te voeg terwyl die bestaande sub-artikel (2) sub-artikel (4) word:

Wysiging van artikel 39 van Wet 47 van 1937.

„(2) Iemand wat die geregistreerde eienaar is van een of meer bepaalde gedeeltes van grond kragtens 'n geregi-streerde akte waarin daar voorwaardes of serwitute voorkom wat deur behoorlik aangetekende samesmelting verval het of wat gekanselleer is, kan om die uitreiking aan hom van 'n sertifikaat van geregistreerde titel ten aansien van daardie grond vry van sodanige voorwaardes en serwitute aansoek doen.

(3) Die in sub-artikel (2) bedoelde sertifikaat van geregistreerde titel moet in die voorgeskrewe vorm wees en vervang die akte waaronder die grond voorheen gehou was.”.

18. Artikel *veertig* van die Hoofwet word hierby gewysig—

Wysiging van artikel 40 van Wet 47 van 1937.

(a) deur in sub-artikel (1) die woorde „artikel *een-en-veertig* van” te skrap;

(b) deur paragraaf (c) van daardie sub-artikel te skrap;

(c) deur sub-artikel (2) te skrap;

(d) deur sub-artikel (3) deur die volgende sub-artikel te vervang:

„(3) Elke sodanige sertifikaat moet met die nuwe kaart ooreenstem en moet uitgereik word op skriftelike aansoek van die eienaar of eienaars van die betrokke stukke grond, vergesel van die titelbewys of titelbewyse daarvan en elke akte van 'n verband daarop, tesame met die skriftelike toestemming van die verbandhouer.”;

(e) deur sub-artikel (4) deur die volgende sub-artikel te vervang:

„(4) By registrasie van die sertifikaat teken die registrateur op die titelbewys of titelbewyse aan dat hulle met betrekking tot die grond wat in die sertifikaat beskryf word, deur die sertifikaat vervang is, en op die sertifikaat aan dat die daarin beskrewe grond of die in die aantekening vermelde aandeel daarin met die verband beswaar is, en maak hy die aantekeninge op die verbandakte en die inskrywings in sy registers wat duidelik aantoon dat die grond nou kragtens die sertifikaat besit word en dat die grond of bedoelde aandeel daarin met die verband beswaar is.”;

(f) deur sub-artikel (5) deur die volgende sub-artikel te vervang:

„(5) (a) Indien slegs 'n gedeelte van die grond wat deur die nuwe kaart voorgestel word, met verband beswaar is, mag 'n sertifikaat nie uitgereik word nie, tensy die verband gekanselleer word: Met dien verstande dat op skriftelike aansoek deur die eienaar en met toestemming van die verbandhouer, al die grond inbegrepe in die nuwe kaart in die plek van die oorspronklik beswaarde grond met die verband beswaar kan word.

(b) Indien verskillende gedeeltes van die grond wat deur die nuwe kaart voorgestel word, met verskillende verbande beswaar is, mag die sertifikaat nie uitgereik word nie tensy die verbande gekanselleer word.”;

(g) deur die volgende voorbehoudsbepaling by paragraaf (a) van sub-artikel (6) te voeg:

"Provided that it shall not be necessary to produce a diagram of such portion if the diagram of the consolidated land shows that portion by dotted lines or in such other way as to identify it";

(h) by the deletion of sub-section (7); and

(i) by the deletion in sub-section (8) and in sub-section (9) of the words "or amended".

Amendment of
section 43 of
Act 47 of 1937.

19. Section *forty-three* of the principal Act is hereby amended—

(a) by the deletion in sub-section (1) of the words "and any registered deed of lease or other registered deed whereby any real right in the land is held by any other person" and the words "lease or right";

(b) by the deletion in sub-section (2) of the words "or that it is subject to such lease or right, unless this appears from the certificate itself" and the words "and other deed" and the words "lease or right"; and

(c) by the addition at the end thereof of the following sub-section:

"(5) (a) Save in the case of a transfer of a whole erf, no owner of a township or settlement in whose title deed the individual erven are not separately described, shall deal separately in any way with an individual erf in such township or settlement or any portion thereof or share therein until he has obtained a certificate of registered title of such erf in the prescribed form.

(b) The provisions of this sub-section shall not apply in respect of Crown land."

Amendment of
section 45 of
Act 47 of 1937.

20. Section *forty-five* of the principal Act is hereby amended—

(a) by the insertion in sub-section (1) after the word "property"—

(i) where it occurs for the first time of the words "or a lease under any law relating to land settlement";

(ii) where it occurs for the third time of the word "lease";

(iii) where it occurs for the fourth time of the words "or on the deed of lease"; and

(iv) where it occurs for the fifth and sixth times of the word "lease"; and

(b) by the substitution for paragraph (b) of sub-section (2) of the following paragraph:

"(b) the estate of the deceased spouse is released from liability under the bond; or".

Insertion of
section 45bis in
Act 47 of 1937.

21. The following section is hereby inserted in the principal Act after section *forty-five*:

"Endorsement of deeds where marriage dissolved by divorce.

45bis. (1) If immovable property or a lease under any law relating to land settlement or a bond is registered in a deeds registry in the name of one of two spouses who were married in community of property but have been divorced, and the person in whose name such property, lease or bond is registered has lawfully acquired the share of his former spouse in the property, lease or bond, the registrar may, on written application by that person, accompanied by such documents as the registrar deems necessary, endorse on the title deeds of the property or on the lease or the bond that such person is entitled to deal with such property, lease or bond, and thereupon such person shall be entitled to deal therewith as if he had taken formal transfer or cession into his name of the share of the former spouse in the property, lease or bond.

(2) If any immovable property referred to in sub-section (1) is hypothecated under a registered mortgage bond, the provisions of sub-sections (2), (3) and (4) of section *forty-five* shall *mutatis mutandis* apply."

„Met dien verstande dat die oorlegging van 'n kaart van so 'n gedeelte nie nodig is nie indien die kaart van die gekonsolideerde grond daardie gedeelte aandui deur middel van stippellyne of op so 'n ander wyse dat dit herken kan word”;

- (h) deur sub-artikel (7) te skrap; en
- (i) deur in sub-artikel (8) en in sub-artikel (9) die woorde „of gewysigde” te skrap.

19. Artikel drie-en-veertig van die Hoofwet word hierby gewysig— Wysiging van artikel 43 van Wet 47 van 1937.

- (a) deur in sub-artikel (1) die woorde „en elke geregi-streerde huurkontrak of ander geregistreerde akte uit kragte waarvan iemand anders 'n saaklike reg oor die grond besit” en die woorde „die huurder of die besitter van daardie reg” te skrap;
- (b) deur in sub-artikel (2) die woorde „of aan die huur of ander reg onderworpe is, tensy dit uit die sertifikaat self blyk” en die woorde „en ander akte” en die woorde „of aan die huur of ander reg onderworpe” te skrap; en
- (c) deur aan die end daarvan die volgende sub-artikel by te voeg:
 - „(5) (a) Behalwe waar 'n hele erf getranspoteer word, mag die eienaar van 'n dorp of neder-setting in wie se titelbewys die individuele erwe nie afsonderlik beskryf word nie, nie op enige wyse afsonderlik oor 'n enkele erf in bedoelde dorp of nedersetting of oor 'n gedeelte van so 'n erf of 'n aandeel daarin beskik nie, totdat hy 'n sertifikaat van geregistreerde titel in die voor-geskrewe vorm ten aansien van sodanige erf ontvang het.
 - (b) Die bepalings van hierdie sub-artikel is nie ten opsigte van Kroongrond van toepassing nie.”.

20. Artikel vyf-en-veertig van die Hoofwet word hierby gewysig— Wysiging van artikel 45 van Wet 47 van 1937.

- (a) deur in sub-artikel (1) na die woord „goed”—
 - (i) waar dit die eerste maal voorkom die woorde „of 'n huurkontrak ingevolge 'n wet op neder-setting”;
 - (ii) waar dit die tweede maal voorkom die woord „huurkontrak”;
 - (iii) waar dit die derde maal voorkom die woorde „of op die huurkontrak”; en
 - (iv) waar dit die vierde en vyfde maal voorkom die woord „kontrak”;
 in te voeg, en na die woord „grond” die woord „kontrak” in te voeg; en
- (b) deur paragraaf (b) van sub-artikel (2) deur die volgende paragraaf te vervang:
 - „(b) die boedel van die oorlede. eggenoot van aan-spreklikheid ingevolge die verband vrygestel word; of”.

21. Die volgende artikel word hierby na artikel vyf-en-veertig in die Hoofwet ingevoeg: Invoeging van artikel 45bis in Wet 47 van 1937.

„Aanteke-nings op aktes waar huwelik deur egskeiding ontbind word.

45bis. (1) Indien onroerende goed of 'n huur-kontrak ingevolge 'n wet op nedersetting of 'n verband in 'n registrasiekantoor geregistreer staan op naam van een van twee eggenote wat in gemeen-skap van goedere getroud was maar geskei is, en die persoon op wie se naam die goed, huurkontrak of verband geregistreer is wettiglik die aandeel van sy voormalige eggenoot in die eiendom, huur-kontrak of verband verkry het, kan die registrateur op skriftelike aansoek deur daardie persoon ver-gesel van die dokumente wat die registrateur nodig ag, op die titelbewys van die eiendom of op die huurkontrak of die verbandakte aanteken dat daardie persoon geregtig is om oor bedoelde eiend-om, huurkontrak of verband te beskik, en daarop is daardie persoon geregtig om daarvoor te beskik asof hy formeel transport of 'n sessie op sy naam van die voormalige eggenoot se aandeel in die eiendom, huurkontrak of verband verkry het.

(2) Indien onroerende goed in sub-artikel (1) bedoel met 'n geregistreerde verband beswaar is, is die bepalings van sub-artikels (2), (3) en (4) van artikel vyf-en-veertig *mutatis mutandis* van toe-passing.”.

Amendment of
section 46 of
Act 47 of 1937.

22. Section *forty-six* of the principal Act is hereby amended—

- (a) by the addition at the end of sub-section (2) of the words "and any mortgage bond endorsed on the title deed and the mortgagee's consent to the endorsement of such bond to the effect that it attaches to the land described in the plan"; and
- (b) by the deletion in sub-section (5) and in sub-section (6) of the words "or amended".

Substitution of
section 52 of
Act 47 of 1937.

23. The following section is hereby substituted for section *fifty-two* of the principal Act:

"Cession of bond to secure future advances. 52. A cession of a bond passed to secure future advances may be registered and the registration of such a cession shall not affect the provisions of the bond relating to future advances up to the amount stated in the bond."

Amendment of
section 53 of
Act 47 of 1937.

24. Section *fifty-three* of the principal Act is hereby amended by the addition at the end of sub-section (2) of the following proviso:

"Provided that notwithstanding the provisions of sub-section (1) of section *fifty*, land held subject to a condition that, on the happening of a certain event, such land shall revert to a person named in such condition, may be mortgaged by the owner thereof and such person by means of a bond passed by them jointly and severally, or may be mortgaged by the owner of such land with the consent of such person."

Amendment of
section 55 of
Act 47 of 1937.

25. Section *fifty-five* of the principal Act is hereby amended by the substitution for sub-section (1) of the following sub-section:

- "(1) If a bond is passed by two or more mortgagors, no release from the bond—
- (a) of any mortgagor and his property, or of a portion of the property of any mortgagor may be registered without the written consent of the other mortgagor or mortgagors; or
- (b) of all the property of any mortgagor may be registered unless such mortgagor is also released."

Amendment of
section 56 of
Act 47 of 1937.

26. Section *fifty-six* of the principal Act is hereby amended by the insertion in sub-section (1) after the words "the holder thereof" of the words "or unless, in the case of any such mortgage bond which has been lost or destroyed, the registrar has on application by the registered holder thereof, cancelled the entry in his register in respect of such bond".

Amendment of
section 57 of
Act 47 of 1937.

27. Section *fifty-seven* of the principal Act is hereby amended—

- (a) by the substitution in sub-section (1) for the words "has agreed to transfer" of the word "transfers";
- (b) by the deletion in paragraph (c) of sub-section (4) of the word "married"; and
- (c) by the addition at the end thereof of the following sub-section:

"(5) The provisions of sub-sections (1) to (4), inclusive, shall *mutatis mutandis* apply in respect of immovable property other than land which is hypothecated under a registered mortgage bond."

Amendment of
section 61 of
Act 47 of 1937.

28. Section *sixty-one* of the principal Act is hereby amended by the deletion of sub-sections (2) and (4).

Amendment of
section 62 of
Act 47 of 1937,
as substituted by
section 2 of
Act 15 of 1953.

29. Section *sixty-two* of the principal Act is hereby amended by the addition at the end of sub-section (1) of the following proviso:

"Provided that notarial bonds passed in Natal in pursuance of the Notarial Bonds (Natal) Act, 1932 (Act No. 18 of 1932), irrespective of whether the debtor resides or carries on business in Natal, shall be sufficiently registered for the purposes of this Act if registered in the deeds registry at Pietermaritzburg."

22. Artikel *ses-en-veertig* van die Hoofwet word hierby gewysig— Wysiging van artikel 46 van Wet 47 van 1937.

- (a) deur aan die end van sub-artikel (2) die woorde „asook enige verbandakte op die titelbewys aangeteken en die verbandhouer se toestemming tot 'n aantekening op daardie verbandakte ten effekte dat dit aan die in die plan beskrewe grond verbonde is” by te voeg; en
- (b) deur in sub-artikel (5) en in sub-artikel (6) die woorde „of gewysigde” te skrap.

23. Artikel *twee-en-veertig* van die Hoofwet word hierby deur die volgende artikel vervang: Vervanging van artikel 52 van Wet 47 van 1937.

„Sessie van verband ter versekering van toekomstige voorskotte. 52. 'n Sessie van 'n verband gegee om toekomstige voorskotte te verseker kan geregistreer word, en die registrasie van so 'n sessie raak nie die bepalings van die verbandakte met betrekking tot toekomstige voorskotte tot die bedrag in die verband aangegee nie.”

24. Artikel *drie-en-veertig* van die Hoofwet word hierby gewysig deur aan die end van sub-artikel (2) die volgende voorbehoudsbepaling by te voeg: Wysiging van artikel 53 van Wet 47 van 1937.

„Met dien verstande dat, ondanks die bepalings van sub-artikel (1) van artikel *veertig*, grond wat besit word onderworpe aan 'n voorwaarde dat wanneer 'n sekere gebeurtenis plaasvind, die grond terugval aan 'n persoon in die voorwaarde genoem, deur die eienaar daarvan en bedoelde persoon met 'n verband deur hulle gesamentlik en afsonderlik gegee, of deur die eienaar daarvan met toestemming van bedoelde persoon, met verband beswaar kan word.”

25. Artikel *vyf-en-veertig* van die Hoofwet word hierby gewysig deur sub-artikel (1) deur die volgende sub-artikel te vervang: Wysiging van artikel 55 van Wet 47 van 1937.

„(1) Indien 'n verband deur twee of meer verbandgewers gepasseer word, kan geen vrystelling van die verband—

- (a) van enige verbandgewer en sy eiendom, of van 'n gedeelte van die eiendom van 'n verbandgewer, sonder skriftelike toestemming van die ander verbandgewer of verbandgewers geregistreer word nie; of
- (b) van al die eiendom van enige verbandgewer geregistreer word nie, tensy daardie verbandgewer ook vrygestel word.”

26. Artikel *ses-en-veertig* van die Hoofwet word hierby gewysig deur in sub-artikel (1) na die woorde „vrygestel is” die woorde „of tensy in die geval van so 'n verband wat verlore geraak het of vernietig is, die registrateur, ingevolge 'n aansoek deur die geregistreerde houer daarvan, die inskrywing in sy register ten aansien van bedoelde verband gerojêer het” in te voeg. Wysiging van artikel 56 van Wet 47 van 1937.

27. Artikel *sewe-en-veertig* van die Hoofwet word hierby gewysig— Wysiging van artikel 57 van Wet 47 van 1937.

- (a) deur in sub-artikel (1) die woorde „ooreengekom het om” en die woord „te” te skrap;
- (b) deur in paragraaf (c) van sub-artikel (4) die woord „getroude” te skrap; en
- (c) deur aan die end daarvan die volgende sub-artikel by te voeg:
- „(5) Die bepalings van sub-artikels (1) tot en met (4) is *mutatis mutandis* van toepassing ten opsigte van ander onroerende goed as grond wat met 'n geregistreerde verband beswaar is.”

28. Artikel *een-en-sestig* van die Hoofwet word hierby gewysig deur sub-artikels (2) en (4) te skrap. Wysiging van artikel 61 van Wet 47 van 1937.

29. Artikel *twee-en-sestig* van die Hoofwet word hierby gewysig deur aan die end van sub-artikel (1) die volgende voorbehoudsbepaling by te voeg: Wysiging van artikel 62 van Wet 47 van 1937, soos vervang deur artikel 2 van Wet 15 van 1953.

„Met dien verstande dat notariële verbande wat in Natal gepasseer is ingevolge die Wet op Notariële Verbande (Natal), 1932 (Wet No. 18 van 1932), afgesien daarvan of die skuldenaar in Natal woon of besigheid dryf, voldoende geregistreer is vir die doeleindes van hierdie Wet indien dit by die registrasiekantoor te Pietermaritzburg geregistreer is.”

Amendment of
section 65 of
Act 47 of 1937.

30. Section *sixty-five* of the principal Act is hereby amended—

(a) by the substitution in sub-section (1) for the words "A notarial deed creating a personal servitude shall be executed by the owner of the land encumbered thereby and the person in whose favour it is created" of the words "Save as provided in sub-section (2) of section *sixty-three* or in any other law, a personal servitude may be created by means of a deed executed by the owner of the land encumbered thereby and the person in whose favour it is created, and attested by a notary public";

(b) by the addition at the end of sub-section (1) of the following proviso:

"and provided further that where it is desired to register a road or thoroughfare in favour of the public at the same time as the registration of a sub-division which it serves, it shall in like manner and without the registration of a notarial deed be permissible to register it in the deed relating to the sub-division and also to endorse the deed of the remainder accordingly"; and

(c) by the substitution for sub-section (3) of the following sub-section:

"(3) For the registration of such a deed, the title deed of the land and, if the land is mortgaged, the bond and the consent in writing of the legal holder thereof to the registration of the servitude free of the bond, shall be produced."

Insertion of
section 69*bis* in
Act 47 of 1937.

31. The following section is hereby inserted in the principal Act after section *sixty-nine*:

*Joint trans-
actions by
fiduciary
and fidei-
commissary.* 69*bis*. (1) If the owner of land subject to a *fideicommissum* and the fideicommissary, if the latter is competent so to do, have disposed of the land or any portion thereof, together with the fideicommissary rights, to any other person, they may together give transfer thereof to that person.

(2) The transfer deed shall describe the transferors as the owner of the land and the holder of the fideicommissary right respectively, but no mention of the fideicommissary right shall be made in the description of the land therein.

(3) The owner of land subject to a *fideicommissum* and the fideicommissary, if the latter is competent so to do, may together mortgage the land to the full extent of their respective rights therein."

Amendment of
section 70 of
Act 47 of 1937.

32. Section *seventy* of the principal Act is hereby amended by the addition at the end thereof of the following sub-sections:

"(3) When a deed of transfer of land exclusive of rights to minerals is lodged in terms of section *thirty-one*, and the rights to minerals are held by the registered owner of the land under the title to the land, there shall be also lodged for registration a certificate of mineral rights in the prescribed form, and the provisions of sub-sections (4) and (5) of section *seventy-one* shall *mutatis mutandis* apply.

