



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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No. 10459

KANTOOR VAN DIE STAATSPRESIDENT

No. 1970. 24 September 1986

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

No. 107 van 1986: Wet op die Raad van Handel en Nywerheid, 1986.

STATE PRESIDENT'S OFFICE

No. 1970. 24 September 1986

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

No. 107 of 1986: Board of Trade and Industry, 1986.

WET

Om voorsiening te maak vir die instelling van 'n Raad van Handel en Nywerheid en vir aangeleenthede wat daarmee in verband staan.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 10 September 1986.)*

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

Woordomskrywing.

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—

- (i) “gemeenskaplike doeanegebied van die Suider-Afrikaanse Doeane-unie” enige staat of gebied met die regering waarvan 'n ooreenkoms kragtens artikel 51 van die Doeane- en Aksynswet, 1964 (Wet No. 91 van 1964), aangegaan is;
- (ii) “komitee” 'n komitee in artikel 9 beoog; 10
- (iii) “Minister” die Minister van Handel en Nywerheid; en
- (iv) “Raad” die Raad vir Handel en Nywerheid by artikel 2 ingestel.

Instelling van Raad van Handel en Nywerheid.

2. Daar word hierby 'n raad met die naam die Raad van Handel en Nywerheid ingestel. 15

Oogmerke van Raad.

3. Die oogmerke van die Raad is om ekonomiese ontwikkeling in die Republiek en in die gemeenskaplike doeanegebied van die Suider-Afrikaanse Doeane-unie te bevorder.

Wersaamhede van Raad.

4. (1) Die werksaamhede van die Raad is om met die middele tot sy beskikking sy oogmerke te probeer bereik, en ten einde 20 daardie oogmerke te bereik, kan die Raad—

- (a) aan die Minister verslag of aanbevelings doen met betrekking tot—
 - (i) die ontwikkeling en doeltreffende aanwending van hulpbronne; 25
 - (ii) die bevordering van die mededinging van ondernemings in die Republiek en in die gemeenskaplike doeanegebied van die Suider-Afrikaanse Doeane-unie;
 - (iii) die in- en uitvoer van goedere; 30
 - (iv) die verlening van—
 - (aa) voorkeur aan Suid-Afrikaanse produkte by aankope deur die Staat; en
 - (bb) geldelike bystand;
 - (v) die aanwending van die tegnologie; 35
 - (vi) produksie en afset;
 - (vii) fiskale beleid;
 - (viii) internasionale—
 - (aa) handel;
 - (bb) verhoudings; en 40
 - (cc) handelsooreenkomste;

ACT

To provide for the establishment of a Board of Trade and Industry and for matters related thereto.

*(Afrikaans text signed by the State President.)
(Assented to 10 September 1986.)*

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

1. In this Act, unless the context otherwise indicates—

Definitions.

- 5 (i) "Board" means the Board for Trade and Industry established by section 2;
- (ii) "committee" means a committee contemplated in section 9;
- 10 (iii) "common customs area of the Southern African Customs Union" means any state or territory with the government of which an agreement has been concluded under section 51 of the Customs and Excise Act, 1964 (Act No. 91 of 1964); and
- (iv) "Minister" means the Minister of Trade and Industry.

2. There is hereby established a board to be known as the Board of Trade and Industry.

Establishment of Board of Trade and Industry.

3. The objects of the Board shall be to promote economic development in the Republic and in the common customs area of the Southern African Customs Union.

Objects of Board.

4. (1) The functions of the Board shall be to endeavour to achieve its objects with the means at its disposal, and for the purposes of achieving those objects the Board may—

Functions of Board.

- (a) report or recommend to the Minister in respect of—
 - (i) the development and effective utilization of resources;
 - 25 (ii) the promotion of the competition of enterprises in the Republic and in the common customs area of the Southern African Customs Union;
 - (iii) the import and export of goods;
 - (iv) the rendering of—
 - 30 (a) preference to South African products in purchases by the State; and
 - (b) financial assistance;
 - (v) the utilization of technology;
 - (vi) production and marketing;
 - 35 (vii) fiscal policy;
 - (viii) international—
 - (aa) trade;
 - (bb) relations; and
 - (cc) trade agreements;

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- (ix) die bevordering van kleinsake-ondernemings; en
- (x) enige ander aangeleentheid wat—
 - (aa) na die oordeel van die Minister en die Raad nodig is om die Raad se oogmerke te bereik; of

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- (bb) die Minister na die Raad verwys;
- (b) op versoek van die regering van 'n staat of gebied in die gemeenskaplike doeanegebied van die Suider-Afrikaanse Doeane-unie—
 - (i) vraagstukke wat die betrokke regering in verband met ekonomiese ontwikkeling ondervind, ondersoek en aan dié regering verslag of aanbevelings daaroor doen;
 - (ii) aan sodanige regering verslag of aanbevelings doen oor enige aangeleentheid betreffende doeane- en aksynsregte in die gemeenskaplike doeanegebied;
- (c) navorsing onderneem of, met die voorafgaande goedkeuring van, en op voorwaardes deur die Minister met die instemming van die Minister van Finansies bepaal, laat onderneem deur 'n raad of liggaam by of kragtens 'n wet ingestel;
- (d) die inligting inwin wat hy nodig ag; en
- (e) enige ander bevoegdheid of plig wat hom by of kragtens hierdie Wet of 'n ander wet verleen of opgelê word, uitoefen of uitvoer.

