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GOVERNMENT GAZETTE

STAATSKOERANT

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PRESIDENT'S OFFICE

No. 1597. 2 October 1996

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

No. 47 of 1996: Marketing of Agricultural Products Act, 1996.

KANTOOR VAN DIE PRESIDENT

No. 1597. 2 Oktober 1996

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

No. 47 van 1996: Wet op Bemarking van Landbouprodukte, 1996.

ACT

To authorise the establishment and enforcement of regulatory measures to intervene in the marketing of agricultural products, including the introduction of levies on agricultural products; to establish a National Agricultural Marketing Council; and to provide for matters connected therewith.

*(Afrikaans text signed by the President.)
(Assented to 27 September 1996.)*

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

Definitions

1. (1) In this Act, unless the context indicates otherwise—
 - (i) “agricultural product” means a primary product declared as an agricultural product in terms of subsection (2); (x) 5
 - (ii) “business plan” means a detailed and systematic formulation of a programme of action with specified objectives, time-frames, and a budget; (iii)
 - (iii) “class” in relation to an agricultural product, means a kind or a variety thereof determined according to the size, mass, measure, number, quantity, measurements, colour, appearance, purity or chemical, physical or micro-biological composition, or any other feature or characteristic thereof, or a unit or quantity thereof; (ix) 10
 - (iv) “consumers” means end users of agricultural products; (xviii)
 - (v) “control board” means a control board constituted in terms of the Marketing Act, 1968 (Act No. 59 of 1968), for the implementation of schemes in terms of that Act; (ii) 15
 - (vi) “Council” means the National Agricultural Marketing Council established in terms of section 3; (xv)
 - (vii) “Department” means the Department of Agriculture in the national government; (iv) 20
 - (viii) “directly affected group” means any group of persons which is party to the production, sale, purchase, processing or consumption of an agricultural product and includes labour employed in the production or processing of such product; (v) 25
 - (ix) “Director-General” means the Director-General of the Department; (vi)
 - (x) “food security” means access, by all individuals, to sufficient food of sufficient quality, necessary for a healthy and active life; (xx)
 - (xi) “inspector” means an inspector appointed in terms of section 21; (viii)
 - (xii) “levy” means a levy introduced by the Minister on agricultural products, in terms of section 15; (vii) 30
 - (xiii) “market” means any market for agricultural products; (xi)
 - (xiv) “Minister” means the Minister responsible for agriculture; (xii)
 - (xv) “officer” means an officer of the Department, as defined in section 1(1) of the Public Service Act, 1994 (Proclamation No. 103 of 1994); (i) 35
 - (xvi) “parliamentary committees” means the Select or Portfolio Committees of Parliament responsible for agricultural affairs; (xiii)
 - (xvii) “producer” means a person who produces an agricultural product; (xiv)
 - (xviii) “sell” includes agree to sell or to sell on behalf of, or to offer, to advertise, to keep, to expose, to transmit, to convey, to deliver or to prepare for sale, or to exchange or to dispose of in any way for any consideration; (xix) 40
 - (xix) “statutory measure” means a levy contemplated in section 15, and a direction contemplated in sections 16, 17, 18 and 19; (xvi)

WET

Om magtiging te verleen vir die instelling en toepassing van regulerende maatreëls ten einde in die bemarking van landbouprodukte in te gryp, met inbegrip van die instelling van heffings op landbouprodukte; om 'n Nasionale Landboubemarkingsraad in te stel; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Afrikaanse teks deur die President geteken.)
(Goedgekeur op 27 September 1996.)*