(4) Notwithstanding anything to the contrary contained in any other law, whenever rights to minerals have been separated from the ownership of land under any provision of this Act, such rights to minerals and the land shall thereafter each be held under separate title even though the holder of the rights to minerals be also the owner of the land: Provided that where the owner of the land is also the owner of all the mineral rights and such rights are unencumbered, it shall be competent to register a merger on application by the owner."

Amendment of
section 72 of
Act 47 of 1937.

33. Section *seventy-two* of the principal Act is hereby amended—

(a) by the substitution for the words "*mutatis mutandis*" of the word "not"; and

30. Artikel *vyf-en-sestig* van die Hoofwet word hierby gewysig— Wysiging van artikel 65 van Wet 47 van 1937.

(a) deur in sub-artikel (1) die woorde „'n Notariële akte, wat 'n persoonlike serwituut vestig, moet onderteken word deur die eienaar van die daarmee beswaarde grond en deur die persoon ten gunste van wie dit gevestig word” deur die woorde „'n Persoonlike serwituut kan, behoudens die bepalings van sub-artikel (2) van artikel *drie-en-sestig* of van enige ander wet, by wyse van 'n akte verly deur die eienaar van die daardeur beswaarde grond en die persoon ten gunste van wie dit ingestel word, geattesteer deur 'n notaris, ingestel word” te vervang;

(b) deur aan die end van sub-artikel (1) die volgende voorbehoudsbepaling by te voeg:

„en met dien verstande voorts dat waar die registrasie van 'n serwituut van pad of deurgang ten gunste van die publiek verlang word gelyktydig met die registrasie van 'n onderverdeling wat daardeur gedien word, dit geoorloof is om dit op dieselfde wyse en sonder die noodsaaklikheid van registrasie van 'n notariële akte, in die akte van die onderverdeling te registreer en ook 'n aantekening dienooreenkomstig op die titelbewys van die resterende gedeelte aan te bring.”; en

(c) deur sub-artikel (3) deur die volgende sub-artikel te vervang:

„(3) Vir die registrasie van so 'n akte moet die titelbewys van die grond en, as die grond met verband beswaar is, die verbandakte en die skriftelike toestemming van die wettige verbandhouer tot die registrasie van die serwituut vry van die verband oorgelê word.”.

31. Die volgende artikel word hierby na artikel *nege-en-sestig* in die Hoofwet ingevoeg:

„Gesamentlike transaksies deur fiduciarius en fideikommissarius.

69bis. (1) Indien die eienaar van grond waarop 'n fideicommissum rus en die fideicommissarius (waar hy daartoe bevoeg is) die grond of enige gedeelte daarvan tesame met die fideikommissêre regte aan iemand anders vervreem het, kan hulle dit gesamentlik aan so iemand transporteer.

(2) Die transportakte moet die transportgewers onderskeidelik as die eienaar van die grond en die besitter van die fideikommissêre regte beskryf, maar in die beskrywing van die grond word geen melding van die fideikommissêre reg daarin gemaak nie.

(3) Die eienaar van grond waarop 'n fideicommissum rus en die fideicommissarius (waar hy daartoe bevoeg is) kan gesamentlik die grond tot die volle omvang van hul onderskeie regte daarvoor met verband beswaar.”.

Invoeging van artikel 69bis in Wet 47 van 1937.

32. Artikel *sewentig* van die Hoofwet word hierby gewysig deur aan die end daarvan die volgende sub-artikels by te voeg:

„(3) Wanneer 'n transportakte van grond met uitsluiting van mineraalregte ingevolge artikel *een-en-dertig* aangebied word, en die regte op minerale deur die geregistreerde eienaar van die grond kragtens die titelbewys van die grond besit word, moet daar ook 'n sertifikaat van regte op minerale in die voorgeskrewe vorm vir registrasie ingedien word en is die bepalings van sub-artikels (4) en (5) van artikel *een-en-sewentig mutatis mutandis* van toepassing.

(4) Wanneer regte op minerale van die eiendomsreg van grond geskei is kragtens enige bepaling van hierdie Wet, word sodanige regte op minerale en die grond ondanks andersluidende bepalings van enige ander wet daarna elk onder aparte titel besit, al is die houer van die regte op minerale ook die eienaar van die grond: Met dien verstande dat waar die eienaar van die grond ook die eienaar van al die mineraalregte daarop is, en sodanige regte onbeswaard is, dit geoorloof is om op aansoek deur die eienaar 'n samesmelting te registreer.”.

Wysiging van artikel 70 van Wet 47 van 1937.

33. Artikel *twee-en-sewentig* van die Hoofwet word hierby gewysig—

(a) deur die woorde „*mutatis mutandis* van toepassing” deur die woorde „nie van toepassing nie” te vervang;

en

Wysiging van artikel 72 van Wet 47 van 1937.

- (b) by the addition at the end thereof of the following sub-section, the existing section becoming sub-section (1):

"(2) Whenever the Minister deems it necessary that rights to minerals be separated from the ownership of Crown land, he may apply in writing to the registrar for the issue in favour of the Government of a certificate of such rights to minerals as may be set forth in the application, and the registrar shall thereupon issue such a certificate in the form prescribed by regulation and endorse on the title deed of the land in question that such rights and the ownership of the land have been so separated."

Amendment of
section 75 of
Act 47 of 1937.

34. Section *seventy-five* of the principal Act is hereby amended—

- (a) by the insertion in sub-section (1) after the word "servitude" of the words "in perpetuity or for a limited period"; and

- (b) by the insertion after sub-section (2) of the following sub-section:

"(2)*bis*. If it is sought to cancel a servitude, and the dominant tenement is mortgaged, the bond shall be produced together with the consent in writing of the legal holder thereof to the registration of the cancellation."

Amendment of
section 76 of
Act 47 of 1937.

35. Section *seventy-six* of the principal Act is hereby amended—

- (a) by the insertion in sub-section (1) after the word "servitude" where it occurs for the first time of the words "in perpetuity or for a limited period"; and

- (b) by the addition at the end thereof of the following sub-sections:

"(4) In the sub-division of land which is entitled to a servitude over other land, it shall be competent for the owner when transferring such sub-division to stipulate in his power of attorney that the exercise of the rights is restricted to the land still held by him, and in that event the transfer of the portion in question shall make no reference to the servitude, nor shall it be necessary to record on the title of the servient tenement that the rights are so restricted.

(5) If in the sub-division of land which is subject to restrictive conditions in favour of a statutory body, such body consents to the sub-division contemplated, the consent shall in the absence of anything to the contrary therein contained, involve the application of all such restrictive conditions to each sub-division so authorized, and on registration of title of the sub-division the deed shall be drawn accordingly."

Amendment of
section 84 of
Act 47 of 1937.

36. Section *eighty-four* of the principal Act is hereby amended by the insertion after sub-section (4) of the following sub-section, the existing sub-section (5) becoming sub-section (6):

"(5) Where, in the circumstances provided for in this section, a prospecting contract has been duly registered in any deeds registry, no further prospecting contract or contracts shall be registered against the title deed or title deeds of the same property or properties in respect of the same mineral or minerals until such time as the duly registered prospecting contract has lapsed by effluxion of time or has been cancelled in terms of section *eighty-five* or *ninety*."

Amendment of
section 87 of
Act 47 of 1937,
as amended by
section 3 of
Act 15 of 1953.

37. Section *eighty-seven* of the principal Act is hereby amended by the deletion of sub-section (4).

Amendment of
section 93 of
Act 47 of 1937.

38. Section *ninety-three* of the principal Act is hereby amended by the addition at the end of sub-section (2) of the words "except if required by the registrar and the Surveyor-General in order to record a new designation as a result of the introduction of a system of land numbering where no such system previously existed."

- (b) deur aan die end daarvan die volgende sub-artikel by te voeg, terwyl die bestaande artikel sub-artikel (1) word:

„(2) Wanneer die Minister dit nodig ag dat regte op minerale van die eiendomsreg van Kroongrond geskei word, kan hy skriftelik by die registrateur aansoek doen om die uitreiking ten gunste van die Regering van 'n sertifikaat ten opsigte van sodanige regte op minerale as wat in die aansoek vermeld word, en die registrateur moet daarop so 'n sertifikaat in die by regulasie voorgeskrewe vorm uitreik en op die titelbewys van die betrokke grond endosseer dat bedoelde regte en die eiendomsreg van die grond aldus geskei is.”

34. Artikel vyf-en-sewentig van die Hoofwet word hierby gewysig— Wysiging van artikel 75 van Wet 47 van 1937.

- (a) deur in sub-artikel (1) na die woord „grondserwituut”, die woorde „vir 'n bepaalde of onbepaalde tydperk” in te voeg; en

- (b) deur na sub-artikel (2) die volgende sub-artikel in te voeg:

„(2)bis. Indien verlang word om 'n serwituut te kanselleer, en die heersende eiendom met verband beswaar is, moet die verbandakte tesame met die skriftelike toestemming van die wettige houer daarvan tot registrasie van die kansellering oorgelê word.”

35. Artikel ses-en-sewentig van die Hoofwet word hierby gewysig— Wysiging van artikel 76 van Wet 47 van 1937.

- (a) deur in sub-artikel (1) na die woord „grondserwituut” die woorde „vir 'n bepaalde of onbepaalde tydperk” in te voeg; en

- (b) deur aan die end daarvan die volgende sub-artikels by te voeg:

„(4) By die onderverdeling van grond ten gunste waarvan 'n serwituut oor ander grond bestaan, kan die eienaar by oordrag van so 'n onderverdeling in sy prokurasie bepaal dat die uitoefening van die regte beperk is tot die grond wat nog deur hom besit word, en in so 'n geval word in die transportakte van die betrokke gedeelte geen melding van die serwituut gemaak nie en is dit ook nie nodig om op die titelbewys van die dienende grond aan te teken dat die regte aldus beperk is nie.

(5) Indien by die onderverdeling van grond wat aan beperkende voorwaardes ten gunste van 'n statutêre liggaam onderhewig is, daardie liggaam tot die beoogde onderverdeling toestem, het sodanige toestemming die uitwerking, tensy die teendeel daarin aangedui word, dat al die betrokke beperkende voorwaardes vir elke aldus gemagtigde onderverdeling geld, en by registrasie van die titelbewys van die onderverdeling moet die transportakte dien-ooreenkomstig opgestel word.”

36. Artikel vier-en-tagtig van die Hoofwet word hierby gewysig deur na sub-artikel (4) die volgende sub-artikel in te voeg, terwyl die bestaande sub-artikel (5) sub-artikel (6) word: Wysiging van artikel 84 van Wet 47 van 1937.

„(5) Waar 'n prospekterkontrak onder die omstandighede in hierdie artikel vermeld, behoortlik in 'n registrasiekantoor geregistreer is, word geen verdere prospekterkontrak of -kontrakte ten opsigte van dieselfde mineraal of minerale teen die titelbewys of titelbewyse van dieselfde eiendom of eiendomme geregistreer nie, totdat die behoortlik geregistreerde prospekterkontrak weens tydsverloop verstryk het of ingevolge artikel vyf-en-tagtig of negentig gekanselleer is.”

37. Artikel sewe-en-tagtig van die Hoofwet word hierby gewysig deur sub-artikel (4) te skrap. Wysiging van artikel 87 van Wet 47 van 1937, soos gewysig deur artikel 3 van Wet 15 van 1953.

38. Artikel drie-en-negentig van die Hoofwet word hierby gewysig deur aan die end van sub-artikel (2) die woorde „behalwe wanneer deur die registrateur en die Landmeter-generaal vereis ten einde 'n nuwe naam te boek te stel as gevolg van die invoering van 'n stelsel van toewysing van nommers aan grond waar so 'n stelsel tevore nie bestaan het nie.” by te voeg. Wysiging van artikel 93 van Wet 47 van 1937.

Amendment of
section 97 of
Act 47 of 1937.

39. Section *ninety-seven* of the principal Act is hereby amended by the addition at the end thereof of the following sub-section, the existing section becoming sub-section (1):

"(2) Subject to notice in terms of sub-section (1) being given to the registrar concerned, any order made by a court having jurisdiction over a person in respect of that person's property or rights to property situate in another province shall be given effect to by the registrar of such other province without the necessity of having such order confirmed by the court of the province in which the property is situate."

Amendment of
Second Schedule
to Act 47 of 1937.

40. The Second Schedule to the principal Act is hereby amended by the substitution in paragraph (b) for the words "of the High Commissioner dated 23rd December, 1847" of the words "No. 61 of 1860, as amended by Government Notice No. 26 of 1863, dated 26th September, 1863, but excluding the area within the boundaries of the municipality of Cathcart as defined in Proclamation No. 74 of 1883, dated 16th May, 1883,".

Short title.

41. This Act shall be called the Deeds Registries Amendment Act, 1957, and shall come into operation on a date to be fixed by the Governor-General by proclamation in the *Gazette*.

39. Artikel *sewe-en-negentig* van die Hoofwet word hierby gewysig deur aan die end daarvan die volgende sub-artikel by te voeg terwyl die bestaande artikel sub-artikel (1) word:

Wysiging van
artikel 97 van
Wet 47 van 1937.

„(2) Onderworpe aan kennisgewing ooreenkomstig sub-artikel (1) aan die betrokke registrateur, moet aan elke bevel uitgereik deur 'n hof met regsbevoegdheid oor 'n persoon ten opsigte van sy eiendom of regte op eiendom in 'n ander provinsie geleë, deur die registrateur van so 'n ander provinsie gevolg gegee word sonder dat dit nodig is om bevestiging van die bevel deur die hof van die provinsie waarin die eiendom geleë is te verkry.”.

40. Die Tweede Bylae by die Hoofwet word hierby gewysig deur in paragraaf (b) die woorde „van die Hoë Kommissaris, gedateer 23 Desember 1847 omskryf” deur die woorde „No. 61 van 1860, soos gewysig deur Goewermentskennisgewing No. 26 van 1863, gedateer 26 September 1863, omskryf, met uitsondering van die gebied binne die grense van die munisipaliteit van Cathcart soos in Proklamasie No. 74 van 1883, gedateer 16 Mei 1883, omskryf” te vervang.

Wysiging van
Tweede Bylae by
Wet 47 van 1937.

41. Hierdie Wet heet die Wysigingswet op Registrasie van Aktes, 1957, en tree in werking op 'n datum wat die Goewerneur-generaal by proklamasie in die *Staatskoerant* bepaal.

Kort titel.

No. 47, 1957.]

ACT

To amend the Wine and Spirits Control Amendment Act, 1940, the Wine and Spirits Control Amendment Act, 1954 and the Wine and Spirits Control Act, 1956.

(English text signed by the Officer Administering the Government.)

(Assented to 12th June, 1957.)

BE IT ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Amendment of section 1 of Act 23 of 1940, as amended by section 3 of Act 23 of 1946.

1. Section *one* of the Wine and Spirits Control Amendment Act, 1940 (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the substitution in sub-section (1) in the definition of "levy" for the word "seven" of the word "four";
- (b) by the insertion in sub-section (1) in the definition of "minimum price" after the words "the addition of" of the words "any surcharge,";
- (c) by the substitution in sub-section (1) for the definition of "principal Act" of the following definition:
" 'principal Act' means the Wine and Spirits Control Act, 1956 (Act No. 38 of 1956);";
- (d) by the insertion in sub-section (1) in the definition of "quality price" after the words "the addition of" of the words "any surcharge,"; and
- (e) by the substitution in sub-section (1) in the definition of "wine" for the words "Cape Province" of the word "Union".

Amendment of section 3 of Act 23 of 1940.

2. Section *three* of the principal Act is hereby amended by the substitution in sub-section (1) for the words "Cape Province" of the word "Union".

Substitution of section 4 of Act 23 of 1940, as amended by section 18 of Act 22 of 1954.

3. The following section is hereby substituted for section *four* of the principal Act:

"Restriction upon sale of wine by the vereniging. 4. (1) Save as provided in sub-section (2), the vereniging shall not supply or sell wine—

- (a) for consumption in the Union or the territory of South-West Africa or Basutoland or the Bechuanaland Protectorate or Swaziland—
 - (i) to any person who is not a wholesale trader, association of wholesale traders, co-operative society or co-operative company; or
 - (ii) in any quantity which is not a wholesale quantity except to a co-operative society or co-operative company or to a person who has in the year in which that wine is so supplied or sold, purchased or acquired or undertaken to purchase or acquire from the vereniging or one or more wine-growers or co-operative societies or co-operative companies a quantity of wine which is a wholesale quantity; or
 - (iii) at a price which is less than the price payable by that person in terms of section *five* for the quantity of wine so supplied or sold; or
- (b) for consumption elsewhere in Africa south of the Equator (hereinafter referred to as the 'territory'), except to a co-operative society or co-operative company or to a person who has during the year in which such wine is so supplied or sold, purchased or acquired or undertaken to purchase or acquire for consumption in the Union a quantity of wine which is a wholesale quantity: Provided that the Minister may, at any time and subject to

No. 47, 1957.]

WET

Tot wysiging van die Wysigingswet op die Kontrole oor Wyn en Spiritualieë, 1940, die Wysigingswet op die Kontrole oor Wyn en Spiritualieë, 1954 en die Wet op Beheer oor Wyn en Spiritualieë, 1956.

(Engelse teks deur die Amptenaar belas met die Uitoefening van die Uitvoerende Gesag geteken.)
(Goedgekeur op 12 Junie 1957.)

DIT WORD BEPAAL deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

1. Artikel een van die Wysigingswet op die Kontrole oor Wyn en Spiritualieë, 1940 (hieronder die Hoofwet genoem), word hiermee gewysig—
 - (a) deur in sub-artikel (1) in die woordskrywing van „heffing” die woord „sewe” deur die woord „vier” te vervang;
 - (b) deur in sub-artikel (1) in die woordskrywing van „minimum prys” na die woorde „die byvoeging van” die woorde „enige toeslag,” in te voeg;
 - (c) deur in sub-artikel (1) die woordskrywing van „Hoofwet” deur die volgende woordskrywing te vervang: „Hoofwet”, die Wet op Beheer oor Wyn en Spiritualieë, 1956 (Wet No. 38 van 1956);”;
 - (d) deur in sub-artikel (1) in die woordskrywing van „kwaliteitsprys” na die woorde „die byvoeging van” die woorde „enige toeslag,” in te voeg; en
 - (e) deur in sub-artikel (1) in die woordskrywing van „wyn” die woord „Kaapprovinsie” deur die woord „Unie” te vervang.
2. Artikel drie van die Hoofwet word hiermee gewysig deur in sub-artikel (1) die woord „Kaapprovinsie” deur die woord „Unie” te vervang.
3. Artikel vier van die Hoofwet word hiermee deur die volgende artikel vervang:

„Beperking op verkoop van wyn deur vereniging.

 4. (1) Behalwe soos in sub-artikel (2) bepaal, verskaf of verkoop die vereniging nie wyn—
 - (a) vir verbruik in die Unie of die gebied Suidwes-Afrika of Basoetoland of die Betsjoeanaland-protektoraat of Swasieland—
 - (i) aan iemand wat nie ’n groothandelaar, assosiasie van groothandelaars, koöperatiewe vereniging of koöperatiewe maatskappy is nie; of
 - (ii) in ’n hoeveelheid wat nie ’n groothandels-hoeveelheid is nie, behalwe aan ’n koöperatiewe vereniging of koöperatiewe maatskappy of aan iemand wat in die jaar waarin daardie wyn aldus verskaf of verkoop word van die vereniging of een of meer wynbouers of koöperatiewe verenigings of koöperatiewe maatskappye ’n hoeveelheid wyn wat ’n groothandels-hoeveelheid is, gekoop of verkry het of onderneem het om dit te koop of te verkry; of
 - (iii) teen ’n prys wat laer is as die prys wat volgens artikel vyf deur daardie persoon betaalbaar is vir die hoeveelheid wyn aldus verskaf of verkoop; of
 - (b) vir verbruik elders in Afrika suid van die ewenaar (hieronder die „gebied” genoem), behalwe aan ’n koöperatiewe vereniging of koöperatiewe maatskappy of aan ’n persoon wat gedurende die jaar waarin daardie wyn aldus verskaf of verkoop word ’n hoeveelheid wyn wat ’n groothandels-hoeveelheid is, vir verbruik in die Unie gekoop of verkry het of onderneem het om dit te koop of te verkry; Met dien verstande dat die Minister, te eniger tyd en onderworpe aan sodanige voorwaardes

Wysiging van artikel 1 van Wet 23 van 1940, soos gewysig deur artikel 3 van Wet 23 van 1946.

