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GOVERNMENT GAZETTE

STAATSKOERANT

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DEPARTMENT OF THE PRIME MINISTER

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1270.

21 June 1978.

No. 1270.

21 Junie 1978.

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. 86 of 1978: Fishing Industry Development Act, 1978.

No. 86 van 1978: Visnywerheid-ontwikkelingswet, 1978.

WET

Om die ontwikkeling van die visnywerheid binne die Republiek te bevorder; om vir daardie doel voorsiening te maak vir die voortbestaan van die Visserye-ontwikkelingskorporasie van Suid-Afrika, Beperk; om beheer oor die verwerking, bemarking en uitvoer van vis uit te oefen; en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 13 Junie 1978.)

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

Woordbepaling.

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—
 - (i) „adviserende raad” die adviesraad soos omskryf in artikel 1 van die Wet op Seevisserye; (i)
 - (ii) „beampte” iemand wat in die Department van Nywerheidswese in diens is; (xiv)
 - (iii) „die Wet op Seevisserye” die Wet op Seevisserye, 10 1973; (xviii)
 - (iv) „fabriek” ’n fabriek soos omskryf in artikel 1 van die Wet op Seevisserye; (v)
 - (v) „hierdie Wet” ook ’n regulasie, kennisgewing of voorskrif uit hoofde daarvan gepubliseer of uitgevaardig; (xix)
 - (vi) „korporasie” die Visserye-ontwikkelingskorporasie van Suid-Afrika, Beperk, bedoel in artikel 2; (iv)
 - (vii) „kweek van vis” die kweek van vis vir handelsdoeleindes; (viii)
 - (viii) „Minister” die Minister van Ekonomiese Sake; (xiii)
 - (ix) „raad” die in artikel 11 bedoelde raad van direkteure; (iii)
 - (x) „Sekretaris” die Sekretaris van Nywerheidswese; (xvii)
 - (xi) „strand” die strand soos omskryf in artikel 1 van die 25 Wet op Seevisserye; (xvi)
 - (xii) „verwerk” om vir handelsdoeleindes te sout, te droog, te rook, in te maak of op ’n ander wyse te bewerk; (xv)
 - (xiii) „vis” enige soort ongewerwelde of gewerwelde seedier en, by die toepassing van artikel 5, enige soort 30 gewerwelde of ongewerwelde waterdier wat in die ander waters in daardie artikel bedoel, aangetref word, en ook die kuit of larwes of ’n gedeelte van so ’n seedier of waterdier, maar nie ook ’n rob of seevoël nie; (vi)
 - (xiv) „visnywerheid” die geheel van die bedryf betrokke by 35 die vang, kweek of verkryging op enige ander wyse van vis en waterplante, die verwerking daarvan en die beskikbaarstelling vir die doeleindes van die handel van sodanige vis of waterplante, of produkte wat daaruit verkry is, maar nie ook ’n viswinkel, supermark, hotel, 40 losieshuis, restaurant, verversings- of teekamer of eetplek nie; (x)
 - (xv) „visser” iemand wat, hetsy as prinsipaal of agent, vanaf ’n vissersboot of deur middel van ’n net vanaf die strand

FISHING INDUSTRY DEVELOPMENT, 1978.

Act No. 86, 1978

ACT

To promote the development within the Republic of the fishing industry; for that purpose to provide for the continued existence of the Fisheries Development Corporation of South Africa, Limited; to exercise control over the processing, marketing and export of fish; and to provide for incidental matters.

(Afrikaanse text signed by the State President.)

(Assented to 13 June 1978.)

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) "advisory council" means the advisory council as defined in section 1 of the Sea Fisheries Act; (i)
- (ii) "aquatic plant" means any kind of plant, algae or other plant organism found in the sea or on the sea-shore and, for the purposes of section 5, in such other water as is contemplated in that section; (xix)
- 10 (iii) "board" means the board of directors referred to in section 11; (ix)
- (iv) "corporation" means the Fisheries Development Corporation of South Africa, Limited, referred to in section 2; (vi)
- 15 (v) "factory" means a factory as defined in section 1 of the Sea Fisheries Act; (iv)
- (vi) "fish" means any sea animal, whether vertebrate or invertebrate, and, for the purposes of section 5, any aquatic animal, whether vertebrate or invertebrate, found in such other water as is contemplated in that section, and includes the spawn or larvae or any part of any such sea animal or aquatic animal, but does not include any seal or sea-bird; (xiii)
- 20 (vii) "fisherman" means any person who catches fish for the purposes of trade, whether as principal or agent, off any fishing boat or by means of a net operated from the shore and includes any such person who carries on any other business, trade or occupation in addition to his calling as fisherman; (xv)
- 30 (viii) "fish farming" means the cultivation of fish for purposes of trade; (vii)
- (ix) "fishing boat" means any vessel used for catching fish for purposes of trade; (xvii)
- 35 (x) "fishing industry" means the whole of the trade engaged in the catching, cultivation or obtaining by any other means of fish and aquatic plants, the processing thereof and the making available for purposes of trade of such fish or aquatic plants or products derived therefrom, but does not include any fish shop, supermarket, hotel, boarding house, restaurant, refreshment or tea room or eating house; (xiv)
- 40 (xi) "fish product" means any product wholly or partly derived from fish; (xvi)

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VISNYWERHEID-ONTWIKKELINGSWET, 1978.

- gehanteer, vir handelsdoeleindes vis vang en ook enige persoon wat benewens sy beroep as visser ook 'n ander besigheid, bedryf of beroep dryf of beoefen; (vii)
- (xvi) „visproduk” enige produk wat geheel en al of gedeeltelik uit vis verkry is; (xi) 5
- (xvii) „visserboot” enige vaartuig wat gebruik word om vis vir handelsdoeleindes te vang; (ix)
- (xviii) „werktuig” enige apparaat, toestel of middel wat op 'n vissersboot of vir visvangs, die herwinning van waterplante of by die kweek van vis of waterplante gebruik word; (xii) 10
- (xix) „waterplant” enige soort plant, alge of ander plantardige organisme wat in die see of op die strand en, by die toepassing van artikel 5, in die ander water in daardie artikel bedoel, aangetref word. (ii) 15

Voortbestaan
van Visserye-
ontwikkelings-
korporasie van
Suid-Afrika,
Beperk.

Oogmerke van
korporasie.

Bevoegdhede
van korporasie.

2. Die Visserye-ontwikkelingskorporasie van Suid-Afrika, Beperk, ingestel kragtens artikel 2 van die Visnywerheid-ontwikkelingswet, 1944 (Wet No. 44 van 1944), bly, ondanks die bepaling van artikel 36 (1), voortbestaan en bly 'n regs persoon.

3. Die oogmerke van die korporasie is om die visnywerheid te bevorder en te ontwikkel ten einde die benutting van die volle potensiaal van die Republiek se vis- en waterplantbronne te bewerkstellig.

4. Ten einde sy oogmerke te bereik, kan die korporasie—

- (a) die oprigting deur enige persoon van 'n onderneming vir die vang van vis, die kweek van vis of waterplante, die vervaardiging van visprodukte of produkte wat geheel en al of gedeeltelik uit waterplante verkry is, of vir die koop, verkoop, verwerking of bemarking van vis, waterplante of enige sodanige produkte finansier, vermaklik of met sodanige oprigting behulpsaam wees, en kan hy, met die voorafverkreë goedkeuring van die Minister, self sodanige ondernemings oprig en voortsit; 25
- (b) met die voorafverkreë goedkeuring van die Minister, al of enige aantal van die aandele in, of die geheel of enige gedeelte van die bates of laste van, of enige reg wat enige persoon het teen, enige persoon verkry wat 'n onderneming voortsit of voortgesit het soortgelyk aan 'n onderneming wat die korporasie ingevolge paragraaf (a) kan oprig en voortsit; 30
- (c) onroerende of roerende goed van enige aard, met inbegrip van (onderworpe aan die voorafverkreë goedkeuring van die Minister) effekte, aandele, verbande, obligasies en sekuriteite van, of enige belang in, 'n onderneming bedoel in paragraaf (a) hou, bestuur, ontwikkel, huur, verhuur, daarvoor inskryf of andersins verkry, of koop, verkoop, of andersins oor beskik, verhipotekeer of andersins mee handel, en waar nodig, as trustee vir obligasiehouers optree; 35
- (d) enige verpligting waarborg wat aangegaan is met betrekking tot die finansiering van die oprigting van 'n onderneming bedoel in paragraaf (a) of die nakoming van 'n kontrak deur 'n persoon bedoel in daardie paragraaf, of 'n persoon skadeloos stel ten opsigte van die koste van enige regsgeding, of ten opsigte van enige verlies of skade, wat voortspruit uit— 40
- (i) die finansiering deur sodanige persoon van 'n ander persoon; of
- (ii) die aangaan van 'n kontrak deur sodanige persoon;
- (e) vissersbote en werktuie verkry en met enige persoon 'n ooreenkoms aangaan waarby so 'n boot of werktuig aan hom van die hand gesit word of waarby hy die reg verkry om so 'n boot of werktuig teen 'n vergoeding te gebruik, en die konstruksie, modifikasie, instandhouding of verkryging van sodanige bote of werktuie finansier of aan enige persoon hulp verleen by die finansiering daarvan; 45
- (f) skemas vir die bevordering, regulering of beter organisasie van visvangs of die verkoop van vis instel of bestuur 50

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- (xii) "implement" means any apparatus or device used on any fishing boat or in the capture of fish, the recovery of aquatic plants or in fish or aquatic plant farming; (xviii)
- (xiii) "Minister" means the Minister of Economic Affairs;
- 5 (viii)
- (xiv) "officer" means any person employed in the Department of Industries; (ii)
- (xv) "process" means to salt, dry, smoke, preserve or otherwise treat, for the purposes of trade; (xii)
- 10 (xvi) "sea-shore" means the sea-shore as defined in section 1 of the Sea Fisheries Act; (xi)
- (xvii) "Secretary" means the Secretary for Industries; (x)
- (xviii) "the Sea Fisheries Act" means the Sea Fisheries Act, 1973; (iii)
- 15 (xix) "this Act" includes any regulation, notice or direction published, made or issued thereunder. (v)

2. The Fisheries Development Corporation of South Africa, Limited, established under section 2 of the Fishing Industry Development Act, 1944 (Act No. 44 of 1944), shall, notwithstanding the provisions of section 36 (1), continue to exist and to be a juristic person.

Continued existence of Fisheries Development Corporation of South Africa, Limited.

3. The objects of the corporation shall be to promote and develop the fishing industry so as to accomplish the utilization of the full potential of the Republic's fish and aquatic plant resources.

