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Wet No. 59 van 1974

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KAAPSTAD, 23 OKTOBER 1974

DEPARTMENT OF THE PRIME MINISTER

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1931.

23 October 1974.

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 59 of 1974: Wattle Bark Industry Amendment Act, 1974.

No. 1931.

23 Oktober 1974.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 59 van 1974: Wysigingswet op die Wattelbasnywerheid, 1974.

Wet No. 59, 1974

WYSIGINGSWET OP DIE WATTELBASNYWERHEID, 1974.

WET

Tot wysiging van die Wet op die Wattelbasnywerheid, 1960, ten einde die aangeleenthede waarvoor 'n ooreenkoms tussen kwekers, vervaardigers en meulenaars, vermeld in artikel 2 van genoemde Wet, voorsiening kan maak, nader te omskryf en uit te brei; ten einde voorsiening te maak vir die verlening van regspersoonlikheid aan die Suid-Afrikaanse Wattelkwekersunie; en ten einde sekere teksveranderings aan te bring; om regspersoonlikheid te verleen aan die Raad vir die Wattelbasnywerheid, en die Bemarkingskomitee deur genoemde Raad aangestel; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 16 Oktober 1974.)

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

Wysiging van
artikel 1 van
Wet 23 van 1960.

1. Artikel 1 van die Wet op die Wattelbasnywerheid, 1960 (hieronder die Hoofwet genoem), word hierby gewysig deur die omskrywing van „raad” deur die volgende omskrywing te vervang:

„„raad” die raad in paragraaf (d) van artikel 2 (2) vermeld;”.

Wysiging van
artikel 2 van
Wet 23 van 1960.

2. (1) Artikel 2 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

„(2) So 'n ooreenkoms kan voorsiening maak vir enige aangeleentheid wat die wattelbasnywerheid raak, en moet voorsiening maak—

- (a) vir 'n formule, wat hoofsaaklik op die heersende pryse van verwerkte wattelprodukte gebaseer is, om die pryse te bepaal wat deur vervaardigers en meulenaars vir wattelbas volgens graad betaal moet word;
- (b) vir die reëling en beperking van die produksie en verkoop van wattelbas deur kwekers, met inagneming van die aanvraag na verwerkte wattelprodukte, die grootte van plantasies kommersiële wattelbome van individuele kwekers en die ouderdomme van sodanige bome in sodanige plantasies;
- (c) vir die instel ten opsigte van wattelbas en verwerkte wattelprodukte van 'n heffing, deur die raad vasgestel, wat in die belang van die wattelbasnywerheid aangevend moet word op die wyse wat in die ooreenkoms bepaal word;
- (d) vir die instelling van 'n raad vir die wattelbasnywerheid om aan die ooreenkoms gevolg te gee, welke raad 'n regspersoon is, en vir die verrigting deur die raad van die werksaamhede wat aan hom ingevolge die ooreenkoms of ingevolge hierdie Wet toegewys word;
- (e) vir die samestelling van die raad op 'n wyse wat voorsiening maak vir—

WATTLE BARK INDUSTRY AMENDMENT ACT, 1974.

Act No. 59, 1974

ACT

To amend the Wattle Bark Industry Act, 1960, so as to further define, and to extend, the matters for which an agreement among growers, manufacturers and millers, referred to in section 2 of the said Act, may provide; so as to provide for the incorporation of the South African Wattle Growers' Union; and so as to effect certain textual changes; to incorporate the Wattle Bark Industry Board, and the Marketing Committee appointed by the said Board; and to provide for matters connected therewith.

(English text signed by the State President.)

(Assented to 16 October 1974.)

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

1. Section 1 of the Wattle Bark Industry Act, 1960 (hereinafter referred to as the principal Act), is hereby amended by the substitution for the definition of "board" of the following definition: Amendment of section 1 of Act 23 of 1960.

"'board' means the board referred to in paragraph (d) of section 2 (2);".

2. (1) Section 2 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection: Amendment of section 2 of Act 23 of 1960.

