

BUITENGEWONE



EXTRAORDINARY

Staatskoerant

VAN DIE REPUBLIEK VAN SUID-AFRIKA



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DEPARTEMENT VAN LANDBOU-EKONOMIE EN
-BEMARKING.

[19 Januarie 1966.]

Die onderstaande Wetsontwerp word vir algemene inligting gepubliseer. Enigiemand wat kommentaar op die Wetsontwerp wil lewer of vertoë daaromtrent wil rig, moet asseblief sodanige kommentaar of vertoë op of voor die 23ste Februarie 1966 aan die Sekretaris van Landbou-ekonomie en -bemarking, Privaatsak 250, Pretoria, stuur.

DEPARTMENT OF AGRICULTURAL ECONOMICS
AND MARKETING.

[19th January, 1966.]

The following Bill is published for general information. Any person desiring to offer any comment on the Bill or to submit representations thereanent should kindly submit such comment or representations to the Secretary for Agricultural Economics and Marketing, Private Bag 250, Pretoria, on or before the 23rd February, 1966.

WETSONTWERP

Om voorsiening te maak vir die instelling van 'n kommissie om alle sake in verband met die voorsiening, oprigting, bestuur en bedryf of sluiting van abattoirs en die fasiliteite daarvan, die uitbreiding of inkorting van die kapasiteit van abattoirs of sodanige fasiliteite te behartig en te beheer, en vir aanleenthede wat daarmee in verband staan.

(Ingedien te word deur die MINISTER VAN LANDBOU-EKONOMIE EN -BEMARKING.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Woord-
omskrywing.

1. Tensy uit die samehang anders blyk, beteken in hierdie Wet:—
 - (i) „abattoir” enige slagpale, slagplaas, slagplek of ander plek waar—
 - (a) beeste, skape, bokke, varke of pluimvee geslag word met die doel om die eetbare gedeeltes daarvan vir menslike verbruik te verkry;
 - (b) perde, muile en donkies vir kommersiële doeleindes geslag word;
 - (c) neweprodukte afkomstig van slagvee vir kommersiële doeleindes verwerk word, en sluit in enige fasiliteite wat by 'n abattoir tuihoort of daaraan verbonde mag wees, hetsy sodanige fasiliteite op dieselfde perseel as die abattoir geleë is, al dan nie; (i)
 - (ii) „eienaar” die persoon in wie se naam 'n abattoir kragtens hierdie Wet geregistreer is; (v)
 - (iii) „heffing” 'n heffing wat ingevolge artikel 19 op slagvee gelê is; (iii)
 - (iv) „hierdie Wet” ook die regulasies; (xiii)
 - (v) „kommissie” die kragtens artikel 2 van hierdie Wet ingestelde kommissie; (ii)
 - (vi) „Minister” die Minister van Landbou-ekonomie en -bemarking; (iv)
 - (vii) „persoon” omvat ook—
 - (a) 'n afdelingsraad, munisipale raad, dorpsbestuur of dergelike gesag;
 - (b) 'n maatskappy as sodanig met regspersoonlikheid bekleë of geregistreer kragtens enige wet;
 - (c) enige liggaam van persone, hetsy met regspersoonlikheid bekleë al dan nie; (vii)
 - (viii) „pluimvee” hoenders, ganse, eende en kalkoene; (vii)
 - (ix) „registreer” ingevolge die bepalings van hierdie Wet registreer en het „registrasie” 'n ooreenstemmende betekenis; (ix)
 - (x) „regulasie” 'n regulasie kragtens hierdie Wet uitgevaardig; (x)
 - (xi) „Republiek” ook die gebied Suidwes-Afrika; (xi)
 - (xii) „slagvee” beeste, skape, bokke, varke, perde, muile, donkies of pluimvee; (xii)
 - (xiii) „voorgeskrewe” of „voorgeskryf” soos voorgeskryf by regulasie ingevolge hierdie Wet. (viii).

Instelling van
abattoirkom-
missie.

2. Hierby word 'n kommissie met die naam van die Abattoir-kommissie ingestel, wat met regspersoonlikheid bekleë is en bevoeg is om in sy naam as regspersoon as eiser en verweerder in regte op te tree en om behoudens die bepalings van hierdie Wet, al die handelinge te verrig wat nodig is vir of in verband staan met die verwesenliking van sy oogmerk, die verrigting van sy werksaamhede en die uitoefening van sy bevoegdhede.

BILL

To provide for the establishment of a commission to deal with and control all matters relating to the provision, erection, management and operation or the closing down of abattoirs and its facilities, the expansion or reduction of the capacity of such facilities, and for matters incidental thereto.

(To be introduced by the MINISTER OF AGRICULTURAL ECONOMICS AND MARKETING.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

- 1.** In this Act, unless the context otherwise indicates— Definitions.
- 5 (i) “abattoir” means any slaughtering or other place where—
- (a) cattle, sheep, goats, pigs or poultry are slaughtered for the purpose of obtaining the edible portions thereof for human consumption;
- 10 (b) horses, mules and donkeys are slaughtered for commercial purposes;
- (c) by-products derived from slaughter animals are processed for commercial purposes, and includes any facilities appertaining to an abattoir or which may be attached thereto, whether or not such facilities are located on the same premises as the abattoir; (i)
- 15 (ii) “commission” means the commission established under section 2 of this Act; (v)
- 20 (iii) “levy” means any levy imposed on slaughter animals in terms of section 19; (iii)
- (iv) “Minister” means the Minister of Agricultural Economics and Marketing; (vi)
- (v) “owner” means the person in whose name an abattoir is registered in terms of this Act; (ii)
- 25 (vi) “person” includes—
- (a) any divisional council, municipal council, village management board, or like authority;
- (b) any company incorporated or registered as such under any law;
- 30 (c) any body of persons corporate or unincorporate; (vii)
- (vii) “poultry” means fowls, geese, ducks and turkeys; (viii)
- (viii) “prescribed” means prescribed by regulation under this Act; (xiii)
- 35 (ix) “register” means to register in terms of the provisions of this Act, and “registration” has a corresponding meaning; (ix)
- (x) “regulation” means a regulation made under this Act; (x)
- 40 (xi) “Republic” includes the territory of South-West Africa; (xi)
- (xii) “slaughter animals” means cattle, sheep, goats, pigs, horses, mules, donkeys or poultry; (xii)
- 45 (xiii) “this Act” includes the regulations. (iv)

- 2.** There is hereby established a commission to be known as the Abattoir Commission, which shall be a body corporate, capable of suing and being sued in its corporate name and of performing, subject to the provisions of this Act, all such acts as are necessary for or incidental to the carrying out of its object and functions and the exercise of its powers. Establishment of abattoir commission.
- 50

Oogmerk van
die kommissie.

3. Die oogmerk van die kommissie is om in die Republiek en ooreenkomstig 'n beleid deur die kommissie met instemming van die Minister neergelê, alle sake in verband met die voorsiening, oprigting, bestuur en bedryf of sluiting van abattoirs, en die uitbreiding of inkorting van die kapasiteit, insluitende die omvang van die fasiliteite, van abattoirs te behartig en te beheer, en die koördinasie van die abattoirbedryf te bewerkstellig. 5

Bevoegdheid en
werksaamhede
van kommissie.

4. Die kommissie het, ten einde sy doelstellings te verwesenlik, benewens enige ander bevoegdheid wat deur hierdie Wet aan hom verleen is, die bevoegdheid— 10

- (a) om roerende of onroerende eiendom aan te koop of op 'n ander wyse te verkry, te hou, te vervreem, te huur of te verhuur: Met dien verstande dat die kommissie geen onroerende eiendom kan verkry of vervreem nie behalwe met die voorafgaande toestemming van die Minister, wat sy toestemming op sodanige voorwaardes kan verleen as wat hy goed dink; 15
- (b) om die werk verbonde aan die verrigting van sy werksaamhede op sy koste te laat verrig deur— 20
 - (i) sodanige personeel as wat hy teen 'n besoldiging en op voorwaardes wat hy met die Minister se goedkeuring bepaal, in diens mag neem;
 - (ii) beamptes in die Staatsdiens wat ingevolge artikel 13 (6) van die Staatsdienswet, 1957 (Wet No. 54 van 1957), tydelik aan die diens van die kommissie afgestaan is; 25
 - (iii) enige persoon of instansie op 'n kontrakbasis of op enige ander basis wat die kommissie dienstig ag en wat die Minister goedkeur: 30

Met dien verstande dat die Minister kan gelas dat die administratiewe werk van die kommissie in die geheel of gedeeltelik verrig word deur beamptes van die Departement van Landbou-ekonomie en -bemarking;
- (c) om van enige persoon of instansie deskundige advies in te win; 35
- (d) om met die Minister se goedkeuring geld te leen op die voorwaardes wat hy goedkeur;
- (e) om met die Minister se goedkeuring geld of eiendom aan te neem wat by wyse van skenking, toekenning of andersins aan die kommissie gegee word en om sodanige geld of eiendom te gebruik op 'n manier wat die Minister mag goedkeur;
- (f) om met die Minister se goedkeuring sy gelde te belê;
- (g) om met enigeen mee te doen in 'n handeling wat die kommissie kan verrig; 45
- (h) om toesig te hou oor die abattoirbedryf en -bestuur in die algemeen, en die bedryf en bestuur van enige abattoir in besonder ten einde te verseker dat die omskepping van slagvee tot vleis en neweprodukte geskied op 'n wyse wat na die mening van die kommissie ekonomies en doeltreffend is;
- (i) om met die goedkeuring van die Minister die tariewe te bepaal wat die eienaar van 'n abattoir mag hef vir die slag van slagvee by sy abattoir; 55
- (j) om met die Minister se goedkeuring die winsmarge te bepaal wat vir enige besondere abattoir met betrekking tot die bedryf en bestuur daarvan, moet geld;
- (k) om by enige versekeraar versekering aan te gaan teen verliese, skade, risiko's en verpligtings wat die kommissie mag opdoen; 60
- (l) om tegniese en ander inligting in verband met die ontwerp en beplanning van abattoirs te versamel en beskikbaar te stel, en advies en leiding te gee by sodanige ontwerp en beplanning; 65
- (m) om die Minister van advies te dien met betrekking tot enige aangeleentheid rakende die abattoirbedryf en -bestuur; en
- (n) om alles te doen wat redelikerwys as aanvullend tot en bevorderlik vir die doelstellings van die kommissie beskou kan word, ofskoon dit nie spesifiek hierin vermeld word nie. 70

Kommissie kan
reël vir voorsiening by wyse van versekering van dekking vir lede van kommissie.