Objects of corporation.

4. For the purposes of achieving its objects the corporation may—

Powers of corporation.

- (a) finance, facilitate or assist in the establishing by any person of any undertaking for catching fish, fish or aquatic plant farming, manufacturing fish products or products wholly or partly derived from aquatic plants, or for buying, selling, processing or marketing fish, aquatic plants or any such products, or, with the prior approval of the Minister, itself establish and carry on any such undertaking;
- 30 (b) with the prior approval of the Minister, acquire all or any number of the shares in, or the whole or any portion of the assets or liabilities of, or any right which any person has against, any person who carries on or carried on any undertaking of the same kind as an undertaking which the corporation is in terms of paragraph (a) empowered to establish and carry on;
- 35 (c) hold, manage, develop, hire, let, subscribe for or otherwise acquire, or buy, sell or otherwise dispose of, or hypothecate or otherwise deal in immovable or movable property of any kind, including (subject to the prior approval of the Minister) stocks, shares, bonds, debentures and securities of, or any interest in, any undertaking referred to in paragraph (a), and, where necessary, act as trustee for debenture holders;
- 40 (d) guarantee any undertaking given in relation to the financing of the establishment of any undertaking referred to in paragraph (a) or the performance of any contract by any person referred to in that paragraph, or indemnify any person in respect of the costs of any legal proceedings, or in respect of any loss or damage, arising from—
- 45 (i) the financing by such person of any other person; or
- 50 (ii) the entering into any contract by such person;
- 55 (e) acquire fishing boats and implements, and enter into an agreement with any person whereby any such boat or implement is disposed of to him or whereby he acquires the right to use such boat or implement for a consideration, and finance or assist any person in the financing of the construction, modification, maintenance or acquisition of such boats or implements;
- 60 (f) establish or manage, or assist in or facilitate the establishment or management of, schemes for the
- 65

of by die instelling of bestuur daarvan hulp verleen of dit vergemaklik, en sulke skemas finansier of die finansiering daarvan vergemaklik of daarby behulpzaam wees: Met dien verstande dat so 'n skema met betrekking tot die verkoop van vis, vir die verkoop van vis deur die korporasie ten behoeve van vissersvoorsiening kan maak;

(g) (i) na oorlegpleging met die Sekretaris, landingsgeriewe, hawens, seewerings, kaaie, seehoofde, boothellings, sleephellings, herstelgeriewe, toerusting, installasies en gereedskap, hyskrane, vasmeergeweriewe, koelkamerinstallasies, fabriekke, pakhuise en ander geboue, werke en hulpmiddele wat nodig is om die belange van die visnywerheid te bevorder, beplan, ontwerp, instel, oprig, koop, verbeter, in stand hou, bestuur, beheer en ondersoek doen in die see en op land in verband met die oprigting daarvan, en bydra tot of hulp verleen by sodanige beplanning, ontwerp, instelling, oprigting, koop, verbetering, instandhouding, bestuur, beheer of ondersoek;

(ii) ondersoek na die gebruik van die see en grond wat aan die see grens finansier, hulp verleen daarby of dit onderneem, en advies gee en aanbevelings doen met betrekking daartoe vir sover dit nodig mag wees ten einde die belange van die visnywerheid te beskerm;

(h) enige patente, lisensies, konsessies of iets dergeliks verkry, wat 'n uitsluitende of nie-uitsluitende of beperkte reg verleen tot die gebruik van enige inligting of proses wat na die oordeel van die korporasie geskik mag wees om gebruik te word vir enigeen van sy oogmerke;

(i) finansiële en ander hulp verleen in verband met enige opleidingsfasiliteite waaronder persone bereken is om kwalifikasies te verkry, of waarskynlik sal verkry, wat hulle besonderlik geskik sal maak vir indiensneming op 'n wyse wat tot voordeel van die ontwikkeling van die visnywerheid strek en studiebeurse vir sodanige persone instel en toeken;

(j) die onderneming van navorsing in verband met visserye insluitende navorsing in verband met verbeterde metodes van visvang, van die kweek van vis of waterplante, van vervaardiging van visprodukte of produkte wat geheel en al of gedeeltelik uit waterplante verkry is, of van die verpakking, verwerking of bemarking van vis en sodanige produkte, finansier, vergemaklik of daarby hulp verleen;

(k) met die voorafverkreë goedkeuring van die Minister, onderlinge en mediese hulpverenigings, sport- en vermaaklikheidsverenigings, sosiale klubs, dorpe, behuisingskemas, behuisings-utiliteitsmaatskappye, woningaankoopkemas, sosiale en gesondheidsdienste, pensioen- en voorsorgfondse, skemas vir die versekering van vissers teen lewensverlies of arbeidsongeskiktheid in die loop van die beoefening van hul beroep as vissers opgedoen, skemas vir die versekering van vissersbote en werktuie teen verlies of beskadiging, winkels, hospitale, tehuise, restaurante en enige ander dergelike ondernemings wat na die oordeel van die korporasie vir persone wat by die visnywerheid betrokke is, voordelig is of kan wees, instel, tot stand bring en voortsit of by die instelling, totstandbrenging en voortsetting daarvan hulp verleen;

(l) deur die uitreiking van obligasies of obligasie-effekte of andersins lenings aangaan of geld opneem met die voorafverkreë goedkeuring van die Minister en verhandelbare stukke maak, trek, aksepteer of endosseer;

(m) skenkings aanneem;

(n) met die voorafverkreë goedkeuring van die Minister die registrasie van die korporasie in enige land of gebied

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- promotion, regulation or better organization of the catching or sale of fish, and finance or facilitate the financing of, or assist in the financing of, such schemes: Provided that any such scheme relating to the sale of fish may provide for the sale of fish by the corporation on behalf of fishermen;
- 5
- (g) (i) after consultation with the Secretary, plan, design, establish, erect, purchase, improve, maintain, manage, control and carry out investigations in the sea and on land in connection with the establishment of, any landing facilities, harbours, breakwaters, quays, jetties, boatramps, slipways, repair facilities, equipment, plant and tools, cranes, mooring facilities, cold storage plants, factories, warehouses and other buildings, works and aids, required to promote the interests of the fishing industry, and contribute to or assist in such planning, design, establishment, erection, purchasing, improvement, maintenance, management, control or investigations;
- 10
- 15
- 20
- (ii) finance, assist in or carry out investigations into, and give advice and make recommendations relating to, the use of the sea and land adjoining the sea, in so far as it may be necessary in order to safeguard the interests of the fishing industry;
- 25
- (h) acquire any patents, licences, concessions or the like, conferring an exclusive or non-exclusive or limited right to use any information or process which in the opinion of the corporation may be capable of being used for any of its objects;
- 30
- (i) grant financial and other assistance in connection with any training facilities under which persons are calculated or likely to acquire qualifications which will render them specially qualified for employment in a manner beneficial to the development of the fishing industry and establish and award study bursaries for such persons;
- 35
- (j) finance, facilitate or assist in the undertaking of fisheries research including research in connection with improved methods of catching fish, of fish or aquatic plant farming, of manufacturing fish products or products wholly or partly derived from aquatic plants, or of storing, processing or marketing fish and such products;
- 40
- (k) with the prior approval of the Minister, establish and carry on or assist in the establishment and carrying on of mutual benefit and medical benefit societies, sporting and entertainment societies, social clubs, townships, housing schemes, housing utility companies, home ownership schemes, social and health services, pension and provident funds, schemes for the insurance of fishermen against loss of life or disablement in the course of the exercise of their calling as fishermen, schemes for the insurance of fishing boats and implements against loss or damage, stores, hospitals, hostels, restaurants and any other similar undertakings which may seem to the corporation beneficial or capable of being beneficial to persons engaged in the fishing industry;
- 45
- 50
- 55
- (l) by the issue of debentures or debenture stock or otherwise raise loans or borrow money with the prior approval of the Minister and make, draw, accept or endorse negotiable instruments;
- 60
- (m) accept donations;
- (n) with the prior approval of the Minister, procure the registration of the corporation in any country or

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- of die inlywing van enige maatskappy waarin die korporasie, na sodanige inlywing, enige belang sal hê, bewerkstellig; en
- oor die algemeen, enige kontrak aangaan of handeling verrig, hetsy binne of buite die Republiek, wat nodig of bevorderlik is vir, of verbonde is aan, die bereiking van enige van die oogmerke van die korporasie, of wat bereken is om die waarde van die dienste wat die korporasie vir die bevordering en ontwikkeling van die visnywerheid binne die Republiek kan lewer, regstreeks of onregstreeks te verhoog.
5. Indien die korporasie dit nodig of dienstig ag vir die bereiking van sy oogmerke kan hy, met die voorafverkreë goedkeuring van die Minister, enige van sy bevoegdhede uitoefen ten opsigte van, en ten opsigte van vis en waterplante wat voorkom in, ander water as water bedoel in die omskrywing van „see” in artikel 1 van die Wet op Seevisserye, met inbegrip van enige kunsmatige versameling van sodanige ander water.
6. Die korporasie kan op 'n wyse deur die Minister goedgekeur enige van sy fondse of geld belê wat nie onmiddellik vir die verrigting van sy werksaamhede nodig is nie.
7. Indien die korporasie dit nodig ag ter beveiliging van 'n belegging deur hom gedoen, kan hy optree as direkteur, bestuurder, sekretaris, trustee of kurator, eksekuteur of administrateur van 'n saak, boedel, trust of fonds of van 'n maatskappy of van 'n saak, trust of fonds van so 'n maatskappy, of kan hy iemand aanwys om as sodanig namens die korporasie op te tree.
8. Die korporasie kan beamptes en werknemers in diens neem en hulle besoldig, huisves, ontslaan of tydelik skors en hulle skadeloos stel ten opsigte van leed, skade of verlies deur hulle in die loop van die verrigting van hulle pligte opgedoen, en kan met die instemming van die Minister skemas instel vir die verskaffing van pensioen- en siektevoordele en behuisingsgeriewe of -voordele aan sodanige beamptes en werknemers.
9. Die totaal van die bedrag deur die korporasie te eniger tyd verskuldig ten opsigte van lenings aangegaan en geld opgeneem en die bedrag vir die betaling waarvan die korporasie aanspreeklik mag word uit hoofde van waarborge deur hom verleen ingevolge artikel 4 (d), oorskry nie, behalwe vir sover deur die Minister gemagtig, die helfte van die totaal van die bedrag wat op aandele in die korporasie opbetaal is en die bedrag van die reserwefondse van die korporasie nie.
10. Die Minister kan, ten einde die korporasie in staat te stel om sy oogmerke te bereik, met die instemming van die Minister van Finansies—
- (a) vir die tydperk en op die voorwaardes wat die Minister bepaal, die rente op en die hoofsom van 'n bedrag deur die korporasie kragtens artikel 4 (l) geleen of opgeneem, en die koste daaraan verbonde, waarborg; en
- (b) die rente op en die hoofsom van enige obligasies of obligasie-effekte ingevolge bedoelde artikel uitgereik, en die koste aan sodanige uitreiking verbonde, waarborg, en die ooreenkomste aangaan en die dinge verrig wat nodig is vir of bykomstig is tot die uitvoering van hierdie artikel.
11. (1) Die sake van die korporasie word bestuur en beheer deur 'n raad van direkteure wat met inagneming van die bepalings van hierdie Wet en die regulasies die bevoegdhede en die pligte van die korporasie uitoefen of verrig.
- (2) Die Minister—
- (a) bepaal van tyd tot tyd die aantal direkteure van die raad, en stel insgelyks die direkteure aan; en
- (b) wys insgelyks 'n direkteur as voorsitter van die raad aan.
- (3) Die Minister stel die direkteure aan op grond van hulle bekwaamheid en ondervinding in die handel, nywerheidswese of

Uitbreiding
van bevoegdhede
van korporasie.