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

Woordomskrywing

1. (1) In hierdie Wet, tensy uit die samehang anders blyk, beteken—
 - 5 (i) “beampte” ’n beampte van die Departement, soos omskryf in artikel 1(1) van die Staatsdienswet, 1994 (Proklamasie No. 103 van 1994); (xv)
 - (ii) “beheerraad” ’n beheerraad ingestel ingevolge die Bemarkingswet, 1968 (Wet No. 59 van 1968), vir die implementering van skemas ingevolge daardie Wet; (v)
 - 10 (iii) “besigheidsplan” ’n gedetailleerde en sistematiese formulering van ’n program van aksie met bepaalde oogmerke, tydskaal, en ’n begroting; (ii)
 - (iv) “Departement” die Departement van Landbou in die nasionale regering; (vii)
 - (v) “direk geaffekteerde groep” enige groep persone wat ’n party is by die produksie, verkoop, koop, verwerking of verbruik van ’n landbouprodukt en sluit in arbeid wat in diens gehou word by die produksie of verwerking van so ’n produk; (viii)
 - 15 (vi) “Direkteur-generaal” die Direkteur-generaal van die Departement; (ix)
 - (vii) “heffing” ’n heffing wat deur die Minister op landbouprodukte ingevolge artikel 15 ingestel is; (xii)
 - 20 (viii) “inspekteur” ’n inspekteur ingevolge artikel 21 aangestel; (xi)
 - (ix) “klas”, met betrekking tot ’n landbouprodukt, ’n soort of variëteit daarvan, bepaal volgens die grootte, massa, maat, getal, hoeveelheid, afmetings, kleur, voorkoms, suiwerheid of chemiese, fisiese of mikrobiologiese samestelling, of enige ander kenmerk of eienskap daarvan, of ’n eenheid of hoeveelheid daarvan; (iii)
 - 25 (x) “landbouprodukt” ’n primêre produk wat as ’n landbouprodukt verklaar is ingevolge subartikel (2); (i)
 - (xi) “mark” enige mark vir landbouprodukte; (xiii)
 - (xii) “Minister” die Minister verantwoordelik vir landbou; (xiv)
 - 30 (xiii) “parlementêre komitees” die Gekose of Portefeuljekomitees van die Parlement verantwoordelik vir landbou-aangeleenthede; (xvi)
 - (xiv) “produsent” ’n persoon wat ’n landbouprodukt produseer; (xvii)
 - (xv) “Raad” die Nasionale Landboubemarkingsraad ingevolge artikel 3 ingestel; (vi)
 - 35 (xvi) “statutêre maatreël” ’n heffing in artikel 15 beoog, en ’n lasgewing in artikels 16, 17, 18 en 19 beoog; (xix)
 - (xvii) “trust” ’n trust soos omskryf in artikel 1 van die Wet op die Beheer van Trustgoedere, 1988 (Wet No. 57 van 1988); (xx)
 - (xviii) “verbruikers” die eindgebruikers van landbouprodukte; (iv)
 - 40 (xix) “verkoop” ook om ooreen te kom om te verkoop of om namens iemand te verkoop, of aanbied, adverteer, hou, uitstal, versend, vervoer, lewer of

(xx) "trust" means a trust as defined in section 1 of the Trust Property Control Act, 1988 (Act No. 57 of 1988). (xvii)

(2) (a) The Minister may by notice in the *Gazette*, after consultation with the Council, declare any product to be an agricultural product for the purposes of this Act, and may amend or repeal any such notice. 5

(b) Every notice issued under paragraph (a) shall be laid upon the table in Parliament and Parliament may thereupon confirm, amend or reject any such notice or any specific declaration in any such notice.

(c) Every declaration made under paragraph (a) shall be valid until repealed under paragraph (a) or rejected under paragraph (b). 10

Intervention in marketing of agricultural products

2. (1) A statutory measure may only be introduced in terms of this Act if the Minister is satisfied that such measure will directly and substantially advance one or more of the objectives mentioned in subsection (2), without being substantially detrimental to one or more of such objectives. 15

(2) The objectives of this Act are—

- (a) the increasing of market access for all market participants;
- (b) the promotion of the efficiency of the marketing of agricultural products;
- (c) the optimisation of export earnings from agricultural products;
- (d) the enhancement of the viability of the agricultural sector. 20

(3) No statutory measure or prohibition in terms of section 22 which is likely to be substantially detrimental to food security, the number of employment opportunities within the economy or to fair labour practice may be instituted in terms of this Act.

Establishment of National Agricultural Marketing Council

3. There is hereby established a council to be known as the National Agricultural Marketing Council. 25

Constitution of Council

4. (1) The Council shall consist of ten members.

(2) The members of the council shall be persons who have practical knowledge and experience of one or more of the following, namely— 30

- (a) the commercial production of agricultural products;
- (b) agricultural product-related trade and industry;
- (c) agricultural economics, including agricultural marketing and international agricultural trade;
- (d) consumer issues relating to agricultural products, including issues relating to previously disadvantaged communities; and 35
- (e) the production and marketing of agricultural products by small-scale and previously disadvantaged farmers.