Wysiging van artikel 3 van Wet 23 van 1940.

Vervanging van artikel 4 van Wet 23 van 1940, soos gewysig deur artikel 18 van Wet 22 van 1954.

such conditions as he may deem fair and equitable in the circumstances, authorize the vereniging to supply or sell wine for consumption anywhere in the territory other than in the Federation of Rhodesia and Nyasaland to any other person or persons; and he may at any time withdraw such authorization or amend or alter such conditions as he may deem fit.

(2) Notwithstanding anything to the contrary contained in any law, the vereniging may during any year supply to any of its members—

- (a) for his private use, in exchange for wine as defined in this Act or wine as defined in the principal Act intended for distillation purposes, produced by that member on land owned or occupied by him and delivered to the vereniging, such a quantity of wine (in terms of paragraph (a) of the definition of 'wine') as, together with the aggregate quantity of brandy, gin and liqueur supplied to that member during that year under paragraph (a) of sub-section (4) of section *three* of the principal Act, is equivalent to not more than fifteen gallons of spirit at proof strength;
- (b) unfortified wine, in exchange for wine as defined in this Act or wine as defined in the principal Act intended for distillation purposes delivered to it by such member during such year, on such conditions and in such quantities, not exceeding in the aggregate a quantity equivalent to the quantity of wine so delivered, as may be approved by the Minister.

(3) The Minister shall make known in such manner as he may deem fit the terms of any authorization granted by him under the proviso to paragraph (b) of sub-section (1), the conditions, if any, subject to which such authorization has been granted, any amendment and alteration of such conditions and any withdrawal of such authorization.”.

Amendment of section 5 of Act 23 of 1940, as amended by section 4 of Act 23 of 1946.

4. Section *five* of the principal Act is hereby amended—

- (a) by the substitution for paragraph (a) of sub-section (1) of the following paragraph:

“(a) subject to the provisions of paragraphs (b) and (c), the vereniging may, in respect of any year, with the approval of the Minister, fix—

- (i) a minimum price for wine;
- (ii) a quality price for wine;
- (iii) the surcharge which shall be added to any such price if such wine is purchased by or sold to a person licensed to deal in liquor or a distiller (other than the vereniging) during the month of July of that year and the corresponding surcharge for each of the remaining months of that year;
- (iv) the period within which any such price or any portion thereof, and any such surcharge or any portion thereof shall be paid, the interest, costs of transport or other charges which shall be added to any such price and the circumstances in which such interest, costs or other charges shall be so added; and
- (v) the percentage of the total quantity of wine purchased or acquired by any wholesale trader during that year, which such trader shall purchase or acquire at a price which is not less than the price prescribed in sub-section (4),

and any minimum price, quality price, surcharge, period, charges, circumstances or percentage so fixed shall be made known by the Minister by notice in the *Gazette* on or before the twentieth day of March of that year;”;

- (b) by the insertion in paragraphs (b) and (c) of sub-section (1) after the word “price” wherever it occurs of the word “surcharge,”.

as wat hy onder die omstandighede redelik en billik ag, die vereniging kan magtig om wyn te verskaf of te verkoop aan enige ander persoon of persone vir verbruik op enige plek in die gebied behalwe in die Federasie van Rhodesië en Njassaland; en hy kan te eniger tyd sodanige magtiging terugtrek of sodanige voorwaardes wysig of verander soos hy mag goed dink.

(2) Die vereniging kan, ondanks andersluidende wetsbepalings, gedurende enige jaar aan enige van sy lede—

(a) vir sy private gebruik, in ruil vir wyn soos omskryf in hierdie Wet of wyn soos omskryf in die Hoofwet bestem vir distilleringsdoeleindes, deur daardie lid op grond waarvan hy eienaar of bewoner is, geproduseer en aan die vereniging gelewer, so 'n hoeveelheid wyn (volgens paragraaf (a) van die omskrywing van „wyn”) verskaf as wat, tesame met die gesamentlike hoeveelheid brandewyn, jenewer en likeur gedurende daardie jaar aan daardie lid kragtens paragraaf (a) van sub-artikel (4) van artikel drie van die Hoofwet verskaf, gelykstaan met hoogstens vyftien gallon spiritus van proefsterkte;

(b) in ruil vir wyn soos omskryf in hierdie Wet of wyn soos omskryf in die Hoofwet bestem vir distilleringsdoeleindes, gedurende daardie jaar deur daardie lid aan die vereniging gelewer, onversterkte wyn verskaf op die voorwaardes en in die hoeveelhede wat tesame nie meer is nie as 'n hoeveelheid wat gelykstaan met die hoeveelheid wyn aldus gelewer, wat die Minister mag goedkeur.

(3) Die Minister maak bekend op so 'n wyse as wat hy goed dink die bepalinge van enige magtiging wat hy kragtens die voorbehoudsbepaling by paragraaf (b) van sub-artikel (1) verleen het, die voorwaardes, indien enige, waaronder sodanige magtiging verleen is, enige wysiging en verandering van sodanige voorwaardes en enige terugtrekking van so 'n magtiging.”.

4. Artikel vyf van die Hoofwet word hiermee gewysig—

(a) deur paragraaf (a) van sub-artikel (1) deur die volgende paragraaf te vervang:

„(a) behoudens die bepalinge van paragrawe (b) en (c), kan die vereniging, met die Minister se goedkeuring, ten opsigte van enige jaar, vasstel—

(i) 'n minimumprys vir wyn;

(ii) 'n kwaliteitsprys vir wyn;

(iii) die toeslag wat by so 'n prys bygevoeg moet word as die wyn gedurende die maand Julie van daardie jaar gekoop is deur of verkoop is aan 'n persoon wat gelisensieer is om in drank handel te dryf of 'n distilleerder (uitgesonderd die vereniging) en die ooreenstemmende toeslag vir elk van die oorblywende maande van daardie jaar;

(iv) die tydperk waarin so 'n prys of 'n gedeelte daarvan en so 'n toeslag of 'n gedeelte daarvan betaal moet word, die rente, vervoerkoste of ander gelde wat by so 'n prys bygevoeg moet word en die omstandighede waaronder sodanige rente, vervoerkoste of ander gelde aldus bygevoeg moet word; en

(v) die persentasie van die totale hoeveelheid wyn gedurende daardie jaar deur 'n groot-handelaar gekoop of verkry, wat daardie handelaar teen 'n prys wat nie laer is nie as die in sub-artikel (4) voorgeskrewe prys, moet koop of verkry,

en enige aldus vasgestelde minimumprys, kwaliteitsprys, toeslag, tydperk, gelde, omstandighede of persentasie word op of voor die twintigste dag van Maart van daardie jaar deur die Minister by kennisgewing in die *Staatskoerant* bekendgemaak;” en

(b) deur in paragrawe (b) en (c) van sub-artikel (1) na die woord „prys” oral waar dit voorkom die woord „toeslag,” in te voeg.

Wysiging van artikel 5 van Wet 23 van 1940, soos gewysig deur artikel 4 van Wet 23 van 1946.

Substitution of section 9 of Act 23 of 1940.

5. The following section is hereby substituted for section *nine* of the principal Act:

"Applica-
tion of the
regulations
set out in the
Schedule.

9. (1) Whenever the Minister is of opinion that a state of overproduction exists or is soon likely to exist in the wine farming industry, the Governor-General may, on the recommendation of the Minister, by proclamation in the *Gazette*, declare the regulations set out in the Schedule to this Act to be operative in the Cape Province from a date and for a period (which may be an indefinite period) to be specified in such proclamation, and he may in like manner at any time during such period amend or repeal such proclamation.

(2) (a) The Governor-General may at any time after the regulations referred to in sub-section (1) have been declared to be operative in the Cape Province and while the said regulations are so operative, on the recommendation of the Minister, by proclamation in the *Gazette*—

(i) declare the said regulations to be operative, with or without modification, from a date and for a period (which may be an indefinite period) to be specified in such proclamation in an area situate outside the Cape Province but within the Union to be likewise specified;

(ii) amend the Schedule to this Act, whether by alteration of or addition to the said regulations, for the better achievement of the objects of those regulations or for the purpose of extending the operation thereof to persons producing any vine product in any area referred to in sub-paragraph (i); and

(iii) amend or repeal any proclamation issued under this paragraph.

(b) Any proclamation issued under paragraph (a) whereby the said regulations and Schedule are amended shall be laid upon the Tables of both Houses of Parliament within fourteen days after the date of publication thereof if Parliament is then in ordinary session, or, if Parliament is not then in ordinary session, within fourteen days after the commencement of its next ensuing ordinary session."

Amendment of section 10 of Act 23 of 1940.

6. Section *ten* of the principal Act is hereby amended by the substitution for the word "*eight*" of the word "*six*".

Amendment of section 21 of Act 23 of 1940, as amended by section 6 of Act 23 of 1946.

7. Section *twenty-one* of the principal Act is hereby amended—

(a) by the substitution in paragraph (b) of sub-section (1) for the word "*one*" of the word "*two*"; and

(b) by the substitution in paragraph (b) of sub-section (2) for the word "*one*" of the word "*two*" and for the word "*two*" of the word "*three*".

Amendment of section 23 of Act 23 of 1940.

8. Section *twenty-three* of the principal Act is hereby amended by the substitution in paragraph (a) for the words "Cape Province" of the word "Union".

Addition of Schedule to Act 23 of 1940.

9. The Schedule to this Act is hereby added as a Schedule to the principal Act.

Amendment of section 1 of Act 22 of 1954.

10. Section *one* of the Wine and Spirits Control Amendment Act, 1954, is hereby amended by the substitution for the expression "1924 (Act No. 5 of 1924)," of the expression "1956 (Act No. 38 of 1956)."

Amendment of section 3 of Act 22 of 1954.

11. Section *three* of the Wine and Spirits Control Amendment Act, 1954, is hereby amended by the substitution in sub-section (5) for the word "*one*" of the word "*two*"; and by the insertion in that sub-section after the words "the principal Act and" of the words "any regulations referred to in".

Amendment of section 5 of Act 22 of 1954.

12. Section *five* of the Wine and Spirits Control Amendment Act, 1954, is hereby amended by the substitution in paragraph (b) of sub-section (1) for the word "*six*" of the word "*eight*".

5. Artikel *nege* van die Hoofwet word hiermee deur die volgende artikel vervang:

„Toepassing
van die
regulasies
in die Bylae
uiteengesit.

9. (1) Wanneer die Minister van mening is dat in die wynboubedryf 'n toestand van oorproduksie bestaan of binnekort waarskynlik sal bestaan, kan die Goewerneur-generaal, op aanbeveling van die Minister, by proklamasie in die *Staatskoerant*, die regulasies in die Bylae by hierdie Wet uiteengesit, in die Kaapprovinsie van toepassing verklaar vanaf 'n datum en vir 'n tydperk (wat 'n onbepaalde tydperk kan wees) in die proklamasie vermeld te word, en kan hy te eniger tyd gedurende daardie tydperk sodanige proklamasie op dieselfde wyse wysig of intrek.

Vervanging van
artikel 9 van Wet
23 van 1940.

(2) (a) Die Goewerneur-generaal kan te eniger tyd nadat die in sub-artikel (1) bedoelde regulasies in die Kaapprovinsie van toepassing verklaar is en terwyl bedoelde regulasies aldus van toepassing is, op aanbeveling van die Minister, by proklamasie in die *Staatskoerant*—

(i) bedoelde regulasies, met of sonder wysiging, vanaf 'n datum en vir 'n tydperk (wat 'n onbepaalde tydperk kan wees) in die proklamasie vermeld te word, van toepassing verklaar in 'n gebied geleë buite die Kaapprovinsie maar binne die Unie insgelyks vermeld te word;

(ii) die Bylae by hierdie Wet wysig, hetsy deur verandering van of byvoeging by bedoelde regulasies om die oogmerke van daardie regulasies beter te verwesenlik of vir die doel om die toepassing daarvan uit te brei na persone wat enige produk van die wynstok in 'n in sub-paragraaf (i) bedoelde gebied produseer; en

(iii) enige kragtens hierdie paragraaf uitgevaardigde proklamasie wysig of intrek.

(b) Enige kragtens paragraaf (a) uitgevaardigde proklamasie waarby bedoelde regulasies en Bylae gewysig word, word in beide Huise van die Parlement ter Tafel gelê binne veertien dae na die datum van publikasie daarvan as die Parlement dan in gewone sessie is, of, as die Parlement dan nie in gewone sessie is nie, binne veertien dae na die aanvang van sy eersvolgende gewone sessie.”

6. Artikel *tien* van die Hoofwet word hiermee gewysig deur die woord „*agt*” deur die woord „*ses*” te vervang.

Wysiging van
artikel 10 van Wet
23 van 1940.

7. Artikel *een-en-twintig* van die Hoofwet word hiermee gewysig—

(a) deur in paragraaf (b) van sub-artikel (1) die woord „*een*” deur die woord „*twee*” te vervang; en

(b) deur in paragraaf (b) van sub-artikel (2) die woord „*een*” deur die woord „*twee*” te vervang en deur die woord „*twee*” deur die woord „*drie*” te vervang.

Wysiging van
artikel 21 van Wet
23 van 1940, soos
gewysig deur
artikel 6 van Wet
23 van 1946.

8. Artikel *drie-en-twintig* van die Hoofwet word hiermee gewysig deur in paragraaf (a) die woord „*Kaapprovinsie*” deur die woord „*Unie*” te vervang.

Wysiging van
artikel 23 van Wet
23 van 1940.

9. Die Bylae by hierdie Wet word hiermee as 'n Bylae by die Hoofwet bygevoeg.

Byvoeging van
Bylae by Wet 23
van 1940.

10. Artikel *een* van die Wysigingswet op die Kontrole oor Wyn en Spiritualieë, 1954, word hiermee gewysig deur die woorde „*Wet op de Kontrôle over Wijn en Spiritualiën, 1924*” (Wet No. 5 van 1924),” deur die woorde „*Wet op Beheer oor Wyn en Spiritualieë, 1956*” (Wet No. 38 van 1956),” te vervang.

Wysiging van
artikel 1 van Wet
22 van 1954.

11. Artikel *drie* van die Wysigingswet op die Kontrole oor Wyn en Spiritualieë, 1954, word hiermee gewysig deur in sub-artikel (5) die woord „*een*” deur die woord „*twee*” te vervang; en deur in daardie sub-artikel na die woorde „*Hoofwet en*” die woorde „*enige regulasies bedoel in*” in te voeg.

Wysiging van
artikel 3 van Wet
22 van 1954.

12. Artikel *vyf* van die Wysigingswet op die Kontrole oor Wyn en Spiritualieë, 1954, word hiermee gewysig deur in paragraaf (b) van sub-artikel (1) die woord „*ses*” deur die woord „*agt*” te vervang.

Wysiging van
artikel 5 van Wet
22 van 1954.

Amendment of section 6 of Act 22 of 1954.

13. Section *six* of the Wine and Spirits Control Amendment Act, 1954, is hereby amended by the substitution for the words "the proviso to" of the words "sub-section (2) of".

Amendment of section 2 of Act 38 of 1956.

14. Section *two* of the Wine and Spirits Control Act, 1956, is hereby amended by the deletion in sub-section (1) of the words "in the Province of the Cape of Good Hope".

Amendment of section 3 of Act 38 of 1956.

15. Section *three* of the Wine and Spirits Control Act, 1956, is hereby amended—

(a) by the insertion in paragraph (a) of sub-section (3) after the word "Union" where it occurs for the first time of the words "or the territory of South-West Africa or Basutoland or the Bechuanaland Protectorate or Swaziland";

(b) by the substitution for paragraph (b) of sub-section (3) of the following paragraph:

"(b) for use elsewhere in Africa south of the Equator (hereinafter referred to as the 'territory'), except to a co-operative society or to a person who has in the year in which such spirits or wine is so supplied or sold, purchased or acquired or undertaken to purchase or acquire for consumption in the Union a quantity of spirits or wine, being wine intended for distillation purposes or wine as defined in the said Act, which is a wholesale quantity as so defined: Provided that the Minister may, at any time and subject to such conditions as he may deem fair and equitable in the circumstances, authorize the veneniging to supply or sell spirits or wine intended for distillation purposes for use anywhere in the territory other than in the Federation of Rhodesia and Nyasaland to any other person or persons; and he may at any time withdraw such authorization or amend or alter any such condition as he may deem fit.";

(c) by the substitution in paragraph (a) of sub-section (4) for the words "the proviso to" of the words "sub-section (2) of"; and

(d) by the addition at the end of the said section of the following sub-section:

"(7) The Minister shall make known in such manner as he may deem fit the terms of any authorization granted by him under the proviso to paragraph (b) of sub-section (3), the conditions, if any, subject to which such authorization has been granted, any amendment and alteration of such conditions and any withdrawal of such authorization."

Amendment of section 4 of Act 38 of 1956.

16. Section *four* of the Wine and Spirits Control Act, 1956, is hereby amended by the deletion of the words "and from any similar levy by a co-operative society to which powers may have been granted under this Act".

Amendment of section 9 of Act 38 of 1956.

17. Section *nine* of the Wine and Spirits Control Act, 1956, is hereby amended by the deletion in sub-section (3) of the words "in the Province of the Cape of Good Hope".

Repeal of section 13 of Act 38 of 1956.

18. Section *thirteen* of the Wine and Spirits Control Act, 1956, is hereby repealed.

Short title.

19. This Act shall be called the Wine and Spirits Control Amendment Act, 1957.

13. Artikel *ses* van die Wysigingswet op die Kontrole oor Wyn en Spiritualieë, 1954, word hiermee gewysig deur die woorde „die voorbehoudsbepaling by” deur die woorde „sub-artikel (2) van” te vervang. Wysiging van artikel 6 van Wet 22 van 1954.

14. Artikel *twee* van die Wet op Beheer oor Wyn en Spiritualieë, 1956, word hiermee gewysig deur in sub-artikel (1) die woorde „in die provinsie die Kaap die Goeie Hoop” te skrap. Wysiging van artikel 2 van Wet 38 van 1956.

15. Artikel *drie* van die Wet op Beheer oor Wyn en Spiritualieë, 1956, word hiermee gewysig— Wysiging van artikel 3 van Wet 38 van 1956.