Beleggings.

Bykomende
bevoegdhede
van korporasie
in verband met
beveiliging van
beleggings.

Bevoegdhede
van korporasie
ten opsigte van
beamptes en
werknemers.

Beperking op
finansiële
verpligtinge
van korporasie.

Waarborge
deur Minister.

Raad van
direkteure.

FISHING INDUSTRY DEVELOPMENT, 1978.

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- territory, or the incorporation of any company in which, after such incorporation, the corporation will have any interest; and
- generally, enter into any contract or perform any act, whether
- 5 within or outside the Republic, which may be necessary for or incidental or conducive to the attainment of any of the objects of the corporation, or which is calculated directly or indirectly to enhance the value of the services which the corporation can render towards the promotion and development of the fishing industry
- 10 within the Republic.
5. If the corporation deems it necessary or expedient for the achievement of its objects it may, with the prior approval of the Minister, exercise any of its powers in respect of, and in respect of fish and aquatic plants occurring in, water other than water
- 15 referred to in the definition of "sea" in section 1 of the Sea Fisheries Act, including any artificial collection of such other water.
6. The corporation may invest in any manner approved by the Minister, any of its funds or money not immediately required for
- 20 the performance of its functions.
7. If the corporation deems it necessary for safeguarding any investment made by it, it may act as director, manager, secretary, trustee, executor or administrator of any business, estate, trust or fund or of any company or of any business, trust or fund of such a
- 25 company, or it may designate any person to act as such on behalf of the corporation.
8. The corporation may employ officers and employees and remunerate, house, discharge or temporarily suspend them and indemnify them in respect of any harm, damage or loss suffered
- 30 by them in the course of the performance of their duties, and may with the concurrence of the Minister establish schemes for the provision of pension and sick benefits and housing facilities or benefits to such officers and employees.
9. The aggregate of the amount owing by the corporation at any
- 35 time in respect of loans negotiated and money raised and the amount for the payment of which the corporation may become liable by virtue of guarantees given by it in terms of section 4 (d) shall not, except to the extent authorized by the Minister, exceed one half of the aggregate of the amount paid up on shares in the
- 40 corporation and the amount of any reserve funds of the corporation.
10. The Minister may, for the purpose of enabling the corporation to achieve its objects and with the concurrence of the Minister of Finance—
- 45 (a) guarantee, for such period and on such conditions as the Minister may determine, the interest on and the principal of any amount raised or borrowed by the corporation in terms of section 4 (l) and the charges attaching thereto; and
- 50 (b) guarantee the interest on and the principal of any debentures or debenture stock issued in terms of the said section and the charges attaching to such issue, and enter into such agreements and do such other things as may be necessary for or incidental to the carrying out of this section.
- 55 11. (1) The affairs of the corporation shall be managed and controlled by a board of directors, which may exercise the powers and perform the duties of the corporation subject to the provisions of this act and the regulations.
- (2) The Minister shall from time to time—
- 60 (a) fix the number of directors of the board, and appoint such directors; and
- (b) designate a director as chairman of the board.
- (3) The Minister shall appoint the directors for their ability and experience in commerce, industry or administration, their knowl-

Extension of powers of corporation.

Investments.

Additional powers of corporation in connection with safeguarding of investments.

Powers of corporation in respect of officers and employees.

Limitation of financial liabilities of corporation.

Guarantees by Minister.

Board of directors.

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administrasie, hulle kennis van die behoeftes van die visnywerheid of hulle geskiktheid andersins as direkteur.

(4) Een van die direkteure wat die Minister aanstel, moet die Sekretaris of 'n beampte in die Departement van Nywerheidswese wat die Sekretaris aanwys, wees, en een moet aangestel word om die belange van die verbruikers van vis te verteenwoordig.

(5) Indien die Minister van oordeel is dat omstandighede die aanstelling van 'n plaasvervangende direkteur vereis, kan hy so 'n direkteur aanstel om waar te neem in die plek van enige direkteur gedurende sy afwesigheid of sy onvermoë om as direkteur op te tree.

(6) Wanneer 'n plaasvervangende direkteur in die plek van 'n direkteur waarneem, het hy die bevoegdhede en verrig hy die pligte van daardie direkteur.

(7) 'n Plaasvervangende direkteur word besoldig, soos deur die raad bepaal, uit die besoldiging wat die direkteur toekom in wie se plek hy waarneem of wat so 'n direkteur sou toegekome het indien hy as direkteur opgetree het.

(8) Die raad van direkteure wat ingevolge die bepalings van artikel 5 van die Visnywerheid-ontwikkelingswet, 1944 (Wet No. 44 van 1944), saamgestel is, word geag kragtens hierdie artikel saamgestel te wees en bly voortbestaan totdat die Minister dit ontbind.

Persone wat onbevoeg is om direkteure te wees.

12. 'n Lid van die Senaat of die Volksraad of 'n provinsiale raad of die Verteenwoordigende Kleurlingraad van Suid-Afrika, ingestel by die Wet op die Verteenwoordigende Kleurlingraad, 1964 (Wet No. 49 van 1964), of die Suid-Afrikaanse Indiërraad ingestel by die Wet op die Suid-Afrikaanse Indiërraad, 1968 (Wet No. 31 van 1968), word nie as 'n direkteur of 'n plaasvervangende direkteur van die korporasie aangestel nie.

Ampstermyn en -voorwaardes van direkteure.

13. (1) Die Minister bepaal die ampstermyn van die direkteure van die korporasie en van die voorsitter van die raad: Met dien verstande dat die Minister op enige goeie en voldoende gronde die ampstermyn van 'n direkteur of van die voorsitter van die raad kan beëindig te eniger tyd voor die verstryking daarvan.

(2) 'n Direkteur van die korporasie beklee sy amp op die voorwaardes betreffende besoldiging wat die raad met die instemming van die Minister en die Minister van Finansies bepaal.

(3) Indien 'n direkteur werk ten behoeve van die korporasie verrig of 'n amp in diens van die korporasie beklee anders as sy werk as of amp van direkteur, kan aan hom die bykomende besoldiging betaal word wat die raad bepaal.

Besturende direkteur.

14. (1) Die Minister kan op aanbeveling van die raad enige direkteur van die korporasie aanstel as besturende direkteur van die korporasie.

(2) Die besturende direkteur het die bevoegdhede en verrig die pligte wat die raad aan hom toewys.

(3) Indien die besturende direkteur om enige rede nie in staat is om as sodanig gedurende enige tydperk op te tree nie, kan die raad met die goedkeuring van die Minister een van sy ander lede aanstel om as besturende direkteur van die korporasie gedurende sodanige tydperk waar te neem.

(4) Terwyl die lid wat aldus aangestel is, aldus waarneem, het hy al die bevoegdhede en verrig hy al die pligte van die besturende direkteur van die korporasie.

Aanspreeklikheid van direkteure vir verlies of skade.

15. 'n Direkteur van die korporasie is nie persoonlik aanspreeklik vir enige verlies of skade wat in of in verband met die verrigting van sy pligte voorkom nie, tensy die verlies of skade te wyte was aan sy opsetlike wanbestuur, oneerlikheid of growwe nalatigheid.

Aandelekapitaal.

16. (1) Behoudens die bepalings van hierdie artikel, bestaan die aanvanklike aandelekapitaal van die korporasie uit—

(a) tweemiljoen vyfhonderdduisend aandele van twee rand elk (hieronder A-aandele genoem);

(b) vyfhonderdduisend aandele van twee rand elk (hieronder B-aandele genoem).

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edge of the requirements of the fishing industry or their suitability otherwise as directors.

(4) One of the directors appointed by the Minister shall be the Secretary or an officer in the Department of Industries designated by the Secretary, and one shall be appointed to represent the interests of the consumers of fish.

(5) If the Minister is of the opinion that circumstances require the appointment of an alternate director, he may appoint such a director to act in the place of any director during his absence or his inability to act as director.

(6) When an alternate director acts in the place of any director he shall have the powers and perform the duties of that director.

(7) An alternate director shall be remunerated, as determined by the board, out of the remuneration which is due to the director in whose place he is acting or which would have become due to such director if he had acted as director.

(8) The board of directors constituted in terms of the provisions of section 5 of the Fishing Industry Development Act, 1944 (Act No. 44 of 1944), shall be deemed to have been constituted under this section and shall continue to exist until it is dissolved by the Minister.

12. A member of the Senate or the House of Assembly or a provincial council or the Coloured Persons Representative Council of the Republic of South Africa established by the Coloured Persons Representative Council Act, 1964 (Act No. 49 of 1964), or the South African Indian Council established by the South African Indian Council Act, 1968 (Act No. 31 of 1968), shall not be appointed as a director or an alternate director of the corporation.

Persons disqualified from being directors.

13. (1) The Minister shall determine the period of office of the directors of the corporation and of the chairman of the board: Provided that the Minister may for any good and sufficient reason terminate the period of office of any director or of the chairman of the board at any time before the expiration thereof.

Tenure and conditions of office of directors.

(2) A director of the corporation shall hold office on such conditions as to remuneration as the board may determine with the concurrence of the Minister and the Minister of Finance.

(3) If any director or alternate director performs any work on behalf of the corporation or holds any office in the employ of the corporation other than his work as or office of director, he may be paid such additional remuneration as the board may determine.

14. (1) The Minister may on the recommendation of the board appoint any director of the corporation as managing director of the corporation.

Managing director.

(2) The managing director shall have such powers and perform such duties as the board may assign to him.