(3) The membership of the Council shall consist of two persons from each of the categories listed in subsection (2). 40

(4) Whenever it is necessary to appoint a member of the Council—

- (a) the Minister shall, by notice in the *Gazette* as well as in the national news media, including at least two newspapers circulating throughout the Republic, call for the nomination of persons who comply with the criteria referred to in subsection (2); 45

- (b) the Minister shall establish a selection committee, consisting of not more than seven members appointed by the Minister, of whom two shall be the chairpersons of the parliamentary committees or their delegates;

- (c) the Minister shall refer all nominations received to such selection committee;

- (d) the selection committee shall compile a short-list of candidates in accordance with the provisions of subsections (2) and (3) and shall submit the short-list to the Secretary to Parliament for submission to the parliamentary committees; 50

voorberei om te verkoop, of te verruil of op enige wyse teen enige vergoeding van die hand te sit; (xviii)

- (xx) "voedselsekuriteit" toegang, deur alle individue, tot voldoende voedsel van voldoende gehalte, wat nodig is vir 'n gesonde en aktiewe lewe. (x)

5 (2) (a) Die Minister kan by kennisgewing in die *Staatskoerant*, na oorleg met die Raad, enige produk as 'n landbouprodukt vir doeleindes van hierdie Wet verklaar, en kan so 'n kennisgewing wysig of herroep.

(b) Elke kennisgewing kragtens paragraaf (a) uitgevaardig, word in die Parlement ter tafel gelê en die Parlement kan daarna so 'n kennisgewing of enige bepaalde verklaring
10 in so 'n kennisgewing bevestig, wysig of verwerp.

(c) Elke verklaring wat kragtens paragraaf (a) uitgevaardig is, is geldig totdat dit kragtens paragraaf (a) herroep of kragtens paragraaf (b) verwerp word.

Ingryping in bemarking van landbouprodukte

2. (1) 'n Statutêre maatreël kan slegs ingevolge hierdie Wet ingestel word indien die
15 Minister tevrede is dat so 'n maatreël een of meer van die oogmerke in subartikel (2) vermeld, direk en wesenlik sal bevorder, sonder om wesenlik nadelig vir een of meer van daardie oogmerke te wees.

(2) Die oogmerke van hierdie Wet is—

- (a) die vergroting van marktoegang vir alle markdeelnemers;
20 (b) die bevordering van die doeltreffendheid van die bemarking van landbou-
produkte;
(c) die optimalisering van uitvoerverdienste vir landbouprodukte;
(d) die versterking van die lewensvatbaarheid van die landbousektor.

(3) Geen statutêre maatreël of verbod ingevolge artikel 22 wat waarskynlik wesenlik
25 nadelig sal wees vir voedselsekuriteit, die aantal werksgeleenthede in die ekonomie of vir billike arbeidspraktyk, mag ingevolge hierdie Wet ingestel word nie.

Instelling van Nasionale Landboubemarkingsraad

3. Hierby word 'n raad ingestel wat die Nasionale Landboubemarkingsraad heet.

Samestelling van Raad

30 4. (1) Die Raad bestaan uit tien lede.

(2) Die lede van die Raad is persone wat oor praktiese kennis en ervaring van een of meer van die volgende beskik, naamlik—

- (a) die kommersiële produksie van landbouprodukte;
(b) landbouprodukverwante handel en nywerheid;
35 (c) landbou-ekonomie, met inbegrip van landboubemarking en internasionale
landbouhandel;
(d) verbruikersaangeleenthede met betrekking tot landbouprodukte, met inbegrip
van aangeleenthede met betrekking tot voorheen benadeelde gemeenskappe;
en
40 (e) die produksie en bemarking van landbouprodukte deur kleinmaat- en
voorheen benadeelde boere.

(3) Die ledetal van die Raad bestaan uit twee persone van elk van die kategorieë in subartikel (2) genoem.