(a) deur in paragraaf (a) van sub-artikel (3) na die woord „Unie” waar dit vir die eerste keer voorkom, die woorde „of die gebied Suidwes-Afrika of Basoetoland of die Betsjoeanaland-protectoraat of Swasieland” in te voeg;

(b) deur paragraaf (b) van sub-artikel (3) deur die volgende paragraaf te vervang:

„(b) vir gebruik elders in Afrika suid van die ewenaar (hieronder die „gebied” genoem) verskaf of verkoop nie, behalwe aan ’n koöperatiewe vereniging of aan iemand wat in die jaar waarin bedoelde spiritualieë of wyn aldus verskaf of verkoop word, ’n hoeveelheid spiritualieë of wyn, synde wyn bestem vir distilleringsdoeleindes of wyn soos in bedoelde Wet omskryf, wat ’n groothandelshoeveelheid, soos aldus omskryf, is, vir verbruik in die Unie gekoop of verkry het of onderneem het om dit te koop of te verkry: Met dien verstande dat die Minister, te eniger tyd en onderworpe aan sodanige voorwaardes as wat hy onder die omstandighede redelik en billik ag, die vereniging kan magtig om spiritualieë en wyn bestem vir distilleringsdoeleindes te verskaf of te verkoop aan enige ander persoon of persone vir gebruik op enige plek in die gebied behalwe in die Federasie van Rhodesië en Njassaland; en hy kan te eniger tyd sodanige magtiging terugtrek of sodanige voorwaardes wysig of verander soos hy mag goed dink.”;

(c) deur in paragraaf (a) van sub-artikel (4) die woorde „die voorbehoudsbepaling by” deur die woorde „sub-artikel (2) van” te vervang; en

(d) deur aan die end van bedoelde artikel die volgende sub-artikel by te voeg:

„(7) Die Minister maak bekend op so ’n wyse as wat hy goed dink die bepalings van enige magtiging wat hy kragtens die voorbehoudsbepaling by paragraaf (b) van sub-artikel (3) verleen het, die voorwaardes, indien enige, waaronder sodanige magtiging verleen is, enige wysiging en verandering van sodanige voorwaardes en enige terugtrekking van so ’n magtiging.”.

16. Artikel *vier* van die Wet op Beheer oor Wyn en Spiritualieë, 1956, word hiermee gewysig deur die woorde „en van enige soortgelyke heffing deur ’n koöperatiewe vereniging waaraan kragtens hierdie Wet bevoegdhede verleen mag wees” te skrap. Wysiging van artikel 4 van Wet 38 van 1956.

17. Artikel *nege* van die Wet op Beheer oor Wyn en Spiritualieë, 1956, word hiermee gewysig deur in sub-artikel (3) die woorde „in die provinsie Kaap die Goeie Hoop” te skrap. Wysiging van artikel 9 van Wet 38 van 1956.

18. Artikel *dertien* van die Wet op Beheer oor Wyn en Spiritualieë, 1956, word hiermee herroep. Herroeping van artikel 13 van Wet 38 van 1956.

19. Hierdie Wet heet die Wysigingswet op Beheer oor Wyn en Spiritualieë, 1957. Kort titel.

Schedule.

Definitions.

1. In these regulations, unless the context otherwise indicates, any expression not defined in these regulations, to which a meaning has been assigned in the principal Act or in this Act, bears, when used in these regulations, the meaning so assigned thereto, and—

- (i) „Board” means the Deciduous Fruit Board referred to in sub-section (1) of section 3 of the Deciduous Fruit Scheme promulgated by Proclamation No. 134 of 1951; (ix)
- (ii) „co-operative society” means a co-operative society as defined in the principal Act but does not include the vereniging; (iii)
- (iii) „current year” means the year in which the fixed date occurs; (v)
- (iv) „farm” means any piece of land which is used for agricultural purposes and which is situated in the Cape Province or in any other area in which these regulations have been declared to be operative in terms of sub-section (1) or (2) of section nine of this Act, and includes any two or more pieces of such land which, apart from roads, railways, rivers, fences and the like, adjoin one another and are being farmed as a single unit on the fixed date; (viii)
- (v) „fixed date” in relation to the Cape Province means the date upon which these regulations come into operation in that Province in terms of sub-section (1) of section nine of this Act or, in relation to an area in which these regulations are subsequently declared to be operative in terms of sub-section (2) of the said section, the date upon which these regulations so come into operation in that area; (x)
- (vi) „permit” means any permit issued by the vereniging under section two of the principal Act or section two of this Act; (vii)
- (vii) „previous year” means the year which immediately preceded the current year; (xi)
- (viii) „principal Act” means the Wine and Spirits Control Act, 1956 (Act No. 38 of 1956); (i)
- (ix) „quota” in relation to a farm or subdivision means the maximum quantity of wine calculated at a strength of twenty per cent. which may be produced on such farm or subdivision during any year; (iv)
- (x) „subdivision” means any portion of a farm; (vi)
- (xi) „wine” means wine as defined in this Act, and wine as defined in the principal Act intended for distillation purposes; (xii)
- (xii) „year” means a calendar year. (ii)

Submission of sketch plan and other information.

2. (1) Every person (hereinafter referred to as a producer) who is on the fixed date producing wine on any farm, shall within one hundred and twenty days after such date—

- (a) submit to the vereniging a sketch plan of such farm containing topographical or other details sufficient to indicate the situation of the boundaries of the farm at the fixed date in relation to surrounding farms; and
- (b) notify the vereniging in writing whether the boundaries of such farm at the fixed date are shown or recorded on any diagram or diagrams forming part of the records of any deeds registry or not and, if such boundaries are so shown or recorded, at the same time furnish the vereniging with the following information:
 - (i) the name of the deeds registry concerned;
 - (ii) the number and date of each deed of transfer registered in such registry to which such diagram or diagrams is or are attached; and
 - (iii) particulars as to which of the boundaries shown or recorded on such diagram or diagrams constitute the boundaries of such farm; and
- (c) submit to the vereniging a completed return in the form annexed hereto, marked “Form P. 1”.

(2) If any person other than the producer is the owner of such farm or of any portion thereof or of any undivided share therein or if the producer is producing wine or other vine product on such farm on a crop-sharing basis, the sketch plan, notification and return referred to in sub-regulation (1) shall, prior to the submission thereof to the vereniging, be verified by the signature of every such owner or by the signature of every person entitled to share in such crops, as the case may be: Provided that the vereniging may in its discretion dispense with any signature required under this sub-regulation.

(3) Such sketch plan shall be drawn as near as possible to the following scale or to any other scale which may be approved by the vereniging:

<i>Area of the farm.</i>	<i>Scale.</i>
Where such area does not exceed 50 morgen.	one to three thousand six hundred (1-3,600).
Where such area exceeds 50 morgen but does not exceed 400 morgen.	one to ten thousand eight hundred (1-10,800).
Where such area exceeds 400 morgen.	one to thirty-six thousand (1-36,000).

(4) The vereniging may reject any sketch plan deemed by it to be unsatisfactory and may require any producer to amend any sketch plan submitted by him or to submit another sketch plan in substitution for such sketch plan.

(5) If the vereniging has been notified in terms of paragraph (b) of sub-regulation (1) that the boundaries of a farm at the fixed date are shown or recorded on a diagram or diagrams forming part of the records of any deeds registry, the vereniging may obtain a true copy of such diagram or diagrams from the deeds registry concerned and thereupon, if the vereniging is satisfied that the boundaries of such farm at the fixed

Bylae.

Woordomskrywings.

1. In hierdie regulasies, tensy uit die samehang anders blyk, het elke uitdrukking, wat nie in hierdie regulasies omskryf word nie en waaraan in die Hoofwet of in hierdie Wet 'n betekenis toegeskryf is, wanneer dit in hierdie regulasies gebesig word, die betekenis aldus daaraan toegeskryf, en beteken—

- (i) „Hoofwet”, die Wet op Beheer oor Wyn en Spiritualieë, 1956 (Wet No. 38 van 1956); (viii)
- (ii) „jaar”, 'n kalenderjaar; (xii)
- (iii) „koöperatiewe vereniging”, 'n koöperatiewe vereniging soos omskryf in die Hoofwet maar sluit nie die vereniging in nie; (ii)
- (iv) „kwota”, met betrekking tot 'n plaas of onderverdeling, die maksimum hoeveelheid wyn bereken teen 'n sterkte van twintig persent wat op sodanige plaas of onderverdeling gedurende enige jaar geproduseer mag word; (ix)
- (v) „lopende jaar”, die jaar waarin die vasgestelde datum voorkom; (iii)
- (vi) „onderverdeling”, 'n gedeelte van 'n plaas; (x)
- (vii) „permit”, 'n permit uitgereik deur die vereniging kragtens artikel twee van die Hoofwet of artikel twee van hierdie Wet; (vi)
- (viii) „plaas”, enige stuk grond wat vir landboudoeleindes gebruik word en wat in die Kaapprovinsie of in 'n ander gebied waarin hierdie regulasies ingevolge sub-artikel (1) of (2) van artikel nege van hierdie Wet van toepassing verklaar is, geleë is, en ook twee of meer sulke stukke grond wat, afgesien van paaië, spoorweë, riviëre, heinings en iets soortgelyks, aan mekaar grens en op die vasgestelde datum as 'n eenheid bewerk word; (iv)
- (ix) „Raad”, die Sagtevrugteraad bedoel in sub-artikel (1) van artikel 3 van die Sagtevrugteskema afgekondig by Proklamasie No. 134 van 1951; (i)
- (x) „vasgestelde datum”, met betrekking tot die Kaapprovinsie, die datum waarop hierdie regulasies ingevolge sub-artikel (1) van artikel nege van hierdie Wet in daardie provinsie in werking tree of met betrekking tot 'n gebied waarin hierdie regulasies daarna ingevolge sub-artikel (2) van bedoelde artikel van toepassing verklaar word, die datum waarop hierdie regulasies in daardie gebied aldus in werking tree; (v)
- (xi) „vorige jaar”, die jaar wat die lopende jaar onmiddellik voorafgegaan het; (vii)
- (xii) „wyn”, wyn soos in hierdie Wet omskryf, en wyn soos in die Hoofwet omskryf en vir destilleringdoeleindes bestem. (xi)

Voorlê van sketsplan en ander inligting.

2. (1) Iedereen (hieronder 'n produsent genoem) wat op die vasgestelde datum op 'n plaas wyn produseer, moet binne honderd-en-twintig dae na daardie datum—

- (a) 'n sketsplan van sodanige plaas, bevattende genoegsame topografiese of ander besonderhede om die ligging van die grense van die plaas op die vasgestelde datum aan te dui met betrekking tot omringende plase, aan die vereniging voorlê; en
 - (b) die vereniging skriftelik in kennis stel of die grense van daardie plaas op die vasgestelde datum op enige kaart of kaarte wat deel uitmaak van die stukke van 'n registrasiekantoor, aangetoon of aangeteken is of nie en, indien sodanige grense aldus aangetoon of aangeteken is, terselfdertyd aan die vereniging die volgende inligting verskaf:
 - (i) die naam van die betrokke registrasiekantoor;
 - (ii) die nommer en datum van elke transportakte geregistreer in daardie registrasiekantoor waaraan sodanige kaart of kaarte geheg is; en
 - (iii) besonderhede van watter van die grense wat aangetoon of aangeteken is op sodanige kaart of kaarte die grense van daardie plaas uitmaak; en
 - (c) 'n voltooide opgawe in die vorm hierby aangeheg, gemerk „Vorm P. 1”, aan die vereniging voorlê.
- (2) Indien 'n ander persoon as die produsent die eienaar van bedoelde plaas of van 'n gedeelte daarvan of van 'n onverdeelde aandeel daarin is of as die produsent wyn of ander produk van die wynstok op sodanige plaas om 'n deel van die oes produseer, moet die in sub-regulasie (1) bedoelde sketsplan, kennisgewing en opgawe, voordat dit aan die vereniging voorgelê word, bekragtig word deur die handtekening van elke sodanige eienaar of deur die handtekening van elke persoon wat geregtig is om in die ooste te deel, na gelang van die geval: Met dien verstande dat die vereniging, na goeddunke, van enige handtekening wat kragtens hierdie sub-regulasie vereis word, kan afsien.
- (3) Bedoelde sketsplan moet so na moontlik volgens die volgende skaal geteken word of volgens enige ander skaal wat deur die vereniging goedgekeur mag word:

Oppervlakte van die plaas.

Skaal.

Waar die oppervlakte nie groter as 50 morg is nie.	een tot drieduisend seshonderd (1-3,600).
Waar die oppervlakte groter as 50 morg is, maar nie groter as 400 morg is nie.	een tot tienduisend agthonderd (1-10,800).
Waar die oppervlakte groter as 400 morg is.	een tot ses-en-dertigduisend (1-36,000).

(4) Die vereniging kan enige sketsplan wat hy as onbevredigend beskou verwerp en kan vereis dat 'n produsent 'n sketsplan wat hy voorgelê het, moet wysig of 'n ander sketsplan ter vervanging van so 'n sketsplan moet voorlê.

(5) As die vereniging ingevolge paragraaf (b) van sub-regulasie (1) in kennis gestel is dat die grense van 'n plaas op die vasgestelde datum op 'n kaart of kaarte wat deel uitmaak van die stukke van 'n registrasiekantoor aangetoon of aangeteken is, kan die vereniging 'n ware kopie van daardie kaart of kaarte van die betrokke registrasiekantoor verkry, en daarop, as die vereniging oortuig is dat die grense van die plaas op die vasgestelde datum op sodanige kaart of kaarte aangetoon of aange-

date are shown or recorded on such diagram or diagrams, the said copy shall, subject to the particulars furnished to the vereniging in terms of sub-paragraph (iii) of the said paragraph, be deemed, for the purposes of these regulations, to be substituted for the sketch plan of such farm submitted to it under sub-regulation (1).

(6) Any sketch plan or copy of a diagram appertaining to any farm or subdivision submitted to or obtained by the vereniging under this regulation or under regulation 5, shall be admissible in evidence in any legal proceedings for the purpose of establishing the situation of any boundary of such farm or subdivision for the purposes of these regulations.

Determination of quotas or provisional quotas.

3. (1) The vereniging shall as soon as possible determine, in respect of each farm on which wine is being produced on the fixed date, a quota which it considers fair and equitable, having regard—

- (a) in the case of a farm from the vines on which wine was derived during the previous year, to the quantity of wine, calculated at a strength of twenty per cent., which was so derived during such year plus the extra quantity (if any) of wine, calculated as aforesaid, which could in the opinion of the vereniging have been so derived during such year if all the vines growing on the said farm on the fixed date (not being nursery stock for own use or for sale) had been in full bearing during such year and if all the products of the vine on such farm during such year had been utilized for or in the making of wine;
- (b) in the case of a farm other than a farm referred to in paragraph (a), to the quantity of wine, calculated at a strength of twenty per cent., which could in the opinion of the vereniging have been derived from vines on such farm during the previous year if all the vines growing on the said farm on the fixed date (not being nursery stock for own use or for sale) had been in full bearing during such year and if all the products of the vine on such farm during such year had been utilized for or in the making of wine; and
- (c) to any other circumstances, climatic or otherwise, which the vereniging deems it reasonable to take into account.

(2) For the purpose of determining any quota in terms of sub-regulation (1) no vines planted on or after the fixed date shall be taken into account nor shall account be taken of any vines uprooted prior to the fixed date or of any work done for or in connection with the planting of any vines if such vines were not planted prior to the fixed date on the farm in respect of which the quota is being determined: Provided that—

- (a) the vereniging may for such purpose make such allowance as it may deem fair and equitable in respect of any grafted vines purchased for planting on such farm during the current year and in respect of any grafted vines forming part of the nursery stock on such farm on the fixed date which were grafted for the purpose of planting on such farm, if it is satisfied that such vines would in the ordinary course have been planted on such farm during such year if these regulations had not been applied and, in the case of purchased vines, that such vines were so purchased prior to the second day of March of the current year;
- (b) if the vereniging is satisfied that the number of vines uprooted on such farm during the period commencing on the first day of January of the year which immediately preceded the previous year and ended on the fixed date for purposes of renewal (other than uprooted vines referred to in paragraph (c)) exceeded the number of vines planted on such farm during the said period, it may, for the purpose of determining a quota in respect of such farm, and after having regard to any allowance made in terms of paragraph (a), make such allowance as it may deem fair and equitable in respect of the excess;
- (c) if the vereniging is satisfied that any vines were uprooted on such farm during the period referred to in paragraph (b) by reason of the soil in which they were planted having become unsuitable for the growing of vines since such planting, and that the vines were uprooted for the purpose of reclaiming such soil and of thereafter planting therein other vines in the place of the vines so uprooted, it may, for the purpose of determining a quota in respect of such farm and after having regard to any allowance made in terms of paragraph (a), make such allowance therefor as it may deem fair and equitable in the circumstances.

(3) A separate quota shall be determined in respect of each farm, and to each farm shall be allotted an official number.

(4) For the purpose of determining any quota as aforesaid, the vereniging may—

- (a) require any producer referred to in sub-regulation (1) of regulation 2 to supply to the vereniging any information it may consider necessary or desirable or to furnish any sketch plan of any farm;
- (b) require any vendor of vines or the agent of such vendor to furnish to the vereniging any information in regard to the sale or disposal of any vines to any producer; and
- (c) rely on any information contained in its own books and records or in any return submitted to the vereniging by any producer.

(5) On request by the vereniging, the Board or the Dried Fruit Board referred to in sub-section (1) of section 3 of the Dried Fruit Scheme

teken is, word dit geag dat bedoelde kopie, onderworpe aan die besonderhede wat aan die vereniging ingevolge sub-paragraaf (iii) van genoemde paragraaf verskaf is, vir die doeleindes van hierdie regulasies, die sketsplan van daardie plaas wat kragtens sub-regulasie (1) aan die vereniging voorgelê is, vervang.

(6) Enige sketsplan of kopie van 'n kaart wat betrekking het op 'n plaas of onderverdeling wat aan die vereniging voorgelê is of deur die vereniging kragtens hierdie regulasie of kragtens regulasie 5 verkry is, is as getuienis by enige regseding toelaatbaar vir die doel om die ligging van enige grens van sodanige plaas of onderverdeling vir die doeleindes van hierdie regulasies vas te stel.

Bepaling van kwotas of voorlopige kwotas.

3. (1) Die vereniging moet, so gou doenlik, ten opsigte van elke plaas waarop op die vasgestelde datum wyn geproduseer word, 'n kwota bepaal wat hy as regverdig en billik beskou, met inagneming—

- (a) in die geval van 'n plaas waar van die wingerdstokke wat daarop is, gedurende die vorige jaar wyn verkry is, van die hoeveelheid wyn, bereken teen 'n sterkte van twintig persent, wat gedurende daardie jaar aldus verkry is plus die bykomende hoeveelheid wyn (indien enige), bereken soos voormeld, wat volgens die mening van die vereniging gedurende daardie jaar aldus verkry kon geword het as al die wingerdstokke (uitgesonderd stokke wat in 'n kwekery is vir eie gebruik of vir verkoop) wat op die vasgestelde datum op daardie plaas groei, gedurende daardie jaar in volle drag was en as al die produkte van die wynstok op daardie plaas gedurende daardie jaar gebruik was vir of in verband met die maak van wyn;
- (b) in die geval van 'n ander plaas as 'n in paragraaf (a) bedoelde plaas, van die hoeveelheid wyn, bereken teen 'n sterkte van twintig persent, wat volgens die mening van die vereniging gedurende die vorige jaar van wingerdstokke op daardie plaas verkry kon geword het as al die wingerdstokke (uitgesonderd stokke wat in 'n kwekery is vir eie gebruik of vir verkoop) wat op daardie plaas op die vasgestelde datum groei, gedurende daardie jaar in volle drag was en as al die produkte van die wynstok op daardie plaas gedurende daardie jaar gebruik was vir of in verband met die maak van wyn; en
- (c) van enige ander omstandighede, klimaats- of andersins, wat die vereniging redelik ag om in aanmerking te neem.