(3) If for any reason the managing director is unable to act as such during any period, the board may with the approval of the Minister appoint another of its members to act as managing director of the corporation during such period.

(4) The member so appointed shall, while so acting, have all the powers and perform all the duties of the managing director of the corporation.

15. A director of the corporation shall not be personally liable for any loss or damage which may occur in or in connection with the performance of his duties, unless the loss or damage was due to his wilful misconduct, dishonesty or gross negligence.

Liability of directors for loss or damage.

16. (1) Subject to the provisions of this section, the initial share capital of the corporation shall consist of—

Share capital.

(a) two million five hundred thousand shares of two rand each (hereinafter referred to as A shares);

(b) five hundred thousand shares of two rand each (hereinafter referred to as B shares).

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- (2) (a) Al die A-aandeel word deur die Minister namens die Staat opgeneem en die Minister het die voorkeureg om soveel van die B-aandeel namens die Staat op te neem as wat hy goedvind.
- (b) Wanneer hy skriftelik deur die Minister verwittig word dat die Minister besluit het om die B-aandeel of 'n aantal B-aandeel nie op te neem nie, kan die raad daardie aandeel wat nie deur die Minister opgeneem is nie, teen die nominale waarde daarvan aanbied vir inskrywing deur enige ander persoon op die bedinge en voorwaardes wat die raad bepaal en kan hy soveel van laasgenoemde aandeel aan enige persoon toeken ter betaling of gedeeltelike betaling van enige reg of goed deur die korporasie verkry, as wat na sy mening raadsaam is vir die bereiking van die oogmerke van die korporasie.
- (3) Die Staat betaal vir die aandeel ingevolge subartikel (2) (a) deur die Minister opgeneem, uit gelde deur die Parlement vir dié doel bewillig.
- (4) Betaling vir die aandeel geskied op die tye en in die bedrae waarop die Minister en die raad ooreenkom.
- (5) (a) Die A-aandeel is nie deur die Staat oordraagbaar nie behalwe op gesag van 'n Wet van die Parlement.
- (b) Die Minister kan enige van die B-aandeel ingevolge subartikel (2) (a) deur hom opgeneem, teen die nominale waarde daarvan aan enige persoon verkoop of andersins vervreem op die bedinge en voorwaardes wat hy bepaal.
- (6) Die A-aandeel wat deur die Staat gehou word, gee aan die Minister 'n getal stemme wat een meer is as die totale getal stemme wat al die ander aandeelhouders van die korporasie gesamentlik het ten opsigte van die aandeel hulle gehou, met inbegrip van aandeel uit hoofde van die bepalings van subartikel (8) opgeneem.
- (7) Terwyl die Staat die houer van aandeel in die korporasie is, stel die Minister 'n verteenwoordiger of verteenwoordigers aan om die vergaderings van aandeelhouders by te woon en daarop te stem.
- (8) Met die goedkeuring van aandeelhouders vooraf op 'n vergadering van aandeelhouders gegee, kan die raad van tyd tot tyd die aandeelkapitaal van die korporasie in so 'n mate vermeerder as wat hy raadsaam ag, deur die skepping en uitgifte van gewone of voorkeuraandeel of die ander klas aandeel wat hy bepaal, welke aandeel uitgegee kan word op die bedinge en voorwaardes wat die raad bepaal, met inbegrip van voorwaardes betreffende die stemregte van die houders daarvan, en, in die geval van voorkeuraandeel, die voorwaarde dat die houders daarvan nie geregtig is om te stem nie.
- 17.** Die aanspreeklikheid van 'n houer van aandeel in die korporasie is beperk tot die bedrag, as daar is, wat nog op die aandeel deur hom gehou, verskuldig is.
- 18.** Uitgawes deur of namens die korporasie aangegaan, met inbegrip van die besoldiging van direkteure, word uit die fondse van die korporasie bestry.
- 19.** Behalwe waar hierdie Wet uitdruklik anders bepaal, word die eiendom van die korporasie, uit watter bron dit ook al verkry is, uitsluitlik aangewend vir die bevordering van die oogmerke van die korporasie.
- 20.** Die raad kan, onderworpe aan die goedkeuring van die Minister, dividende verklaar.
- 21.** (1) Die raad moet behoorlike rekeningkundige rekords van al die finansiële transaksies van die korporasie laat hou en moet die finansiële jaarstate wat die Minister by regulasie voorskryf, laat opstel.
- (2) Die rekords en state bedoel in subartikel (1) moet, solank die Staat die houer van aandeel in die korporasie is, jaarliks deur

Beperking van aanspreeklikheid van aandeelhouders.

Uitgawes.

Gebruik van eiendom van korporasie.

Dividend.

Rekords en ouditering.

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- (2) (a) The whole of the A shares shall be taken up by the Minister on behalf of the State and the Minister shall have the first right to take up, on behalf of the State, so many of the B shares as he may deem fit.
- 5 (b) On being notified by the Minister in writing that the Minister has decided not to take up any or any number of the B shares, the board may offer, at its par value, those shares not taken up by the Minister for subscription by any other person on such terms and conditions as the board may determine and may allot so many of the last-mentioned shares to any person in payment or part payment of any right or property acquired by the corporation as may in its opinion be expedient for the achievement of the objects of the corporation.
- 10 (3) The shares taken up by the Minister in terms of subsection (2) (a) shall be paid for by the State from moneys appropriated by Parliament for the purpose.
- (4) Payment for the shares shall be made at such times and in such amounts as may be agreed upon between the Minister and the board.
- 15 (5) (a) The A shares shall not be transferable by the State otherwise than by the authority of an Act of Parliament.
- (b) The Minister may, at their par value, sell or otherwise dispose of any of the B shares taken up by him in terms of subsection (2) (a), to any person upon such terms and conditions as he may determine.
- 25 (6) The A shares held by the State shall entitle the Minister to a number of votes which shall exceed by one the total number of votes to which all the other shareholders of the corporation in the aggregate may be entitled in respect of the shares held by them, including shares taken up by virtue of the provisions of subsection (8).
- (7) The Minister shall, while the State is the holder of shares in the corporation, appoint a representative or representatives to attend the meetings of shareholders and to vote thereat.
- 35 (8) The board may from time to time, with the approval of shareholders previously given at a meeting of shareholders, increase the share capital of the corporation to such an extent as may seem to it expedient, by the creation and issue of ordinary or preference shares or such other class of shares as it may determine, which shares may be issued upon such terms and conditions as the board may determine, including conditions as to the voting rights of the holders thereof, and, in the case of preference shares, the condition that the holders thereof shall not be entitled to vote.
- 40 17. The liability of any holder of shares in the corporation shall be limited to the amount, if any, still owing in respect of the shares held by him. Limitation of liability of shareholders.
18. Expenditure incurred by or on behalf of the corporation, including the remuneration of directors, shall be defrayed out of the funds of the corporation. Expenditure.
19. Save as expressly otherwise provided in this Act, the property of the corporation, from whatever source it may be acquired, shall be used exclusively for promoting the objects of the corporation. Use of property of corporation.
- 55 20. The board may, subject to the approval of the Minister, declare dividends. Dividend.
21. (1) The board shall cause proper accounting records to be kept of all the financial transactions of the corporation and shall cause to be prepared such annual financial statements as the Minister may prescribe by regulation. Records and auditing.
- 60 (2) The records and statements referred to in subsection (1) shall be audited annually by a person registered as an accountant

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'n persoon wat kragtens die bepalings van die Wet op Openbare Rekenmeesters en Ouditeurs, 1951 (Wet No. 51 van 1951), as rekenmeester en ouditeur geregistreer is, en wat jaarliks deur die Minister aangestel word, geouditeer word.

Inligting wat
aan Minister,
Parlement en
aandeelhouders
verstrekk
moet word.

22. (1) So spoedig doenlik, maar nie later nie as ses maande, na 5
die einde van elke boekjaar van die korporasie moet die raad, ten
opsigte van daardie boekjaar, 'n volledige verslag aangaande die
werksaamhede van die korporasie en afskrifte van die finansiële
state bedoel in artikel 21 (1) aan die Minister verstrekk en op die
wyse wat die Minister by regulasie voorskryf, aan die aandeel- 10
houders van die korporasie voorlê.

(2) Die Minister moet afskrifte van die verslag en die
finansiële state bedoel in subartikel (1) binne dertig dae na die
datum waarop hy dit ontvang het, in die Senaat en in die Volksraad
ter Tafel lê indien 'n gewone sessie van die Parlement dan aan 15
die gang is of, indien 'n gewone sessie van die Parlement nie dan
aan die gang is nie, binne dertig dae na die aanvang van sy
eersvolgende gewone sessie.

(3) Indien daar uit hoofde van die bepalings van artikel 16 (2)
(b) of (5) (b) 'n transaksie in B-aandele plaasgevind het of indien 20
die aandeelkapitaal van die korporasie kragtens die bepalings van
artikel 16 (8) vermeerder is, moet die Minister 'n verslag
bevattende volledige besonderhede van so 'n transaksie of
vermeerdering van aandeelkapitaal, na gelang van die geval, binne
dertig dae na die datum van so 'n transaksie of vermeerdering van 25
aandeelkapitaal in die Senaat en in die Volksraad ter Tafel lê
indien 'n gewone sessie van die Parlement dan aan die gang is of,
indien 'n gewone sessie van die Parlement nie dan aan die gang is
nie, binne dertig dae na die aanvang van sy eersvolgende gewone
sessie. 30

Beheer van
uitvoer van vis.

23. (1) Die Minister kan by kennisgewing in die *Staatskoerant*—

(a) verbied dat vis in die algemeen of 'n bepaalde soort vis
of bepaalde visprodukte—

(i) uitgevoer word, of in die algemeen of na 'n 35
bepaalde land of gebied, behalwe kragtens 'n
permit uitgereik deur hom of die Sekretaris of 'n
ander beaampte wat hy of die Sekretaris daartoe
gemagtig het;

(ii) uitgevoer word, tensy dit vir uitvoer goedgekeur is 40
deur 'n inspekteur wat vir die doel aangestel is;

(b) iedereen wat 'n uitvoerder van vis of visprodukte is,
aansê om sy naam en adres binne 'n vermelde tydperk
aan die Sekretaris of iemand anders in die kennisgewing
vermeld, te verstrekk; 45

(c) 'n uitvoerder bedoel in paragraaf (b) aansê om op
vermelde tye aan die Sekretaris of iemand anders in die
kennisgewing vermeld die vermelde besonderhede te
verstrekk betreffende vis of visprodukte wat hy vir
uitvoer besit. 50

(2) 'n Permit wat kragtens subartikel (1) (a) (i) uitgereik word,
kan bepaal watter hoeveelheid vis of visprodukte daarkragtens
uitvoer mag word, asook binne watter tydperk, van waar, na
watter land of gebied en op watter wyse die uitvoer moet geskied,
en kan die ander voorwaardes bevat wat die persoon wat die 55
permit uitreik, goedgevind.