(4) Wanneer dit ook al nodig is om 'n lid van die Raad aan te stel—

- 45 (a) moet die Minister by kennisgewing in die *Staatskoerant* sowel as in die
nasionale nuusmedia, met inbegrip van minstens twee nuusblaaie wat in die
hele Republiek in omloop is, die nominasie van persone wat voldoen aan die
kriteria in subartikel (2) bedoel, versoek;
(b) moet die Minister 'n keuringskomitee instel, bestaande uit hoogstens sewe
50 lede wat deur die Minister aangestel word, van wie twee die voorsitters van
die parlementêre komitees of hulle afgevaardigdes moet wees;
(c) moet die Minister alle nominasies wat ontvang word na daardie keuringsko-
mitee verwys;
(d) moet die keuringskomitee 'n kortlys van kandidate saamstel ooreenkomstig
55 die bepalings van subartikels (2) en (3) en die kortlys aan die Sekretaris van
die Parlement verstrek vir voorlegging aan die parlementêre komitees;

- (e) the parliamentary committees shall, within 30 days after they have placed the consideration of the short-list on their agendas, jointly recommend to the Minister a list of not less than three candidates for each of the categories contemplated in subsection (2); and
- (f) the Minister shall appoint such number of members as is required from the list of candidates recommended by the parliamentary committees. 5
- (5) Until the parliamentary committees recommend candidates as contemplated in subsection (4)(e) the Minister may temporarily reappoint Council members whose terms of office have expired.
- (6) Any nomination contemplated in subsection (4), shall, in addition to any other relevant information that may be required, specify whether the nominee is available to serve on the Council in a full-time or part-time capacity. 10
- (7) The Minister shall appoint one of the members of the Council to the position of chairperson and another member as vice-chairperson.
- (8) When the first Council is constituted in terms of this Act, half of the members shall, subject to section 6, be appointed for a period of four years, and the other half for a period of two years, after which all appointments to the Council shall be for a period not exceeding four years. 15
- (9) Before the expiration of a member's term of office the procedure set out in subsection (4) shall be followed for the appointment of a successor. 20
- (10) A retiring member is eligible for re-appointment, but no member may serve as chairperson for consecutive terms which exceed eight years in total.
- (11) The chairperson, vice-chairperson and not more than three other members designated by the Minister may hold their offices in a full-time capacity.
- (12) A member of the Council shall be paid such remuneration and allowances as may be determined by the Minister in consultation with the Minister of Finance. 25

Meetings and recommendations of Council

5. (1) The Council shall meet for the first time at the time and place determined by the Minister and thereafter at the times and places determined by the chairperson or, if he or she is absent, the vice-chairperson. 30
- (2) When the chairperson is absent or not able to perform his or her functions, the vice-chairperson shall act as chairperson and, if both the chairperson and the vice-chairperson are absent from a meeting or not able to perform their functions, the members present shall elect a person from their ranks to preside at that meeting.
- (3) The Council shall determine the procedure for calling a meeting, the procedure to be followed at meetings, as well as the times at which and manner in which members of the Council shall be notified of meetings. 35
- (4) (a) Six members of the Council shall constitute a quorum for a meeting of the council.
- (b) In any advice or recommendation to the Minister as contemplated in section 9(1), the minority views of any one or more members of the Council, as well as any relevant report emanating from a committee appointed in terms of section 7, shall be included. 40
- (c) If the Council does not appoint a committee to consider a particular issue the Council shall as far as possible give directly affected groups an opportunity to comment on such an issue directly to the Council and in any report that the Council transmits to the Minister on such an issue, the full spectrum of comments received by the Council shall be presented as far as is reasonably possible. 45
- (5) No decision or recommendation by the Council to the Minister or action taken on authority of such decision or recommendation shall be invalid merely because of a casual vacancy in the Council or because a person who was not entitled to sit as member of the Council did sit as such when the decision was taken or the recommendation was formulated, if the decision or recommendation was agreed upon by a majority of the members of the Council who were then present and entitled to sit as members of the Council, and if the provisions of subsection (4)(b) were complied with. 50

Vacation of office by member of Council

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6. (1) A member of the Council shall vacate his or her office if—