"(2) Such agreement may provide for any matter affecting the wattle bark industry, and shall provide—

- (a) for a formula for the determination of the prices to be paid according to grade for wattle bark by manufacturers and millers, such formula to be based mainly on the ruling prices of processed wattle products;
- (b) for the regulation and restriction of the production and sale of wattle bark by growers, having regard to the demand for processed wattle products, the size of plantations of commercial wattle trees of individual growers and the ages of such trees in such plantations;
- (c) for the imposition of a levy, fixed by the board, in respect of wattle bark and processed wattle products, to be utilized in the interests of the wattle bark industry in such manner as may be determined in such agreement;
- (d) for the establishment of a wattle bark industry board for the purpose of giving effect to the agreement, which board shall be a body corporate, and for the performance by the board of such functions as may be assigned to it under the agreement or under this Act;
- (e) for the constitution of the board in a manner which provides for—

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- (i) gelyke verteenwoordiging van kwekers enersyds en vervaardigers en meulenaars andersyds;
- (ii) die verkiesing van verteenwoordigers van kwekers op 'n streeksbasis, by geheime stembriefie, en ooreenkomstig die prosedure wat vir hierdie doel bepaal word deur die vereniging wat die ooreenkoms namens kwekers aangaan;
- (iii) die benoeming van verteenwoordigers van vervaardigers en meulenaars deur die verenigings wat die ooreenkoms namens onderskeidelik vervaardigers en meulenaars aangaan;
- (iv) die verkiesing of, na gelang van die geval, die benoeming van 'n plaasvervanger vir elke lid van die raad;
- (v) die aanstelling deur die Minister van 'n voorsitter en 'n adjunk-voorsitter wat nie kwekers, vervaardigers of meulenaars is nie en wat nie op vergaderings van die raad mag stem nie;
- (vi) die kwalifikasies van lede van die raad en die omstandighede waaronder hulle hul amp ontruim;
- (f) vir die reëling en beheer, op die in die ooreenkoms vermelde wyse, van die bemarking van verwerkte wattelprodukte deur 'n bemarkingskomitee deur die raad aangestel, wat so saamgestel word dat die meerderheid van die lede van die komitee verteenwoordigers van vervaardigers en meulenaars is, welke komitee 'n regspersoon is, en vir die delegering deur die komitee van bevoegdhede en werksaamhede aan hom verleen en toevertrou, aan onderkomitees;
- (g) vir die aanstelling deur die raad van komitees benewens die bemarkingskomitee in paragraaf (f) vermeld, om die bevoegdhede uit te oefen en die werksaamhede te verrig wat deur die raad of ingevolge die ooreenkoms aan hulle opgedra word, en vir die delegering deur die raad van bevoegdhede en werksaamhede aan hom verleen en toevertrou, aan so 'n komitee wat geheel en al bestaan uit lede van die raad (of hul plaasvervangers), of aan 'n vereniging bedoel in subartikel (1);
- (h) vir die prosedure wat ten opsigte van vergaderings van die raad, die komitee en onderkomitees in paragraaf (f) bedoel, en die komitees in paragraaf (g) bedoel, gevolg moet word, en vir enige ander aangeleentheid betreffende hierdie liggame wat nodig of dienstig geag word;
- (i) vir enige deur die Minister bepaalde aangeleentheid wat die wattelbasnywerheid raak."

(2) Die wysigings by subartikel (1) van hierdie artikel aan subartikel (2) van artikel 2 van die Hoofwet aangebring, uitgesonderd die wysigings aan paragrawe (d) en (f) van laasgenoemde subartikel aangebring betreffende die regspersoonlikheid van die liggame daarin bedoel, word geag op die datum van inwerkingtreding van die Hoofwet in werking te getree het.