5. (1) Die kommissie kan, met die goedkeuring van die Minister, reël vir voorsiening, by wyse van versekering, van dekking vir 'n lid van die kommissie, uitgesonderd 'n lid wat in die voltydse diens van die Staat is, ten opsigte van liggaamlike besering, ongeskiktheid of dood wat uitsluitlik en regstreeks die gevolg is van 'n ongeluk wat plaasvind in die loop van die verrigting deur so 'n lid van sy pligte. 75

3. The object of the commission is to deal with and control, within the Republic and in accordance with a policy laid down by the commission with the concurrence of the Minister, all matters relating to the provision, erection, management and operation or the closing down of abattoirs and the expansion or reduction of the capacity, including the extent of the facilities, of abattoirs, and to accomplish the co-ordination of the abattoir trade.

Object of the commission.

4. In addition to any other powers vested in the commission under this Act, the commission shall, for the purpose of achieving its objects, have power—

Powers and functions of the commission.

- (a) to purchase, or otherwise acquire, hold, alienate, let or hire moveable or immoveable property: Provided that the commission shall not acquire or alienate immoveable property except with the prior consent of the Minister who may give his consent subject to such conditions as he may deem fit;
- (b) to cause the work incidental to the carrying out of its functions to be performed at its own expense by—
 - (i) such staff as it may engage at a remuneration and on conditions determined by the commission with the approval of the Minister;
 - (ii) officers in the public service seconded to the service of the commission in terms of section 13 (6) of the Public Service Act, 1957 (Act No. 54 of 1957);
 - (iii) any person or concern on a contract basis or on any other basis deemed expedient by the commission and approved by the Minister:
 Provided that the Minister may order that the administrative work of the commission be performed wholly or partially by officers of the Department of Agricultural Economics and Marketing;
- (c) to take expert advice from any person or concern;
- (d) with the consent of the Minister to borrow money on such conditions as he may approve;
- (e) with the approval of the Minister to accept money or property given to the commission by way of donation, grant or otherwise and to utilize such money or property in such manner as the Minister may approve;
- (f) with the approval of the Minister to invest its funds;
- (g) to co-operate with any person in doing any act which the commission may perform;
- (h) to supervise the abattoir trade and management in general, and the operation and management of any abattoir in particular to ensure that the conversion of slaughter animals into meat and by-products takes place in a manner which in the opinion of the commission is economic and efficient;
- (i) with the approval of the Minister to determine the tariffs which the owner of any abattoir may charge for the slaughtering of slaughter animals at his abattoir;
- (j) with the approval of the Minister to determine the profit margin which is to apply to any particular abattoir regarding the operation and management thereof;
- (k) to insure with any insurer against losses, damage, risks and liabilities which the commission may incur;
- (l) to collect and make available technical and other information in connection with the design and planning of abattoirs and to give advice and guidance in such design and planning;
- (m) to advise the Minister in regard to any matter affecting the abattoir trade and management; and
- (n) to do everything which can reasonably be regarded as complementing and promoting the objects of the commission even though it is not specifically mentioned herein.

5. (1) The commission may, with the approval of the Minister, arrange with any insurer for the provision of insurance cover for a member of the commission, excluding a member who is in the full-time service of the State, in respect of bodily injury, disablement or death resulting solely and directly from an accident occurring in the course of the performance by such member of his duties.

Commission may arrange for provision of insurance cover for members of the commission.

(2) Die gelde in die artikel 20 (1) bedoelde fonds kan aangewend word ter betaling van enige premie wat met betrekking tot enige versekeringsdekking ingevolge subartikel (1) gereël, betaalbaar is.

Samestelling van kommissie.

6. (1) Die kommissie bestaan uit minstens drie en hoogstens 5 vyf lede wat deur die Staatspresident aangestel word teen die salaris of ander besoldiging, toelaes en verlof- en ander voorregte wat hy van tyd tot tyd bepaal: Met dien verstande dat dit 'n voorwaarde van die aanstelling van minstens een lid van die kommissie moet wees dat hy al sy tyd aan die werk van die kommissie wy: Met dien verstande voorts dat 'n lid wat in die 10 voltydse diens van die Staat is, benewens sy salaris as 'n beampte in die Staatsdiens, ten opsigte van sy diens by die kommissie die toelaes betaal kan word wat die Staatspresident bepaal.

(2) Die Staatspresident wys een van die lede van die kommissie aan as die voorsitter daarvan vir die tydperk waarvoor hy as lid aangestel is. 15

(3) Wanneer 'n lid van die kommissie om enige rede afwesig of nie in staat is om sy ampspligte uit te voer nie, kan die Minister iemand anders wat hy geskik ag aanstel teen die vergoeding en 20 op die voorwaardes wat hy bepaal om gedurende bedoelde afwesigheid of onvermoë in daardie lid se plek op te tree: Met dien verstande dat indien die lid wat aldus afwesig of nie in staat is om sy ampspligte uit te voer nie ook die voorsitter van die kommissie is, die Minister enigeen van die ander lede of bedoelde 25 plaasvervanger kan aanwys om gedurende bedoelde afwesigheid of onvermoë as voorsitter waar te neem.

(4) Iemand wat ingevolge subartikel (3) in die plek van 'n lid optree of as voorsitter waarneem, het al die bevoegdhede en verrig al die pligte van die betrokke lid of van die voorsitter, na 30 gelang van die geval.

Ampsduur van lede van die kommissie.

7. (1) Behoudens die bepalings van subartikels (2) en (3) beklee 'n lid van die kommissie sy amp vir 'n tydperk van vier jaar.

(2) 'n Lid van die kommissie ontruim sy amp— 35

(a) as hy insolvent raak of sy boedel ten behoeve van sy skuldeisers afstaan;

(b) as hy kranksinnig word;

(c) as hy aan 'n misdryf skuldig bevind en tot gevangenisstraf sonder die keuse van 'n boete gevonnis word; 40

(d) as hy as lid bedank;

(e) as hy kragtens subartikel (3) van sy amp onthef word; of

(f) by sy verkiesing tot die Senaat, die Volksraad of 'n provinsiale raad of tot die Wetgewende Vergadering van Suidwes-Afrika. 45

(3) 'n Lid van die kommissie kan te eniger tyd deur die Staatspresident na goeddunke van sy amp onthef word.

(4) 'n Lid van die kommissie kan by verstryking van sy amptermyn weer aangestel word.

Vergaderings en besluite van kommissie.

8. (1) Die eerste vergadering van die kommissie word gehou 50 op 'n plek en tyd wat die Minister bepaal, en elke daaropvolgende vergadering word gehou op 'n plek en tyd deur die voorsitter of sy plaasvervanger bepaal.

(2) Die voorsitter of die persoon deur die Minister ingevolge artikel 6 (3) aangewys om as voorsitter op te tree, na gelang van 55 die geval, en een ander lid, indien die kommissie uit drie lede bestaan, of twee ander lede, indien die kommissie uit meer as drie lede bestaan, maak 'n kworum vir enige vergadering van die kommissie uit.

(3) 'n Besluit by enige vergadering van die kommissie geskied 60 by meerderheid van stemme van die aanwesige lede, en by staking van stemme oor enige aangeleentheid het die persoon wat op die betrokke vergadering as voorsitter optree, 'n beslissende stem benewens sy beraadslagende stem as lid van die kommissie. 65

Registrasie van abattoirs.

9. (1) Iemand wat op die datum van inwerkingtreding van hierdie Wet beheer het oor 'n bestaande abattoir, of ten behoeve van wie 'n abattoir opgerig word, indien die bouwerkzaamhede 70 voor bedoelde datum 'n aanvang geneem het, moet so gou doenlik na sodanige datum by die kommissie aansoek doen om die registrasie van sodanige abattoir.

(2) Elke aansoek om registrasie van 'n abattoir kragtens hierdie artikel moet aan die kommissie voorgelê word in die vorm en op die wyse wat voorgeskryf word en moet vergesel 75 gaan van die registrasiegeld, indien enige, wat voorgeskryf mag word.