- (e) moet die parlementêre komitees binne 30 dae nadat hulle die oorweging van die kortlys op hulle agendas geplaas het, gesamentlik 'n lys van minstens drie kandidate vir elk van die kategorieë in subartikel (2) beoog, by die Minister aanbeveel; en
- 5 (f) moet die Minister die verlangde getal lede aanstel uit die lys van kandidate wat deur die parlementêre komitees aanbeveel word.
- (5) Totdat die parlementêre komitees kandidate aanbeveel soos in subartikel (4)(e) beoog, kan die Minister lede van die Raad wie se ampstermyn verstryk het tydelik heraanstel.
- 10 (6) Enige nominasie in subartikel (4) beoog, moet benewens enige ander tersaaklike inligting wat verlang mag word, spesifiseer of die genomineerde beskikbaar is om op die Raad te dien in 'n heeltydse of deeltydse hoedanigheid.
- (7) Die Minister moet een van die lede van die Raad in die amp van voorsitter en 'n ander as ondervoorsitter aanstel.
- 15 (8) Wanneer die eerste Raad ingevolge hierdie Wet saamgestel word, moet die helfte van die lede, behoudens artikel 6, aangestel word vir 'n tydperk van vier jaar, en die ander helfte vir 'n tydperk van twee jaar, waarna alle aanstellings op die Raad vir 'n tydperk van hoogstens vier jaar moet wees.
- (9) Voordat 'n lid se ampstermyn verstryk, moet die prosedure in subartikel (4)
- 20 uiteengesit, gevolg word vir die aanstelling van 'n opvolger.
- (10) 'n Uittredende lid kwalifiseer vir heraanstelling, maar geen lid mag as voorsitter dien vir opeenvolgende termyne wat agt jaar in totaal oorskry nie.
- (11) Die voorsitter, ondervoorsitter en hoogstens drie ander lede wat deur die Minister aangewys word, kan hulle ampte in 'n heeltydse hoedanigheid beklee.
- 25 (12) 'n Lid van die Raad word die vergoeding en toelaes betaal wat die Minister in oorleg met die Minister van Finansies bepaal.

Vergaderings en aanbevelings van Raad

5. (1) Die Raad vergader vir die eerste keer op die tyd en plek deur die Minister bepaal, en daarna op die tye en plekke wat deur die voorsitter, of indien hy of sy
- 30 afwesig is, die ondervoorsitter bepaal word.
- (2) Indien die voorsitter afwesig is of nie in staat is om sy of haar werksaamhede te verrig nie, tree die ondervoorsitter as voorsitter op en, indien beide die voorsitter en die ondervoorsitter afwesig is van 'n vergadering of nie in staat is om hul werksaamhede te verrig nie, wys die lede teenwoordig 'n persoon uit hulle geledere aan om by die
- 35 vergadering voor te sit.
- (3) Die Raad bepaal die prosedure vir die byeenroep van 'n vergadering, die prosedure wat tydens vergaderings gevolg word, asook die tye wanneer en wyse waarop lede van die Raad van vergaderings in kennis gestel word.
- (4) (a) Die kworum vir 'n vergadering van die Raad bestaan uit ses lede van die
- 40 Raad.
- (b) Enige advies of aanbeveling aan die Minister soos in artikel 9(1) beoog, moet die minderheidsmenings insluit van een of meer lede van die Raad, asook enige tersaaklike verslag afkomstig van 'n komitee ingevolge artikel 7 aangestel.
- (c) Indien die Raad nie 'n komitee aanstel om 'n bepaalde aangeleentheid te oorweeg
- 45 nie, moet die Raad direk geaffekteerde groepe sover moontlik geleentheid gee om kommentaar op so 'n aangeleentheid direk aan die Raad te lewer en in enige verslag wat die Raad aan die Minister oor so 'n aangeleentheid voorsien, moet die volle spektrum van kommentare wat deur die Raad ontvang is, sover as wat redelik moontlik is, voorgelê word.
- 50 (5) Geen besluit of aanbeveling van die Raad aan die Minister of handeling op gesag van so 'n besluit of aanbeveling, is ongeldig nie bloot vanweë 'n toevallige vakature in die Raad, of omdat iemand wat nie geregtig is om as lid van die Raad sitting te neem nie, wel as sodanig sitting geneem het toe die besluit geneem of die aanbeveling gedoen is, indien die besluit geneem of aanbeveling gedoen is deur 'n meerderheid van die lede
- 55 van die Raad wat toe teenwoordig en geregtig was om as lede van die Raad sitting te neem, en indien die bepaling van subartikel (4)(b) nagekom is.

Ontruiming van amp deur lid van Raad

6. (1) 'n Lid van die Raad ontruim sy of haar amp indien—

- (a) he or she has been absent without the permission of the chairperson for more than two consecutive meetings of the council; or
- (b) he or she has tendered his or her resignation to the Minister in writing; or
- (c) his or her term of office is terminated by the Minister on the advice of the Council and after having granted such member an opportunity to refute any allegation made against him or her. 5

(2) If a member's term of office expires before a replacement has been appointed, such member shall continue in office for a period not exceeding three months or until a replacement is appointed.