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(2) Wanneer die Raad kragtens 'n bevoegdheid hom by subartikel (1) verleen, verslag of 'n aanbeveling doen aan die Minister, moet hy 'n afskrif van bedoelde verslag of aanbeveling aan die Minister van Finansies voorlê.

(3) Die Raad moet so gou doenlik na 31 Desember van elke jaar aan die Minister 'n verslag oor sy werksaamhede gedurende die voorafgaande jaar voorlê.

(4) Die werk verbonde aan die uitvoering van 'n plig of die uitoefening van 'n bevoegdheid van die Raad word verrig deur beamptes of werknemers van die Departement van Handel en Nywerheid wat vir dié doel deur die Direkteur-generaal: Handel en Nywerheid aangewys word.

Samestelling van Raad.

5. (1) Die Raad bestaan uit die getal heeltydse en deeltydse lede, maar minstens vier, wat die Staatspresident van tyd tot tyd bepaal.

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(2) Die lede van die Raad word deur die Staatspresident aangestel op grond van hul kennis en ondervinding van die handel, nywerheid en ekonomie.

Voorsitter en adjunk-voorsitter.

6. (1) Die Staatspresident wys een van die lede van die Raad as voorsitter en 'n ander lid as adjunk-voorsitter aan.

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(2) (a) Wanneer die voorsitter afwesig is of nie in staat is om sy werksaamhede as voorsitter te verrig nie, of wanneer die amp van voorsitter vakant is, moet die adjunk-voorsitter as voorsitter waarneem, en indien die voorsitter sowel as die adjunk-voorsitter afwesig is of nie in staat is om die werksaamhede van die voorsitter te verrig nie, moet die Raad 'n ander lid kies om as voorsitter waar te neem.

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(b) Terwyl sodanige persoon as voorsitter waarneem, het hy al die bevoegdheid en voer hy al die pligte uit van die voorsitter.

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Ampstermyn, ontruiming van amp en vul van vakatures.

7. (1) 'n Lid van die Raad word aangestel vir die tydperk, maar hoogstens vyf jaar, wat die Staatspresident ten tyde van die aanstelling bepaal.

(2) 'n Lid van die Raad ontruim sy amp indien hy bedank of indien die Staatspresident sy ampstermyn as lid beëindig as daar na die oordeel van die Staatspresident 'n gegronde rede daarvoor bestaan.

(3) Iemand wat weens tydsverloop opgehou het om lid van die Raad te wees, kan weer aangestel word.

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(4) Indien 'n lid van die Raad ophou om sy amp te beklee, kan die Staatspresident, behoudens artikel 5, iemand aanstel om die vakature te vul.

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- (ix) the promotion of small business undertakings; and
 (x) any other matter which—
 (aa) in the opinion of the Minister and the Board is
 necessary to achieve the objects of the Board;
 or
 (bb) the Minister refers to the Board;
 (b) at the request of the government of a state or territory
 in the common customs area of the Southern African
 Customs Union—
 (i) investigate problems which the government con-
 cerned experiences with regard to economic devel-
 opment and report or recommend to that govern-
 ment in that respect;
 (ii) report or recommend to such government as to
 any matter concerning customs and excise duties in
 the common customs area;
 (c) undertake research or, with the prior approval of, and
 on conditions determined by the Minister with the con-
 currence of the Minister of Finance, cause research to
 be undertaken by any board or body established by or
 under any law;
 (d) gather the information which it deems necessary; and
 (e) exercise or perform any other power or duty granted or
 assigned to it by or under this Act or any other law.
- (2) When the Board under a power granted to it by subsection
 (1) reports or recommends to the Minister, it shall submit to the
 Minister of Finance a copy of such report or recommendation.
- (3) The Board shall as soon as possible after 31 December of
 each year submit a report to the Minister regarding its functions
 during the preceding year.
- (4) The work incidental to the performance of a duty or the
 exercise of a power of the Board shall be performed by officers
 or employees of the Department of Trade and Industry desig-
 nated for that purpose by the Director-General: Trade and In-
 dustry.

5. (1) The Board shall consist of such number of full-time and
 part-time members, but not fewer than four, as the State Presi-
 dent may from time to time determine.
- (2) The members of the Board shall be appointed by the State
 President by reason of their knowledge of and experience in
 commerce, industry and the economy.