(2) The moneys in the fund referred to in section 20 (1) may be utilized for the payment of any premium payable in respect of any insurance cover arranged in terms of sub-section (1).

6. (1) The commission shall consist of not less than three and not more than five members who shall be appointed by the State President at such salary or other remuneration, allowances and leave and other privileges as he may from time to time determine: Provided that it shall be a condition of appointment of at least one member of the commission that he shall devote all his time to the work of the commission: Provided further that a member who is in the full-time service of the State may in addition to his salary as an officer in the public service, be paid in respect of his service with the commission, such allowances as the State President may determine.
- (2) The State President shall designate one of the members of the commission as chairman thereof for the period of his appointment as a member of the commission.
- (3) Whenever for any reason any member of the commission is absent or unable to perform his official duties, the Minister may, at the remuneration and on the conditions determined by him, appoint any other person whom he considers suitable to act as deputy for that member during such absence or inability: Provided that the Minister may, if the member who is so absent or unable to perform his official duties is also the chairman of the commission, designate any of the other members or the said substitute to act as chairman during the said absence or inability.
- (4) Any person who in terms of subsection (3) acts as deputy for any member or as chairman, shall have all the powers and perform all the duties of the member concerned or of the chairman, as the case may be.

Constitution of commission.

7. (1) Subject to the provisions of subsections (2) and (3) any member of the commission shall hold office for a period of four years.
- (2) A member of the commission shall vacate his office—
- if he becomes insolvent or assigns his estate for the benefit of his creditors;
 - if he becomes of unsound mind;
 - if he is convicted of an offence and sentenced to imprisonment without the option of a fine;
 - if he resigns as a member;
 - if he is removed from his office under subsection (3); or
 - upon his election to the Senate, the House of Assembly or a provincial council or to the Legislative Assembly of South-West Africa.
- (3) The State President may in his discretion at any time remove any member from his office.
- (4) Any member may be re-appointed at the expiration of his period of office.

Tenure of office of members of the commission.

8. (1) The first meeting of the commission shall be held at the place and time to be determined by the Minister, and any subsequent meeting shall be held at the place and time determined by the chairman or his substitute.
- (2) The chairman or the person designated by the Minister in terms of section 6 (3) to act as chairman, as the case may be, and one other member, if the commission consists of three members, or two other members, if the commission consists of more than three members, shall form a quorum at any meeting of the commission.
- (3) Any decision at any meeting of the commission shall be by resolution by majority vote of the members present thereat, and, in the event of an equality of votes on any matter, the person presiding at the meeting in question shall have a casting vote in addition to his deliberative vote as a member of the commission.

Meetings and decisions of the commission.

9. (1) Any person who on the date of coming into operation of this Act has an existing abattoir under his control or on whose behalf an abattoir is being erected, if the building operations commenced prior to such date, shall as soon as may be after such date apply to the commission for the registration of such abattoir.
- (2) Every application for the registration of an abattoir in terms of this section shall be submitted to the commission in the prescribed form and manner and shall be accompanied by such registration fee, if any, as may be prescribed.

Registration of abattoirs.

(3) Die kommissie moet by ontvangs van 'n aansoek wat in die voorgeskrewe vorm en op die voorgeskrewe wyse ingedien is en wat vergesel is van die voorgeskrewe registrasiegeld, indien enige, die betrokke abattoir in die naam van die applikant registreer, onderhewig aan die voorwaardes en voorskrifte wat die kommissie bepaal: Met dien verstande dat in die geval van 'n abattoir wat op die datum van inwerkingtreding van hierdie Wet in die proses van oprigting is, die registrasie oorgehou moet word totdat die abattoir voltooi is.

Register.

10. Die kommissie hou 'n register in die vorm deur die Minister goedgekeur van alle abattoirs wat kragtens hierdie Wet geregistreer word.

Verbod op die gebruik van 'n ongeregisteerde abattoir vir die slag van slagvee.

11. Niemand mag, met ingang van 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal, 'n abattoir gebruik vir die slag van slagvee, of die slag van slagvee by 'n abattoir toelaat nie, tensy die betrokke abattoir ingevolge hierdie Wet geregistreer is.

Verbod op die oprigting, uitbreiding of inkorting van die kapasiteit van abattoirs.

12. (1) Ondanks enige andersluidende wetsbepalings mag niemand 'n abattoir oprig, of laat oprig of die kapasiteit, insluitende die omvang van die fasiliteite, van 'n abattoir uitbrei of inkort of laat uitbrei of inkort nie sonder die voorafgaande skriftelike toestemming van die kommissie.

(2) Die kommissie kan 'n in subartikel (1) bedoelde aansoek weier of hy kan sy toestemming verleen op voorwaardes en onderhewig aan voorskrifte wat hy goetvind, met inbegrip van voorwaardes of voorskrifte betreffende die kapasiteit, insluitende die omvang van die fasiliteite, van die betrokke abattoir, die plek waar dit geleë moet wees, die laaste datum waarop 'n aanvang gemaak moet word met die oprigting van die abattoir, die vordering wat met sodanige oprigting gemaak moet word en die datum waarop met die bedryf van die abattoir begin moet word.

(3) Nadat 'n abattoir ten opsigte waarvan toestemming verleen is ingevolge subartikel (2), voltooi is en indien die kommissie tevrede is dat al die voorwaardes en voorskrifte wat daarop betrekking het, nagekom is, moet hy sodanige abattoir registreer en die persoon aan wie bedoelde toestemming verleen is skriftelik van sodanige registrasie meedeel: Met dien verstande dat die kommissie die registrasie onderhewig kan maak aan die verdere voorwaardes en voorskrifte wat hy nodig ag.

(4) Die kommissie kan 'n toestemming ingevolge subartikel (2) verleen, intrek indien 'n voorwaarde betreffende die laaste datum waarop die oprigting van die abattoir 'n aanvang moet neem, of die vordering wat met sodanige oprigting gemaak moet word, soos in die toestemming bepaal mag wees, nie nagekom word nie.

Aansoek om toestemming van kommissie.

13. (1) 'n Aansoek om die toestemming van die kommissie ingevolge artikel 12 moet by die kommissie ingedien word in die vorm en op die wyse wat die kommissie bepaal, of wat by regulasie voorgeskryf kan word.

(2) Iemand wat 'n aansoek ingevolge subartikel (1) by die kommissie indien, verstrekk die inligting en voorsien die stukke wat die kommissie van hom verlang.

Appel na Minister.

14. (1) Iemand wie se aansoek ingevolge artikel 12 (2) geweier is of toegestaan is op 'n voorwaarde of onderhewig aan 'n voorskrif waarmee hy ontevrede is, of in wie se geval 'n toestemming ingevolge artikel 12 (4) ingetrek is, of wat ontevrede is met 'n voorwaarde of voorskrif van die kommissie met betrekking tot die registrasie van 'n abattoir waarvan hy die eienaar is, kan binne negentig dae nadat hy of sy verteenwoordiger van die kommissie se besluit in kennis gestel is, teen sodanige weiering, voorwaarde, voorskrif of intrekking na die Minister appelleer.

(2) Die Minister oorweeg nie 'n appel wat na verloop van die tydperk in subartikel (1) genoem, by hom ingedien word nie.

(3) Behoudens die bepalinge van subartikel (2) kan die Minister 'n appel ingevolge sub-artikel (1) by hom ingedien, van die hand wys, of hy kan die kommissie gelas om die in artikel 12 (2) bedoelde toestemming te verleen op sodanige voorwaardes en onderhewig aan voorskrifte, indien enige, as wat hy goetvind, of hy kan die voorwaarde, voorskrif of intrekking waarteen appel aangeteken is, wysig of ophef, of hy kan enige bevel uitreik wat hy goetvind.

Oprigting van abattoirs op aandring van kommissie of deur kommissie.

15. (1) Indien die kommissie van oordeel is dat die oprigting van 'n abattoir op 'n besondere plek nodig is, kan hy met die Minister se goedkeuring en op die bedinge en voorwaardes wat die Minister goedkeur, met 'n in artikel 1 (vii) (a) bedoelde plaaslike owerheid in wie se regsgebied die plek geleë is waar die

(3) The commission shall, on receipt of an application submitted in the prescribed form and manner and accompanied by the prescribed registration fee, if any, and subject to such conditions and directions as the commission may determine, register the abattoir concerned in the name of the applicant: Provided that in the case of an abattoir which on the date of the coming into operation of this Act is in the process of being erected, such registration shall be held over until the completion of the abattoir.

10 10. The commission shall keep a register in the form approved by the Minister, of all abattoirs registered in terms of this Act. Register.

11. No person shall, with effect from a date to be fixed by the State President by proclamation in the *Gazette*, utilize any abattoir for the slaughtering of slaughter animals, or permit the slaughtering of slaughter animals at any abattoir, unless the abattoir concerned is registered under this Act. Prohibition on the use of an unregistered abattoir for the slaughtering of slaughter animals.

12. (1) Notwithstanding anything to the contrary contained in any other law, no person shall erect any abattoir, or expand or reduce the capacity, including the extent of the facilities, of any abattoir or cause such to be done, without the prior written permission of the commission. Prohibition on the erection, expansion or reduction of the capacity of abattoirs.