Committees of Council

10

7. (1) The Council may appoint one or more committees to advise the Council or to perform such of the Council's functions as the Council may entrust to it.

(2) The Council shall exercise effective control over such committees and shall determine the procedure of appointment and terms of office of committee members.

(3) In the appointment of committee members, the Council shall, in so far as is reasonably possible, ensure that the relevant directly affected groups are represented. 15

(4) Notwithstanding the provisions of subsection (3), each committee shall consist of at least one Council member appointed by the Council.

(5) The Council shall not be divested of any power or function temporarily granted or entrusted to a committee in terms of subsection (1). 20

(6) Any committee established in terms of subsection (1) may be dissolved by a decision of the Council.

Personnel and finances of Council

8. (1) (a) Such officers or employees appointed in terms of the Public Service Act, 1994, as may be necessary for the proper performance by the Council of its functions, shall be designated for that purpose on a full-time basis by the Director-General after consultation with the Council. 25

(b) The personnel referred to in subsection (a) shall be under the control of the chairperson of the Council.

(2) The Council may, with the approval of the Director-General, enter into agreements with persons for the performance of specific duties or the provision of specific services. 30

(3) The Minister shall be responsible for approving the budget for the Council after consultation with the Minister of Finance, and the expenses of the Council and committees of the Council shall be funded by the Department from money appropriated for that purpose by Parliament or received from other sources approved by the Minister. 35

(4) The chairperson of the Council shall ensure that proper books and financial records are kept by the Council, which books and records shall be audited by the Auditor-General.

Functions of Council

9. (1) Subject to the provisions of section 2, the Council— 40

- (a) shall, when requested by the Minister, or of its own accord, investigate, in terms of section 11(2), the establishment, continuation, amendment or revocation of statutory measures affecting the marketing of agricultural products, evaluating the desirability, necessity or efficiency and if necessary, proposing alternatives to the establishment, continuation, amendment or repeal of a statutory measure and report to and advise the Minister accordingly; 45
- (b) shall prepare and submit to the Minister for consideration statutory measures and changes to statutory measures which the Minister directs it to prepare;
- (c) shall, whenever requested by the Minister and at least once annually, report on the activities of the Council; 50

- (a) hy of sy sonder verlof van die voorsitter van meer as twee opeenvolgende vergaderings van die raad afwesig was; of
- (b) hy of sy sy of haar skriftelike bedanking by die Minister indien; of
- (c) sy of haar ampstermyn deur die Minister op advies van die Raad beëindig word nadat so 'n lid geleentheid gebied is om enige bewerings wat teen hom of haar gemaak is, te weerlê.
- 5 (2) Indien 'n lid se ampstermyn verstryk voordat 'n plaasvervanger aangestel is, bly so 'n lid in sy amp aan vir 'n tydperk van hoogstens drie maande of totdat 'n plaasvervanger aangestel is.

10 Komitees van Raad

7. (1) Die Raad kan een of meer komitees aanstel om die Raad te adviseer of om die werksaamhede van die Raad te verrig wat die Raad aan die komitee opdra.
- (2) Die Raad oefen doeltreffende beheer oor sodanige komitees uit en bepaal die prosedure vir die aanstelling en die ampstermyne van komiteelede.
- 15 (3) By die aanstelling van komiteelede, moet die Raad sover as wat dit redelikerwys moontlik is, verseker dat die betrokke direk geaffekteerde groepe verteenwoordig word.
- (4) Ondanks die bepalinge van subartikel (3), bestaan elke komitee uit minstens een Raadslid deur die Raad aangestel.
- (5) Die Raad word nie ontdoen van enige bevoegdheid of werksaamheid wat
- 20 ingevolge subartikel (1) tydelik aan 'n komitee opgedra is nie.
- (6) Enige komitee wat ingevolge subartikel (1) ingestel is, kan by besluit van die Raad ontbind word.