Constitution of
Board.

6. (1) The State President shall designate one of the members
 of the Board as chairman of the Board and another as deputy
 chairman.
- (2) (a) When the Chairman is absent or not able to perform
 his functions as chairman, or when there is a vacancy in
 the office of the chairman, the deputy chairman shall
 act as chairman, and if the chairman as well as the dep-
 uty chairman are absent or not able to perform the
 functions of the chairman, the Board shall elect another
 member to act as chairman.
- (b) Such member shall while acting as chairman have all
 the powers and perform all the duties of the chairman.

Chairman and
deputy chairman.

7. (1) A member of the Board shall be appointed for such
 period, not exceeding five years, as the State President may de-
 termine at the time of the appointment.
- (2) A member of the Board shall vacate his office if he resigns
 or if the State President terminates his period of office if there
 is in the opinion of the State President a sound reason therefor.
- (3) Any person who has ceased to be a member of the Board
 by effluxion of time may be reappointed.
- (4) If a member of the Board ceases to hold office, the State
 President may, subject to section 5, appoint somebody to fill the
 vacancy.

Period of office,
vacation of office and
filling of vacancies.

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Vergaderings van Raad.

8. (1) Die eerste vergadering van die Raad word gehou op die tyd en plek wat die Minister bepaal, en daarna word 'n vergadering van die Raad gehou op die tyd en plek wat die Raad of, indien deur die Raad daartoe gemagtig, die voorsitter van die Raad bepaal. 5
- (2) 'n Kworum vir 'n vergadering van die Raad is minstens een derde van al sy lede, met 'n minimum van drie.
- (3) 'n Besluit van die meerderheid van die lede van die Raad wat op 'n vergadering aanwesig is, maak 'n besluit van die Raad uit, en in die geval van 'n staking van stemme het die voorsitter 10 benewens sy beraadslagende stem 'n beslissende stem.
- (4) Alle besluite van die Raad moet genotuleer word.

Komitees.

9. (1) Die Raad kan, met die toestemming van die Minister, uit eie geledere komitees instel.
- (2) So 'n komitee bestaan uit die getal lede wat die Raad 15 bepaal.
- (3) Die Raad wys een van die lede van die komitee as voorsitter daarvan aan, en as so 'n voorsitter van 'n vergadering van die komitee afwesig is, kies die aanwesige lede een uit eie geledere om op daardie vergadering as voorsitter op te tree. 20
- (4) (a) Die Raad kan, behoudens die voorskrifte wat hy van tyd tot tyd uitreik—
- (i) 'n bevoegdheid by of kragtens artikel 4 aan hom verleen, aan so 'n komitee delegeer; en
 - (ii) magtiging verleen dat 'n plig wat by of ingevolge 25 artikel 4 hom opgelê word, deur so 'n komitee uitgevoer word.
- (b) Die Raad is nie ontdoen van 'n bevoegdheid wat aldus gedelegeer is en die uitvoering van 'n plig wat aldus gemagtig is nie, en kan enige besluit van 'n komitee wysig 30 of tersyde stel.

Koöptering van persone om in komitees te dien of komitees te adviseer.

10. (1) 'n Komitee kan enige persoon koöpteer om in 'n komitee te dien of om 'n bepaalde vergadering daarvan in verband met 'n bepaalde aangeleentheid wat deur die komitee oorweeg word, by te woon. 35
- (2) Sodanige persoon kan aan die verrigtinge van die komitee in verband met die aangeleentheid of op die vergadering ten opsigte waarvan hy gekoöpteer is, deelneem, maar is nie geregtig om te stem nie.

Besoldiging en toelaes van lede van Raad en ander persone.

11. Aan lede van die Raad en persone bedoel in artikels 10, 40 13 en 14 wat nie in diens van die Staat is nie, word uit geld deur die Parlement vir dié doel bewillig, besoldiging en toelaes betaal wat die Minister met die instemming van die Minister van Finansies bepaal.

Ondersoeke deur Raad of komitees.

12. (1) Die Raad of 'n komitee kan, behoudens die voorskrifte van die Minister, 'n ondersoek instel wat die Raad of komitee nodig ag om hom in staat te stel om sy werksaamhede te verrig. 45
- (2) Vir die doeleindes van 'n in subartikel (1) bedoelde ondersoek kan die Raad of 'n komitee enige persoon dagvaar om by die ondersoek getuie af te lê of 'n boek, geskrif of stuk 50 wat na die Raad of 'n komitee se oordeel op die onderwerp van die ondersoek betrekking het, voor te lê.
- (3) (a) 'n Dagvaarding om as getuie te verskyn voor, of om 'n boek, geskrif of stuk voor te lê aan, die Raad of 'n komitee is in die vorm deur die voorsitter van die Raad 55 bepaal.
- (b) Sodanige dagvaarding word onderteken deur die voorsitter van die Raad of van 'n komitee, na gelang van die geval, en word op dieselfde wyse beteken as 'n dagvaarding om as getuie by 'n strafgeding in die 60 Hooggeregshof te verskyn.
- (4) Die Raad of 'n komitee kan 'n by die ondersoek aanwesige persoon, hetsy hy ingevolge subartikel (2) gedagvaar is om aanwesig te wees al dan nie, oproep en ondervra en kan enige boek, geskrif of stuk waarvan die voorlegging ingevolge 65 subartikel (2) gelas is of wat hy by hom het, inspekteer en vir 'n