(2) Vir die doel om 'n kwota ingevolge sub-regulasie (1) te bepaal word geen wingerdstokke wat op of na die vasgestelde datum aangeplant is in aanmerking geneem nie nóg word in aanmerking geneem enige wingerdstokke wat voor die vasgestelde datum uitgehaal is of enige werk wat vir of in verband met die aanplanting van wingerdstokke verrig is as daardie wingerdstokke nie voor die vasgestelde datum op die plaas ten opsigte waarvan die kwota bepaal word, aangeplant is nie: Met dien verstande dat—

- (a) die vereniging, vir daardie doel, sodanige toelating as wat hy regverdig en billik ag, kan maak ten opsigte van enige geënte wingerdstokke wat gekoop is om gedurende die lopende jaar op daardie plaas aangeplant te word en ten opsigte van enige geënte wingerdstokke wat deel uitmaak van stokke in 'n kwekery op daardie plaas op die vasgestelde datum en geënt is met die doel om op daardie plaas aangeplant te word, as hy oortuig is dat sodanige wingerdstokke in die gewone loop, gedurende daardie jaar op daardie plaas aangeplant sou geword het as hierdie regulasies nie toegepas is nie en, in die geval van gekoopte wingerdstokke, dat sodanige wingerdstokke voor die tweede dag van Maart van die lopende jaar aldus gekoop is;
- (b) as die vereniging oortuig is dat die getal wingerdstokke (behalwe die in paragraaf (c) bedoelde uitgehaalde wingerdstokke) wat gedurende die tydperk beginnende op die eerste dag van Januarie van die jaar wat die vorige jaar onmiddellik voorafgegaan het en eindigende op die vasgestelde datum, op daardie plaas uitgehaal is met die doel om hulle te hernieu, meer is as die getal wingerdstokke wat gedurende bedoelde tydperk op daardie plaas aangeplant is, kan hy, vir die doel om 'n kwota ten opsigte van daardie plaas te bepaal, en nadat enige toelating gemaak ingevolge paragraaf (a) in aanmerking geneem is, sodanige toelating as wat hy regverdig en billik ag, maak ten opsigte van die verskil;
- (c) as die vereniging oortuig is dat enige wingerdstokke gedurende die in paragraaf (b) bedoelde tydperk op daardie plaas uitgehaal is omdat die grond waarin hulle aangeplant was sedert sodanige aanplanting ongeskik geraak het vir die verbouing van wingerdstokke en dat die wingerdstokke uitgehaal is met die doel om daardie grond te herwin en om daarna ander wingerdstokke daarin aan te plant in die plek van die wingerdstokke wat aldus uitgehaal is, kan hy, vir die doel om 'n kwota ten opsigte van daardie plaas te bepaal, en nadat enige toelating gemaak ingevolge paragraaf (a) in aanmerking geneem is, sodanige toelating daarvoor maak as wat hy onder die omstandighede regverdig en billik ag.

(3) Daar word 'n aparte kwota ten opsigte van elke plaas bepaal en aan elke plaas word 'n amptelike nommer toegeken.

(4) Vir die doel om enige kwota te bepaal soos voormeld, kan die vereniging—

- (a) van enige in sub-regulasie (1) van regulasie 2 bedoelde produsent vereis dat hy aan die vereniging enige inligting wat die vereniging nodig of wenslik ag of 'n sketsplan van enige plaas verskaf;
- (b) van 'n verkoper van wingerdstokke of van die agent van so 'n verkoper vereis dat hy aan die vereniging enige inligting verskaf met betrekking tot die verkoping of van die hand setting van wingerdstokke aan 'n produsent; en
- (c) staatmaak op enige inligting wat in sy eie boeke en stukke vervat is of in enige opgawe wat deur enige produsent aan die vereniging voorgelê is.

(5) Die Raad of die Droëvrugteraad bedoel in sub-artikel (1) van artikel 3 van die Droëvrugteskema afgekondig by Proklamasie No. 332 van 1949,

promulgated by Proclamation No. 332 of 1949, shall furnish to the vereniging any information which it may have available in connection with any vine product produced on any farm.

(6) Whenever the vereniging is not satisfied that it is in a position to determine a quota in respect of any farm, it may determine a provisional quota in respect thereof and such provisional quota shall be deemed for all purposes to be the quota in respect of such farm until a quota has been determined by the vereniging in respect thereof, after which such provisional quota shall lapse.

(7) In so far as the vereniging is not satisfied that any information made available to it or obtained by it is sufficiently reliable, it may determine any quota or provisional quota wholly or partly on the basis of estimates made by it.

(8) When a quota or provisional quota has been determined in respect of any farm, the vereniging shall forthwith give notice thereof to the producer who submitted the return referred to in sub-regulation (1) of regulation 2 in respect of such farm and to all other persons whose signatures were appended to such return in terms of sub-regulation (2) of that regulation. Such notice may be given by prepaid registered post at the addresses specified in such return.

(9) Any person whose interests are affected by any determination of a provisional quota in respect of any farm may at any time prior to the determination of a quota in respect thereof make written representations to the vereniging in regard to such quota.

Application for a quota.

4. (1) Any person who is on the fixed date producing vine products for sale on any farm, not being a farm on which wine is being produced on such date, may within one hundred and twenty days after such date make application in writing to the vereniging for a quota in respect of such farm.

(2) Such application shall be accompanied by the sketch plan, notification and return referred to in sub-regulation (1) of regulation 2 and upon such application being made, the provisions of regulations 2 and 3 shall apply *mutatis mutandis* to such applicant in respect of such farm in the same manner as if such applicant was a producer referred to in sub-regulation (1) of regulation 2 and was producing wine on the said farm on the said date.

(3) Save as otherwise provided by sub-regulation (3) of regulation 11, no quota or provisional quota shall be determined by the vereniging in respect of any farm on which no wine is being produced on the fixed date unless application is made therefor in terms of sub-regulation (1).

Acquisition or disposal of right to produce wine etc. and determination of quotas in respect of subdivisions.

5. (1) Whenever any person acquires or disposes of the right to produce wine or other vine product on any farm or subdivision, he shall within thirty days after such acquisition or disposal submit a completed return to the vereniging in the form annexed hereto, marked "Form P. 2".

(2) Whenever any person holding the right to produce wine or other vine product on any farm or subdivision disposes of such right in respect of a subdivision thereof to any other person, then, unless a quota or provisional quota has already been determined by the vereniging in respect of such last-mentioned subdivision, the person so acquiring such right shall jointly with the person so disposing of such right, make application to the vereniging to determine a quota in respect of such last-mentioned subdivision.

(3) (a) For the purposes of sub-regulation (1) the right to produce wine or other vine product on any farm or subdivision shall be deemed to be disposed of and acquired whenever the right of a person so to produce wine or other vine product ceases for any cause whatever and becomes vested in another person in which event the first-mentioned person shall be deemed to be a person disposing of such right and the last-mentioned person to be a person acquiring such right.

(b) For the purposes of sub-regulation (2) the right to produce wine or other vine product on a subdivision shall be deemed to be disposed of and acquired whenever the right of any person to produce wine or other vine product on any farm or subdivision ceases for any cause whatever in respect of a subdivision thereof and becomes vested in another person, in which event the first-mentioned person shall be deemed to be a person disposing of such right and the last-mentioned person to be a person acquiring such right.

(4) Such application shall be accompanied by a copy of the sketch plan submitted to the vereniging under regulation 2 or regulation 4 or obtained by it under paragraph (a) of sub-regulation (4) of regulation 3 and relating to the farm of which the subdivision formed part: Provided that if the boundaries of such farm at the fixed date were shown or recorded on any diagram or diagrams forming part of the records of any deeds registry, such application shall be accompanied by a true copy of such diagram or diagrams in lieu of a copy of such sketch plan.

(5) The copy of the sketch plan or diagram or diagrams referred to in sub-regulation (4) shall—

(a) be signed by the applicants; and

(b) have the subdivision demarcated thereon in such a manner as clearly to indicate as at the date upon which such application is made the situation of the boundaries of the subdivision in relation to the boundaries of the farm and the boundaries of any subdivision, if any, of which it formed part and in respect of which the vereniging has already determined a quota or provisional quota.

(6) The vereniging shall as soon as possible thereafter apportion the quota or provisional quota determined by it in respect of such farm between the subdivisions thereof and the portion of the quota or provisional quota allocated by the vereniging to any subdivision shall thereupon be the quota or provisional quota in respect of such sub-

moet, op versoek van die vereniging, enige inligting wat hy beskikbaar het in verband met enige produk van die wynstok wat op enige plaas geproduseer is of word, aan die vereniging verskaf.

(6) Wanneer die vereniging nie oortuig is dat hy in staat is om 'n kwota ten opsigte van 'n plaas te bepaal nie, kan hy 'n voorlopige kwota ten opsigte daarvan bepaal, en daardie voorlopige kwota word vir alle doeleindes geag die kwota ten opsigte van daardie plaas te wees totdat 'n kwota ten opsigte daarvan deur die vereniging bepaal is, waarna sodanige voorlopige kwota verval.

(7) Vir sover die vereniging nie oortuig is dat enige inligting wat aan hom beskikbaar gestel of deur hom verkry is, betroubaar genoeg is nie, kan hy 'n kwota of voorlopige kwota bepaal wat in sy geheel of gedeeltelik gegronde is op skattings deur hom gemaak.

(8) Wanneer 'n kwota of voorlopige kwota ten opsigte van 'n plaas bepaal is, moet die vereniging onverwyld aan die produsent wat die in sub-regulasie (1) van regulasie 2 bedoelde opgawe met betrekking tot sodanige plaas voorgelê het en aan alle ander persone wie se handtekening ingevolge sub-regulasie (2) van daardie regulasie op sodanige opgawe aangebring is, daarvan kennis gee. So 'n kennisgewing kan gegee word per vooruitbetaalde aangetekende pos by die adresse wat op sodanige opgawe vermeld word.

(9) Enigiemand wie se belange deur 'n bepaling van 'n voorlopige kwota ten opsigte van 'n plaas geraak word, kan te eniger tyd voordat 'n kwota ten opsigte daarvan bepaal word, skriftelike verhoë tot die vereniging rig met betrekking tot sodanige kwota.

Aansoek om 'n kwota.

4. (1) Iemand wat op die vasgestelde datum op 'n plaas, wat nie 'n plaas is waarop op daardie datum wyn geproduseer word nie, produkte van die wynstok vir verkoop produseer, kan binne honderd-en-twintig dae na daardie datum skriftelik aansoek doen by die vereniging om 'n kwota ten opsigte van daardie plaas.

(2) So 'n aansoek moet vergesel gaan van die in sub-regulasie (1) van regulasie 2 bedoelde sketsplan, kennisgewing en opgawe en wanneer so 'n aansoek gedoen word, is die bepaling van regulasies 2 en 3 *mutatis mutandis* van toepassing op so 'n applikant ten opsigte van sodanige plaas op dieselfde manier asof daardie applikant 'n in sub-regulasie (1) van regulasie 2 bedoelde produsent is en wyn op bedoelde plaas op bedoelde datum geproduseer het.

(3) Behalwe soos anders bepaal by sub-regulasie (3) van regulasie 11, bepaal die vereniging geen kwota of voorlopige kwota ten opsigte van 'n plaas waarop geen wyn op die vasgestelde datum geproduseer word nie, tensy daarom aansoek gedoen word ingevolge sub-regulasie (1).

Verkryging of van die hand setting van die reg om wyn ens. te produseer en bepaling van kwotas ten opsigte van onderverdelings.

5. (1) Wanneer iemand die reg om wyn of ander produk van die wynstok op 'n plaas of onderverdeling te produseer, verkry of van die hand sit, moet hy binne dertig dae na die verkryging of van die hand setting 'n voltooië opgawe in die vorm hierby aangeheg, gemerk „Vorm P. 2”, aan die vereniging voorleë.

(2) Wanneer 'n persoon wat die reg besit om wyn of ander produk van die wynstok op 'n plaas of onderverdeling te produseer, daardie reg ten opsigte van 'n onderverdeling daarvan aan 'n ander persoon van die hand sit, moet die persoon wat die reg aldus verkry en die persoon wat die reg aldus van die hand sit gesamentlik by die vereniging aansoek doen om 'n kwota ten opsigte van laasbedoelde onderverdeling te bepaal, tensy 'n kwota of voorlopige kwota reeds deur die vereniging ten opsigte van laasbedoelde onderverdeling bepaal is.

(3) (a) Vir die doeleindes van sub-regulasie (1) word dit geag dat die reg om wyn of ander produk van die wynstok op 'n plaas of onderverdeling te produseer, van die hand gesit en verkry word wanneer die reg van 'n persoon om wyn of ander produk van die wynstok aldus te produseer om enige rede hoegenaamd eindig en op 'n ander persoon oorgaan, in watter geval dit geag word dat eersbedoelde persoon 'n persoon is wat daardie reg van die hand sit en laasbedoelde persoon 'n persoon wat daardie reg verkry.

(b) Vir die doeleindes van sub-regulasie (2) word dit geag dat die reg om wyn of ander produk van die wynstok op 'n onderverdeling te produseer, van die hand gesit en verkry word wanneer die reg van 'n persoon om wyn of ander produk van die wynstok op 'n plaas of onderverdeling te produseer om enige rede hoegenaamd ten opsigte van 'n onderverdeling daarvan eindig en op 'n ander persoon oorgaan, in watter geval dit geag word dat eersbedoelde persoon 'n persoon is wat daardie reg van die hand sit en laasbedoelde persoon 'n persoon wat daardie reg verkry.

(4) Sodanige aansoek moet vergesel gaan van 'n kopie van die sketsplan wat kragtens regulasie 2 of regulasie 4 aan die vereniging voorgelê is of wat kragtens paragraaf (a) van sub-regulasie (4) van regulasie 3 deur die vereniging verkry is en wat betrekking het op die plaas waarvan die onderverdeling deel uitgemaak het: Met dien verstande dat indien die grense van sodanige plaas op die vasgestelde datum aangetoon of aangeteken is op 'n kaart of kaarte wat deel uitmaak van die stukke van 'n registrasiekantoor, moet sodanige aansoek vergesel gaan van 'n ware kopie van sodanige kaart of kaarte in plaas van 'n kopie van bedoelde sketsplan.

(5) Die kopie van die sketsplan of kaart of kaarte bedoel in sub-regulasie (4) moet—

(a) onderteken wees deur die applikante; en
(b) die onderverdeling daarop op so 'n wyse afgemerk hê dat die ligging van die grense van die onderverdeling op die datum waarop die aansoek gedoen word, duidelik aangetoon word met betrekking tot die grense van die plaas en die grense van 'n onderverdeling, indien enige, waarvan dit deel uitgemaak het en ten opsigte waarvan die vereniging reeds 'n kwota of voorlopige kwota bepaal het.

(6) Die vereniging moet so gou doenlik daarna die kwota of voorlopige kwota wat deur hom ten opsigte van daardie plaas bepaal is, verdeel tussen die onderverdelings daarvan, en daarna is die gedeelte van die kwota of voorlopige kwota wat deur die vereniging aan 'n onderverdeling toegeken is, die kwota of voorlopige kwota ten opsigte van daardie onderverdeling: Met dien verstande dat waar die in sub-regulasie (2) bedoelde

division: Provided that where the subdivision referred to in sub-regulation (2) formed part of a subdivision in respect of which the vereniging has already determined a quota or provisional quota, that quota or provisional quota shall be apportioned by the vereniging as aforesaid instead of the quota or provisional quota determined by it in respect of such farm.

(7) Such apportionment shall be made on a basis which the vereniging considers fair and equitable having regard to any agreement or testamentary provision in regard thereto, or, failing which, to the number of vines growing on the respective subdivisions at the time of such acquisition or disposal; and the vereniging shall allot to each subdivision a distinguishing letter in addition to the official number allotted by it to the farm of which such subdivision formed part.

(8) Where the vereniging has determined a provisional quota in respect of any farm, a quota determined by it under this regulation in respect of a subdivision of that farm shall also be a provisional quota, but shall be deemed for all purposes to be the quota in respect of such subdivision until a quota has been determined by the vereniging in respect of such farm; and when the vereniging has determined a quota in respect of such farm, such subdivision shall receive a quota which bears the same relation to the quota determined by the vereniging in respect of such farm as the provisional quota determined by the vereniging in respect of that subdivision bears to the provisional quota in respect of that farm.

(9) As soon as any quota or provisional quota has been determined by the vereniging in respect of any subdivision, it shall forthwith give notice thereof by prepaid registered post to the applicants referred to in sub-regulation (2) at the respective addresses specified in the returns submitted by them under sub-regulation (1).

(10) The vereniging may require the applicants referred to in sub-regulation (2), or any of them, to furnish any information which it may require for the purposes of this regulation, and may also require the applicants to amend any sketch plan or copy of a diagram submitted by them under sub-regulation (4), or to submit another sketch plan in substitution for such sketch plan or copy of a diagram for the purpose of the more accurate recording thereon of any boundary of any subdivision.

(11) If the vereniging is satisfied that any person referred to in sub-regulation (2)—

- (a) has refused to comply with any of the provisions of this regulation with which it is his duty to comply; or
- (b) has failed or neglected to comply with such a provision within a period of thirty days after the despatch of a notice in writing addressed to him at his last-known address by the vereniging or by any other such person calling upon him to comply therewith; or
- (c) has not complied with such a provision within a period deemed by it reasonable in the circumstances,

the vereniging may, notwithstanding such non-compliance, make the apportionment referred to in sub-regulation (6) subject to such conditions (if any) as it may deem just in the circumstances.

(12) The provisions of this regulation shall not apply—

- (a) in respect of the acquisition, disposal or cessation of a right to produce wine or other vine product on any farm or subdivision on a crop-sharing basis;
- (b) in respect of any farm on which no wine was being produced on the fixed date if no application for a quota in respect of such farm was made in terms of regulation 4, or, if made, if such application was refused by the vereniging; or
- (c) in respect of any subdivision of any farm referred to in paragraph (b).

When quotas take effect and furnishing of information in regard to quotas.

6. (1) Quotas and provisional quotas determined by the vereniging under regulation 3 shall take effect as from the first day of January of the first year after the year next following the current year; and quotas and provisional quotas determined under regulation 5 shall take effect as from the said date or as from the date of determination by the vereniging, whichever shall be the later date.

(2) Should any question arise in regard to whether any piece of land constitutes or forms part of a farm, the vereniging shall decide such question and such decision shall, subject to any appeal in terms of regulation 13, be final.

(3) The boundaries of any farm in respect of which a quota or provisional quota has been determined under regulation 3, shall be those appertaining to such farm on the fixed date; and the boundaries of any subdivision in respect of which a quota or provisional quota has been determined under regulation 5, shall be those appertaining to such subdivision on the date when application is made in terms of sub-regulation (2) of regulation 5.

(4) The vereniging may notify any person at any time of the amount of any quota or provisional quota determined by it in respect of any farm or subdivision and shall, on request, furnish any applicant referred to in sub-regulation (2) of regulation 5 with a copy of the sketch plan referred to in sub-regulation (4) of that regulation upon payment of such fee (not exceeding ten shillings) as it may prescribe.

(5) The owner of any farm or subdivision or any person duly authorized by such owner in writing may, on application to the vereniging and upon payment to it of such fee (not exceeding five shillings) as it may prescribe, obtain information as to the amount of any quota or provisional quota determined by it in respect of such farm or subdivision.

Production on crop-sharing basis.

7. Whenever the vereniging has determined a quota or provisional quota in respect of any farm or subdivision, any person who has prior to the fixed date granted or may thereafter grant a right to any other person to produce wine or other vine product on such farm or subdivision

onderverdeling deel uitgemaak het van 'n onderverdeling ten opsigte waarvan die vereniging alreeds 'n kwota of voorlopige kwota bepaal het, daardie kwota of voorlopige kwota deur die vereniging verdeel moet word soos voormeld instede van die kwota of voorlopige kwota wat deur hom ten opsigte van daardie plaas bepaal is.