(2) The commission may refuse any application referred to in subsection (1) or it may grant its permission subject to such conditions and directions as it deems fit including conditions or directions regarding the capacity, the extent of the facilities inclusive, of the abattoir concerned, the place where it shall be located, the latest date on which the erection of the abattoir shall be commenced, the progress to be made with such erection and the date on which the operation of the abattoir shall commence.

(3) The commission shall, after the completion of an abattoir in respect of which permission was granted in terms of subsection (2) and if it is satisfied that all the conditions and directions relating thereto have been complied with, register such abattoir and inform the person to whom the said permission was granted in writing of such registration: Provided that the commission may make such registration subject to such further conditions and directions as it may deem fit.

(4) The commission may cancel any permission granted in terms of subsection (2) if any condition relating to the last date on which the erection of the abattoir is to be commenced or the progress to be made with such erection, as may have been determined in such permission, is not complied with.

13. (1) Any application for the permission of the commission in terms of section 12 shall be submitted to the commission in the form and manner determined by the commission or as prescribed by regulation. Application for permission of commission.

(2) Any person who submits an application to the commission in terms of subsection (1) shall furnish such information and documents as the commission may require.

14. (1) Any person whose application has in terms of section 12 (2) been refused or granted on a condition or subject to a direction with which he is dissatisfied, or in whose case any permission has been cancelled in terms of section 12 (4), or who is dissatisfied with a condition or direction of the commission regarding the registration of an abattoir of which he is the owner, may, within ninety days after he or his representative has been notified of the decision of the commission, appeal to the Minister against such refusal, condition, direction or cancellation. Appeal to Minister.

(2) The Minister shall not consider an appeal submitted to him after the period mentioned in subsection (1) has lapsed.

(3) The Minister may, subject to the provisions of subsection (2), refuse an appeal submitted in terms of subsection (1), or he may order the commission to grant the permission referred to in section 12 (2) on such conditions and subject to such directions, if any, as he may determine, or he may vary or set aside the condition, direction or cancellation which is the subject of the appeal, or he may make any order which he deems proper.

15. (1) If the commission is of opinion that the erection of an abattoir at a particular place is necessary, it may, with the approval of the Minister and on such terms and conditions as the Minister may approve, come to an agreement with a local authority such as is referred to in section 1 (vi) (a), in whose area of jurisdiction the place is located where such Erection of abattoirs at the instance of the commission or by the commission.

abattoir opgerig moet word, ooreenkom dat genoemde plaaslike owerheid, behoudens die bepalings van hierdie Wet, die nodige abattoir op daardie plek oprig, vestig, bedryf en bestuur, of indien daardie plaaslike owerheid nie bereid of in staat is om binne sodanige tydperk as wat die kommissie bepaal, so 'n ooreenkoms met die kommissie aan te gaan nie, kan die kommissie so 'n ooreenkoms met enige ander persoon aldus aangaan om of vir sy eie rekening of as agent van die kommissie die abattoir op te rig, te vestig, te bedryf en te bestuur.

(2) Indien die kommissie nie daarin slaag om met enigiemand 'n ooreenkoms soos in subartikel (1) bedoel aan te gaan nie kan hy self met die Minister se goedkeuring en onderhewig aan die voorwaardes wat die Minister bepaal, die nodige abattoir oprig, vestig, bedryf en bestuur.

(3) Die kommissie kan die oprigting van 'n abattoir ingevolge 'n in subartikel (1) bedoelde ooreenkoms en die bedryf en bestuur daarvan in die geheel of gedeeltelik deur middel van 'n lening, die voorwaardes waarvan hy met die goedkeuring van die Minister bepaal, finansier.

(4) Indien iemand met wie die kommissie 'n in subartikel (1) bedoelde ooreenkoms aangegaan het, niesteenstaande skriftelike kennisgewing deur die kommissie om binne 'n in die kennisgewing genoemde tydperk die ooreenkoms of enige van die bedinge of voorwaardes daarvan na te kom, weier of versuim sulks te doen, kan die kommissie, met die Minister se goedkeuring, sodanige ooreenkoms beëindig en enige toestemming wat ingevolge artikel 12 in verband daarmee verleen is, intrek, en so 'n persoon is nie geregtig nie op enige vergoeding ten opsigte van sodanige ooreenkoms of uitgawes deur hom aangegaan, tensy die Minister anders gelas.

Lasgewing deur kommissie insake veranderings en verbeterings aan, en die bedryf en bestuur van, abattoirs.

16. (1) Die kommissie kan van tyd tot tyd die eienaar van 'n abattoir deur middel van 'n skriftelike kennisgewing per aangetekende pos gelas om binne 'n in die kennisgewing genoemde tydperk en volgens voorskrifte van die kommissie, enige veranderings of verbeterings aan die betrokke abattoir of betreffende die bedryf en bestuur daarvan, wat die kommissie nodig ag, aan te bring.

(2) Indien die eienaar van 'n abattoir weier of versuim om binne die tydperk in die betrokke kennisgewing genoem, uitvoering te gee aan 'n in subartikel (1) bedoelde lasgewing, kan die kommissie die betrokke veranderings of verbeterings laat aanbring en alle koste in verband daarmee van die eienaar verhaal.

Sluiting van abattoirs en vergoeding.

17. (1) Die Minister kan op aanbeveling van die kommissie en met ingang van 'n datum deur hom bepaal gelas dat enige abattoir of enige gedeelte daarvan gesluit word vir die slag van slagvee, of dat sodanige werksaamhede as wat hy bepaal by 'n besondere abattoir gestaak word indien hy tevrede is dat sodanige sluiting of staking van werksaamhede in die algemeen in die belang van die vee- en vleisnywerheid of in die algemene openbare belang sal wees: Met dien verstande dat die Minister na goeiddunke te eniger tyd voor of na die bekendmaking en kennisgewing in subartikel (2) bedoel, en na oorlegpleging met die kommissie, en as hy dit nodig ag met die eienaar van die betrokke abattoir, sodanige lasgewing kan intrek.

(2) (a) 'n In subartikel (1) bedoelde lasgewing of die intrekking van so 'n lasgewing, word onverwyld deur die kommissie aan die eienaar van die betrokke abattoir per aangetekende pos bekend gemaak.

(b) Besonderhede van die in subartikel (1) bedoelde lasgewing word deur die Minister by kennisgewing in die *Staatskoerant* bekendgemaak, en die intrekking van so 'n lasgewing word insgelyks bekendgemaak.

(3) Die registrasie van 'n abattoir wat die in die geheel ingevolge subartikel (1) gesluit is, word geag gekanselleer te wees met ingang van die datum deur die Minister bepaal vir die sluiting daarvan: Met dien verstande dat indien en wanneer die Minister die lasgewing met betrekking tot die sluiting daarvan intrek, sodanige registrasie geag word herstel te wees.

Vergoeding ten opsigte van die sluiting van 'n abattoir of die staking van bepaalde werksaamhede.

18. (1) Die kommissie kan uit sy fondse aan die eienaar van 'n abattoir waarop 'n artikel 17 bedoelde lasgewing betrekking het, sodanige vergoeding betaal ten opsigte van die gedeeltelike of algehele sluiting van daardie abattoir of die staking van die betrokke werksaamhede, na gelang van die geval, as wat hy en die eienaar op ooreenkom.

(2) Indien die kommissie en die eienaar nie binne 'n tydperk van drie maande na die datum van publikasie van die in artikel 17 (2) (b) bedoelde kennisgewing, of binne so 'n langer tydperk as wat die kommissie skriftelik toelaat, tot 'n ooreenkoms

abattoir is to be erected, that the said local authority is to establish, operate and manage, subject to the provisions of this Act, the required abattoir at such place, or if that local authority is not prepared or able to enter into such an agreement with the commission within such a period as the commission may determine, the commission may so enter into such an agreement with any other person to erect, establish, operate and manage, such abattoir either for his own account or as an agent of the commission.

(2) If the commission does not succeed in entering into an agreement contemplated in subsection (1) with any person he may, with the approval of the Minister and subject to such conditions as the Minister may determine, himself erect, establish, operate and manage the required abattoir.

(3) The commission may, by means of a loan the conditions of which shall be determined by it with the approval of the Minister, finance partially or wholly the erection of an abattoir in terms of an agreement referred to in subsection (1) and the operation and management thereof.

(4) If any person with whom the commission had entered into an agreement referred to in subsection (1), refuses or fails, notwithstanding written notice by the commission to carry out the agreement or any of the terms or conditions thereof within a period to be specified in such notice, to do so, the commission may, with the approval of the Minister, terminate such agreement and cancel any approval granted in terms of section 12 in regard thereto, and such person shall not be entitled to any compensation in respect of such agreement or expenses incurred by him unless the Minister otherwise orders.

16. (1) The commission may from time to time by written notice per registered post order the owner of any abattoir to effect, within a period to be specified in such notice and in accordance with directions of the commission, such alterations or improvements to the abattoir concerned or relating to the operation and management thereof as the commission deems necessary.

Order by commission re alterations and improvements to, and the operation and management of abattoirs.

(2) If the owner of any abattoir refuses or fails to comply, within the period specified in the relevant notice, with an order referred to in subsection (1), the commission may cause the alterations or improvements concerned to be effected and recover all costs in connection therewith from such owner.