Personeel en finansies van Raad

8. (1) (a) Die beamptes of werknemers, aangestel ingevolge die Staatsdienswet, 25 1994, wat nodig mag wees vir die behoorlike verrigting deur die Raad van sy werksaamhede, word vir daardie doel op 'n heeltidse grondslag deur die Direkteur-generaal na oorleg met die Raad toegewys.
- (b) Die personeel in subartikel (a) bedoel, val onder die beheer van die voorsitter van die Raad.
- 30 (2) Die Raad kan met die Direkteur-generaal se goedkeuring ooreenkomste vir die uitvoering van bepaalde pligte of die verskaffing van bepaalde dienste met persone aangaan.
- (3) Die Minister is verantwoordelik vir die goedkeuring van die begroting van die Raad na oorleg met die Minister van Finansies, en uitgawes van die Raad word deur 35 die Departement befonds uit geld wat vir daardie doel deur die Parlement bewillig is of vanuit ander bronne, wat deur die Minister goedgekeur is, ontvang is.
- (4) Die voorsitter van die Raad moet verseker dat behoorlike boeke en finansiële opgewes deur die Raad gehou word, welke boeke en opgewes deur die Ouditeur-generaal geouditeer moet word.

40 Werksaamhede van Raad

9. (1) Behoudens die bepalinge van artikel 2—
- (a) ondersoek die Raad, op versoek van die Minister of uit eie beweging, ingevolge artikel 11(2), die instelling, voortsetting, wysiging of herroeping van statutêre maatreëls wat die bemarking van landbouprodukte raak, 45 evalueer hy die wenslikheid, noodsaaklikheid of doeltreffendheid en, indien nodig, stel hy alternatiewe voor vir die instelling, voortsetting, wysiging of herroeping van 'n statutêre maatreël en doen hy verslag aan en adviseer die Minister dienoreenkomstig;
- (b) berei die Raad statutêre maatreëls en veranderings aan statutêre maatreëls 50 voor wat die Minister hom aansê om voor te berei en lê dit aan die Minister vir oorweging voor;
- (c) doen die Raad wanneer deur die Minister versoek en minstens een keer 'n jaar, verslag aangaande sy aktiwiteite;

(d) may direct any institution or body of persons designated for the purpose of the implementation or administration of a statutory measure in terms of section 14, to furnish the Council with such information pertaining to a statutory measure as the Council, the Minister or the parliamentary committees may require; 5

(e) may undertake investigations and advise the Minister regarding—

- (i) agricultural marketing policy and the application thereof;
- (ii) the co-ordination of agricultural marketing policy in relation to national economic, social and development policies and international trends and developments; and 10

(iii) the possibilities for promoting the objectives mentioned in section 2(2);

(f) shall monitor the application of statutory measures and report thereon to the Minister and shall evaluate and review such measures at least every two years;

(g) shall prepare a budget of its expenses, in consultation with the Director-General, on an annual basis for approval by the Minister. 15

(2) Copies of all reports which are submitted to the Minister in terms of subsection (1) shall simultaneously be despatched to the parliamentary committees for their information.

Request for establishment, continuation, amendment or repeal of statutory measure 20

10. (1) A directly affected group or the parliamentary committees may in writing request the Minister to establish, continue, amend or repeal one or more statutory measures.

(2) A request under subsection (1) shall, where relevant, contain particulars—

(a) regarding the agricultural products or class of agricultural products to which such existing or proposed statutory measure relates, the categories and sub-categories of directly affected groups which will probably be affected by such establishment, continuation, amendment or repeal, evidence of support by directly affected groups, and the geographical areas in which the statutory measure applies or should apply; 25 30

(b) in the case of a request to establish or continue a statutory measure, of the manner in which one or more of the objectives referred to in section 2(2) will be furthered as a result thereof and demonstrate that none of the other such objectives will be substantially prejudiced and that such establishment or continuation will not contravene section 2(3); 35

(c) in the case of a request to amend or repeal a statutory measure, of the reasons why such statutory measure fails or has ceased to further one or more of the objectives referred to in section 2(2) or why it is substantially detrimental to one or more of the other such objectives or contravenes section 2(3);

(d) regarding the business plan to be implemented in order to establish, continue, amend or repeal the statutory measure; 40

(e) subject to section 13(2)(a), regarding the duration of the implementation of the statutory measure;

(f) regarding an institution or body of persons which might be a suitable vehicle for implementation; 45

(g) regarding the most appropriate way of organising the inspection and enforcement of the intervention.

(3) Any particulars contemplated in subsection (2)(f) shall include a motivation as to why such institution or body of persons would be the most appropriate vehicle for the implementation, and shall give details as to the legal standing of that institution or body of persons, as well as its composition, and the degree to which that composition reflects the various parties interested in the proposed intervention. 50

(4) Any request in terms of subsection (1) shall contain particulars in respect of the financial implications of such request for the fiscus.