(3) Die bepalings van subartikels (5) tot en met (9) van artikel
24 is *mutatis mutandis* van toepassing ten opsigte van 'n permit
uitgereik ingevolge subartikel (1), die uitvoer van enige vis of
visproduk kragtens so 'n permit en die uitreiking van so 'n permit. 60

Koop en verkoop
van vis,
maksimum en
minimum pryse,
verwerking
van vis, en
bemarkingsgelde.

24. (1) Die Minister kan by kennisgewing in die *Staatskoerant*—

(a) na raadpleging van die adviserende raad—

(i) 'n visser verbied om vis of 'n vermelde soort vis te
lewer aan iemand anders as iemand wat deur die 65
Minister vir dié doel goedgekeur is of wat behoort
tot 'n klas persone wat aldus goedgekeur is of om

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and auditor under the provisions of the Public Accountants' and Auditors' Act, 1951 (Act No. 51 of 1951), and appointed annually by the Minister, while the State is the holder of shares in the corporation.

- 5 22. (1) As soon as practicable, but not later than six months, after the end of every financial year of the corporation the board shall, in respect of such financial year, furnish the Minister with, and submit to the shareholders of the corporation in the manner prescribed by the Minister by regulation, a full report on the
10 activities of the corporation and copies of the financial statements referred to in section 21 (1).

Information to be furnished to Minister, Parliament and shareholders.

- (2) The Minister shall lay copies of the report and the financial statements referred to in subsection (1) upon the Table in the Senate and in the House of Assembly within thirty days after the
15 date on which he has received it, if Parliament is then in ordinary session or, if Parliament is not then in ordinary session, within thirty days after the commencement of its next ensuing ordinary session.

- (3) If by virtue of the provisions of section 16 (2) (b) or (5) (b)
20 any transaction in B shares has occurred or if the share capital of the corporation has been increased under the provisions of section 16 (8), the Minister shall lay upon the Table in the Senate and in the House of Assembly a report containing full particulars of such transaction or increase of share capital, as the case may be, within
25 thirty days after the date of such transaction or increase of share capital, if Parliament is then in ordinary session or, if Parliament is not then in ordinary session, within thirty days after the commencement of its next ensuing ordinary session.

23. (1) The Minister may by notice in the *Gazette*—
30 (a) prohibit the export of fish generally or of any particular species of fish or of any particular fish product—
(i) either generally or to any particular country or territory, except under a permit issued by him or the Secretary or any other officer authorized thereto
35 by him or the Secretary;
(ii) unless it has been approved for export by an inspector appointed for the purpose;
(b) require any person who is an exporter of fish or fish products to furnish the Secretary, or some other person
40 specified in the notice, with his name and address within a specified period;
(c) require any exporter referred to in paragraph (b) to furnish the Secretary, or some other person specified in the notice, with the specified particulars at specified
45 times in regard to any fish or fish products which he may have in his possession for export.

Control of export of fish.

- (2) A permit issued under subsection (1) (a) (i) may specify the quantity of fish or fish products which may be exported thereunder, as well as the period within which, from where, to
50 which country or territory and the manner in which, the export shall take place, and may contain such other conditions as the person issuing the permit may think fit.

- (3) The provisions of subsections (5) to (9), inclusive, of section 24, shall *mutatis mutandis* apply in respect of any permit
55 issued in terms of subsection (1), the export of any fish or fish product under such a permit and the issue of such a permit.

24. (1) The Minister may by notice in the *Gazette*—
60 (a) after consultation with the advisory council—
(i) prohibit any fisherman from delivering any fish or any specified species of fish to any person other than a person approved by the Minister for the purpose or belonging to a class of persons so

Purchase and sale of fish, maximum and minimum prices, processing of fish, and marketing charges.

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- sodanige vis of vermelde soort vis vir verkoop in die gewone loop van handel te lewer behalwe kragtens 'n permit uitgereik deur die Minister of die Sekretaris of 'n ander beampte wat die Minister daartoe gemagtig het; 5
- (ii) iemand wat aldus goedgekeur is of behoort tot 'n klas persoon wat aldus goedgekeur is, verbied om vis of die betrokke soort vis te verkry van iemand anders as 'n visser wat dit mag vang; 10
- (iii) iemand wat aldus goedgekeur is of behoort tot 'n klas persone wat aldus goedgekeur is of enige ander persoon of 'n fabriek, verbied om vis of vis van die betrokke soort wat hy verkry het, of 'n visprodukt daarvan van die hand te sit op 'n ander wyse as aan of deur die korporasie of 'n maatskappy wat deur die korporasie vir die doel gestig is of iemand anders wat die Minister vir die doel goedgekeur het of op 'n ander wyse as kragtens 'n permit uitgereik ooreenkomstig die bepalings van subparagraaf (i); 15 20
- (iv) iemand of persone wat tot 'n vermelde klas persone behoort, verbied om 'n vermelde soort vis of visprodukte vir eie gebruik of verkoop te verkry van iemand anders as die korporasie of 'n maatskappy bedoel in subparagraaf (iii) of iemand wat goedgekeur is soos daarin bedoel; 25
- (v) die korporasie, 'n maatskappy bedoel in subparagraaf (iii) of iemand wat goedgekeur is soos daarin bedoel, verbied om gedurende 'n vermelde tydperk 'n groter hoeveelheid van 'n vermelde soort vis of visprodukt van die hand te sit as die hoeveelheid wat ten opsigte daarvan vermeld word; 30
- (vi) die korporasie, 'n maatskappy bedoel in subparagraaf (iii) of iemand anders verbied om 'n vermelde soort vis of visprodukt van iemand anders te verkry of aan iemand anders te lewer, tensy daardie vis of visprodukt op 'n vermelde wyse verpak is en 'n vermelde faktuur in verband met die verkryging of lewering uitgereik is aan die persoon wat die vis of visprodukt verkry of aan wie dit gelever word, en gelas dat dié persoon so 'n faktuur vir 'n vermelde tydperk hou; 35 40
- (b) die maksimum en minimum pryse vasstel waarteen vermelde persone 'n vermelde soort vis of visprodukt van vissers mag koop, asook die maksimum en minimum pryse waarteen 'n vermelde soort vis of visprodukt deur vermelde persone van die hand gesit of vir verkoop aangebied mag word; 45
- (c) gelas dat iedereen wat vis of visprodukte in die kleinhandel verkoop en op wie 'n kennisgewing kragtens paragraaf (b) van toepassing is, die aldus vasgestelde pryse vertoon op 'n opvallende plek op die perseel of voertuig wat hy gebruik om vis of visprodukte aldus te verkoop. 50
- (2) (a) 'n Verbod kragtens subartikel (1) (a) of 'n kennisgewing kragtens subartikel (1) (b) kan in die algemeen of ten opsigte van 'n vermelde gebied van toepassing gemaak word. 55
- (b) Die Minister kan op die voorwaardes wat hy goedvind, iemand skriftelik vrystel van die een of ander bepaling van 'n kennisgewing kragtens subartikel (1) (a). 60
- (3) Die Minister kan in 'n kennisgewing kragtens subartikel (1) (a) (iii) die gelde voorskryf wat aan die korporasie of 'n betrokke maatskappy of ander persoon betaalbaar is deur iemand ten behoeve van wie die vis of visprodukt van die hand gesit is, en moet in so 'n kennisgewing wat die korporasie raak, bepaal vir watter doeleindes die gelde wat aldus aan die korporasie betaalbaar is, deur hom aangewend moet word. 65
- (4) 'n Permit ingevolge subartikel (1) (a) (i) of (iii) uitgereik, kan die tydperk waarvoor dit geldig is, die hoeveelheid vis of visprodukte wat daarkragtens vir verkoop gelever of van die hand

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- approved or from delivering any such fish or specified species of fish for sale in the ordinary course of trade except under a permit issued by the Minister or the Secretary or any other officer authorized thereto by the Minister;
- 5 (ii) prohibit any person so approved or belonging to a class of persons so approved from acquiring any fish or the species of fish in question from any person other than a fisherman who may catch it;
- 10 (iii) prohibit any person so approved or belonging to a class of persons so approved or any other person or any factory from disposing of any fish or of any fish of the species in question acquired by him or it, or any fish product thereof, otherwise than to or
- 15 through the corporation or a company established by the corporation for the purpose or some other person approved by the Minister for the purpose or otherwise than under a permit issued in accordance with the provisions of subparagraph (i);
- 20 (iv) prohibit any person or persons belonging to a specified class of persons from acquiring any specified kind of fish or fish products for his or their own use or sale from any person other than the corporation or a company referred to in subparagraph (iii) or a person approved as contemplated
- 25 therein;
- (v) prohibit the corporation, a company referred to in subparagraph (iii) or any person approved as contemplated therein from disposing, during a
- 30 specified period, of a larger quantity of a specified kind of fish or fish product than the quantity specified in respect thereof;
- (vi) prohibit the corporation, a company referred to in subparagraph (iii) or any other person from acquiring from or delivering to any other person any
- 35 specified kind of fish or fish product unless such fish or fish product is packed in a manner specified and a specified invoice has in connection with the acquisition or delivery been issued to the person by
- 40 whom the fish or fish product is acquired or to whom it is delivered, and direct that such person shall keep any such invoice for a specified period;
- (b) fix the maximum and minimum prices at which any
- 45 specified persons may buy any specified kind of fish or fish product from fishermen, and the maximum and minimum prices at which a specified kind of fish or fish product may be disposed of or offered for sale by specified persons;
- (c) direct that any person selling fish or fish products by
- 50 retail and to whom a notice under paragraph (b) applies, shall display at a prominent place on the premises or vehicle used by him so to sell fish or fish products, the prices so fixed.
- (2) (a) A prohibition under subsection (1) (a) or a notice under
- 55 subsection (1) (b) may be expressed to apply either generally or in respect of any specified area.
- (b) The Minister may in writing and subject to such conditions as he may deem fit, exempt any person from any provision of a notice under subsection (1) (a).
- (3) The Minister may in a notice under subsection (1) (a) (iii)
- 60 prescribe the charges payable to the corporation or a company or other person concerned by a person on whose behalf the fish or fish product was disposed of, and shall in any such notice affecting the corporation prescribe the purposes for which the
- 65 moneys so payable to the corporation shall be used by it.
- (4) A permit issued under subsection (1) (a) (i) or (iii) may specify the period for which it shall be valid, the quantity of fish or fish products which may be delivered for sale or disposed of

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gesit mag word, die wyse en voorwaardes waarop dit aldus gelewer of van die hand gesit mag word en die gelde betaalbaar ten opsigte van die uitreiking van die permit, vermeld.

