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DEPARTMENT OF THE PRIME MINISTER

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 931. 7 May 1975. No. 931. 7 Mei 1975.

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

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

No. 38 of 1975: Marketing Amendment Act, 1975.

No. 38 van 1975: Wysigingswet op Bemaking, 1975.

Act No. 38, 1975

MARKETING AMENDMENT ACT, 1975.

ACT

To amend the provisions of the Marketing Act, 1968, relating to definitions and so as to provide that a scheme may contain provisions, and a control board may exercise its powers, also in relation to products produced in a self-governing territory; to amend the Marketing Amendment Act, 1974, so as to amend the text of section 5 (a); and to provide for incidental matters.

(English text signed by the State President.)
(Assented to 30 April 1975.)

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

Amendment of section 1 of Act 59 of 1968, as amended by section 1 of Act 69 of 1970, section 1 of Act 78 of 1971, section 1 of Act 68 of 1972 and section 1 of Act 31 of 1973.

1. Section 1 (1) of the Marketing Act, 1968 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the insertion after paragraph (c) of the definition of “producer” of the following paragraph:

“(cA) in relation to any quantity of that product which has been produced in a self-governing territory and is introduced into an area in which such scheme or notice applies, for the purpose of sale or processing therein, the person who so introduces that quantity;” and

(b) by the insertion after the definition of “Secretary” of the following definition:

“‘self-governing territory’ means—

(a) the Transkei as described in section 2 of the Transkei Constitution Act, 1963 (Act No. 48 of 1963);

(b) an area declared under section 26 of the Bantu Homelands Constitution Act, 1971 (Act No. 21 of 1971), to be a self-governing territory; or

(c) an area declared under section 17A of the Development of Self-government for Native Nations in South-West Africa Act, 1968 (Act No. 54 of 1968), to be a self-governing area;”.

Amendment of section 19 of Act 59 of 1968, as amended by section 3 of Act 69 of 1970 and section 3 of Act 78 of 1971.

2. Section 19 (1) of the principal Act is hereby amended—

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

“(a) include under any class of the product to which it relates—

(i) any quantity thereof which has been imported into the Republic, or into the Republic excluding the territory, or into the territory; or

(ii) any quantity thereof which has been produced in a self-governing territory and is

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WET

Tot wysiging van die bepalings van die Bemarkingswet, 1968, met betrekking tot woordskrywings en ten einde daarvoor voorsiening te maak dat 'n skema bepalings kan bevat, en 'n beheerraad sy bevoegdhede kan uitoefen, ook met betrekking tot produkte geproduseer in 'n selfregerende gebied; tot wysiging van die Wysigingswet op Bemarking, 1974, ten einde die teks van artikel 5 (a) te verbeter; en om vir bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 30 April 1975.)

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

1. Artikel 1 (1) van die Bemarkingswet, 1968 (hieronder die Hoofwet genoem), word hierby gewysig—
 - (a) deur na paragraaf (c) van die omskrywing van „producent” die volgende paragraaf in te voeg:

„(cA) met betrekking tot 'n hoeveelheid van daardie produk wat in 'n selfregerende gebied geproduseer is en in 'n gebied waarin sodanige skema of kennisgewing van toepassing is, ingebring word vir verkoop of verwerking daarin, die persoon wat daardie hoeveelheid aldus inbring;” en
 - (b) deur na die omskrywing van „Sekretaris” die volgende omskrywing in te voeg:

„selfregerende gebied”—

 - (a) die Transkei soos beskryf in artikel 2 van die Transkeise Grondwet, 1963 (Wet No. 48 van 1963);
 - (b) 'n gebied wat kragtens artikel 26 van die Grondwet van die Bantoetuislande, 1971 (Wet No. 21 van 1971), tot 'n selfregerende gebied verklaar is; of
 - (c) 'n gebied wat kragtens artikel 17A van die Wet op die Ontwikkeling van Selfbestuur vir Naturellevolke in Suidwes-Afrika, 1968 (Wet No. 54 van 1968), tot 'n selfregerende gebied verklaar is;”.
2. Artikel 19 (1) van die Hoofwet word hierby gewysig—
 - (a) deur paragraaf (a) deur die volgende paragraaf te vervang:

„(a) by 'n klas van die produk waarop dit betrekking het, insluit—

 - (i) 'n in die Republiek ingevoerde hoeveelheid daarvan, of 'n hoeveelheid daarvan wat in die Republiek met uitsluiting van die gebied, of in die gebied ingevoer is; of
 - (ii) 'n hoeveelheid daarvan wat in 'n selfregerende gebied geproduseer is en in 'n gebied waarin

Wysiging van artikel 1 van Wet 59 van 1968, soos gewysig deur artikel 1 van Wet 69 van 1970, artikel 1 van Wet 78 van 1971, artikel 1 van Wet 68 van 1972 en artikel 1 van Wet 31 van 1973.

Wysiging van artikel 19 van Wet 59 van 1968, soos gewysig deur artikel 3 van Wet 69 van 1970 en artikel 3 van Wet 78 van 1971.

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introduced into an area in which such scheme applies, for the purpose of sale or processing therein;"; and

(b) by the addition of the following paragraph:

"(c) with the concurrence of the government of a self-governing territory, provide that any provision of the scheme shall, subject to such conditions as may be specified therein, apply to any quantity of any product regulated thereunder, which arrives in any area in which that scheme applies, in transit from that self-governing territory to a destination other than the area in which the scheme applies, in the same manner as if that quantity of the said product had been produced in the area in which the scheme applies."