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8. (1) The first meeting of the Board shall be held at the time and place determined by the Minister, and thereafter a meeting of the Board shall be held at the time and place determined by the Board or, if authorized thereto by the Board, the chairman of the Board. Meetings of Board.
- (2) A quorum for a meeting of the Board shall not be less than one-third of all its members, with a minimum of three.
- (3) A decision of the majority of the members of the Board present at a meeting shall constitute a decision of the Board, and in the event of an equality of votes the chairman shall have a casting vote in addition to his deliberative vote.
- (4) All decisions of the Board shall be recorded.
9. (1) The Board may, with the consent of the Minister, establish from among their number committees. Committees.
- 15 (2) Any such committee shall consist of such number of members as the Board may determine.
- (3) The Board shall designate one of the members of the committee as chairman thereof, and if any such chairman is absent from a meeting of the committee the members present shall elect one from among their number to act as chairman at that meeting.
- (4) (a) The Board may, subject to such directions as it may issue from time to time—
- 25 (i) delegate any power granted to it by or under section 4 to such a committee; and
- (ii) grant authority that a duty assigned to it by or in terms of section 4 may be performed by such a committee.
- 30 (b) The Board shall not be divested of a power so delegated and the performance of a duty so authorized, and may amend or set aside any decision of a committee.
10. (1) A committee may co-opt any person to serve on a committee or to attend a particular meeting thereof in connection with a particular matter dealt with by the committee. Co-option of persons to serve on or advise committees.
- 35 (2) Such a person may take part in the proceedings of the committee in connection with the matter or at the meeting in respect of which he has been co-opted, but shall not be entitled to vote.
- 40 11. Members of the Board and persons referred to in sections 10, 13 and 14 who are not in the employment of the State, shall be paid, from moneys appropriated by Parliament for that purpose, such remuneration and allowances as the Minister may with the concurrence of the Minister of Finance determine. Remuneration and allowances of members of Board and other persons.
- 45 12. (1) The Board or a committee may, subject to the directions of the Minister, conduct such enquiry as the Board or committee deems necessary to enable it to perform its functions. Enquiries by Board or committees.
- (2) The Board or a committee may for the purposes of an enquiry referred to in subsection (1) summon any person to give evidence at the enquiry or to produce any book, writing or document which in the opinion of the Board or a committee is relevant to the subject matter of the enquiry.
- 50 (3) (a) A summons to attend as a witness before, or to produce any book, writing or document to, the Board or a committee shall be in the form determined by the chairman of the Board.
- 55 (b) Such summons shall be signed by the chairman of the Board or of a committee, as the case may be, and shall be served in the same manner as a summons to attend as a witness at a criminal trial in the Supreme Court.
- 60 (4) The Board or a committee may call and examine any person present at the enquiry, whether or not he has been summoned to attend in terms of subsection (2), and may inspect and retain for a reasonable period any book, writing or document the production of which was required in terms of
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redelike tyd hou: Met dien verstande dat in verband met die ondervraging van so 'n persoon of die voorlegging van so 'n boek, geskrif of stuk die regsreëls met betrekking tot privilegie wat geld in die geval van 'n persoon wat gedagvaar is om voor 'n geregshof getuienis af te lê of om 'n boek, geskrif of dokument 5 voor te lê, van toepassing is.

(5) (a) Wanneer die Raad of 'n komitee dit nodig ag, kan hy 'n persoon gelas om sy getuienis onder eed of na die doen van 'n bevestiging af te lê.

(b) Die voorsitter van die Raad of van 'n komitee, na 10 gelang van die geval, kan die betrokke persoon 'n eed oplê of van hom 'n bevestiging aanneem.

(6) 'n Persoon wat gedagvaar is om by so 'n ondersoek getuienis af te lê, is geregtig om uit geld deur die Parlement vir dié doel bewillig, as getuiegeld 'n bedrag te ontvang wat gelyk is 15 aan die bedrag wat hy as getuiegeld sou ontvang het as hy gedagvaar was om 'n strafgeding in die Hooggeregshof, gehou op die plek vermeld in die dagvaarding wat aan hom gestuur is, by te woon.

(7) Die Raad of 'n komitee kan vir die doeleindes van 20 sodanige ondersoek enige persoon gelas om aan hom inligting te verstrek op die wyse wat hy bepaal.