3. Die volgende artikel word hierby na artikel 6 in die Hoofwet ingevoeg:

„Verlening van regspersoonlikheid aan die Suid-Afrikaanse Wattelkwekersunie, oorgang van bates, ens., op,

6A. (1) (a) Die vereniging van wattelkwekers gestig op 10 Maart 1938 en bekend as die Suid-Afrikaanse Wattelkwekersunie (in hierdie artikel die „Unie" genoem), met hoofkantoor te Pietermaritzburg, waarvan die bestaande Grondwet op 21 Junie 1962 deur die Kongres van die Unie goedgekeur is, en daarna met die goedkeuring van die Minister gewysig is op 30 November 1967, 28 November 1968, 27

Invoeging van artikel 6A in Wet 23 van 1960.

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- (i) equal representation of growers on the one hand and manufacturers and millers on the other hand;
- (ii) the election of representatives of growers on a regional basis, by secret ballot, and in accordance with the procedure determined for this purpose by the association which enters into the agreement on behalf of growers;
- (iii) the nomination of representatives of manufacturers and millers by the associations which enter into the agreement on behalf of manufacturers and millers, respectively;
- (iv) the election or nomination, as the case may be, of an alternate to each member of the board;
- (v) the appointment by the Minister of a chairman and a deputy chairman who shall not be growers, manufacturers or millers, and who shall have no vote at meetings of the board;
- (vi) the qualifications of members of the board, and the circumstances in which they shall vacate office;
- (f) for the regulation and control, in such a manner as may be specified in the agreement, of the marketing of processed wattle products by a marketing committee appointed by the board, to be so constituted that the majority of the members of the committee shall be representatives of manufacturers and millers, which committee shall be a body corporate, and for the delegation by the committee of powers conferred on and functions entrusted to it, to sub-committees;
- (g) for the appointment by the board of committees in addition to the marketing committee referred to in paragraph (f), for the purpose of exercising the powers and performing the functions assigned to them by the board or in terms of the agreement, and for the delegation by the board of powers conferred on and functions entrusted to it, to any such committee consisting wholly of members of the board (or their alternates), or to any association contemplated in subsection (1);
- (h) for the procedure to be adopted in respect of meetings of the board, the committee and sub-committees referred to in paragraph (f), and the committees referred to in paragraph (g), and for any other matter relating to these bodies as may be deemed necessary or expedient;
- (i) for any matter affecting the wattle bark industry, determined by the Minister."

(2) The amendments effected by subsection (1) of this section to subsection (2) of section 2 of the principal Act, other than the amendments effected to paragraphs (d) and (f) of the last-mentioned subsection regarding the corporate capacity of the bodies referred to therein, shall be deemed to have come into operation on the date of commencement of the principal Act.

3. The following section is hereby inserted in the principal Act after section 6:

"Incorporation of the South African Wattle Growers' Union, vesting of assets, etc., in, determination of

6A. (1) (a) The association of wattle growers formed on 10 March 1938 and known as the South African Wattle Growers' Union (in this section referred to as the 'Union'), having its head office at Pietermaritzburg, whose existing Constitution was approved by the Congress of the Union on 21 June 1962 and was thereafter amended with the concurrence of the Minister on 30 November 1967, 28 November 1968, 27

Insertion of section 6A in Act 23 of 1960.

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bepaling van wyse van bestuur, doelstellings, ens., van, en ontbinding van, die Unie, en bykomstige aangeleent-hede.

November 1969, 25 November 1971 en 29 November 1973, is, nieteenstaande die bepalings van enige ander wet, 'n regspersoon.

(b) Die bates, laste, regte en verpligtinge wat iemand in sy hoedanigheid van lid van die Unie ten behoeve van die lede van die Unie as sodanig, besit, of waarvoor so iemand in daardie hoedanigheid ten behoeve van daardie lede as sodanig, aanspreeklik is, gaan oor op die Unie.

(c) Enigiets wat iemand voor die datum van inwerkingtreding van die Wysigingswet op die Wattelbasnywerheid, 1974, in sy hoedanigheid van lid van die Unie ten behoeve van die lede van die Unie as sodanig, gedoen het, en wat onmiddellik na die datum van inwerkingtreding deur of ten behoeve van die Unie gedoen sou kon word, word geag ten behoeve van die Unie gedoen te wees.