(7) Sodanige verdeling moet gedoen word op 'n grondslag wat die vereniging as regverdig en billik beskou met inagneming van enige ooreenkoms of testamentêre beskikking in verband daarmee, of by ontstentenis daarvan, van die getal wingerdstokke wat ten tyde van sodanige verkryging of van die hand setting op die onderskeie onderverdelings gegroei het; en die vereniging moet aan elke onderverdeling 'n onderskeidende letter toeken benewens die amptelike nommer wat deur hom toegeken is aan die plaas waarvan sodanige onderverdeling deel uitgemaak het.

(8) Waar die vereniging 'n voorlopige kwota ten opsigte van 'n plaas bepaal het, is 'n kwota wat deur hom kragtens hierdie regulasie ten opsigte van 'n onderverdeling van daardie plaas bepaal is, ook 'n voorlopige kwota, maar word vir alle doeleindes geag die kwota ten opsigte van sodanige onderverdeling te wees totdat 'n kwota ten opsigte van daardie plaas deur die vereniging bepaal is; en wanneer die vereniging 'n kwota ten opsigte van daardie plaas bepaal het, moet sodanige onderverdeling 'n kwota ontvang wat in dieselfde verhouding staan tot die kwota bepaal deur die vereniging ten opsigte van daardie plaas, as wat die voorlopige kwota wat deur die vereniging ten opsigte van daardie onderverdeling bepaal is, staan tot die voorlopige kwota ten opsigte van daardie plaas.

(9) Sodra 'n kwota of voorlopige kwota deur die vereniging ten opsigte van 'n onderverdeling bepaal is, moet hy onverwyld per vooruitbetaalde aangetekende pos daarvan kennis gee aan die in sub-regulasie (2) bedoelde applikante by die onderskeie adresse vermeld in die opgawes wat deur hulle kragtens sub-regulasie (1) voorgelê is.

(10) Die vereniging kan vereis dat die applikante bedoel in sub-regulasie (2), of enige van hulle, enige inligting wat die vereniging vir die doeleindes van hierdie regulasie nodig het aan hom moet verskaf, en kan ook vereis dat die applikante enige sketsplan of kopie van 'n kaart deur hulle kragtens sub-regulasie (4) voorgelê, moet wysig, of dat 'n ander sketsplan ter vervanging van sodanige sketsplan of kopie van 'n kaart, voorgelê moet word sodat enige grens van 'n onderverdeling meer akkuraat daarop aangeteken kan word.

(11) Indien die vereniging oortuig is dat 'n in sub-regulasie (2) bedoelde persoon—

- (a) geweier het om aan enige van die bepalings van hierdie regulasie te voldoen waaraan dit sy plig is om te voldoen; of
 - (b) versuim of nagelaat het om aan so 'n bepaling te voldoen binne 'n tydperk van dertig dae na afsending van 'n skriftelike kennisgewing aan hom gerig by sy laas-bekende adres deur die vereniging of deur 'n ander sodanige persoon, waarin hy aangesê word om daaraan te voldoen; of
 - (c) nie aan so 'n bepaling voldoen het nie binne 'n tydperk wat die vereniging redelik ag onder die omstandighede,
- kan die vereniging, ondanks sodanige nie-nakoming, die in sub-regulasie (6) bedoelde verdeling maak onderworpe aan sodanige voorwaardes (indien enige) as wat hy onder die omstandighede regverdig ag.
- (12) Die bepalings van hierdie regulasie is nie van toepassing nie—
- (a) ten opsigte van die verkryging, van die hand setting of eindiging van 'n reg om wyn of ander produk van die wynstok om 'n deel van die oes op 'n plaas of onderverdeling te produseer;
 - (b) ten opsigte van 'n plaas waarop daar op die vasgestelde datum geen wyn geproduseer is nie, indien geen aansoek om 'n kwota ten opsigte van daardie plaas ingevolge regulasie 4 gedoen is nie of indien gedoen, as sodanige aansoek deur die vereniging geweier is; of
 - (c) ten opsigte van enige onderverdeling van 'n in paragraaf (b) bedoelde plaas.

Wanneer kwotas in werking tree en verstrekking van inligting in verband met kwotas.

6. (1) Kwotas en voorlopige kwotas wat kragtens regulasie 3 deur die vereniging bepaal is, tree in werking vanaf die eerste dag van Januarie van die eerste jaar na die jaar net na die lopende jaar; en kwotas en voorlopige kwotas wat kragtens regulasie 5 bepaal is, tree in werking vanaf genoemde datum of vanaf die datum van bepaling deur die vereniging, na gelang van watter datum die laaste is.

(2) Indien enige vraag ontstaan of 'n stuk grond 'n plaas of deel van 'n plaas uitmaak, word daardie vraag deur die vereniging beslis, en sodanige beslissing is, onderworpe aan enige appèl kragtens regulasie 13, afdoende.

(3) Die grense van 'n plaas ten opsigte waarvan 'n kwota of voorlopige kwota kragtens regulasie 3 bepaal is, is dié wat op die vasgestelde datum op die plaas betrekking het; en die grense van 'n onderverdeling ten opsigte waarvan 'n kwota of voorlopige kwota kragtens regulasie 5 bepaal is, is dié wat op die onderverdeling betrekking het op die datum wanneer aansoek ingevolge sub-regulasie (2) van regulasie 5 gedoen word.

(4) Die vereniging kan te eniger tyd enigiemand in kennis stel van die grootte van enige kwota of voorlopige kwota wat deur hom ten opsigte van 'n plaas of onderverdeling bepaal is, en moet, op versoek, 'n applikant bedoel in sub-regulasie (2) van regulasie 5 voorsien van 'n kopie van die sketsplan bedoel in sub-regulasie (4) van daardie regulasie na betaling van sodanige gelde (nie tien sjelings te bowe gaande nie) as wat die vereniging mag voorskryf.

(5) Die eienaar van 'n plaas of onderverdeling of 'n persoon behoorlik deur sodanige eienaar skriftelik gemagtig, kan op aansoek by die vereniging en na betaling aan die vereniging van sodanige gelde (nie vyf sjelings te bowe gaande nie) as wat hy mag voorskryf, inligting verkry omtrent die grootte van 'n kwota of voorlopige kwota wat die vereniging ten opsigte van daardie plaas of onderverdeling bepaal het.

Produksie om 'n deel van die oes.

7. Wanneer die vereniging 'n kwota of voorlopige kwota ten opsigte van 'n plaas of onderverdeling bepaal het, moet iemand (hieronder „die verlener” genoem), wat voor die vasgestelde datum 'n reg aan 'n ander persoon verleen het om wyn of ander produk van die wynstok op daardie

on a crop-sharing basis (such firstmentioned person being hereinafter referred to as "the grantor") shall forthwith give notice to the vereniging in writing of the names and addresses of all persons who are entitled to produce wine or other vine product on such farm or subdivision on a crop-sharing basis and of the proportion of the quota or provisional quota of such farm or subdivision, as the case may be, to which each such person (including the grantor) shall be entitled; and whenever any change takes place as to the particulars so furnished, the grantor shall forthwith give notice thereof in writing to the vereniging.

Particulars to be furnished on application for permit and to be inserted in permit.

8. (1) Every person who applies to the vereniging for a permit to produce wine shall specify the farm or subdivision on which such wine will be produced as well as the official number and letter which may have been allotted to such farm or subdivision by the vereniging under these regulations.

(2) Subject to the provisions of sub-regulation (4), every such permit to produce wine shall specify *inter alia* the farm or subdivision on which such wine may be produced and the maximum quantity of wine calculated at a strength of twenty per cent. which the holder of such permit may produce on such farm or subdivision.

(3) The maximum quantity of wine referred to in sub-regulation (2) shall be equal to the quota or provisional quota, as the case may be, determined by the vereniging in respect of such farm or subdivision.

(4) Every permit to produce wine issued by the vereniging to a person who is producing wine on any farm or subdivision on a crop-sharing basis shall specify—

(a) the farm or subdivision on which such wine may be produced; and

(b) the maximum quantity of wine calculated at a strength of twenty per cent. which the holder of such permit may produce on such farm or subdivision.

(5) The maximum quantity of wine referred to in sub-regulation (4) shall be determined by the vereniging in accordance with the particulars furnished to it from time to time under regulation 7: Provided that the total of such maximum quantities in relation to any farm or subdivision shall not exceed the quota or provisional quota, as the case may be, determined by the vereniging in respect of such farm or subdivision.

(6) No permit shall be granted to any person to produce any wine on any farm or subdivision unless the vereniging has determined a quota or provisional quota in respect of such farm or subdivision.

(7) The provisions of this regulation and of regulation 9 and of sub-regulation (1) of regulation 10 shall not apply in respect of wine produced or to be produced during the current year or the year next following the current year, and the provisions of sub-regulation (2) of regulation 10 shall not be applicable during the said years.

How wine produced without permit to be dealt with.

9. (1) Any person who has produced any wine without the authority of a permit issued to him by the vereniging to produce such wine, shall forthwith notify the vereniging thereof in writing and shall in such notification specify the type and quantity of such wine and the place where the same is stored.

(2) The vereniging may by notice in writing addressed to such person—

(a) require the whole or any portion of such wine to be forfeited to it and to be delivered to it by such person at the nearest of its depots but the vereniging shall be responsible for the reasonable costs of delivery thereof; and

(b) require such person forthwith to destroy under the supervision of an excise officer or an official of the vereniging the whole or any portion of the wine which is not delivered to it under paragraph (a).

(3) If such person disposes of any such wine, not being wine in respect of which the vereniging has determined the fair value under sub-regulation (7), the full proceeds thereof shall be forfeited to the vereniging and shall be recoverable by it from such person on demand: Provided that if the vereniging is of opinion that such wine has been disposed of for an inadequate consideration, it shall determine the fair value of such wine and give notice thereof to such person, and in that event an amount equivalent to the value so determined shall in lieu of the proceeds be forfeited by such person to the vereniging and shall be recoverable by it from him on demand.

(4) Any person who has produced any wine in excess of the quantity which he is authorized to produce under any permit issued to him by the vereniging, shall not later than the first day of August of the year in which such wine was produced, notify the vereniging thereof in writing (the date of the said notification or the said first day of August, whichever is the earlier date, being in this regulation referred to as the said date), and shall in such notification specify the type and quantity of such wine and, if such wine has not been disposed of, the place where the same is stored.

(5) If any person referred to in sub-regulation (4) disposes of any wine referred to in that sub-regulation, not being wine in respect of which the vereniging has determined the fair value under sub-regulation (7), the provisions of sub-regulation (3) shall apply in respect of the wine disposed of.

(6) In respect of any wine referred to in sub-regulation (4) which was not disposed of by such person prior to the said date, the provisions of sub-regulation (2) shall apply.

(7) (a) If the vereniging decides to make no requisition under sub-regulation (2), or under that sub-regulation as applied by sub-regulation (6), in respect of the wine referred to in sub-regulation (1) or (4), or any portion thereof; or

plaas of onderverdeling om 'n deel van die oes te produseer of wat daarna so 'n reg mag verleen, onverwyld die vereniging skriftelik in kennis stel van die name en adresse van alle persone wat geregtig is om wyn of ander produk van die wynstok op daardie plaas of onderverdeling om 'n deel van die oes te produseer en van die gedeelte van die kwota of voorlopige kwota van daardie plaas of onderverdeling, na gelang van die geval, waarop elke sodanige persoon (insluitende die verlener) geregtig is; en wanneer enige verandering plaasvind wat betref die besonderhede aldus verskaf, moet die verlener onverwyld die vereniging skriftelik daarvan in kennis stel.

Besonderhede wat verstrek moet word by aansoek om permit en wat in permit vermeld moet word.

8. (1) Elke persoon wat by die vereniging aansoek doen om 'n permit om wyn te produseer, moet die plaas of onderverdeling waarop sodanige wyn geproduseer gaan word sowel as die amptelike nommer en letter wat die vereniging kragtens hierdie regulasies aan daardie plaas of onderverdeling mag toegeken het, vermeld.

(2) Behoudens die bepalings van sub-regulasie (4), moet elke sodanige permit om wyn te produseer, onder andere, die plaas of onderverdeling waarop sodanige wyn geproduseer mag word en die maksimum hoeveelheid wyn bereken teen 'n sterkte van twintig persent wat die houer van daardie permit op daardie plaas of onderverdeling mag produseer, vermeld.

(3) Die maksimum hoeveelheid wyn bedoel in sub-regulasie (2) moet gelykstaan met die kwota of voorlopige kwota, na gelang van die geval, wat deur die vereniging ten opsigte van daardie plaas of onderverdeling bepaal is.

(4) Elke permit om wyn te produseer wat deur die vereniging uitgereik word aan 'n persoon wat op 'n plaas of onderverdeling wyn om 'n deel van die oes produseer, moet vermeld—

(a) die plaas of onderverdeling waarop sodanige wyn geproduseer mag word; en

(b) die maksimum hoeveelheid wyn bereken teen 'n sterkte van twintig persent wat die houer van so 'n permit op sodanige plaas of onderverdeling mag produseer.

(5) Die maksimum hoeveelheid wyn bedoel in sub-regulasie (4) moet deur die vereniging bepaal word ooreenkomstig die besonderhede wat van tyd tot tyd aan hom kragtens regulasie 7 verskaf word: Met dien verstande dat die totaal van sodanige maksimum hoeveelhede met betrekking tot 'n plaas of onderverdeling nie die kwota of voorlopige kwota, na gelang van die geval, wat deur die vereniging ten opsigte van daardie plaas of onderverdeling bepaal is, te bowe mag gaan nie.

(6) Geen permit word aan iemand uitgereik om enige wyn op 'n plaas of onderverdeling te produseer nie tensy die vereniging 'n kwota of voorlopige kwota ten opsigte van daardie plaas of onderverdeling bepaal het.

(7) Die bepalings van hierdie regulasie en van regulasie 9 en van sub-regulasie (1) van regulasie 10 is nie van toepassing ten opsigte van wyn wat gedurende die lopende jaar of die jaar net na die lopende jaar geproduseer is of geproduseer gaan word nie en die bepalings van sub-regulasie (2) van regulasie 10 is nie van toepassing gedurende daardie jare nie.

Hoe met wyn wat sonder permit geproduseer is gehandel moet word.

9. (1) Iemand wat wyn geproduseer het sonder magtiging van 'n permit wat deur die vereniging aan hom uitgereik is om daardie wyn te produseer, moet onverwyld die vereniging skriftelik daarvan in kennis stel en moet in daardie kennisgewing die tipe en hoeveelheid van daardie wyn en die plek waar dit geberg word, vermeld.

(2) Die vereniging kan by skriftelike kennisgewing gerig aan sodanige persoon vereis—

(a) dat al daardie wyn of enige gedeelte daarvan aan die vereniging verbeur en deur sodanige persoon aan die vereniging by die naaste depot van die vereniging afgelewer word, maar die vereniging is verantwoordelik vir die redelike koste van aflewering daarvan; en

(b) dat sodanige persoon al daardie wyn of enige gedeelte daarvan wat nie kragtens paragraaf (a) aan die vereniging gelever is nie, onverwyld onder toesig van 'n aksynsamptenaar of 'n beampte van die vereniging vernietig.

(3) Indien so 'n persoon van enige sodanige wyn wat nie wyn is ten opsigte waarvan die vereniging die redelike waarde kragtens sub-regulasie (7) bepaal het nie, van die hand sit, word die volle opbrengs daarvan aan die vereniging verbeur en is deur die vereniging op daardie persoon verhaalbaar op aanvraag: Met dien verstande dat as die vereniging van oordeel is dat daardie wyn teen 'n onvoldoende vergoeding van die hand gesit is, moet hy die redelike waarde daarvan bepaal en daarvan aan sodanige persoon kennis gee, en in daardie geval word 'n bedrag wat gelykstaan met die waarde aldus bepaal, deur bedoelde persoon aan die vereniging verbeur in plaas van die opbrengs en is deur die vereniging op daardie persoon verhaalbaar op aanvraag.

(4) Iemand wat meer wyn geproduseer het as die hoeveelheid wat hy gemagtig is om te produseer kragtens 'n permit wat aan hom deur die vereniging uitgereik is, moet nie later nie as die eerste dag van Augustus van die jaar waarin daardie wyn geproduseer is, die vereniging skriftelik daarvan in kennis stel (die datum van bedoelde kennisgewing of bedoelde eerste dag van Augustus, na gelang van watter datum die eerste is, word in hierdie regulasie „die bedoelde datum” genoem), en moet in daardie kennisgewing die tipe en hoeveelheid van daardie wyn en, indien daardie wyn nie van die hand gesit is nie, die plek waar dit geberg word, vermeld.

(5) Indien 'n in sub-regulasie (4) bedoelde persoon enige in daardie sub-regulasie bedoelde wyn, wat nie wyn is ten opsigte waarvan die vereniging die redelike waarde kragtens sub-regulasie (7) bepaal het nie, van die hand sit, is die bepalings van sub-regulasie (3) van toepassing ten opsigte van die wyn wat van die hand gesit is.

(6) Ten opsigte van enige in sub-regulasie (4) bedoelde wyn wat nie deur sodanige persoon voor bedoelde datum van die hand gesit is nie, is die bepalings van sub-regulasie (2) van toepassing.

(7) (a) Indien die vereniging besluit om nie kragtens sub-regulasie (2), of kragtens sub-regulasie (2) soos by sub-regulasie (6) toegepas, ten opsigte van die in sub-regulasie (1) of (4) bedoelde wyn, of enige gedeelte daarvan, op te tree nie; of

b) if the vereniging does not make any requisition—

- (i) under sub-regulation (2) in respect of the wine referred to in sub-regulation (1), or any portion thereof, within a period of two months after the date upon which it became aware of the production thereof; or
- (ii) under sub-regulation (2), as applied by sub-regulation (6), in respect of the wine referred to in sub-regulation (4), or any portion thereof, within a period of two months after the said date or the date upon which it first became aware of the production thereof, whichever date is the later; or

(c) if the person who produced the wine referred to in any notice addressed to him by the vereniging under sub-regulation (2), or under sub-regulation (2) as applied by sub-regulation (6), fails to comply with the terms of such notice within a period of thirty days after the despatch thereof in respect of the wine referred to therein, or any portion thereof,

the vereniging shall forthwith determine the fair value of the wine in respect of which—

- (i) the vereniging has decided to make no requisition as aforesaid;
- (ii) the vereniging has not made any requisition within the relevant period as aforesaid; or
- (iii) the said person is in default as aforesaid,

as the case may be, and give notice thereof to the person who produced such wine, and in that event an amount equivalent to the value so determined shall be forfeited by such person to the vereniging and shall be recoverable by it from him on demand.

(8) Notwithstanding anything to the contrary in any law, any moneys recoverable by the vereniging from any person under this regulation may be deducted from any moneys which may from time to time be held by the vereniging on behalf of such person, and if at any time there should not be sufficient of such moneys to satisfy the amount so due to the vereniging, it shall be entitled by notice in writing addressed to the Board or any co-operative society to require such Board or society to make payment to the vereniging of the amount so due to it out of any moneys which such Board or society may then or thereafter hold on behalf of or owe to such person in respect of any wine delivered or which may thereafter be delivered by him to it.

(9) For the purposes of this regulation—

- (a) delivery by any person of wine to the vereniging or to the Board or to any co-operative society shall be deemed to be a disposal by him of such wine and any moneys (including any bonus) paid or payable to such person by the vereniging or the Board or any such society in connection with or arising out of such delivery shall be deemed to be part of the proceeds of such wine;
- (b) wine produced by any person shall be deemed to have been produced by him without the authority of a permit issued to him by the vereniging to produce such wine unless he proves to the satisfaction of the vereniging that he produced such wine under the authority of a permit issued to him by it and on the farm or subdivision specified in such permit.

Excess production.