17. (1) The Minister may, on the recommendation of the commission and with effect from a date determined by him order that any abattoir or any part thereof shall be closed down for the slaughtering of slaughter animals, or that such activities as he may determine shall be discontinued at any particular abattoir, if he is satisfied that such closing down or discontinuance of activities will be in the interest of the livestock and meat industry generally or in the general public interest: Provided that the Minister may in his discretion at any time before or after the notification and notice referred to in subsection (2), and after consultation with the commission and, if he deems it necessary, with the owner of the abattoir concerned, withdraw such orders.

Closing down of abattoirs and compensation.

(2) (a) The owner of the abattoir concerned shall forthwith be notified by the commission per registered post of any order referred to in subsection (1) or of the withdrawal of any such order.

(b) Particulars of any order referred to in subsection (1) shall be made known by the Minister by notice in the *Gazette*, and the withdrawal of such an order shall likewise be made known.

(3) The registration of any abattoir which has been closed down entirely in terms of subsection (1) shall be deemed to have been cancelled with effect from a date determined by the Minister for the closing down thereof: Provided that if and when the Minister withdraws the order relating to the closing down thereof, such registration shall be deemed to be restored.

18. (1) The commission may, out of its funds, pay to the owner of an abattoir to which an order referred to in section 17 relates, such compensation in respect of the partial or entire closing down of that abattoir or the discontinuance of the activities concerned, as the case may be, as may be agreed upon by it and such owner.

Compensation in respect of the closing down of an abattoir or the discontinuance of particular activities.

(2) If the commission and such owner do not, within a period of three months after the date of publication of the notice referred to in section 17 (2) (b), or within such longer period as the commission may in writing allow, reach agreement

geraak aangaande die in subartikel (1) beoogde vergoeding nie, word daardie vergoeding bepaal deur twee arbiters van wie een deur die kommissie en die ander deur die eienaar benoem word.

(3) Indien die eienaar versuim om binne veertien dae na ontvangs van 'n aansegging deur die kommissie onder die omstandighede in subartikel (2) bedoel 'n arbiter te benoem of die naam en adres van daardie arbiter skriftelik aan die kommissie mee te deel, kan die kommissie self so 'n arbiter benoem, en die aldus benoemde arbiter word geag behoorlik deur die eienaar benoem te wees.

(4) (a) Die arbiters moet voordat hulle enige stappe in verband met die arbitrasie doen, 'n geskikte persoon as skeidsregter aanstel ingeval hulle nie kan ooreenkom nie en indien die arbiters versuim om so 'n persoon aan te stel of nie oor die aanstelling kan ooreenkom nie, stel die Minister 'n geskikte persoon aan as skeidsregter.

(b) Die beslissing van 'n kragtens paragraaf (a) aangestelde skeidsregter oor 'n aangeleentheid waaromtrent die arbiters nie kan ooreenkom nie, is afdoende.

(5) Die arbiters en die skeidsregter ontvang, behalwe in die geval van persone in die voltydse diens van die Staat, die besoldiging en toelaes vir hul dienste wat die kommissie in oorleg met die Minister bepaal.

(6) Die koste, bereken volgens die tarief van koste in landdroshowe, in verband met 'n bepaling van vergoeding ingevolge hierdie artikel word by ontstentenis van ooreenkoms tussen die partye betaal soos die arbiters gelas of, indien die arbiters nie kan ooreenkom nie, soos die skeidsregter gelas, en die beslissing van die arbiters of die skeidsregter is afdoende.

Oplegging van heffing op slagvee.

19. (1) Die kommissie kan van tyd tot tyd met die goedkeuring van die Minister 'n heffing van hoogstens 3 sent per eenheid in die geval van beeste (uitgesonderd kalwers), perde, muile en donkies, 1.5 sent per eenheid in die geval van kalwers, 1.8 sent per eenheid in die geval van varke, .6 sent per eenheid in die geval van skape en bokke en .1 sent per eenheid in die geval van pluimvee opleë op alle slagvee wat by 'n abattoir in die Republiek geslag word.

(2) 'n in Subartikel (1) bedoelde heffing is betaalbaar deur die eienaar van die betrokke abattoir op die wyse en tye wat voorgeskryf mag word.

(3) 'n Heffing opgelê ingevolge subartikel (1) ten opsigte van een soort slagvee kan verskil van so 'n heffing opgelê ten opsigte van 'n ander soort slagvee, en verskillende heffings kan opgelê word na gelang van die aard van die gebied waarin 'n abattoir geleë is: Met dien verstande dat die kommissie met die Minister se goedkeuring kan bepaal dat geen heffing ten opsigte van enige soort slagvee wat by 'n deur die kommissie bepaalde klas abattoir geslag word, betaalbaar is nie.

(4) 'n Heffing opgelê kragtens subartikel (1) word deur die Minister by kennisgewing in die *Staatskoerant* bekend gemaak en word van krag op 'n datum in daardie kennisgewing vermeld.

Finansies van kommissie.

20. (1) Die kommissie stel 'n fonds in waarin alle gelde aan die kommissie betaal ten opsigte van enige heffing kragtens artikel 19 opgelê, gestort moet word, en waaruit alle betalings betreffende die administratiewe uitgawes van die kommissie gemaak moet word.

(2) Die kommissie stel 'n verdere fonds of fondse in waarin gestort word—

(a) sodanige bedrae tot beskikking van die kommissie as wat die Minister van tyd tot tyd goedkeur, of wat hy na afloop van enige boekjaar van die kommissie en na oorlegpleging met die kommissie bepaal;

(b) alle gelde deur hom geleen;

(c) alle gelde deur die Parlement bewillig vir gebruik deur die kommissie; en

(d) alle ander gelde wat aan die kommissie mag toeval.

(3) Die kommissie gebruik die gelde in die in subartikel (2) bedoelde fonds of fondse op 'n wyse en ooreenkomstig die voorwaardes wat die Minister mag goedkeur, ter verwesenliking van sy oogmerk, vir die uitoefening van sy bevoegdhede of vir die verrigting van sy werksaamhede.

Rekenings en ouditering.

21. (1) Die kommissie moet behoorlik boekhou van sy eiendom en van al sy finansiële transaksies en moet so spoedig moontlik na die end van elke boekjaar rekenings van sy inkomste en uitgawe vir sodanige jaar en 'n balansstaat van sy bate en laste soos op die dertigste dag van Junie, opstel.

in regard to the compensation contemplated in subsection (1), that compensation shall be determined by two arbitrators one of whom shall be nominated by the commission and the other by such owner.

- 5 (3) If the owner fails to nominate an arbitrator or to advise the commission in writing of the name and address of such arbitrator within fourteen days after having been called upon by the commission to do so, under the circumstances contemplated in subsection (2), the commission may itself nominate
10 such an arbitrator, and any arbitrator so nominated shall be deemed to have been duly nominated by such owner.

- (4) (a) The arbitrators shall before taking any steps in connection with the arbitration, appoint a suitable person to act as umpire in the event of their being
15 unable to agree, and if the arbitrators fail to appoint such a person or are unable to agree in regard to the appointment, the Minister shall appoint a suitable person as umpire.

- (b) The decision of an umpire appointed under paragraph
20 (a) on any matter in regard to which the arbitrators are unable to agree, shall be final.

- (5) The arbitrators and the umpire shall, except in the case of persons in the full-time service of the State, receive such remuneration and allowances for their services as may be
25 determined by the commission on consultation with the Minister.

- (6) The costs in connection with any determination of compensation under this section, as determined in accordance with the scale of costs in magistrates' courts, shall, failing agreement between the parties, be paid as may be determined by
30 the arbitrators or, if the arbitrators are unable to agree, by the umpire, and the decision of the arbitrators or the umpire shall be final.

19. (1) The commission may from time to time, with the approval of the Minister, impose a levy not exceeding 3 cents
35 per unit in the case of cattle (excluding calves), horses, mules and donkeys, 1·5 cents per unit in the case of calves, 1·8 cents per unit in the case of pigs, ·6 cent per unit in the case of sheep and goats and ·1 cent per unit in the case of poultry, on all slaughter animals slaughtered at an abattoir in the Republic.

Imposition of a levy on slaughter animals.

- 40 (2) Any levy referred to in subsection (1) is payable by the owner of the abattoir concerned in such manner and at such times as may be prescribed.

- (3) Any levy imposed in terms of subsection (1) in respect of one kind of slaughter animals may differ from any such levy
45 imposed in respect of another kind of slaughter animals and different levies may be imposed according to the nature of the area where the abattoir is located: Provided that the commission may, with the approval of the Minister, determine that no levy shall be payable in respect of any kind of slaughter animals
50 slaughtered at any class of abattoir defined by the commission.

- (4) Any levy imposed in terms of subsection (1) shall be made known by the Minister by notice in the *Gazette* and shall come into operation on the date specified in that notice.

20. (1) The commission shall establish a fund to the credit
55 of which shall be placed all moneys paid to the commission in respect of any levy imposed under section 19, and from which shall be made all payments relating to the administrative expenditure of the commission.

Finances of commission.