(d) Die registrateur van aktes in wie se kantoor 'n akte of ander dokument geregistreer is wat betrekking het op 'n bate, reg of verpligting wat ingevolge paragraaf (b) op die Unie oorgaan, moet, na ontvangs van 'n aansoek en by oorlegging aan hom deur iemand namens die Unie van die stukke en inligting wat hy verlang, en sonder betaling van herereg, seëlreg, registrasiegelde of -koste, die endossemente op bedoelde aktes of stukke en die inskrywings in sy registers aanbring wat hy nodig ag ten einde aan die bepalings van genoemde paragraaf gevolg te gee.

(e) Die Registrateur van Maatskappye moet so gou doenlik na die datum van inwerkingtreding van gemelde Wysigingswet die naam van die Unie in sy registers aanteken.

(2) (a) Die Minister bepaal binne drie maande na die datum van inwerkingtreding van die Wysigingswet in subartikel (1) (c) vermeld, by kennisgewing in die *Staatskoerant* die wyse van die bestuur van, die doelstellings, bevoegdhede, lidmaatskap, organisasie, geldelike beleid en wyse van ontbinding van, en die heffings of gelde betaalbaar aan, die Unie, en enige ander aangeleentheid betreffende die bevoegdhede en werksaamhede van die Unie wat nodig of dienstig geag word: Met dien verstande dat die sake van die Unie tot die datum van bedoelde bepaling behartig word ooreenkomstig die bepalings van sy Grondwet in paragraaf (a) van subartikel (1) bedoel en die bepalings van paragraawe (a), (b) en (c) van gemelde subartikel.

(b) Die Minister kan 'n bepaling van bedoelde kennisgewing insgelyks wysig of herroep.

(3) (a) By ontbinding van die Unie ooreenkomstig die bepaling in subartikel (2) (a) bedoel, stuur die persoon belas met die bereddering van die sake van die Unie 'n sertifikaat te dien effekte aan die Registrateur van Maatskappye, wat die ontbinding aanteken en 'n kennisgewing met dieselfde strekking in die *Staatskoerant* publiseer.

(b) Die datum van ontbinding van die Unie is die datum van aantekening bedoel in paragraaf (a)."

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manner of
manage-
ment, ob-
jects, etc.,
of, and dis-
solution of,
the Union,
and inciden-
tal matters.

November 1969, 25 November 1971 and 29 November 1973, shall, notwithstanding the provisions of any other law, be a body corporate.

- (b) The assets, liabilities, rights and obligations which are vested in a person in his capacity as a member of the Union on behalf of the members of the Union as such, or for which such person is liable in that capacity on behalf of those members as such, shall vest in the Union.
 - (c) Anything done by a person prior to the date of commencement of the Wattle Bark Industry Amendment Act, 1974, in his capacity as a member of the Union on behalf of the members of the Union as such, and which could be done by or on behalf of the Union immediately after such date of commencement, shall be deemed to have been done on behalf of the Union.
 - (d) The registrar of deeds in whose office any deed or other document relating to any asset, right or obligation which devolves upon the Union in terms of paragraph (b) is registered, shall, upon the receipt of an application and the production to him, by any person on behalf of the Union, of the documents and information required by him, make the endorsements on the said deeds or documents and the entries in his registers that he may deem necessary in order to give effect to the provisions of the said paragraph, without payment of transfer duty, stamp duty, registration fees or charges.
 - (e) The Registrar of Companies shall, as soon as may be practicable after the date of commencement of the said Amendment Act, enter the name of the Union in his registers.
- (2) (a) The Minister shall, within three months after the date of commencement of the Amendment Act mentioned in subsection (1) (c), by notice in the *Gazette* determine the manner of management of, the objects, powers, membership, organization, financial policy and manner of dissolution of, and the levies and moneys payable to, the Union, and any other matter regarding the powers and functions of the Union as may be deemed necessary or expedient: Provided that the affairs of the Union shall, until the date of the said determination, be conducted in accordance with the provisions of its Constitution referred to in paragraph (a) of subsection (1), and the provisions of paragraphs (a), (b) and (c) of the said subsection.
- (b) The Minister may amend or repeal a provision of the said notice in like manner.
- (3) (a) In the event of the dissolution of the Union in accordance with the determination referred to in subsection (2) (a), the person charged with the administration of the affairs of the Union shall transmit a certificate to that effect to the Registrar of Companies, who shall record the dissolution, and publish a notice to the same effect in the *Gazette*.
- (b) The date of dissolution of the Union shall be the date of the recording referred to in paragraph (a)."