(5) Die Minister of die Sekretaris of 'n gemagtigde beampte bedoel in subartikel (1) (a) (i) of (iii) kan 'n permit uitgereik kragtens daardie subartikel intrek of enige voorwaarde wat in so 'n permit vermeld word, wysig of die hoeveelheid vis of visprodukte wat kragtens so 'n permit vir verkoop gelewer of van die hand gesit mag word, verminder, indien die Minister, die Sekretaris of die betrokke beampte oortuig is dat die houer van die permit versuim het om te voldoen aan enige van die voorwaardes daarvan of indien sodanige houer skuldig bevind is aan 'n oortreding van enige bepaling van hierdie Wet of die Wet op Seevisserye, of enige bepaling van die Wet op Standaarde, 1962 (Wet No. 33 van 1962), wat op sodanige vis of visprodukte van toepassing is.

(6) Stappe ingevolge subartikel (5) moet geskied by skriftelike kennisgewing deur die pos aan die houer van die permit gestuur.

(7) Indien die skuldigbevinding uit hoofde waarvan stappe ingevolge subartikel (5) gedoen is, tersyde gestel word, vervalt daardie stappe op die datum waarop die skuldigbevinding tersyde gestel word.

(8) (a) Indien die Minister of die Sekretaris of 'n gemagtigde beampte bedoel in subartikel (1) (a) (i) of (iii) oortuig is dat 'n ooreenkoms met betrekking tot die lewering vir verkoop of vandiehandsetting van enige soort vis of visproduk aangegaan is tussen minstens vyf-en-sewentig persent van die persone wat minstens vyf-en-sewentig persent van die totale hoeveelheid vis of visprodukte van daardie soort vir verkoop gelewer of van die hand gesit het wat vir verkoop gelewer of van die hand gesit is gedurende die tydperk van twaalf maande wat die datum van die ooreenkoms onmiddellik voorafgaan, kan hy weier om 'n permit kragtens genoemde subartikel ten opsigte van daardie soort vis of visproduk uit te reik, tensy die persoon wat om die permit aansoek doen hom oortuig dat hy 'n party by daardie ooreenkoms is.

(b) Die bepalings van paragraaf (a) beperk nie die bevoegdheid van iemand om die uitreiking van 'n permit op 'n ander grond te weier nie.

(9) Indien iemand hom veronreg voel deur 'n besluit van die Sekretaris of 'n gemagtigde beampte kragtens subartikel (1) (a), (5) of (8) kan hy na die Minister daarteen appelleer op die wyse deur die Minister by kennisgewing in die *Staatskoerant* voorgeskryf.

(10) Die Minister kan by kennisgewing deur die pos gestuur iemand wat 'n saak as invoerder of uitvoerder van of handelaar in vis, visprodukte of seewier dryf, aansê om binne 'n vermelde tydperk vermelde inligting met betrekking tot daardie saak wat die Minister vir die uitvoering van die bepalings van hierdie Wet nodig het, aan die Minister te verstrek.

(11) Die Minister kan by kennisgewing in die *Staatskoerant* regulasies uitvaardig—

(a) waarby voorgeskryf word die gehalte van die vis wat iemand by die uitoefening van 'n bedryf vir die verwerking van vis mag gebruik, die wyse waarop en die mate waarin 'n proses wat in die loop van so 'n bedryf aangewend word, aldus aangewend moet word, die toestand waarin fabrieke, masjinerie en gereedskap wat in die loop van so 'n bedryf gebruik word, gehou moet word, en die mate van suiwerheid van stowwe wat in die loop van so 'n bedryf gebruik word;

(b) betreffende die verkoeling van vis of visprodukte wat vir verkoop of uitvoer bestem is;

(c) wat die wyse voorskryf waarop vis of visprodukte vir die doeleindes van verkoop of uitvoer gegradeer, verpak, geberg, uitgestal of afgelewer en die houters daarvan gemerk moet word;

(d) waarby die ondersoek van 'n perseel, vaartuig of voertuig deur beamptes ten einde vas te stel of die

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thereunder, the manner in which and conditions under which it may be so delivered or disposed of and the fees payable in respect of the issue of the permit.

(5) The Minister or the Secretary or any authorized officer referred to in subsection (1) (a) (i) or (iii), may cancel any permit issued under that subsection or amend any condition specified in such permit or reduce the quantity of fish or fish products which may be delivered for sale or disposed of under such a permit, if the Minister, the Secretary or the officer concerned is satisfied that the holder of the permit has failed to comply with any of the conditions thereof or if such holder has been convicted of a contravention of any provision of this Act or the Sea Fisheries Act or any provision of the Standards Act, 1962 (Act No. 33 of 1962), applicable to such fish or fish products.

(6) Steps in terms of subsection (5) shall be effected by written notice sent to the holder of the permit through the post.

(7) If the conviction by virtue of which steps were taken in terms of subsection (5) is set aside, those steps shall become annulled on the date on which the conviction is set aside.

(8) (a) If the Minister or the Secretary or any authorized officer referred to in subsection (1) (a) (i) or (iii) is satisfied that an agreement relating to the delivery for sale or disposal of any kind of fish or fish product has been entered into between not less than seventy-five per cent of the persons who delivered for sale or disposed of not less than seventy-five per cent of the total quantity of fish or fish products of that kind delivered for sale or disposed of during the period of twelve months immediately preceding the date of the agreement, he may refuse to issue a permit under the said subsection in respect of that kind of fish or fish product, unless the person applying for the permit satisfies him that he is a party to such agreement.

(b) The provisions of paragraph (a) shall not limit the power of any person to refuse the issue of a permit on any other ground.

(9) Any person aggrieved by a decision of the Secretary or any authorized officer under subsection (1) (a), (5) or (8) (a) may appeal to the Minister in the manner prescribed by the Minister by notice in the *Gazette*.

(10) The Minister may by notice sent through the post require any person who carries on business as importer or exporter of or dealer in fish, fish products or seaweed to furnish the Minister, within a specified period, with such specified information relating to such business as the Minister may require for the administration of the provisions of this Act.

(11) The Minister may by notice in the *Gazette* make regulations—

(a) prescribing the quality of the fish which a person may use in practising a trade for the processing of fish, the manner in which and the extent to which a process employed in the course of such a trade shall be so employed, the condition in which factories, machinery and utensils used in the course of such a trade shall be kept, and the degree of purity of substances used in the course of such a trade;

(b) as to the refrigeration of fish or fish products intended for sale or export;

(c) prescribing the manner in which fish or fish products shall for the purposes of sale or export be graded, packed, stored, displayed or delivered or the containers thereof shall be marked;

(d) authorizing and regulating the inspection of any premises, vessel or vehicle by officers to ascertain

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Oplegging van
'n heffing.

- bepalings van hierdie Wet nagekom word, gemagtig en gereël word;
- (e) waarby die hou en bestuur van visveulings gereël word en die plekke waar sodanige veulings gehou mag word, bepaal word.

25. (1) Die Minister kan met die oog op die finansiering of gedeeltelike finansiering van die navorsing wat die Minister goedvind ter bereiking van die oogmerke van hierdie Wet, na raadpleging van die adviserende raad en met die instemming van die Minister van Finansies, by kennisgewing in die *Staatskoerant* op alle vis van 'n soort (behalwe walvisse) in die kennisgewing vermeld, wat vissers aan land bring of in 'n aldus vermelde gebied aan land bring, 'n heffing ople volgens 'n skaal wat nie hoër is nie as 'n sent ten opsigte van elke kilogram van die massa van sodanige vis wanneer dit aan land gebring word, soos op die kragtens paragraaf (c) van subartikel (2) voorgeskrewe wyse bepaal, en kan op soortgelyke wyse so 'n kennisgewing intrek of wysig.

(2) Die Minister kan, in 'n kennisgewing kragtens subartikel (1)—

- (a) ten opsigte van verskillende soorte vis of ten opsigte van verskillende persone of verskillende kategorieë persone 'n heffing volgens verskillende skale ople;
- (b) die persone of kategorieë persone vermeld wat vir die betaling van die heffing aanspreeklik is en die omstandighede voorskryf waaronder sodanige persone of kategorieë persone aldus aanspreeklik is;
- (c) die wyse voorskryf waarop die massa van die vis vir die doeleindes van die heffing bepaal kan word;
- (d) die persone voorskryf deur wie die heffing geïm moet word, die tye wanneer en die wyse waarop dit aan daardie persone betaal moet word, en die tye wanneer die opbrengs daarvan deur daardie persone aan die korporasie betaal moet word vir die doeleindes van die bewaring en administrasie daarvan;
- (e) by die uitoefening van sy bevoegdhede kragtens paragraaf (c) of (d), verskillende voorsienings maak ten opsigte van verskillende soorte vis en verskillende gebiede;
- (f) vis wat by 'n plek of in 'n gebied in die kennisgewing vermeld, aan land gebring word, van die heffing uitsluit as die opbrengs van die heffing ten opsigte van sodanige vis, na sy oordeel, nie die koste van die in van die heffing sou regverdig nie;
- (g) bepaalde persone of klasse persone van die betaling van die heffing vrystel.

(3) Die Minister moet in so 'n kennisgewing die doeleindes vermeld waarvoor die opbrengs van die heffing aangewend kan word.

(4) 'n Heffing kragtens subartikel (1) wat deur enige persoon betaalbaar geword het, is aan die korporasie verskuldig, en die korporasie kan dit in 'n bevoegde hof verhaal.

Bevoegdhede van
beampies.

26. (1) 'n Beampte aan wie 'n algemene of spesiale magtiging daartoe deur die Minister verleen is, 'n inspekteur soos omskryf in artikel 1 van die Wet op Seevisserye, en 'n polisiebeampte kan—

- (a) van enige persoon eis dat hy sy volle naam en adres aan hom verstrek, indien hy weet of op redelike grond vermoed dat daardie persoon 'n misdryf ingevolge hierdie Wet gepleeg het;
- (b) aan boord gaan van enige vaartuig, enige perseel betree en enige voertuig bestyg wat gebruik word vir die verwerking, verpakking, opberging, vervoer of verkoop van vis of visprodukte, en op sodanige vaartuig, perseel of voertuig die handelinge verrig wat nodig mag wees om uit te vind of die bepalinge van hierdie Wet nagekom word;
- (c) as hy weet of rede het om te vermoed dat enige persoon 'n bepaling van 'n kennisgewing kragtens artikel 23, 24

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- whether the provisions of this Act are being complied with;
- (e) regulating the conducting and managing of fish auctions and prescribing the places where such auctions may be held.