Amendment of section 78B of Act 59 of 1968, as inserted by section 2 of Act 73 of 1974.

3. Section 78B of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) A control board which, under a power conferred upon it by virtue of the provisions of section 64 (1), has prohibited any producers of the product to which the scheme in question relates from selling that product except to or through that control board, may, with the approval of the Minister, enter into an agreement with the government of, or any other competent authority in, any state or territory adjoining the Republic or the government of, or any other competent authority in, any self-governing territory, whereby the control board undertakes—

- (a) to purchase, receive for sale or otherwise dispose of any quantities of such product produced in that state or self-governing or other territory, on such conditions as may, subject to the provisions of that scheme, be mutually agreed upon;
- (b) to pay to such government or authority, or to any person or body designated by such government or authority, all moneys which are in terms of the scheme due by the control board to persons who sell or deliver any such quantities of that product to the board under the agreement."

Insertion of section 78C in Act 59 of 1968.

4. The following section is hereby inserted in the principal Act after section 78B:

"Control board may act as agent on behalf of the government of a self-governing territory. 78C. A control board may, with the approval of the Minister and at the request of the government of any self-governing territory, exercise any power or perform any function on behalf of such government or of any other competent authority in such territory, which such board is otherwise empowered to exercise or to perform under its scheme or this Act or any regulation made thereunder, and any such power shall be exercised or function shall be performed subject to such conditions as may be agreed upon between the said board and the said government."

Amendment of section 5 of Act 73 of 1974.

5. (1) Section 5 of the Marketing Amendment Act, 1974, is hereby amended by the substitution in paragraph (a) for the expression "(1)" of the expression "(2)".

(2) Subsection (1) shall be deemed to have come into operation on 20 November 1974.

Short title.

6. This Act shall be called the Marketing Amendment Act, 1975.

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sodanige skema van toepassing is, ingebring word vir verkoop of verwerking daarin;"; en

(b) deur die volgende paragraaf by te voeg:

„(c) met instemming van die regering van 'n self-regerende gebied, bepaal dat, onderworpe aan die voorwaardes wat in die skema genoem word, die een of ander bepaling daarvan op enige hoeveelheid van die daarvolgens beheerde produk wat aankom in 'n gebied waarin die skema van toepassing is onderweg van daardie selfregerende gebied na 'n ander bestemming as die gebied waarin die skema van toepassing is, van toepassing sal wees op dieselfde wyse asof daardie hoeveelheid van bedoelde produk in die gebied waarin die skema van toepassing is, geproduseer was.”.

3. Artikel 78B van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

Wysiging van artikel 78B van Wet 59 van 1968, soos ingevoeg deur artikel 2 van Wet 73 van 1974.

„(1) 'n Beheerraad wat, kragtens 'n bevoegdheid uit hoofde van artikel 64 (1) aan hom verleen, produsente van die produk waarop die betrokke skema betrekking het, verbied het om daardie produk behalwe aan of deur bemiddeling van daardie beheerraad te verkoop, kan, met die Minister se goedkeuring, met die regering van, of 'n ander bevoegde gesag in, 'n staat of gebied wat aan die Republiek grens of die regering van, of 'n ander bevoegde gesag in, 'n selfregerende gebied, 'n ooreenkoms aangaan waarin die beheerraad onderneem—

(a) om op die voorwaardes waarop daar, behoudens die bepalings van daardie skema, onderling ooreengekom word, hoeveelhede van bedoelde produk wat in daardie staat of selfregerende of ander gebied geproduseer word, te koop, vir verkoop te ontvang of andersins daaroor te beskik;

(b) om alle gelde wat ingevolge die skema deur die beheerraad aan persone verskuldig is wat sodanige hoeveelhede van bedoelde produk kragtens die ooreenkoms aan die raad verkoop of lewer, aan bedoelde regering of gesag, of aan 'n persoon of liggaam deur daardie regering of gesag aangewys, te betaal.”.

4. Die volgende artikel word hierby in die Hoofwet na artikel 78B ingevoeg:

Invoeging van artikel 78C in Wet 59 van 1968.

„Beheerraad kan as agent ten behoeve van die regering van 'n selfregerende gebied optree.

78C. 'n Beheerraad kan, met die Minister se goedkeuring en op versoek van die regering van 'n self-regerende gebied, namens bedoelde regering of 'n ander bevoegde gesag in so 'n gebied, 'n bevoegdheid uitoefen of 'n werksaamheid verrig wat bedoelde raad andersins kragtens sy skema of hierdie Wet of 'n regulasie daarkragtens uitgevaardig, gemagtig is om uit te oefen of te verrig en so 'n bevoegdheid word uitgeoefen of werksaamheid word verrig op die voorwaardes waarop daar tussen bedoelde raad en bedoelde regering ooreengekom word.”.

5. (1) Artikel 5 van die Wysigingswet op Bemarking, 1974, word hierby gewysig deur in paragraaf (a) die uitdrukking „(1)” deur die uitdrukking „(2)” te vervang.

Wysiging van artikel 5 van Wet 73 van 1974.

(2) Subartikel (1) word geag op 20 November 1974 in werking te getree het.

6. Hierdie Wet heet die Wysigingswet op Bemarking, 1975. Kort titel.