Delegasie deur
Raad of komitees.

13. (1) Die Raad of 'n komitee kan, behoudens die voorskrifte van die Minister, sy bevoegdhede betreffende 'n ondersoek 25 kragtens artikel 12 aan 'n beamppte of werknemer van die Departement van Handel en Nywerheid wat vir die doel deur die Direkteur-generaal: Handel en Nywerheid aangewys word of, met die goedkeuring van die Minister, 'n ander persoon, delegeer.

(2) Die voorsitter van die Raad of van 'n komitee kan— 30

(a) magtiging verleen dat 'n plig wat by artikel 12 (3) (b) hom opgelê word, deur 'n beamppte, werknemer of persoon bedoel in subartikel (1) uitgevoer word; en

(b) 'n bevoegdheid by artikel 12 (5) (b) aan hom verleen, 35 aan 'n beamppte, werknemer of persoon bedoel in subartikel (1) delegeer.

Ondersoek-
beamptes.

14. (1) Die Raad kan, behoudens die voorskrifte van die Minister, ter verkryging van inligting wat nodig is met betrekking tot 'n ondersoek kragtens artikel 12, 'n lid van die Raad, 'n beamppte of werknemer van die Departement van Handel en 40 Nywerheid wat vir dié doel deur die Direkteur-generaal: Handel en Nywerheid aangewys word of, met die goedkeuring van die Minister, 'n ander persoon, as 'n ondersoekbeamppte aanwys, en so 'n ondersoekbeamppte kan sonder voorafgaande kennisgewing te alle redelike tye 'n perseel betree waarop of waarin daar wel of 45 vermoedelik enige handelsartikel, boek, staat of ander stuk is wat in verband staan met bedoelde inligting en kan—

(a) sodanige perseel inspekteer of deursoek;

(b) inligting aangaande genoemde handelsartikel, boek, staat of ander stuk vereis van die eienaar of persoon in 50 beheer van daardie perseel;

(c) 'n handelsartikel, boek, staat of ander stuk wat in of op daardie perseel gevind word en wat wel of vermoedelik betrekking het op enige aangeleentheid wat by genoemde ondersoek ter sake mag wees, ondersoek, of 55 afskrifte van of uittreksels uit sodanige boek, staat of ander stuk maak; en

(d) van die eienaar of iemand in beheer van bedoelde perseel of van iemand in wie se besit of beheer daardie boek, staat of ander stuk is, 'n verduideliking van 'n in- 60 skrywing daarin vereis.

(2) Iemand wat kragtens subartikel (1) aangewys is, moet voorsien word van 'n skriftelike magtiging wat deur die voorsitter van die Raad onderteken is en waarin verklaar word dat sodanige persoon as 'n ondersoekbeamppte ingevolge hierdie Wet 65 aangewys is.

(3) Voordat 'n ondersoekbeamppte in subartikel (1) bedoel sy bevoegdhede kragtens hierdie artikel uitoefen, moet hy op ver-

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subsection (2) or which he has with him: Provided that in connection with the examination of any such person or the production of any such book, writing or document, the law relating to privilege as applicable to a person subpoenaed to give evidence or to produce any book, writing or document before a court of law, shall apply.

- (5) (a) Whenever the Board or a committee deems it necessary, it may direct a person to give his evidence on oath or affirmation.
- 10 (b) The chairman of the Board or of a committee, as the case may be, may administer the oath to or accept an affirmation from the person concerned.
- (6) A person who has been summoned to give evidence at such enquiry shall be entitled to receive from moneys appropriated by Parliament for that purpose, as witness fees an amount equal to the amount which he would have received as witness fees if he had been summoned to attend at a criminal trial in the Supreme Court held at the place specified in the summons sent to him.
- 20 (7) The Board or a committee may for the purposes of such enquiry direct any person to furnish it with information in the manner determined by it.

13. (1) The Board or a committee may, subject to the directions of the Minister, delegate its powers regarding an enquiry under section 12 to an officer or employee of the Department of Trade and Industry designated for the purpose by the Director-General: Trade and Industry or, with the approval of the Minister, any other person.

Delegation by Board or committees.

- (2) The chairman of the Board or of a committee may—
- 30 (a) grant authority that a duty assigned to him by section 12 (3) (b) may be performed by an officer, employee or other person referred to in subsection (1); and
- (b) delegate any power granted to him by section 12 (5) (b) to an officer, employee or other person referred to in subsection (1).
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14. (1) Subject to the directions of the Minister the Board may, in order to obtain information which is required with regard to an enquiry under section 12, designate a member of the Board, an officer or employee of the Department of Trade and Industry designated for that purpose by the Director-General: Trade and Industry or, with the approval of the Minister, any other person, as an investigating officer, and such an investigating officer may at all reasonable times without previous notice enter premises on or in which there is or may be any commodity, book, statement or other document which is related to the specific information and may—

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Investigating officers.