- (2) The commission shall establish a further fund or funds
60 to the credit of which shall be placed—

- (a) such amounts at the disposal of the commission as may from time to time be approved by the Minister, or as may after consultation with the board be determined by him at the end of any financial year of the commission;
65 (b) all moneys borrowed by it;
(c) all moneys appropriated by Parliament for use by the commission; and
(d) all other moneys that may accrue to the commission.

- 70 (3) The commission shall utilize in a manner and in accordance with the conditions which the Minister may approve, for the attainment of its object, the exercise of its powers of the carrying out of its functions, the moneys in the fund or funds referred to in subsection (2).

- 75 21. (1) The commission shall keep a proper record of its property and of all its financial transactions and shall as soon as possible after the end of each financial year prepare accounts of its revenue and expenditure for such year and a balance sheet of its assets and liabilities as at the thirtieth day of June.

Accounts and auditing.

(2) Die boeke, rekenings en balansstaat van die kommissie word deur die Kontroleur en Ouditeur-generaal geouditeer.

(3) So gou doenlik na die voltooiing van ouditering moet die Kontroleur en Ouditeur-generaal 'n afskrif van sy verslag oor die ouditering aan die kommissie deurstuur. 5

Boekjaar van kommissie.

22. Die boekjaar van die kommissie is die tydperk vanaf die eerste dag van Julie in elke jaar tot en met die dertigste dag van Junie in die daaropvolgende jaar.

Verslae.

23. (1) Die kommissie moet—

(a) eenmaal in elke jaar, binne ses maande na die einde van sy boekjaar, 'n verslag oor sy werksaamhede gedurende sy onmiddellik voorafgaande boekjaar aan die Minister voorlê; en 10

(b) enige notules van vergaderings van die kommissie of enige stuk of inligting in verband met die uitoefening deur die kommissie van sy bevoegdheide of die verrigting van sy werksaamhede, wat die Minister mag verlang, aan hom verstrek. 15

(2) Die Minister moet afskrifte van elke verslag ingevolge subartikel (1) (a) aan hom voorgelê, in beide Huise van die Parlement ter Tafel lê binne veertien dae na ontvangs daarvan as die Parlement dan in gewone sitting is, of, as die Parlement dan nie in gewone sitting is nie, binne veertien dae na die aanvang van sy eersvolgende gewone sitting. 20

Ondersoek deur kommissie.

24. (1) Die kommissie kan in verband met enige aangeleentheid betreffende die verwesenliking van sy oogmerk, die uitoefening van sy bevoegdheide of die verrigting van sy werksaamhede sodanige ondersoek onderneem as wat hy nodig ag. 25

(2) Vir die doeleindes van 'n in subartikel (1) bedoelde ondersoek kan die kommissie enigiemand wat volgens sy oordeel in staat mag wees om inligting te verstrek aangaande die onderwerp wat ondersoek word, of wat na die kommissie se vermoede of oortuiging 'n boek, geskrif of saak in sy besit, bewaring of onder sy beheer het, wat op die onderwerp wat ondersoek word, betrekking het, dagvaar om op 'n in die dagvaarding gemelde tyd en plek voor die kommissie te verskyn om ondervra te word of om daardie boek, geskrif of saak oor te lê en die kommissie kan 'n boek geskrif of saak wat aldus oorgelê word vir insae behou. 30

(3) Die kommissie kan 'n by die ondersoek aanwesige persoon wat ingevolge hierdie artikel gedagvaar is of kon geword het, oproep en by monde van die persoon wat by die ondersoek as voorsitter optree hom 'n eed oplê of van hom bevestiging aanneem, en hom ondervra of toelaat dat hy ondervra word deur 'n persoon namens die kommissie, of deur 'n in artikel 1 (vii) (a) bedoelde plaaslike owerheid binne die gebied waarvan die betrokke abattoir geleë is, of deur die eienaar van die betrokke abattoir of, in die geval van 'n abattoir wat iemand van voorneme is om op te rig, deur so 'n plaaslike owerheid binne die gebied waarvan die voorgenome abattoir geleë sal wees of die persoon wie se aansoek onder artikel 13 ondersoek word, of deur iemand anders wat die kommissie na goeddunke daartoe mag toelaat, en van hom verlang om enige boek, geskrif of saak in sy besit of bewaring of onder sy beheer oor te lê: Met dien verstande dat die regsreëls met betrekking tot privilegie, soos toepaslik op 'n getuie wat gedagvaar is om in 'n geregshof getuienis af te lê, of 'n boek, geskrif of saak oor te lê, van toepassing is in verband met die ondervraging van eersbedoelde persoon of die oorlegging van so 'n boek, geskrif of saak. 35 40 45 50 55 60

(4) Die kommissie kan op alle redelike tye grond of 'n perseel vir die doeleindes van 'n ondersoek wat hy instel, betree en besigtig.

(5) Die kommissie kan vir die doeleindes van 'n ondersoek wat hy instel enigiemand aansê om in die vorm wat die kommissie by sodanige aansegging aandui inligting wat die kommissie vereis, aan die kommissie te verstrek. 65

(6) 'n Dagvaarding aan enigiemand om voor die kommissie te verskyn of 'n boek, geskrif of saak oor te lê, moet in skrif en deur die voorsitter of 'n lid van die kommissie onderteken wees, en moet per aangetekende pos of per hand besorg word. 70

(7) 'n Maatskappy, statutêre liggaam of liggaam van persone wat ingevolge subartikel (3) geregtig is om 'n persoon te ondervra, kan dit deur middel van 'n deur hom aangewese amptenaar of lid daarvan doen. 75

(8) Geen ander persoon dan 'n persoon wat verskyn namens die kommissie of namens 'n plaaslike owerheid binne die gebied waarvan die betrokke abattoir geleë is, of, in die geval van 'n abattoir wat iemand van voorneme is om op te rig, geleë sal

(2) The books, statements of account and balance sheet of the commission shall be audited by the Controller and Auditor General.

(3) As soon as may be after such audit the Controller and Auditor General shall transmit to the commission a copy of the report in respect of such audit.

22. The financial year of the commission shall be the period from the first day of July of each year to the thirtieth day of June of the year following, both dates included. Financial year of the commission.

10 23. (1) The commission shall— Annual report.

(a) once in every year, within six months after the end of its financial year, submit to the Minister a report on its activities during its immediately preceding financial year; and

15 (b) submit to the Minister such minutes of meetings of the commission or such document or information in connection with the exercise by the commission of its powers or the carrying out of its functions as he may desire.

20 (2) The Minister shall lay copies of every report submitted to him in terms of subsection (1) (a) upon the Tables of both Houses of Parliament within fourteen days of receipt thereof if Parliament is then in ordinary session, or if Parliament is not then in ordinary session, within fourteen days of the commencement of its next ensuing ordinary session.

24. (1) The commission may undertake any investigation in connection with any matter relating to the attainment of its object, the exercise of its powers or the carrying out of its functions as it may deem necessary. Investigations by commission.

30 (2) The commission may, for the purpose of an investigation referred to in subsection (1) summon any person who in its opinion may be able to furnish any information concerning the subject of the investigation or who it suspects or believes has in his possession or custody or under his control any book, document or thing which has any bearing upon the subject of the investigation, to appear before it at a time and place specified in the summons, to be interrogated or to produce that book, document or thing, and the commission may retain for examination any book document or thing so produced.

40 (3) The commission may call and by the person acting as chairman at the investigation administer an oath to, or accept an affirmation from, any person present at the investigation who was or might have been summoned in terms of this section, and it may interrogate him or allow him to be interrogated by any person on behalf of the commission, or by any local authority referred to in section 1 (vi) (a) within whose area the abattoir concerned is located, or by the owner of the abattoir concerned or, in the case of any abattoir which any person proposes to erect, by any such local authority within whose area the proposed abattoir is intended to be located or the person whose application under section 13 is being investigated, or by any other person whom the commission in its discretion may allow to do so, and require him to produce any book, document or thing in his possession or custody or under his control: Provided that in connection with the interrogation of any such firstmentioned person, or the production of any such book, document or thing, the law relating to privilege, as applicable to a witness subpoenaed to give evidence or to produce any book, document or thing before a court of law, shall apply.

(4) The commission may at all reasonable times enter upon and inspect any land or premises for the purpose of any investigation conducted by it.

65 (5) The commission may for the purpose of any investigation conducted by it, order any person to furnish to the commission in the form specified by the commission in such order any information required by it.

(6) A summons for the attendance before the commission of any person or for the production of any book, document or thing shall be in writing signed by the chairman or a member of the commission and shall be served by registered post or by hand.

(7) Any company, statutory body or body of persons entitled in terms of subsection (3) to interrogate any person, may do so through any officer or member thereof nominated by it.

(8) No person, other than a person appearing on behalf of the commission or on behalf of any local authority within whose area the abattoir concerned is located or, in the case of any abattoir which any person proposes to erect, such

wees, of 'n persoon op wie se aansoek die ondersoek betrekking het, is geregtig om by 'n ondersoek voor die kommissie te verskyn nie, tensy spesiaal daartoe deur die kommissie toegelaat.