10. (1) If the total quantity of wine, calculated at a strength of twenty per cent., produced by any person on any farm or subdivision in any year, including wine which was derived from grapes acquired by him during such year, exceeds the total quantity of wine which such person is authorized to produce on such farm or subdivision during such year under any permit issued to him by the vereniging together with the wine equivalent of the grapes so acquired plus a quantity equivalent to fifteen per cent. of such wine equivalent, such excess wine shall be deemed to be wine referred to in sub-regulation (4) of regulation 9 and shall be dealt with as provided by that regulation in the same manner as if such person had been a person referred to in that sub-regulation and had produced such wine during such year in excess of the quantity which he was authorized to produce under any permit issued to him by the vereniging.

(2) If the total quantity of wine, calculated at a strength of twenty per cent., made or manufactured or acquired by a co-operative society in any year exceeds the wine equivalent of the grapes acquired by or delivered to such society during such year (less any grapes disposed of by it or utilized by it otherwise than for the purpose of making wine during such year) plus a quantity equivalent to the fixed percentage as defined in sub-regulation (3), of such wine equivalent, together with any wine, calculated at a strength of twenty per cent., which may have been acquired by such society during such year, such excess shall be deemed to be wine referred to in sub-regulation (4) of regulation 9 and shall be dealt with as provided by that regulation in the same manner as if such society had been a person referred to in that sub-regulation and had produced such wine during such year in excess of the quantity which he was authorized to produce under any permit issued to him by the vereniging.

(b) indien die vereniging nie—

- (i) kragtens sub-regulasie (2) ten opsigte van die in sub-regulasie (1) bedoelde wyn, of enige gedeelte daarvan, binne 'n tydperk van twee maande na die datum waarop hy van die produksie daarvan bewus geword het, optree nie; of
- (ii) kragtens sub-regulasie (2), soos by sub-regulasie (6) toegepas, ten opsigte van die in sub-regulasie (4) bedoelde wyn, of enige gedeelte daarvan, binne 'n tydperk van twee maande na bedoelde datum of die datum waarop hy vir die eerste keer van die produksie daarvan bewus geword het, na gelang van watter datum die laaste is, optree nie; of

(c) indien die persoon wat die wyn geproduseer het waarna verwys word in 'n kennisgewing wat aan hom gerig is deur die vereniging kragtens sub-regulasie (2), of kragtens sub-regulasie (2) soos by sub-regulasie (6) toegepas, versuim om aan die voorskrifte van daardie kennisgewing binne 'n tydperk van dertig dae na afsending daarvan te voldoen ten opsigte van die daarin bedoelde wyn, of 'n gedeelte daarvan,

moet die vereniging onverwyld die redelike waarde bepaal van die wyn ten opsigte waarvan—

- (i) die vereniging besluit he om nie soos voormeld op te tree nie;
- (ii) die vereniging nie binne die toepaslike tydperk soos voormeld opgetree het nie; of

(iii) bedoelde persoon soos voormeld versuim het, na gelang van die geval, en daarvan aan die persoon wat die wyn geproduseer het, kennis gee, en in daardie geval word 'n bedrag wat gelykstaan met die bedrag aldus bepaal deur daardie persoon aan die vereniging verbeur en is deur die vereniging op daardie persoon verhaalbaar op aanvraag.

(8) Ondanks andersluidende wetsbepalings, kan enige gelde wat kragtens hierdie regulasie deur die vereniging op enige persoon verhaalbaar is, afgetrek word van enige gelde wat van tyd tot tyd deur die vereniging ten behoeve van sodanige persoon gehou word, en indien daar te eniger tyd nie voldoende sodanige gelde is om die bedrag aldus verskuldig aan die vereniging te dek nie, is die vereniging geregtig om by skriftelike kennisgewing gerig aan die Raad of 'n koöperatiewe vereniging te vereis dat daardie Raad of koöperatiewe vereniging die bedrag aldus aan hom verskuldig aan die vereniging betaal uit gelde wat daardie Raad of koöperatiewe vereniging dan of daarna hou ten behoeve van of skuld aan sodanige persoon ten opsigte van wyn wat deur hom aan daardie Raad of koöperatiewe vereniging gelewer is of later gelewer mag word.

(9) Vir die doeleindes van hierdie regulasie—

- (a) word lewering deur 'n persoon van wyn aan die vereniging of aan die Raad of aan 'n koöperatiewe vereniging, geag 'n van die hand setting deur hom van sodanige wyn te wees en word enige gelde (insluitende 'n bonus) wat deur die vereniging of die Raad of so 'n koöperatiewe vereniging aan sodanige persoon betaal word of betaalbaar is in verband met of voortspruitende uit sodanige lewering, geag deel van die opbrengs van sodanige wyn te wees;
- (b) word dit geag dat wyn wat deur 'n persoon geproduseer is, deur hom geproduseer is sonder magtiging van 'n permit wat aan hom deur die vereniging uitgereik is om sodanige wyn te produseer, tensy hy tot bevestiging van die vereniging bewys dat hy daardie wyn geproduseer het kragtens 'n permit aan hom deur die vereniging uitgereik en op die plaas of onderverdeling in daardie permit vermeld.

Oorproduksie.

10. (1) As die totale hoeveelheid wyn, bereken teen 'n sterkte van twintig persent, wat deur 'n persoon gedurende enige jaar op 'n plaas of onderverdeling geproduseer is, insluitende wyn wat gemaak is van druiwe wat deur hom gedurende daardie jaar verkry is, meer is as die totale hoeveelheid wyn wat sodanige persoon gemagtig is om gedurende daardie jaar op sodanige plaas of onderverdeling te produseer kragtens 'n permit deur die vereniging aan hom uitgereik, tesame met die wyn-ekwivalent van die druiwe aldus verkry plus 'n hoeveelheid wat gelykstaan met vyftien persent van sodanige wyn-ekwivalent, word dit geag dat daardie oorskot wyn wyn is waarna in sub-regulasie (4) van regulasie 9 verwys word, en met daardie oorskot wyn moet volgens voorskrif van daardie regulasie gehandel word op dieselfde wyse asof bedoelde persoon 'n in daardie sub-regulasie bedoelde persoon was wat daardie wyn gedurende daardie jaar geproduseer het bo die hoeveelheid wat hy gemagtig was om te produseer kragtens 'n permit wat aan hom deur die vereniging uitgereik is.

(2) As die totale hoeveelheid wyn, bereken teen 'n sterkte van twintig persent, wat deur 'n koöperatiewe vereniging gedurende enige jaar gemaak of vervaardig of verkry is, meer is as die wyn-ekwivalent van die druiwe wat verkry is deur of gelewer is aan sodanige vereniging gedurende sodanige jaar (na aftrekking van enige druiwe deur hom van die hand gesit of deur hom gebruik vir 'n ander doel as die maak van wyn gedurende sodanige jaar) plus 'n hoeveelheid wat gelykstaan met die vasgestelde persentasie soos omskryf in sub-regulasie (3), van sodanige wyn-ekwivalent, tesame met enige wyn, bereken teen 'n sterkte van twintig persent, wat sodanige vereniging gedurende daardie jaar mag verkry het, word dit geag dat daardie oorskot wyn wyn is waarna in sub-regulasie (4) van regulasie 9 verwys word en met daardie oorskot wyn moet volgens voorskrif van daardie regulasie gehandel word op dieselfde wyse asof sodanige vereniging 'n in daardie sub-regulasie bedoelde persoon was wat daardie wyn gedurende daardie jaar geproduseer het bo die hoeveelheid wat hy gemagtig was om te produseer kragtens 'n permit wat aan hom deur die vereniging uitgereik is.

(3) For the purposes of this regulation—

- (a) the expression "wine equivalent" in relation to any quantity of grapes shall mean the quantity of wine of a strength of twenty per cent. which in terms of the provisions of paragraph (a) of regulation 14 is equivalent to such quantity of grapes; and
- (b) the expression "fixed percentage" in relation to any co-operative society shall mean the percentage determined by the vereniging in respect of such society and representing in the opinion of the vereniging the percentage by which the quantity of wine, calculated at a strength of twenty per cent., obtained by such society from grapes delivered to it by its members during the previous year exceeded the wine equivalent of such grapes: Provided that in the case of a co-operative society which did not receive delivery of any grapes from its members during the previous year or which commenced business for the first time after the previous year, such percentage shall be determined by the vereniging in relation to the quantity of wine, calculated as aforesaid, obtained by such society from grapes delivered to it by its members during its first year of operations after the previous year, and pending such determination by the vereniging, shall be deemed to be fifteen per cent.

Reduction and increase of quotas.

11. (1) The vereniging shall from time to time notify the Minister of the total quantity of wine in respect of which quotas and provisional quotas have been determined by it under these regulations, including any determinations made pursuant to directions given by the Minister in terms of sub-regulation (2) or (3) (such quantity being hereinafter in this regulation referred to as "the total quota quantity").

- (2) (a) Whenever the Minister considers that circumstances require that the total quota quantity last notified to him by the vereniging shall be reduced, he may at any time, after consultation with the vereniging, direct it to reduce all quotas and provisional quotas determined by it by such percentage as he may deem necessary.
- (b) The vereniging shall thereupon reduce every such quota and provisional quota accordingly and shall give notice thereof to the owner or occupier of every farm or subdivision concerned.
- (c) Such reduction shall take effect as and from the first day of January of the year next following the year in which such direction is given.
- (3) (a) Whenever the Minister considers that circumstances justify an annual production of wine in excess of the total quota quantity last notified to him by the vereniging, he may at any time, after consultation with the vereniging, direct it to increase such total quota quantity by such quantity as he may deem fit.
- (b) The vereniging shall thereupon as soon as possible appropriate the quantity by which the total quota quantity has been increased, for the purpose of restoring any reduction effected in terms of sub-regulation (2), and if there should be any balance remaining, the vereniging shall appropriate the same for the purpose—
 - (i) of allotting quotas for land in respect of which no quotas or provisional quotas have been determined in terms of these regulations; and
 - (ii) of increasing existing quotas and provisional quotas determined by it,
 on a basis which, subject to the approval of the Minister, the vereniging considers fair and equitable.
- (c) The vereniging shall give notice of any such restoration, increase or allotment to the owner or occupier of any farm or subdivision or land concerned.
- (d) Such restoration, increase or allotment shall take effect as and from the first day of January of the year next following the year in which such direction is given.

Decisions by vereniging.

12. (1) Decisions by the vereniging under these regulations shall be made by the board of directors thereof or by any one or more committees of such board, duly authorized thereto by such board.

(2) Such board or any such committee may at any time appoint a committee consisting of any one or more wine growers for the purpose of ascertaining any information required by the vereniging under these regulations or making any recommendation in regard to any quota or provisional quota.

(3) A member of such board shall not take part in the proceedings of the board or any committee during the discussion of any matter arising out of the application of these regulations and affecting any farm or subdivision or any wine produced thereon if he shall, directly or indirectly by himself or through his spouse, partner or business associate, have any pecuniary interest in such farm, subdivision or wine.

Appeals.

13. (1) Any person whose interests are affected by any decision of the vereniging under regulation 3, 4 or 5 or sub-regulation (2) of regulation 6, or regulation 9, 10 or 11, other than a determination of a provisional

(3) Vir die doeleindes van hierdie regulasie beteken—

- (a) die uitdrukking „wyn-ekwivalent”, met betrekking tot enige hoeveelheid druiwe, die hoeveelheid wyn van 'n sterkte van twintig persent wat volgens die bepalings van paragraaf (a) van regulasie 14 gelykstaan met so 'n hoeveelheid druiwe; en
- (b) die uitdrukking „vasgestelde persentasie”, met betrekking tot 'n koöperatiewe vereniging, die persentasie wat deur die vereniging ten opsigte van daardie koöperatiewe vereniging bepaal word, en wat volgens die oordeel van die vereniging die persentasie verteenwoordig waarby die hoeveelheid wyn, bereken teen 'n sterkte van twintig persent, wat deur sodanige koöperatiewe vereniging verkry is van druiwe wat gedurende die vorige jaar deur sy lede aan hom gelewer is, die wyn-ekwivalent van sodanige druiwe oorskry: Met dien verstande dat in die geval van 'n koöperatiewe vereniging wat gedurende die vorige jaar nie lewering van enige druiwe van sy lede ontvang het nie of wat vir die eerste keer na die vorige jaar begin het om sake te doen, sodanige persentasie deur die vereniging bepaal word met betrekking tot die hoeveelheid wyn, bereken soos voormeld, wat deur sodanige koöperatiewe vereniging verkry is van druiwe wat gedurende die eerste jaar van sy werksaamhede na die vorige jaar deur sy lede aan hom gelewer is, en hangende sodanige bepaling deur die vereniging, geag word vyftien persent te wees.

Vermindering en vermeerdering van kwotas.

11. (1) Die vereniging moet van tyd tot tyd die Minister in kennis stel van die totale hoeveelheid wyn ten opsigte waarvan kwotas en voorlopige kwotas kragtens hierdie regulasies deur die vereniging bepaal is, insluitende enige bepalings gemaak ooreenkomstig lasgewings deur die Minister ingevolge sub-regulasie (2) of (3) gegee (watter hoeveelheid hieronder in hierdie regulasie „die totale kwota-hoeveelheid” genoem word).

- (2) (a) Wanneer die Minister meen dat omstandighede vereis dat die totale kwota-hoeveelheid waarvan hy laas deur die vereniging in kennis gestel is, verminder moet word, kan hy te eniger tyd, na oorlegpleging met die vereniging, die vereniging gelas om alle deur die vereniging bepaalde kwotas en voorlopige kwotas te verminder met so 'n persentasie as wat hy nodig ag.
- (b) Die vereniging moet daarop elke sodanige kwota en voorlopige kwota dienoooreenkomstig verminder en moet kennis daarvan gee aan die eienaar of bewoner van elke betrokke plaas of onderverdeling.
- (c) Sodanige vermindering tree in werking vanaf die eerste dag van Januarie van die jaar wat volg net na die jaar waarin sodanige lasgewing gegee word.
- (3) (a) Wanneer die Minister meen dat omstandighede 'n jaarlikse produksie van meer wyn as die totale kwota-hoeveelheid waarvan hy laas deur die vereniging in kennis gestel is, regverdig, kan hy te eniger tyd, na oorlegpleging met die vereniging, die vereniging gelas om die totale kwota-hoeveelheid te vermeerder met so 'n hoeveelheid as wat hy mag goed dink.
- (b) Die vereniging moet daarop so gou doenlik die hoeveelheid waarby die totale kwota-hoeveelheid verhoog is, aanwend vir die doel om enige vermindering wat ingevolge sub-regulasie (2) aangebring is, te herstel, en indien daar enige balans oor is, moet die vereniging dit aanwend vir die doel om—
 - (i) kwotas vir grond ten opsigte waarvan geen kwotas of voorlopige kwotas ingevolge hierdie regulasies bepaal is nie, toe te ken; en
 - (ii) bestaande kwotas en voorlopige kwotas deur hom bepaal, te vermeerder,
 op 'n grondslag wat, onderworpe aan die Minister se goedkeuring, die vereniging as regverdig en billik beskou.
- (c) Die vereniging moet aan die eienaar of bewoner van enige betrokke plaas of onderverdeling of grond kennis gee van enige sodanige herstelling, vermeerdering of toekenning.
- (d) Sodanige herstelling, vermeerdering of toekenning tree in werking vanaf die eerste dag van Januarie van die jaar wat volg net na die jaar waarin sodanige lasgewing gegee word.

Besluite deur vereniging.

12. (1) Besluite deur die vereniging kragtens hierdie regulasies, moet geneem word deur die raad van direkteure daarvan of deur enige een of meer komitees van sodanige raad wat behoorlik daartoe deur sodanige raad gemagtig is.

(2) Bedoelde raad of so 'n komitee kan te eniger tyd 'n komitee bestaande uit enige een of meer wynbouers aanstel vir die doel om enige inligting wat die vereniging onder hierdie regulasies mag benodig, vas te stel of om 'n aanbeveling te doen met betrekking tot 'n kwota of voorlopige kwota.

(3) 'n Lid van bedoelde raad mag nie deelneem aan die verrigtings van die raad of enige komitee gedurende die bespreking van 'n aangeleentheid wat voortspruit uit die toepassing van hierdie regulasies en wat 'n plaas of onderverdeling of enige wyn wat daarop geproduseer is, raak, as hy, regstreeks of onregstreeks, self of deur sy eggenote, vennoot of persoon met wie hy in besigheid geassosieer is, enige geldelike belang in sodanige plaas, onderverdeling of wyn het.

Appelle.

13. (1) Iemand wie se belange geraak word deur 'n besluit van die vereniging kragtens regulasie 3, 4 of 5 of sub-regulasie (2) van regulasie 6, of regulasie 9, 10 of 11, behalwe 'n bepaling van 'n voorlopige kwota

quota by the vereniging, may, within one year of the making of such decision and with the consent of the Minister, appeal against that decision to a board of appeal referred to in section *six* of the principal Act.

(2) The provisions of the said section shall apply *mutatis mutandis* in respect of any such appeal.

Miscellaneous.

14. For the purposes of these regulations—

- (a) one ton of two thousand pounds of grapes at twenty degrees (as ascertained by Balling's Saccharometer) shall be deemed to be the equivalent of one leaguer of wine of a strength of twenty per cent.;
- (b) any official of the vereniging authorized thereto in writing by it and any excise officer may at any time take stock of any wine produced by any person or made or manufactured by any co-operative society and take samples thereof;
- (c) the strength (as determined by the vereniging) of any sample of wine of any type and vintage taken in terms of paragraph (b) shall be deemed to be the strength of all wine of that type and vintage produced by that person or made or manufactured by that co-operative society, as the case may be.

Suspension and saving of laws.

15. Notwithstanding anything to the contrary contained in any law—

- (a) the provisions of sub-section (4) of section *two* of this Act, in so far as the said provisions compel the vereniging to give its consent to the sale or disposal of any wine which has been produced without the authority of a permit issued by the vereniging to produce such wine or in excess of the quantity authorized under such permit, are hereby suspended;
- (b) any provision of any law which is inconsistent with or impedes the carrying into effect of these regulations or which forbids any act which is reasonably necessary for or incidental to the effective application of these regulations or the attainment of the objects of such application, is hereby suspended; and
- (c) all such privileges, rights and powers which are by its constitution or by any law vested in the vereniging shall, in the absence of any provision to the contrary contained in these regulations, remain of full force and effect.

Indemnification of vereniging.

16. No claim shall lie against the vereniging or any director, official or servant thereof or against any member of any committee appointed in terms of sub-regulation (2) of regulation 12 in respect of any decision made, ruling given or act done or in respect of any delay, failure or omission in regard to the making of any decision, the giving of any ruling or the doing of any act in connection with the application of these regulations save on proof of *mala fides*.

Offences and penalties.

17. Any person who—

- (a) fails or refuses to comply with the provisions of sub-regulation (1) of regulation 2, sub-regulation (1) of regulation 5, regulation 7, or sub-regulation (1) or (4) of regulation 9; or
- (b) fails or refuses to comply with any requirement of the vereniging under sub-regulation (4) of regulation 2, paragraph (a) or (b) of sub-regulation (4) of regulation 3, sub-regulation (2) of regulation 9, or sub-regulation (2) of regulation 9 as applied by sub-regulation (6) of that regulation; or
- (c) furnishes any false information or makes any false representation in regard to any matter arising from or incidental to the application of these regulations, knowing such information or representation to be false; or
- (d) hinders or obstructs any official of the vereniging or excise officer in the exercise of his powers under paragraph (b) of regulation 14,

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

deur die vereniging, kan binne een jaar na die neem van so 'n besluit en met die Minister se goedkeuring, teen so 'n besluit appelleer na 'n raad van appèl bedoel in artikel ses van die Hoofwet.