25. (1) With a view to the financing or partial financing of such research as the Minister may deem fit for purposes of achieving the objects of this Act, the Minister may, after consultation with the advisory council and with the concurrence of the Minister of Finance, by notice in the *Gazette*, impose on all fish of any species (other than whales) specified in the notice, which are landed by fishermen, or which are landed by fishermen in any area so specified, a levy at a rate not exceeding one cent in respect of every kilogram of the mass of such fish when landed, as determined in the manner prescribed under paragraph (c) of subsection (2), and may in like manner withdraw or amend any such notice.

Imposition of a levy.

- (2) The Minister may, in a notice under subsection (1)—
- (a) impose a levy at different rates in respect of different species of fish or in respect of different persons or different classes of persons;
- (b) specify the persons or classes of persons who shall be liable for the payment of the levy and prescribe the circumstances under which such persons or classes of persons shall be so liable;
- (c) prescribe the manner in which the mass of the fish may be determined for the purposes of the levy;
- (d) prescribe the persons by whom the levy shall be collected, the times at which and the manner in which it shall be paid to those persons, and the times at which the proceeds thereof shall be paid to the corporation by those persons for purposes of safekeeping and administration thereof;
- (e) in exercising his powers under paragraph (c) or (d), make different provisions in respect of different species of fish and different areas;
- (f) exclude from the levy fish landed at any place or in any area specified in the notice, if the proceeds of the levy in respect of such fish would, in his opinion, not justify the expense of collecting the levy;
- (g) exempt particular persons or classes of persons from payment of the levy.

(3) The Minister shall, in such notice, specify the purposes for which the proceeds of the levy may be used.

(4) Any levy under subsection (1) which has become payable by any person, shall be a debt due to the corporation and may be recovered by the corporation in a competent court.

26. (1) Any officer generally or specially authorized thereto by the Minister, any inspector as defined in section 1 of the Sea Fisheries Act and any police official may—

Powers of officers.

- (a) require any person whom he knows to have committed or whom he has reasonable grounds to suspect of having committed an offence under this Act, to furnish him with his full name and address;
- (b) board any vessel and enter any premises and any vehicle used for the processing, packing, storage, conveyance or sale of fish or fish products, and perform such acts upon such vessel, premises or vehicle as may be necessary in order to ascertain whether the provisions of this Act are being complied with;
- (c) if he knows or has reason to suspect that any person has contravened or failed to comply with any provision of a

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of 25 oortree het of versuim het om daaraan te voldoen, van daardie persoon of enige persoon in sy diens eis dat hy enige boek of dokument waaroor hy beskik en wat betrekking het op die vang, verkryging, lewering of vandiehandsetting van vis of visprodukte aan hom voorlê, en 'n afskrif daarvan of 'n uittreksel daaruit maak.

(2) Die bevoegdheide by subartikel (1) verleen, kan, ten opsigte van 'n vaartuig en van enige persoon of net daarop, ook buite die territoriale waters van die Republiek uitgeoefen word.

(3) 'n Inspekteur of 'n beampte word by the uitoefening van sy bevoegdheide kragtens subartikel (1) geag 'n vredesbeampte te wees soos omskryf in artikel 1 (1) van die Strafproueswet, 1977 (Wet No. 51 van 1977).

(4) Wanneer 'n inspekteur, beampte of polisiebeampte sy bevoegdheide kragtens subartikel (1) uitoefen, mag hy 'n woonhuis slegs ooreenkomstig die bepalings van die Strafproueswet, 1977, betree of deursoek.

(5) 'n Beampte wat ingevolge subartikel (1) gemagtig is, moet deur die Sekretaris of 'n ander beampte deur die Sekretaris vir dié doel aangewys, voorsien word van 'n magtigingsertifikaat, en so 'n beampte moet, wanneer hy ingevolge hierdie Wet 'n bevoegdheid uitoefen of 'n plig of werksaamheid verrig, daardie sertifikaat toon, en 'n inspekteur bedoel in subartikel (1) moet, wanneer hy aldus 'n bevoegdheid uitoefen of 'n plig of werksaamheid verrig, sy aanstellingsertifikaat toon, aan iemand wat deur sodanige uitoefening van 'n bevoegdheid of verrigting van 'n plig of werksaamheid geraak word, indien hy deur so iemand versoek word om dit te doen.

Strafbepalings.

27. (1) Iemand wat—

(a) die bepalings van 'n kennisgewing kragtens artikel 23 (1), 24 (1), (10) of (11) of 25 (1) of die bepalings van 'n permit uitgereik kragtens artikel 23 (1) of 24 (1) oortree of versuim om daaraan te voldoen; of

(b) versuim om aan 'n eis ingevolge artikel 26 (1) te voldoen, of na aanleiding van so 'n eis valse inligting verstrek; of

(c) aan 'n beampte, inspekteur of polisiebeampte by die uitoefening van 'n bevoegdheid of die vervulling van 'n plig of werksaamheid ingevolge hierdie Wet weerstand bied of hom daarin belemmer,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens seweduisend vyfhonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar of met daardie boete sowel as daardie gevangenisstraf.

(2) Die bepalings van paragraawe (b) en (c) van subartikel (1) is, ten opsigte van enige persoon op 'n vaartuig, ook buite die territoriale waters van die Republiek van toepassing.

Bykomende boetes, en verbeurd-verklaring.

28. Wanneer iemand weens 'n oortreding of versuim om te voldoen aan die bepalings van 'n kennisgewing kragtens artikel 23 (1) (a) of artikel 24 (1) (a) of (b) skuldig bevind word—

(a) moet die hof wat hom skuldig bevind, benewens enige ander straf wat opgelê mag word, op staande voet ondersoek instel aangaande die geldelike waarde van enige voordeel wat daardie persoon as gevolg van daardie oortreding of versuim behaal het en die bedrag daarvan bepaal, en aan hom 'n boete gelyk aan die aldus bepaalde bedrag, of, by wanbetaling, gevangenisstraf vir 'n tydperk van hoogstens twaalf maande, oplê; en

(b) kan daardie hof, in die geval van 'n eerste skuldigbevinding, vis ten opsigte waarvan die betrokke misdryf gepleeg is, aan die Staat verbeurd verklaar en, in die geval van 'n tweede of daaropvolgende skuldigbevinding, 'n vissersboot, vaartuig of voertuig wat in verband met die pleeg van die betrokke misdryf gebruik is, aan die Staat verbeurd verklaar en 'n permit of ander vergunning wat kragtens hierdie Wet aan die veroordeelde uitgereik of verleen is, intrek of vir die tydperk wat die hof goedvind, skors.

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notice under section 23, 24 or 25, require such person or any person in his employ to produce to him any book or document at his disposal which relates to the catching, acquisition, delivery or disposal of fish or fish products, and make a copy thereof or take an extract therefrom.

(2) The powers conferred by subsection (1) may, in respect of any vessel and of any person or net thereon, be exercised also beyond the territorial waters of the Republic.

(3) An inspector or an officer shall in the exercise of his powers under subsection (1) be deemed to be a peace officer as defined in section 1 (1) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977).

(4) When an inspector, officer or police official exercises his powers under subsection (1), he may enter or search a dwelling only in accordance with the provisions of the Criminal Procedure Act, 1977.

(5) Any officer authorized in terms of subsection (1) shall be furnished by the Secretary or any other officer designated by the Secretary for the purpose with a certificate of authorization, and whenever such officer exercises any power or performs any duty or function in terms of this Act he shall produce that certificate, and when an inspector referred to in subsection (1) so exercises any power or performs any duty or function such inspector shall produce his certificate of appointment, to any person affected by such exercising of any power or performing of any duty or function, if requested by such person to do so.

27. (1) Any person who—

Penalties.

(a) contravenes or fails to comply with the provisions of any notice under section 23 (1), 24 (1), (10) or (11) or 25 (1), or the provisions of any permit issued under section 23 (1) or 24 (1); or

(b) fails to comply with any requirement in terms of section 26 (1), or gives any false information in pursuance of such a requirement; or

(c) resists or hinders any officer, inspector or police official in the exercise of any power or the performance of any duty or function under this Act,

shall be guilty of an offence and liable on conviction to a fine not exceeding seven thousand five hundred rand or to imprisonment for a period not exceeding five years, or to both such fine and such imprisonment.

(2) The provisions of paragraphs (b) and (c) of subsection (1) shall, in respect of any person on any vessel, apply also beyond the territorial waters of the Republic.

28. Whenever any person is convicted of a contravention of or failure to comply with the provisions of any notice under section 23 (1) (a) or section 24 (1) (a) or (b), the court convicting him—

Additional fines, and forfeiture.

(a) shall, in addition to any other punishment that may be imposed, summarily enquire into and assess the monetary equivalent of any advantage which that person may have gained in consequence of that contravention or failure, and impose upon him a fine equal to the amount so assessed or in default of payment, imprisonment for a period not exceeding twelve months; and

(b) may, in the case of a first conviction, declare forfeited to the State any fish in respect of which the offence in question was committed, and, in the case of a second or subsequent conviction, declare forfeited to the State any vessel or vehicle used in connection with the commission of the offence in question, and cancel, or suspend for such period as the court may think fit, any permit or other permission issued or granted under this Act to the person convicted.

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Jurisdiksie en
bewyslewering.

29. (1) 'n Landdroshof is bevoeg om enige straf in artikel 28 voorgeskryf, op te lê, alhoewel daardie straf hetsy alleen of tesame met enige ander straf ten opsigte van dieselfde oortreding opgelê, die strafbevoegdheid van 'n landdroshof te bowe mag gaan. 5

(2) Artikel 18 van die Wet op Seevisserye is *mutatis mutandis* ten opsigte van 'n misdryf ingevolge hierdie Wet van toepassing.

(3) Wanneer iemand van 'n misdryf ingevolge hierdie Wet aangekla word, word vermoed, totdat die teendeel bewys word, dat enige vis waarop die aanklag betrekking het, nie soos in artikel 10 35 beskryf, gevang is nie.

Regulasies.