(9) Iemand wat behoorlik ooreenkomstig hierdie artikel gedagvaar is, en wat sonder genoegsame rede weier of in gebreke bly— 5

(a) om op die in die dagvaarding aangegewe tyd en plek te verskyn en aldaar aanwesig te bly totdat die persoon wat by die ondersoek as voorsitter optree of, in die geval van 'n artikel 25 bedoelde ondersoek, die persoon wat die ondersoek instel, hom van verdere bywoning vrystel; of 10

(b) om as getuie beëdig te word of te bevestig, of om alle wettig aan hom gestelde vrae betreffende die onderwerp van die betrokke ondersoek, volledig en op 'n bevredigende wyse na sy beste wete te beantwoord; of 15

(c) om 'n boek, geskrif of saak in sy besit of bewaring of onder sy beheer oor te lê;

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyfhonderd rand. 20

(10) 'n Aldus gedagvaarde persoon wat, nadat hy behoorlik beëdig is of 'n bevestiging gemaak het, valse getuienis aflê aangaande 'n aangeleentheid wat op die betrokke ondersoek betrekking het, met die wete dat daardie getuienis vals is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die by wet voorgeskrewe straf vir meened. 25

Verrigting van sekere werksaamhede van kommissie deur individuele lede van die kommissie of enigiemand anders.

25. (1) Die kommissie kan 'n lid daarvan of 'n in artikel 6 (3) bedoelde plaasvervanger van 'n lid of iemand in die voltydse diens van die kommissie, of, met die Minister se goedkeuring, enige ander persoon magtig om enige ondersoek in te stel wat die kommissie kan instel, en vir die doeleindes van so 'n ondersoek oefen 'n aldus gemagtigde lid, plaasvervanger of persoon al die bevoegdhede uit en verrig hy al die pligte wat die kommissie ten opsigte van so 'n ondersoek verleen of opgelê is. 30

(2) 'n Dagvaarding kragtens artikel 24 om voor 'n lid van die kommissie, plaasvervanger van 'n lid of ander persoon wat die ondersoek instel, te verskyn, of om 'n boek, geskrif of saak oor te lê, kan deur bedoelde lid, plaasvervanger of persoon, na gelang van die geval, onderteken word en die ander bepalings van genoemde artikel is *mutatis mutandis* van toepassing op 'n ondersoek wat ingevolge hierdie artikel ingestel word. 35 40

Geheimhouding.

26. 'n Lid van die kommissie of 'n in artikel 6 (3) bedoelde plaasvervanger van so 'n lid, of 'n persoon wat ingevolge artikel 25 gemagtig is om 'n ondersoek in te stel of enigiemand bedoel in artikel 4 (b) en (c) wat, behalwe by die aflê van getuienis voor 'n geregshof of vir die doeleindes van hierdie Wet, enige inligting openbaar wat hy in die loop van sy pligte in verband met die werksaamhede van die kommissie verkry het, is skuldig aan 'n misdryf en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd rand. 45 50

Raadpleging deur kommissie van belanghebbende instansies.

27. Die kommissie moet by die uitoefening van sy bevoegdhede en die verrigting van sy werksaamhede sover doenlik met alle belanghebbende instansies oorleg pleeg, met inbegrip van sodanige instansies as wat die Minister in die algemeen of spesiaal mag gelas as instansies met wie die kommissie oorleg moet pleeg. 55

Bywoning van vergaderings deur lede van bemarkingsraad.

28. Die kragtens artikel 2 van die Bemarkingswet, 1937 (Wet No. 26 van 1937), ingestelde bemarkingsraad kan van tyd tot tyd een of meer van sy lede afvaardig om enige vergadering van die kommissie by te woon ten einde in 'n adviserende hoedanigheid aan die verrigtinge van so 'n vergadering deel te neem, en vir daardie doel kan die genoemde bemarkingsraad van die kommissie vereis om hom in kennis te stel van die datum waarop enige vergadering van die kommissie gehou sal word. 60

Voorskrifte van Minister.

29. Die Minister kan in die algemeen die voorskrifte uitreik wat hy wenslik ag betreffende die uitoefening deur die kommissie van sy bevoegdhede en die verrigting van sy werksaamhede. 65

Vrystelling van belasting.

30. Ondanks andersluidende wetsbepalings is die inkomste van die kommissie vrygestel van enige belasting op inkomste.

Regulasies.

31. (1) Die Staatspresident kan regulasies uitvaardig— 70

(a) betreffende die vorm waarin en die wyse waarop enige aansoek ingevolge hierdie Wet by die kommissie ingedien moet word;

(b) betreffende die wyse en tye waarop die heffing aan die kommissie betaal moet word; 75

abattoir is intended to be located, or a person to whose application the investigation relates, shall be entitled to appear before the commission at any investigation unless specially allowed by the commission to do so.

5 (9) Any person who, having been duly summoned in terms of this section, without sufficient cause fails or refuses—

10 (a) to attend at any time and place specified in the summons or to remain in attendance until excused from further attendance by the person acting as chairman at the investigation or, in the case of an investigation referred to in section 25, by the person conducting the investigation; or

15 (b) to be sworn or to affirm as a witness or to answer fully and satisfactorily to the best of his knowledge and belief all questions lawfully put to him relating to the subject of the investigation concerned; or

(c) to produce any book, document or thing in his possession or custody or under his control;

20 shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred rand.

(10) Any person so summoned who, having been duly sworn or having duly made an affirmation, gives false evidence on any matter relevant to the subject of the investigation concerned, knowing such evidence to be false, shall be guilty 25 of an offence and liable on conviction to the punishment prescribed by law for the crime of perjury.

25. (1) The commission may authorize any member thereof or a substitute for any member referred to in section 6 (3) or any person in the full-time service of the commission or, with 30 the approval of the Minister any other person to conduct any investigation which the commission may conduct, and any member, substitute or person so authorized shall for the purpose of such investigation exercise all the powers conferred, and perform all the duties imposed, upon the commission in respect 35 of any such investigation conducted by it.

(2) A summons under section 24 for the attendance before any member, of the commission, substitute for a member or any person conducting the investigation or for the production 40 of any book, document or thing, may be signed by such member, substitute or person, as the case may be, and the other provisions of the said section shall *mutatis mutandis* apply to any investigation conducted in terms of this section.

26. Any member of the commission or a substitute for any 45 member referred to in section 6 (3) or any person authorized in terms of section 25 to conduct any investigation or any person referred to in section 4 (b) and (c) who discloses except in giving evidence in a court of law, or for the purposes of this Act, any information acquired during the course of his duties in connection with the functions of the commission, shall 50 be guilty of an offence and liable on conviction to a fine not exceeding one hundred rand.

27. The commission shall, in the exercise of its powers and the carrying out of its functions, consult, as far as is practicable, all interested parties, including such parties as the Minister 55 may generally or specially order to be parties whom the commission shall consult.

28. The marketing council established under section 2 of the Marketing Act, 1937 (Act No. 26 of 1937), may from time to 60 time delegate one or more of its members to attend any meeting of the commission for the purpose of participating in the proceedings of such meeting in an advisory capacity, and may for that purpose require the commission to notify it of the date upon which any meeting of the commission is to be held.

29. The Minister may generally issue such directions as he 65 may deem expedient relating to the exercise of its powers and the carrying out of its functions by the commission.

30. Notwithstanding anything to the contrary contained in 70 any law, the revenue of the commission shall be exempt from any tax on income.

31. The State President may make regulations—

75 (a) as to the form and manner in which any application in terms of this Act is to be submitted to the commission; (b) as to the manner in which and the times at which the levy shall be paid to the commission;

Carrying out of certain functions of the commission by individual members of the commission or any other person.

Preservation of secrecy.

Consultation by commission of interested parties.

Attendance of meetings by members of the Marketing Council.

Directions by Minister

Exemption from tax.

Regulations.

- (c) betreffende die betaling van rente op die bedrag van enige onbetaalde heffing;
- (d) betreffende die vorm waarin en die wyse waarop aantekeninge deur die eienaar van 'n abattoir gehou moet word, die tydperk wat sodanige aantekeninge behou moet word en die besonderhede wat daarin opgeteken moet word;
- (e) wat die opgawes voorskryf wat deur die eienaar van 'n abattoir verstrekk moet word; en
- (f) wat, in die algemeen, alle aangeleenthede voorskryf wat hy nodig of raadsaam ag om voor te skryf vir die behoorlike toepassing van hierdie Wet, en die algemeenheid van hierdie bepaling word nie beperk deur die bepalings van die voorafgaande paragrawe nie.

(2) Verskillende regulasies kan kragtens subartikel (1) uitgevaardig word met betrekking tot verskillende kategorieë eienaars van abattoirs, of na gelang van die aard van die gebied waarin 'n abattoir geleë is, en in sodanige ander opsigte as wat die Staatspresident bepaal.

(3) Regulasies wat kragtens hierdie artikel uitgevaardig word, kan vir enige oortreding daarvan of versuim om daaraan te voldoen, strawwe voorskryf wat nie 'n boete van tweehonderd rand of gevangenisstraf vir 'n tydperk van ses maande, te bowe gaan nie.

Misdrywe en strawwe.