- (a) inspect or search such premises;
- (b) demand information regarding the said commodity, book, statement or other document from the owner or person in charge of the premises;
- 50 (c) investigate a commodity, book, statement or other document which is found in or on those premises and which has or probably has relevance to any matter which may concern the said investigation, or make copies of or extracts from such book, statement or other document; and
- 55 (d) demand from the owner or anyone in charge of those premises or of anyone in whose possession or under whose control that book, statement or other document is, an explanation of an entry therein.
- 60 (2) A person designated under subsection (1) shall be provided with an authority signed by the chairman of the Board and in which it is stated that such person is assigned as an investigating officer in terms of this Act.
- 65 (3) Before an investigating officer referred to in subsection (1) performs a function under this section he shall at the request of

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soek van iemand wat deur 'n ondersoek geraak sal word die magtiging wat ingevolge subartikel (2) aan hom uitgereik is, toon.

Instelling en instandhouding van rekeningkundige en kosprysberekeningstelsels.

15. Die Raad kan, met goedkeuring van die Minister, enige persoon wat 'n bedryf beoefen in 'n bepaalde nywerheid of 'n tak daarvan wat deur 'n doeanetarief beskerm word of enige vorm van staatshulp ontvang, aansê om ten opsigte van sy besigheid of onderneming 'n rekeningkundige en kosprysberekeningstelsel wat deur die Raad vir daardie nywerheid of daardie tak daarvan goedgekeur is, in te stel en in stand te hou: 10
Met dien verstande dat—

- (a) die Raad 'n rekeningkundige en kosprysberekeningstelsel vir 'n nywerheid of 'n tak daarvan slegs na raadpleging met daardie nywerheid of daardie tak daarvan mag bepaal; 15
- (b) by die goedkeuring van 'n rekeningkundige en kosprysberekeningstelsel vir 'n nywerheid of 'n tak daarvan, die Raad behoorlik oorweging moet skenk aan die omstandighede van daardie nywerheid of daardie tak daarvan; en 20
- (c) indien die Raad oortuig is dat 'n nywerheid of 'n tak daarvan weens die instelling van 'n rekeningkundige en kosprysberekeningstelsel kragtens hierdie artikel, in die verrigting van sy werksaamhede belemmer word, hy met die instemming van die Minister kan gelas dat 25 bedoelde rekeningkundige en kosprysberekeningstelsel aangepas word op die wyse wat hy goedvind.

Verklaring van belang.

16. Wanneer die Raad of 'n komitee die een of ander aangeleentheid oorweeg waarby 'n lid daarvan 'n geldelike belang het, moet daardie lid die aard, omvang en besonderhede van sy belang aan die Raad of die komitee, na gelang van die geval, verklaar, en daarop kan die Raad of die komitee, indien hy dit nodig ag, daardie lid versoek om hom van deelname aan die verrigtinge van die Raad of die komitee te onttrek solank daardie aangeleentheid deur die Raad of die komitee oorweeg word. 35

Geheimhouding.

17. Geen persoon mag, behalwe vir die doeleindes van die verrigting van sy werksaamhede ingevolge hierdie Wet of wanneer dit deur 'n geregshof of kragtens 'n wet van hom vereis word, inligting wat deur hom by die verrigting van sy werksaamhede ingevolge hierdie Wet verkry is en wat op die besigheid of sake van 'n ander persoon betrekking het aan 'n ander persoon openbaar nie. 40

Tertafellegging van verslae en aanbevelings.

18. Elke verslag of aanbeveling bedoel in artikel 4 (1) (a)—
- (a) in verband met wysigings van die Bylaes by die Doeane- en Aksynswet, 1964 (Wet No. 91 van 1964); 45 en
 - (b) in verband met enige ander aangeleentheid, en wat na die oordeel van die Minister—
 - (i) sonder benadeling van die openbare belang bekend gemaak kan word; en 50
 - (ii) van algemene belang is,

word so gou doenlik na ontvangs daarvan deur die Minister in die Parlement ter Tafel gelê.

Misdrywe en strawwe.

19. Iemand wat—

- (a) (i) sonder voldoende rede (waarvan die bewyslas op 55 hom rus) versuim het om die inligting te verstrek wat ingevolge artikel 4 (1) (d) of 12 (7) van hom vereis word; of
- (ii) wetens inligting verstrek wat vals of misleidend is;
- (b) (i) nadat hy gedagvaar is om by 'n ondersoek kragtens 60 artikel 12 getuienis af te lê, sonder voldoende rede (waarvan die bewyslas op hom rus) versuim om op die dag en plek in die dagvaarding vermeld, aanwesig te wees of aanwesig te bly totdat die persoon

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a person who is affected by an investigation produce the authority issued to him in terms of subsection (2).