30. Die Minister kan regulasies uitvaardig betreffende—

- (a) die plek waar die hoofkantoor van die korporasie geleë moet wees;
- (b) die voorwaardes, uitgesonderd dié beoog in artikel 13 15 (2), van aanstelling en die bevoegdhede en pligte van direkteure van die korporasie, en die kworum en prosedure by vergaderings van die raad;
- (c) die neem van besluite deur direkteure sonder om 'n vergadering van die raad te hou; 20
- (d) die datum waarop die boekjaar van die korporasie in elke jaar eindig;
- (e) die opstel en voorlegging van finansiële jaarstate;
- (f) die hou van rekeningkundige rekords;
- (g) die verstrekking van kennisgewings aan aandeelhouders 25 en obligasiehouders;
- (h) enige aangeleentheid wat ingevolge hierdie Wet deur die Minister by regulasie voorgeskryf moet of kan word, en oor die algemeen, betreffende alle aangeleenthede wat hy nodig of raadsaam ag om voor te skryf ten einde die oogmerke van 30 hierdie Wet te bereik.

Likwidasië van
korporasie.

31. Die korporasie word nie gelikwideer nie behalwe deur of op gesag van 'n Wet van die Parlement.

Gebruik van
naam van
korporasie.

32. (1) Geen persoon mag onder dieselfde naam as dié van die korporasie, of onder 'n naam wat soveel daarmee ooreenkom dat dit sou kan mislei, sake doen of, in die geval van 'n maatskappy, ingevolge die Maatskappywet, 1973 (Wet No. 61 van 1973), geregistreer word nie: Met dien verstande dat 'n maatskappy nie belet word om sake te doen, of om ingevolge genoemde Wet geregistreer te bly, onder die naam waaronder dit ingevolge die Maatskappywet, 1926 (Wet No. 46 van 1926), by die inwerking-treding van die Visnywerheid-ontwikkelingswet, 1944 (Wet No. 44 van 1944), geregistreer was nie. 40

(2) Iemand wat in stryd met subartikel (1) sake doen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van 45 hoogstens honderd rand.

Toepassing van
Wet 61 van 1973.

33. (1) Behoudens die bepalings van subartikel (2), is geen bepaling van die Maatskappywet, 1973, met betrekking tot die korporasie van toepassing nie.

(2) Die Minister kan by kennisgewing in die *Staatskoerant* 50 verklaar dat enige bepaling van die Maatskappywet, 1973, wat nie met die bepalings van hierdie Wet in stryd is nie, met betrekking tot die korporasie van toepassing is met die veranderinge wat hy bepaal, en hy kan so 'n kennisgewing intrek of wysig.

Toepassing van
Wet 23 van 1965.

34. Geen bepaling van die Bankwet, 1965, is met betrekking tot 55 die korporasie van toepassing nie.

Toepassing
van Wet.

35. Die bepalings van artikels 23 tot en met 28 is nie van toepassing nie ten opsigte van vis wat gevang is deur enige persoon in geslote baaie, getyrieviere en mondings langs die kus van die Provinsie Natal, of vanaf genoemde kus of deur middel 60 van treknette wat vanaf genoemde kus gehanteer word, uitgesonderd die deel van genoemde kus in 'n gebied wat bestaan uit grond bedoel in artikel 21 (1) van die Bantoetrust en -grond Wet, 1936 (Wet No. 18 van 1936), of in 'n afgesonderde Bantoegebied soos omskryf in artikel 49 van genoemde Wet. 65

FISHING INDUSTRY DEVELOPMENT, 1978.

Act No. 86, 1978

29. (1) A magistrate's court shall have jurisdiction to impose any penalty prescribed in section 28, even though that penalty may, either alone or together with any other punishment imposed in respect of the same offence, exceed the punitive jurisdiction of a magistrate's court. Jurisdiction and evidence.
- (2) Section 18 of the Sea Fisheries Act shall *mutatis mutandis* apply in respect of any offence under this Act.
- (3) Whenever any person is charged with an offence under this Act, any fish to which the charge relates shall, until the contrary is proved, be presumed not to have been caught as described in section 35. 10
30. The Minister may make regulations as to— Regulations.
- (a) the place where the head office of the corporation shall be situated;
 - (b) the conditions, other than those contemplated in section 13 (2), of appointment and the powers and duties of directors of the corporation, and the quorum and procedure at meetings of the board;
 - (c) the taking of decisions by directors without holding a meeting of the board;
 - (d) the date upon which the financial year of the corporation ends in every year;
 - (e) the preparation and submission of annual financial statements;
 - (f) the keeping of accounting records;
 - (g) the giving of notices to shareholders and debenture holders;
 - (h) any matter which by this Act is required or permitted to be prescribed by the Minister by regulation,
- and generally, as to all matters which he considers it necessary or expedient to prescribe in order that the purposes of this Act may be achieved. 30
31. The corporation shall not be wound up except by or under the authority of an Act of Parliament. Liquidation of corporation.
32. (1) No person shall carry on business under or, in the case of a company, be registered in terms of the Companies Act, 1973 (Act No. 61 of 1973), by, a name which is the same as that of the corporation or so nearly resembles it as to be likely to deceive: Provided that a company shall not be prohibited from carrying on business under, or remaining registered in terms of, the said Act, by the name by which it was registered in terms of the Companies Act, 1926 (Act No. 46 of 1926), as at the commencement of the Fishing Industry Development Act, 1944 (Act No. 44 of 1944). Use of name of corporation.
- (2) Any person who carries on business in contravention of subsection (1), shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred rand. 45
33. (1) Subject to the provisions of subsection (2), no provision of the Companies Act, 1973, shall apply with reference to the corporation. Application of Act 61 of 1973.
- (2) The Minister may by notice in the *Gazette* declare that any provision of the Companies Act, 1973, which is not inconsistent with the provisions of this Act, shall apply with reference to the corporation with such modifications as he may determine, and he may withdraw or amend any such notice. 50
34. No provision of the Banks Act, 1965, shall apply with reference to the corporation. Application of Act 23 of 1965.
35. The provisions of sections 23 to 28, inclusive, shall not apply in respect of fish caught by any person in enclosed bays, tidal rivers and estuaries along the coast of the Province of Natal or from the said coast or by means of seine nets operated from the said coast, excluding that portion of the said coast in any area consisting of land referred to in section 21 (1) of the Bantu Trust and Land Act, 1936 (Act No. 18 of 1936), or in any scheduled Bantu area as defined in section 49 of the said Act. Application of Act.

Wet No. 86, 1978

VISNYWERHEID-ONTWIKKELINGSWET, 1978.

Herroeping van
wette en
voorbehoude.

36 (1) Behoudens die bepalings van subartikel (2) word die wette in die Bylae vermeld hierby herroep.

(2) Enigiets wat gedoen is kragtens 'n bepaling van 'n wet in subartikel (1) bedoel, word geag kragtens die ooreenstemmende bepaling van hierdie Wet (as daar is) gedoen te gewees het en enigiets wat deur die Staatspresident kragtens so 'n eersgenoemde bepaling gedoen is en wat deur die Minister kragtens 'n bepaling van hierdie Wet gedoen sou kon word, word geag aldus deur die Minister gedoen te gewees het.

(3) Enigiets wat deur die korporasie heet verkry of gedoen te gewees het ingevolge die bepalings van artikel 3 of 4 van die Visnywerheid-ontwikkelingswet, 1944, en wat deur die korporasie ingevolge die bepalings van artikel 4 van hierdie Wet verkry of gedoen sou kon word, word geag wettiglik verkry of gedoen te gewees het.

Kort titel en
inwerkingtreding.

37. Hierdie Wet heet die Visnywerheid-ontwikkelingswet, 1978, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

Bylae

No. en jaar	Kort titel
Wet No. 44 van 1944	Visnywerheid-ontwikkelingswet, 1944.
Wet No. 25 van 1950	Wysigingswet op die Ontwikkeling van die Visnywerheid, 1950.
Wet No. 22 van 1951	Wysigingswet op die Ontwikkeling van die Visnywerheid, 1951.
Wet No. 20 van 1952	Wysigingswet op die Ontwikkeling van die Visnywerheid, 1952.
Wet No. 32 van 1955	Wysigingswet op die Ontwikkeling van die Visnywerheid, 1955.
Wet No. 8 van 1964	Wysigingswet op die Ontwikkeling van die Visnywerheid, 1964.
Wet No. 55 van 1973	Wysigingswet op Visnywerheidontwikkeling, 1973.
Wet No. 5 van 1975	Wysigingswet op Visnywerheidontwikkeling, 1975.

FISHING INDUSTRY DEVELOPMENT, 1978.

Act No. 86, 1978

36. (1) Subject to the provisions of subsection (2) the laws specified in the Schedule are hereby repealed. Repeal of laws and savings.

(2) Anything done under any provision of a law referred to in subsection (1) shall be deemed to have been done under the corresponding provision of this Act (if any) and anything done by the State President under any such first-mentioned provision and which could be done by the Minister under any provision of this Act, shall be deemed to have been so done by the Minister.

(3) Anything purporting to have been acquired or done by the corporation in terms of any of the provisions of section 3 or 4 of the Fishing Industry Development Act, 1944, and which could be acquired or done by the corporation in terms of the provisions of section 4 of this Act, shall be deemed to have been lawfully acquired or done.

15 37. This Act shall be called the Fishing Industry Development Act, 1978, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*. Short title and commencement.

Schedule

No. and year	Short title
Act No. 44 of 1944	Fishing Industry Development Act, 1944.
Act No. 25 of 1950	Fishing Industry Development Amendment Act, 1950.
Act No. 22 of 1951	Fishing Industry Development Amendment Act, 1951.
Act No. 20 of 1952	Fishing Industry Development Amendment Act, 1952.
Act No. 32 of 1955	Fishing Industry Development Amendment Act, 1955.
Act No. 8 of 1964	Fishing Industry Development Amendment Act, 1964.
Act No. 55 of 1973	Fishing Industry Development Amendment Act, 1973.
Act No. 5 of 1975	Fishing Industry Development Amendment Act, 1975.

15. The Minister may, in the exercise of his powers under section 15, cause to be made any regulations which may be necessary or expedient for the purposes of this Act, and may from time to time amend or revoke any regulations so made.
16. Any person who contravenes any provision of this Act shall be liable to a fine not exceeding five hundred pounds or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.
17. This Act shall be called the Fishing Industry Development Act, 1932, and shall come into operation on a date to be fixed by the State President by proclamation in the Gazette.

Schedule

No. of the Act	Short title
Act No. 44 of 1948	Fishing Industry Development Act, 1948
Act No. 22 of 1950	Fishing Industry Development Amendment Act, 1950
Act No. 21 of 1951	Fishing Industry Development Amendment Act, 1951
Act No. 20 of 1952	Fishing Industry Development Amendment Act, 1952
Act No. 42 of 1955	Fishing Industry Development Amendment Act, 1955
Act No. 8 of 1964	Fishing Industry Development Amendment Act, 1964
Act No. 25 of 1977	Fishing Industry Development Amendment Act, 1977
Act No. 5 of 1978	Fishing Industry Development Amendment Act, 1978