32. (1) Iemand wat— 25

- (a) die bepalings van artikel 11, 12 (1), 16 (1) of 'n lasgewing uitgereik ingevolge artikel 17, oortree of versuim om daaraan te voldoen;
- (b) in 'n aansoek gedoen kragtens hierdie Wet of in verband met so 'n aansoek wetens 'n verklaring maak of laat maak of inligting verstrekk of laat verstrekk wat in 'n wesentlike opsig vals is;
- (c) enige in artikel 9 (3) of 12 (2) bedoelde voorwaarde of voorskrif oortree of versuim om daaraan te voldoen;
- (d) enige bepaling gemaak ingevolge artikel 4 (i) of (j) met betrekking tot 'n abattoir waarvan hy die eienaar is, oortree; of
- (e) versuim om binne die voorgeskrewe tydperk die volle bedrag te betaal, deur daardie persoon verskuldig ten opsigte van 'n heffing opgelê kragtens artikel 19;

is skuldig aan 'n misdryf en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand, en in die geval van 'n subartikel (1) (a), (c) en (d) bedoelde misdryf 'n addisionele boete van hoogstens twintig rand vir elke dag wat die oortreding duur.

(2) Indien dit by die verhoor van 'n persoon wat aangekla is weens 'n oortreding van hierdie Wet, bewys word dat 'n valse verklaring voorkom in, of dat valse inligting verstrekk is in verband met, 'n aansoek deur of namens daardie persoon gedoen kragtens hierdie Wet of in 'n opgawe wat deur of namens hom verstrekk is, word hy, tensy die teendeel bewys word, geag wetens daardie verklaring te gemaak het of te laat maak het of daardie inligting te verstrekk het of te laat verstrekk het.

Bewys van sekere feite deur beëdigde verklarings.

33. Wanneer by die verhoor van iemand wat aangekla is weens 'n oortreding van hierdie Wet die vraag ontstaan of iemand met 'n bepaalde naam— 55

- (a) 'n bepaalde opgawe binne 'n bepaalde tydperk aan die kommissie verstrekk het al dan nie; of
- (b) 'n bepaalde heffing of 'n gedeelte daarvan binne 'n bepaalde tydperk aan die kommissie betaal het al dan nie;

is 'n geskrif wat 'n beëdigde verklaring heet te wees van 'n persoon wat in daardie beëdigde verklaring beweer dat hy 'n dienaar van die kommissie is en dat niemand met daardie naam sodanige opgawe binne sodanige tydperk aan die kommissie verstrekk het nie of sodanige heffing of gedeelte daarvan binne sodanige tydperk aan die kommissie betaal het nie, na gelang van die geval, by blote voorlegging by sodanige verhoor deur enige persoon *prima facie* bewys van die daarin vermelde feite.

Dade of versuim van bestuurders, agente of werknemers.

34. Wanneer 'n bestuurder, agent of werknemer van die eienaar van 'n abattoir 'n daad of versuim begaan wat 'n misdryf ingevolge hierdie Wet sou wees as die betrokke eienaar dit begaan het, dan word, tensy bewys word dat—

- (a) die eienaar daardie daad of versuim van die bestuurder, agent of werknemer nie deur sy vingers gesien of toegelaat het nie; en
- (b) die eienaar alle redelike stappe gedoen het om so 'n daad of versuim te voorkom; en

- (c) as to the payment of interest on the amount of any outstanding levy;
- (d) as to the form and manner in which records shall be kept by the owner of any abattoir, the period for which such records shall be retained and the particulars to be entered therein;
- (e) prescribing the returns to be furnished by the owner of any abattoir; and
- (f) prescribing generally, all matters which he considers it necessary or expedient to prescribe for the proper administration of this Act, the generality of this provision not being limited by the provisions of the preceding paragraphs.

(2) Different regulations may be made in terms of subsection (1) with reference to different classes of owners of abattoirs, or according to the nature of the area where the abattoir is situated and in such other respects as the State President may determine.

(3) Regulations made under this section may prescribe penalties for any contravention thereof or failure to comply therewith, not exceeding a fine of two hundred rand or imprisonment for a period of six months.

32. (1) Any person who—

Offences and penalties.

- (a) contravenes or fails to comply with the provisions of section 11, 12 (1), 16 (1) or with any order made in terms of section 17;
- (b) in any application made in terms of this Act or in connection with such an application, knowingly makes or causes to be made a statement or furnishes or causes to be furnished information which is false in any material respect;
- (c) contravenes or fails to comply with any condition or direction referred to in section 9 (3) or 12 (2);
- (d) contravenes any determination made in terms of section 4 (i) or (j) relating to an abattoir of which he is the owner; or
- (e) fails to pay within the prescribed period the full amount due by him in respect of any levy imposed in terms of section 19;

shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand, and in the case of an offence referred to in subsection (1) (a), (c) and (d) an additional fine not exceeding twenty rand for every day during which the offence continues.

(2) If at the trial of any person charged of an offence under this Act it is proved that a false statement appears in or that false information has been furnished, in connection with, any application made by or on behalf of that person in terms of this Act or in any return furnished by him or on his behalf he shall be deemed, unless the contrary is proved, knowingly to have made such false statement or caused it to be made or have furnished such false information or caused it to be furnished.

33. Whenever at the trial of any person charged with the commission of an offence under this Act the question arises whether any person bearing a particular name—

Proof of certain facts by affidavit.

- (a) has furnished a particular return to the commission within a particular period or not; or
- (b) has paid a particular levy or portion thereof within a particular period or not;

a document purporting to be an affidavit made by a person who, in that affidavit, alleges that he is a servant of the commission and that no person bearing the said name has furnished such return to the commission within such period or has paid such levy or portion thereof to the commission within such period, as the case may be, shall on its mere production at such trial by any person, be *prima facie* proof of the facts stated therein.

34. Whenever any manager, agent or employee of the owner of an abattoir does or omits to do any act which it would be an offence under this Act for such owner to do or to omit to do, then unless it is proved that—

Acts or omissions by managers, agents or employees.

- (a) in doing or omitting to do that act the manager, agent or employee was acting without the connivance or the permission of the owner; and
- (b) all reasonable steps were taken by the owner to prevent any act or omission of the kind in question; and

(c) 'n daad of versuim, hetsy wettig of onwettig, van die ten laaste gelegde aard onder geen voorwaarde of omstandigheid binne die bestek van die bevoegdheid of in die loop van die pligte van die betrokke bestuurder, agent of werknemer geval het nie,

geag dat die eienaar self die daad of versuim begaan het, en kan hy ten opsigte daarvan skuldig bevind en gevonniss word, en die feit dat hy 'n daad of versuim van die betrokke soort verbied het, strek op sigself nie tot voldoende bewys dat hy alle redelike stappe gedoen het om die daad of versuim te voorkom nie.

(2) Wanneer 'n bestuurder, agent of werknemer van so 'n eienaar 'n daad of versuim begaan wat 'n misdryf onder hierdie Wet sou wees as die eienaar dit begaan het, kan hy ten opsigte daarvan skuldig bevind en gevonniss word asof hy die eienaar was.

(3) So 'n bestuurder, agent of werknemer kan, benewens die eienaar, aldus skuldig bevind en gevonniss word.

Bykomende boetes. 35. Wanneer iemand van 'n artikel 32(1)(e) bedoelde misdryf skuldig bevind word, moet die hof wat hom skuldig bevind, benewens enige ander straf ten opsigte van daardie oortreding opgelê, onverwyld 'n vonnis uitspreek teen daardie persoon en ten gunste van die kommissie vir die bedrag wat, na die hof bevind, deur daardie persoon aan die kommissie verskuldig is, en so 'n vonnis word ten uitvoer gelê op dieselfde wyse asof dit in die loop van 'n siviele geding uitgespreek was.

Regsbevoegdheid van landdroshof. 36. Ondanks andersluidende wetsbepalings, is 'n landdroshof bevoeg om enige straf op te lê of enige hofbevel uit te reik wat in hierdie Wet voorgeskryf of waarvoor daarin voorsiening gemaak is.

Kort titel en inwerkingtreding. 37. Hierdie Wet het die Abattoirkommissiewet, 1966, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

(c) it was not under any condition or in any circumstance within the scope of the authority or in the course of the employment of the manager, agent or employee to do or to omit to do acts whether lawful or unlawful of the character of the act or omission charged,

5 the owner shall be presumed himself to have done or omitted to do that act and be liable to be convicted and sentenced in respect thereof, and the fact that he issued instructions forbidding any act or omission of the kind in question shall not, 10 of itself, be accepted as sufficient proof that he took all reasonable steps to prevent the act or omission.

(2) Whenever any manager, agent or employee of any such owner does or omits to do any act which it would be an offence under this Act for the owner to do or to omit to do, he shall be 15 liable to be convicted and sentenced in respect thereof as if he were the owner.

(3) Any such manager, agent or employee may be so convicted and sentenced in addition to the owner.

35. Whenever any person is convicted of an offence referred Additional fines.
20 to in section 32 (1) (e), the court convicting him shall, in addition to any other punishment imposed in respect of that offence, forthwith give judgment against that person and in favour of the commission for the amount which the court finds is due to the commission by that person, and any such judgment may be 5 executed in the same manner as if it had been pronounced in the course of civil proceedings.

36. Notwithstanding anything to the contrary contained in any other law, a magistrate's court shall have jurisdiction to impose any penalty or make any order of court prescribed by or 30 provided for in this Act. Jurisdiction of magistrates' courts.

37. This Act shall be called the Abattoir Commission Act Short title.
1966, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.