15. The Board may, with the approval of the Minister, require any person engaged in any particular industry or any branch thereof protected by a customs tariff or receiving any form of State aid, to establish and maintain in respect of his business or undertaking an accounting and costing system approved by the Board for that industry or that branch thereof: Provided that—

Establishment and maintenance of accounting and costing systems.

- (a) the Board shall determine the establishment of an accounting and costing system for an industry or any branch thereof only after consultation with that industry or that branch thereof;
- (b) in approving of an accounting and costing system for an industry or any branch thereof, the Board shall give due consideration to the circumstances surrounding that industry or that branch thereof; and
- (c) if the Board is satisfied that an industry or any branch thereof is hampered in the performance of its functions as a result of the establishment of the accounting and costing system under this section, it may with the concurrence of the Minister direct that such accounting and costing system be adapted in the manner it thinks fit.

16. Whenever the Board or a committee considers any matter in which a member thereof has a pecuniary interest, that member shall declare the nature, extent and particulars of this interest to the Board or such committee, as the case may be, and thereupon the Board or the committee may, if it deems it necessary, request the member to recuse himself from participating in the proceedings of the Board or such committee for as long as that matter is being considered by the Board or the committee.

Declaration of interest.

17. No person shall, except for the purposes of the performance of his functions in terms of this Act or when required to do so by any court of law or under any law, disclose to any other person any information acquired by him in the performance of his functions in terms of this Act and relating to the business or affairs of any other person.

Preservation of secrecy.

18. Every report and recommendation contemplated in section 4 (1) (a)—

Tabling of reports and recommendations.

- (a) in connection with amendments to the Schedules to the Customs and Excise Act, 1964 (Act No. 91 of 1964); and
- (b) in connection with any other matter, and which in the opinion of the Minister—
 - (i) could be made known without detriment to the public interest; and
 - (ii) is of general importance,
 shall be laid upon the Table by the Minister in Parliament as soon as possible after receipt thereof.

19. Any person who—

Offences and penalties.

- (a) (i) without sufficient cause (the onus of proof of which shall rest upon him) has failed to furnish the information required of him in terms of section 4 (1) (d) or 12 (7); or
- (ii) knowingly furnishes information which is false or misleading;
- (b) (i) having been summoned to give evidence at an enquiry under section 12, without sufficient cause (the onus of proof of which shall rest upon him) fails to attend at the time and place specified in the summons, or fails to remain in attendance until the

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- wat by die ondersoek voorsit hom van verdere aanwesigheid verskoon;
- (ii) nadat hy kragtens artikel 12 (4) opgeroep is, sonder voldoende rede (waarvan die bewyslas op hom rus) — 5
- (aa) weier om as 'n getuie te verskyn;
- (bb) weier om as getuie die eed af te lê of 'n bevestiging te doen nadat hy kragtens artikel 12 (5) (a) gelas is om dit te doen;
- (cc) weier om 'n vraag wat aan hom gestel word, te 10 beantwoord of versuim om so 'n vraag na sy beste wete en vermoë te beantwoord; of
- (dd) weier om te voldoen aan 'n vereiste om 'n boek, geskryf of stuk in die dagvaarding vermeld of wat hy by hom het, voor te lê; of 15
- (iii) hom met iemand bemoei of iemand hinder, belemmer, dreig, mislei of op enige wyse onbehoorlik beïnvloed met betrekking tot getuienis wat so iemand moet aflê of met betrekking tot 'n boek, geskryf of stuk wat so iemand moet voorlê; 20
- (c) (i) 'n ondersoekbeampte in die uitoefening van sy bevoegdhede kragtens artikel 14 hinder of belemmer; of
- (ii) wanneer 'n ondersoekbeampte van hom inligting of 'n verduideliking kragtens artikel 14 (1) (b) of 25 (d) vereis, versuim of weier om daardie inligting te verstrek of verduideliking te gee of wetens inligting verstrek of 'n verduideliking gee wat vals of misleidend is;
- (d) sonder voldoende rede (waarvan die bewyslas op hom 30 rus) versuim of weier om binne 'n tydperk deur die Raad bepaal, welke tydperk nie minder as ses maande mag wees nie, 'n rekeningkundige en kosprysberekeningstelsel ingevolge artikel 15 in te stel of in stand te hou; 35
- (e) versuim om aan 'n bepaling van artikel 16 te voldoen; of
- (f) artikel 17 oortree,
- is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R2 000 of met gevangenisstraf vir 'n tydperk van hoogstens 12 maande of met sowel daardie boete as 40 daardie gevangenisstraf.

Herroeping van wette, voorbehoude en oorgangsbepalings.