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Regspersoonlik-
heid van die
Raad vir die
Wattelbasnywer-
heid.

4. (1) Die Raad vir die Wattelbasnywerheid ingestel by artikel 3 van die Ooreenkoms insake die Wattelbasnywerheid, 1962, waarvan die bepalings deur die Minister van Bosbou kragtens artikel 3 van die Hoofwet by Goewermentskennisgewing No. R. 1019 van 29 Junie 1962 vasgestel is, is 'n regs-persoon.

(2) Die bates, laste, regte en verpligtinge wat iemand in sy hoedanigheid van lid van die Raad ten behoewe van die lede van die Raad as sodanig besit, of waarvoor so 'n lid in daardie hoedanigheid ten behoewe van daardie lede as sodanig aanspreeklik is, gaan oor op die Raad.

(3) Die bepalings van subartikel (1) raak nie iemand se lidmaatskap van die Raad nie, en ook nie enigiets voor die datum van inwerkingtreding van hierdie Wet gedoen deur 'n lid van die Raad in daardie hoedanigheid ten behoewe van die lede van die Raad as sodanig nie.

Toepassing van
artikel 4 op
Bemarkings-
komitee.

5. Die bepalings van artikel 4 is *mutatis mutandis* van toepassing op die Bemarkingskomitee aangestel ooreenkomstig artikel 7 (1) van die Ooreenkoms bedoel in subartikel (1) van artikel 4.

Kort titel.

6. Hierdie Wet heet die Wysigingswet op die Wattelbasnywerheid, 1974.

WATTLE BARK INDUSTRY AMENDMENT ACT, 1974

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4. (1) The Wattle Bark Industry Board established by section 3 of the Wattle Bark Industry Agreement, 1962, the provisions of which were determined by the Minister of Forestry under section 3 of the principal Act by Government Notice No. R.1019 of 29 June 1962, shall be a body corporate.

Corporate capacity
of Wattle Bark
Industry Board.

(2) The assets, liabilities, rights and obligations which are vested in a person in his capacity as a member of the Board on behalf of the members of the Board as such, or for which such person is liable in that capacity on behalf of those members as such, shall vest in the Board.

(3) The provisions of subsection (1) shall not affect any person's membership of the Board or anything done prior to the date of commencement of this Act by a member of the Board in that capacity on behalf of the members of the Board as such.

5. The provisions of section 4 shall apply *mutatis mutandis* to the Marketing Committee appointed in terms of section 7 (1) of the Agreement referred to in subsection (1) of section 4.

Application of
section 4 to
Marketing
Committee.

6. This Act shall be called the Wattle Bark Industry Amendment Act, 1974.

Short title.

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WATTLE BARK INDUSTRY AMENDMENT ACT, 1974

4. (1) The Wattle Bark Industry Board established by section 3 of the Wattle Bark Industry Act, 1962, the provisions of which were amended by the Minister of Forestry under section 3 of the principal Act by Government Notice No. R.1019 of 29 June 1967, shall be a body corporate.

(2) The assets, liabilities, rights and obligations which are vested in a person in his capacity as a member of the Board on behalf of the members of the Board as such, or for which such person is liable in that capacity on behalf of those members as such, shall vest in the Board.

(3) The provisions of subsection (1) shall not affect any person's membership of the Board or anything done prior to the date of commencement of this Act by a member of the Board in that capacity on behalf of the members of the Board as such.

5. The provisions of section 4 shall apply mutatis mutandis to the Marketing Committee appointed in terms of section 7 (1) of the principal Act, the agreement referred to in subsection (1) of section 4.

6. This Act shall be called the Wattle Bark Industry Amendment Act, 1974.