(2) Die bepalings van genoemde artikel is *mutatis mutandis* van toepassing ten opsigte van so 'n appèl.

Allerlei.

14. Vir die doeleindes van hierdie regulasies—

- (a) word dit geag dat een ton van tweeduisend pond druive teen twintig grade (soos bepaal deur Balling se saccharometer) gelyk staan met een lêer wyn van 'n sterkte van twintig persent;
- (b) kan 'n beampte van die vereniging wat skriftelik daartoe deur die vereniging gemagtig is en 'n aksynsamptenaar te eniger tyd 'n voorraadopname maak van enige wyn wat deur iemand geproduseer is of wat gemaak of vervaardig is deur 'n koöperatiewe vereniging, en monsters daarvan neem;
- (c) word die sterkte (soos deur die vereniging bepaal) van enige monster wyn van enige tipe en wynoes wat ingevolge paragraaf (b) geneem is, geag die sterkte te wees van alle wyn van daardie tipe en wynoes wat deur daardie persoon geproduseer is of deur daardie koöperatiewe vereniging gemaak of vervaardig is, na gelang van die geval.

Opskorting en behoud van wetsbepalings.

15. Ondanks andersluidende wetsbepalings—

- (a) word die bepalings van sub-artikel (4) van artikel twee van hierdie Wet opgeskort vir sover bedoelde bepalings die vereniging verplig om sy toestemming te verleen vir die verkoop of van die hand sit van wyn wat geproduseer is sonder magtiging van 'n permit wat deur die vereniging uitgereik is om sodanige wyn te produseer of bo die hoeveelheid wat kragtens so 'n permit gemagtig is;
- (b) word enige wetsbepaling wat strydig is met hierdie regulasies of die uitvoering daarvan belemmer of wat enige handeling verbied wat redelik noodsaaklik is vir of saamhang met die doeltreffende toepassing van hierdie regulasies of die verwesenliking van die oogmerke van sodanige toepassing, hierby opgeskort; en
- (c) bly alle voorregte, regte en bevoegdhede wat onder sy konstitusie of by enige wetsbepaling by die vereniging berus, by ontstentenis van andersluidende bepalings in hierdie regulasies, van volle wetlike krag en uitwerking.

Vrywaring van vereniging.

16. Geen eis mag ingestel word nie teen die vereniging of enige direkteur, beampte of dienaar daarvan of teen enige lid van enige komitee aangestel ingevolge sub-regulasie (2) van regulasie 12 ten opsigte van 'n besluit geneem, beslissing gegee of handeling verrig, of ten opsigte van enige oponthoud, versuim of nalating met betrekking tot die neem van enige besluit, die gee van enige beslissing of die verrigting van enige handeling in verband met die toepassing van hierdie regulasies, behalwe waar *mala fides* bewys word.

Misdrywe en strafbepalings.

17. Iemand wat—

- (a) versuim of weier om te voldoen aan die bepalings van sub-regulasie (1) van regulasie 2, sub-regulasie (1) van regulasie 5, regulasie 7, of sub-regulasie (1) of (4) van regulasie 9; of
 - (b) versuim of weier om te voldoen aan 'n vereiste van die vereniging kragtens sub-regulasie (4) van regulasie 2, paragraaf (a) of (b) van sub-regulasie (4) van regulasie 3, sub-regulasie (2) van regulasie 9 of sub-regulasie (2) van regulasie 9 soos toegepas by sub-regulasie (6) van daardie regulasie; of
 - (c) valse inligting verskaf of 'n valse voorstelling maak met betrekking tot enige aangeleentheid wat voortspruit uit of saamhang met die toepassing van hierdie regulasies, wetende dat sodanige inligting of voorstelling vals is; of
 - (d) 'n beampte van die vereniging of 'n aksynsamptenaar hinder of belemmer in die uitoefening van sy bevoegdhede kragtens paragraaf (b) van regulasie 14,
- is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd pond of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met sodanige boete sowel as sodanige gevangenisstraf.

FORM P.1.

KO-OPERATIEVE WIJNBOUWERS VERENIGING VAN ZUID-AFRIKA, BEPERKT.
(Registered in terms of the Co-operative Societies Act of 1939.)RETURN TO BE RENDERED IN TERMS OF REGULATION 2 (1) OF THE REGULATIONS SET OUT IN
THE SCHEDULE TO ACT 23 OF 1940 (AS AMENDED).To be rendered to the Vereniging by every person, who was producing wine on any farm
on the fixed date, within *ninety days* after that date.Full name of producer..... Regd. Number if
Member of K.W.V.....

Postal Address

Name of farm on which wine was produced..... Situate in the district of.....

State whether farm is cultivated by producer as owner, lessee, share cropper or in another
capacity

If farm not cultivated by owner, state owner's full name and address.....

State names and addresses of all persons entitled to share in any vine products produced
on farm:.....

1. Particulars of Vines:

Grape Varieties.	Number of vines growing on farm on the fixed date.					
	Age on fixed date:					
	1 year old and less.	More than 1 year but less than 2 years.	2 years or more but less than 3 years.	3 years or more but less than 4 years.	4 years or more but less than 5 years.	5 years or more.
Belies or Kanaän ..						
Clairette Blanche ..						
French grape ..						
Green grape ..						
Hanepoot ..						
Pedro ..						
Riesling ..						
Stein ..						
Sultana ..						
Cabernet Sauvignon ..						
Hermitage ..						
Muscadel ..						
Portuguese Port Varieties						
Currants ..						
Almeria ..						
Alphonse Lavallée ..						
Barlinka ..						
Waltham Cross ..						
*Other Varieties (specify):						
†Rooted Stocks ..						
Total ..						

*Here insert varieties not mentioned in the above list.

†Nursery stock for own use or for sale must not be shown.

2. Wine (including products used for or in connection with the making of wine) produced
on farm during previous year:(i) Grapes: tons at 20° (as ascertained by Balling's
saccharometer).

(ii) Other vine products: tons.

(iii) Wine: leaguers at 20% strength.

3. Products of the vine, other than wine or products used for or in connection with the
making of wine produced on farm during previous year:

Type of Product.	Quantity in Tons.	To whom sold—give name and address of purchaser (but see note below).
(i) Table Grapes ..		
(ii) Grapes for can ing purposes ..		
(iii) Raisins ..		
(iv) Sultanas ..		
(v) Currants ..		
(vi) Any other vine product—specify:		
.....		
.....		

Note: Where table grapes sold in individual quantities of less than 1 ton, the name and address
of the purchaser need not be shown.4. State whether any grafted vines were purchased prior to 2nd March of the current year
for planting on farm during current year (state Yes or No).....

If so, annex a statement giving the following particulars:

- (i) varieties of grafted vines purchased;
- (ii) number of each variety purchased;
- (iii) date of purchase; and
- (iv) name and address of seller.

VORM P.1.

KO-OPERATIEVE WIJNBOUWERS VERENIGING VAN ZUID-AFRIKA, BEPERKT
(Geregistreer kr. gtens die Wet op Koöperatiewe Verenigings, 1939.)OPGAWE WAT VERSTREK MOET WORD KRAGTENS REGULASIE 2 (1) VAN DIE REGULASIES U.T-
EENGESIT IN DIE BYLAE BY WET 23 VAN 1940 (SOOS GEWYSIG).Aan die Vereniging verstrekt te word deur iedereen wat op die vasgestelde datum op enige plaas
wyn geproduseer het, binne negentig dae na daardie datum.Volle naam van produsent..... Gereg. No. indien
lid van K.W.V.....

Posadres.....

Naam van plaas waarop wyn geproduseer is..... geleë in die distrik.....

Meld of plaas deur produsent bewerk word as eienaar, huurder, deelwerker of in 'n ander
hoedanigheid.....

Indien plaas nie deur eienaar bewerk word nie, meld volle naam en adres van eienaar.....

Meld name en adresse van alle persone wat geregtig is om te deel in enige produkte van die
wynstok op plaas geproduseer:.....

1. Besonderhede van wingerdstokke:

Druifsoorte.	Getal wingerdstokke wat op plaas groei op die vasgestelde datum.					
	Ouderdom op vasgestelde datum—					
	1 jaar oud en minder.	Meer as 1 jaar maar minder as 2 jaar.	2 jaar of meer maar minder as 3 jaar.	3 jaar of meer maar minder as 4 jaar.	4 jaar of meer maar minder as 5 jaar.	5 jaar of meer.
Belies of Kanaän						
Clairette Blanche						
Fransdruif						
Groendruif						
Hanepoot						
Pedro						
Riesling						
Stein						
Sultana						
Cabernet Sauvignon						
Hermitage						
Muskadel						
Portugese Portsoorte						
Korente						
Almeria						
Alphonse Lavallée						
Barlinka						
Waltham Cross						
*Ander Druifsoorte (spesifi- seer):						
†Gewortelde onderstokke						
Totaal						

* Vul hier in name van druifsoorte wat nie in bostande lys genoem word nie.

† Stokke in kwekerie bestem vir eie gebruik of vir verkoop, moet nie aangetoon word nie.

2. Wyn (insluitende produkte gebruik vir of in verband met die maak van wyn) op plaas
geproduseer gedurende vorige jaar:(i) Druwe: ton teen 20° (soos bepaal deur Balling
se saccharometer)

(ii) Ander produkte van die wynstok: ton.

(iii) Wyn: lêers teen 20% sterkte.

3. Produkte van die wynstok, uitgesonderd wyn of produkte gebruik vir of in verband met
die maak van wyn, op plaas geproduseer gedurende vorige jaar:

Tipe produk.	Hoeveelheid in Tonne.	Aan wie verkoop—gee naam en adres van koper (maar sien nota hieronder).
(i) Tafeldruwe		
(ii) Druwe vir inmaak-doeleindes		
(iii) Rosyntjies		
(iv) Sultanas		
(v) Korente		
(vi) Enige ander produk van die wynstok—spesifiseer:		

Nota: Waar tafeldruwe verkoop is in afsonderlike hoeveelhede van minder as 1 ton, hoef
die naam en adres van die koper nie aangetoon te word nie.4. Meld of enige geënte wingerdstokke gekoop is voor die 2de Maart van die lopende jaar
vir aanplanting op plaas gedurende lopende jaar (antwoord Ja of Nee).....

Indien wel, heg 'n staat aan wat die volgende besonderhede aantoon—

- (i) soorte geënte stokke gekoop;
- (ii) getal van elke soort gekoop;
- (iii) datum van koop; en
- (iv) naam en adres van verkoper.

5. State whether any grafted vines forming part of the nursery stock on farm on the fixed date were grafted for the purpose of planting on farm (state Yes or No).....

If so, annex a statement giving the following particulars:

- (i) the total number of grafted vines forming part of the nursery stock;
- (ii) the number thereof (if any) intended to be planted on farm during the current year if these regulations had not been applied;
- (iii) varieties and number of each variety of the vines referred to in sub-paragraph (ii) hereof and particulars of the years in which the same were grafted.

6. State number of vines uprooted on farm during the period commencing on the 1st January of the year immediately preceding the previous year and ending on the fixed date, for purposes of renewal, and the number of vines planted on farm during said period—

Number uprooted..... Number planted.....

7. If vines were uprooted on farm during the period referred to in question 5 by reason of the soil in which they were planted having become unsuitable for the growing of vines since such planting, annex a statement giving the following particulars:

- (i) whether such vines were uprooted for the purpose of reclaiming such soil and of thereafter planting therein other vines in the place of the vines uprooted;
- (ii) variety of vines uprooted and number of each variety uprooted;
- (iii) total area of vineyard uprooted;
- (iv) steps taken to reclaim such soil;
- (v) if vines have been planted in such soil prior to the fixed date to replace the uprooted vines, state the variety of vines so planted and the number of each variety so planted.

8. If there are any circumstances which in your opinion the Vereniging should take into account for the purpose of determining a quota in respect of the farm in terms of the above regulations, annex a statement giving full particulars of such circumstances.

I hereby certify that to the best of my knowledge and belief the above information is correct.

Date.....19.....

As witnesses:

Signed.....

Signature of Owner of farm
(where return not made by owner)

Signatures of persons entitled to share in any vine products
produced on farm:

FORM P.2

KO-OPERATIEVE WIJNBOUWERS VERENIGING VAN ZUID-AFRIKA, BEPERKT. (Registered in terms of the Co-operative Societies Act of 1939.)

RETURN TO BE RENDERED IN TERMS OF REGULATION 5 (1) OF THE REGULATIONS SET OUT IN THE SCHEDULE TO ACT 23 OF 1940 (AS AMENDED).

To be rendered to the Vereniging by every person, who acquires or disposes of the right to produce wine, or other vine product on any farm or subdivision, within *thirty days* after such acquisition or disposal.

1. Full names and address of person acquiring such right.....
2. Full names and address of person disposing of such right.....
3. Date of acquisition or disposal.....
4. Manner of acquisition or disposal (e.g. sale, lease, last will, etc.).....
5. If right to produce on a farm is acquired or disposed of, state—
 - (i) name of farm.....
 - (ii) district in which situate.....
 - (iii) number, if any, allotted to farm by Vereniging.....
 - (iv) quota or provisional quota, if any, determined by Vereniging in respect of farm.....
6. If right to produce on a subdivision is acquired or disposed of, give the following particulars:
 - (a) if a quota or provisional quota has been determined by the Vereniging in respect of the subdivision—
 - (i) name of subdivision, if any.....
 - (ii) district in which situate.....
 - (iii) number and letter allotted to subdivision by Vereniging.....
 - (iv) quota or provisional quota determined by Vereniging in respect of subdivision.....
 - (b) if no quota or provisional quota has been determined by the Vereniging in respect of the subdivision—
 - (i) name of subdivision, if any.....
 - (ii) name of farm or subdivision of which subdivision formed part.....
 - (iii) district in which situate.....
 - (iv) number, if any, or number and letter, if any, allotted to said farm or subdivision by Vereniging.....
 - (v) quota or provisional quota, if any, determined by Vereniging in respect of said farm or subdivision.....
 - (vi) full particulars of any agreement or testamentary provision in regard to the quota or provisional quota to be allotted to the subdivision in terms of regulation 5 of above regulations.....

I hereby certify that to the best of my knowledge and belief the above information is correct.

Date.....19.....

Witness.....

Signature of person acquiring/disposing

5. Meld of enige geënte wingerdstokke wat op die vasgestelde datum deel uitmaak van stokke in 'n kwekery op plaas, geënt is met die doel om op daardie plaas aangeplant te word (antwoord Ja of Nee).....

Indien wel, heg 'n staat aan wat die volgende besonderhede aantoon—

- (i) die totale getal geënte stokke wat deel uitmaak van stokke in die kwekery;
- (ii) die getal daarvan (indien enige) wat bedoel was om gedurende die lopende jaar op plaas aangeplant te word as hierdie regulasies nie toegepas is nie;
- (iii) soorte en getal van elke soort van die stokke waarna in sub-paragraaf (ii) hiervan verwys word en besonderhede van die jare waarin daardie stokke geënt is.

6. Meld aantal wingerdstokke uitgehaal op plaas gedurende die tydperk wat begin op 1 Januarie van die jaar wat die vorige jaar onmiddellik voorafgaan en eindig op die vasgestelde datum, vir oëleindes van hernuwing, en die getal wingerdstokke aangeplant op plaas gedurende genoemde tydperk—

Getal uitgehaal..... Getal aangeplant.....

7. Indien wingerdstokke uitgehaal is op plaas gedurende die tydperk genoem in vraag 5, omdat die grond waarin hulle geplant was, ongeskik geword het vir wingerdbou sedert sodanige aanplanting, heg 'n staat aan wat die volgende besonderhede aantoon—

- (i) of sodanige stokke uitgehaal is met die doel om daardie grond te herwin en om daarna ander wingerdstokke daarin, in die plek van die uitgehaalde stokke, te plant;
- (ii) soort wingerdstokke uitgehaal en getal van elke soort uitgehaal;
- (iii) totale oppervlakte van wingerd uitgehaal;
- (iv) stappe gedoen om sodanige grond te herwin;
- (v) as wingerdstokke voor die vasgestelde datum op sodanige grond aangeplant is om die uitgehaalde stokke te vervang, meld die soort stokke aldus geplant en die getal van elke soort aldus geplant.

8. Indien daar enige omstandighede is wat die Vereniging, na u mening, in aanmerking behoort te neem vir die doel om 'n kwota ten opsigte van die plaas te bepaal kragtens die bogenoemde regulasies, heg 'n staat aan wat volledige besonderhede van sodanige omstandighede aantoon.

Ek verklaar hierby dat bogenoemde inligting na my beste wete en oortuiging korrek is.

Datum.....19.....

As Getuies:

Geteken

Handtekening van eienaar van plaas
(indien opgawe nie deur eienaar
gemaak nie)

Handtekenings van persone wat geregtig is om te deel in enige produkte van die wynstok op plaas geproduseer:

VORM P.2

KO-OPERATIEVE WIJNBOUWERS VERENIGING VAN ZUID-AFRIKA, BEPERKT. (Geregistreer kragtens die Wet op Koöperatiewe Verenigings, 1939.)

OPGAWE WAT VERSTREK MOET WORD KRAGTENS REGULASIE 5 (1) VAN DIE REGULASIES UITEENGESIT IN DIE BYLAË BY WET 23 VAN 1940 (SOOS GEWYSIG).

Aan die Vereniging verstrekk te word deur iedereen wat die reg verkry om wyn of ander produk van die wynstok op enige plaas of onderverdeling te produseer, of wat daardie reg van die hand sit, binne dertig dae na sodanige verkryging of van die hand setting.

1. Volle name en adres van persoon wat sodanige reg verkry.....
2. Volle name en adres van persoon wat sodanige reg van die hand sit.....
3. Datum van verkryging of van die hand setting.....
4. Wyse van verkryging of van die hand setting (bv. verkoping, huur, testamentêre beskikking, ens.).....
5. Indien die reg om op 'n plaas te produseer, verkry of van die hand gesit word, meld—
 - (i) naam van plaas.....
 - (ii) distrik waarin geleë.....
 - (iii) nommer, indien enige, deur Vereniging aan plaas toegeken.....
 - (iv) kwota of voorlopige kwota, indien enige, deur Vereniging ten opsigte van plaas bepaal.....
6. Indien reg om op 'n onderverdeling te produseer, verkry of van die hand gesit word, verstrekk die volgende besonderhede—
 - (a) as 'n kwota of voorlopige kwota deur die Vereniging ten opsigte van die onderverdeling bepaal is—
 - (i) naam van onderverdeling, indien enige.....
 - (ii) distrik waarin geleë.....
 - (iii) nommer en letter deur Vereniging aan onderverdeling toegeken.....
 - (iv) kwota of voorlopige kwota deur Vereniging ten opsigte van onderverdeling bepaal.....
 - (b) as geen kwota of voorlopige kwota deur die Vereniging ten opsigte van die onderverdeling bepaal is nie—
 - (i) naam van onderverdeling, indien enige.....
 - (ii) naam van plaas of onderverdeling waarvan onderverdeling deel uitgemaak het.....
 - (iii) distrik waarin geleë.....
 - (iv) nommer, indien enige, of nommer en letter, indien enige, deur Vereniging aan genoemde plaas of onderverdeling toegeken.....
 - (v) kwota of voorlopige kwota, indien enige, deur Vereniging ten opsigte van genoemde plaas of onderverdeling bepaal.....
 - (vi) volledige besonderhede van enige ooreenkoms of testamentêre beskikking omtrent die kwota of voorlopige kwota aan die onderverdeling toegeken te word kragtens regulasie 5 van die bogenoemde regulasies.....

Ek verklaar hierby dat bogenoemde inligting na my beste wete en oortuiging korrek is.

Datum.....19.....

Getuie.....

Handtekening van persoon wat verkry/van die hand sit