20. (1) Behoudens die bepalinge van hierdie artikel word die wette in die Bylae vermeld hierby herroep.
- (2) Iemand wat onmiddellik voor die inwerkingtreding van hierdie Wet ingevolge die bepalinge van die Wet op die Raad 45 van Handel en Nywerheid, 1944 (Wet No. 19 van 1944), die amp van voorsitter, adjunk-voorsitter of lid van die Raad van Handel en Nywerheid bekleed het, word geag deur die Staatspresident vir die onverstreke termyn van sy amp as sodanig ingevolge die bepalinge van hierdie Wet aangestel te gewees het. 50
- (3) Indien 'n aangeleentheid wat voor die inwerkingtreding van hierdie Wet na die Raad van Handel en Nywerheid ingevolge die Wet op die Raad van Handel en Nywerheid, 1944, ingestel, verwys is, nie voor bedoelde inwerkingtreding deur daardie Raad of 'n komitee daarvan afgehandel is nie, kan die Raad van 55 Handel en Nywerheid ingevolge hierdie Wet ingestel, met die afhandeling van daardie aangeleentheid ooreenkomstig die voorskrifte van hierdie Wet voortgaan, en word enigiets deur eersgenoemde Raad in verband met daardie aangeleentheid gedoen, geag deur die Raad ingevolge hierdie Wet ingestel, 60 gedoen te gewees het.
- (4) Enigiets wat kragtens 'n bepaling van die Wet op die Raad van Handel en Nywerheid, 1944, gedoen is en wat kragtens 'n bepaling van hierdie Wet gedoen kan word, word geag kragtens laasgenoemde bepaling gedoen te gewees het. 65

Kort titel.

21. Hierdie Wet heet die Wet op die Raad van Handel en Nywerheid, 1986.

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- person presiding at the enquiry has excused him from further attendance;
- (ii) having been called under section 12 (4), without sufficient cause (the onus of proof of which shall rest upon him)—
- 5 (aa) refuses to appear as a witness;
- (bb) refuses to be sworn in or to make an affirmation as a witness after he has been directed under section 12 (5) (a) to do so;
- 10 (cc) refuses to answer or fails to answer to the best of his knowledge and ability any question put to him; or
- (dd) refuses to comply with a requirement to produce a book, writing or document specified in the summons or which he has with him; or
- 15 (iii) tampers with or hinders, obstructs, threatens, deceives or in any way unduly influences any person with regard to evidence to be given or a book, writing or document to be produced by such person;
- 20 (c) (i) hinders or obstructs an investigating officer in the exercise of his powers under section 14; or
- (ii) when an investigating officer requires of him information or an explanation under section 14 (1) (b) or (d), fails or refuses to furnish that information
- 25 or to give that explanation or knowingly furnishes information or gives an explanation which is false or misleading;
- (d) without sufficient cause (the onus of proof of which shall rest upon him) fails or refuses within a period specified by the Board, which period shall not be less than six months, to establish or maintain an accounting and costing system in terms of section 15;
- 30 (e) fails to comply with a provision of section 16; or
- 35 (f) contravenes section 17,
- shall be guilty of an offence and be liable on conviction to a fine not exceeding R2 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

20. (1) Subject to the provisions of this section the laws specified in the Schedule are hereby repealed.

(2) Every person who immediately prior to the commencement of this Act held in terms of the provisions of the Board of Trade and Industries Act, 1944 (Act No. 19 of 1944), the office of chairman, deputy chairman or member of the Board of Trade and Industries, shall be deemed to have been appointed by the State President in terms of the provisions of this Act for the unexpired period of his office as such.

(3) If any matter which before the commencement of this Act was referred to the Board of Trade and Industries established in terms of the Board of Trade and Industries Act, 1944, has not been disposed of by that Board or a committee thereof before such commencement, the Board of Trade and Industry established in terms of this Act may continue with the disposal of that matter in accordance with the provisions of this Act, and anything done by the first-mentioned Board in connection with that matter shall be deemed to have been done by the Board established in terms of this Act.

(4) Anything done under a provision of the Board of Trade and Industries Act, 1944, and which may be done under a provision of this Act, shall be deemed to have been done under the latter provision.

Repeal of laws, savings and transitional provisions.

21. This Act shall be called the Board of Trade and Industry Act, 1986. Short title.

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No en jaar van wet	Kort titel	Omvang van herroeping
Wet 19 van 1944	Wet op die Raad van Handel en Nywerheid, 1944	Die geheel
Wet 1 van 1947	Wysigingswet op die Raad van Handel en Nywerheid, 1947	Die geheel
Wet 79 van 1969	Wysigingswet op die Raad van Handel en Nywerheid, 1969	Die geheel
Wet 36 van 1974	Wysigingswet op die Raad van Handel en Nywerheid, 1974	Die geheel

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Schedule

LAWS REPEALED

No. and year of law	Short title	Extent of repeal
Act 19 of 1944	Board of Trade Industries Act, 1944	The whole
Act 1 of 1947	Board of Trade and Industries Amendment Act, 1947	The whole
Act 79 of 1969	Board of Trade and Industries Amendment Act, 1969	The whole
Act 36 of 1974	Board of Trade and Industries Amendment Act, 1974	The whole