- (d) kan die Raad enige instelling of liggaam van persone wat vir die doeleindes van die implementering of administrasie van 'n statutêre maatreeël ingevolge artikel 14 aangewys is, gelas om die Raad van die inligting rakende 'n statutêre maatreeël te voorsien wat die Raad, die Minister of die parlementêre komitees verlang;
- (e) kan die Raad ondersoek doen en die Minister adviseer rakende—
- (i) landboubemarkingsbeleid en die toepassing daarvan;
 - (ii) die koördinerende van landboubemarkingsbeleid met betrekking tot nasionale ekonomiese, sosiale en ontwikkelingsbeleid en internasionale neigings en ontwikkelings; en
 - (iii) die moontlikhede vir die bevordering van die oogmerke in artikel 2(2) vermeld;
- (f) monitor die Raad die toepassing van statutêre maatreeëls en doen verslag daarvoor aan die Minister en evalueer en hersien sodanige maatreeëls minstens elke twee jaar;
- (g) berei die Raad jaarliks 'n begroting van sy uitgawes, in ooreenstemming met die Direkteur-generaal, vir goedkeuring deur die Minister voor.
- (2) Afskrifte van alle verslae wat ingevolge subartikel (1) aan die Minister voorgelê word, moet terselfdertyd aan die parlementêre komitees vir hulle kennisname gestuur word.

Versoek dat statutêre maatreeël ingestel, voortgesit, gewysig of herroep word

10. (1) 'n Direk geïmpakteerde groep of die parlementêre komitees kan die Minister skriftelik versoek om een of meer statutêre maatreeëls in te stel, voort te sit, te wysig of te herroep.
- (2) 'n Versoek kragtens subartikel (1) moet, waar toepaslik, besonderhede bevat—
- (a) betreffende die landbouprodukte of klas landbouprodukte waarop daardie bestaande of voorgestelde statutêre maatreeël betrekking het, die kategorieë en subkategorieë van direk geïmpakteerde groepe wat waarskynlik deur die instelling, voortsetting, wysiging of herroeping geraak sal word, getuie van steun deur direk geïmpakteerde groepe, en die geografiese gebiede waarin die statutêre maatreeël van toepassing is of behoort te wees;
 - (b) in die geval van 'n versoek om 'n statutêre maatreeël in te stel of voort te sit, van die wyse waarop een of meer van die oogmerke in artikel 2(2) bedoel, bevorder sal word as gevolg daarvan en aantoon dat geeneen van die ander sodanige oogmerke wesenlik benadeel sal word nie en dat die instelling of voortsetting nie artikel 2(3) oortree nie;
 - (c) in die geval van 'n versoek om 'n statutêre maatreeël te wysig of te herroep, van die redes waarom die statutêre maatreeël misluk of nie meer een of meer van die oogmerke in artikel 2(2) bedoel, bevorder nie, of waarom dit wesenlik nadelig is vir een of meer van die ander sodanige oogmerke, of artikel 2(3) oortree;
 - (d) betreffende die besigheidsplan wat geïmplementeer staan te word ten einde die statutêre maatreeël in te stel, voort te sit, te wysig of te herroep;
 - (e) behoudens artikel 13(2)(a), betreffende die duur van die implementering van die statutêre maatreeël;
 - (f) betreffende 'n instelling of liggaam van persone wat 'n geskikte medium vir implementering kan wees;
 - (g) betreffende die mees geskikte wyse om die inspeksie en toepassing van die ingryping te reël.
- (3) Besonderhede in subartikel (2)(f) beoog, moet 'n motivering insluit waarom so 'n instelling of liggaam van persone die mees geskikte medium vir die implementering sal wees, en moet besonderhede verstrek rakende die regstatus van daardie instelling of liggaam van persone, asook sy samestelling, en die mate waarin daardie samestelling die onderskeie belanghebbende partye by die voorgestelde ingryping, weergee.
- (4) 'n Versoek ingevolge subartikel (1) moet besonderhede met betrekking tot die finansiële implikasies van so 'n versoek vir die fiskus, bevat.

Consideration of request

11. (1) Upon receipt of a request in terms of section 10 which is not inconsistent with the provisions of section 2, the Minister shall refer the request to the Council for investigation and a report thereon.

(2) Upon receipt of such a request, the Council shall—

- (a) publish a notice setting out particulars of the request and an explanation in connection therewith in the *Gazette* and such magazines or newspapers as may be sufficient in order to bring the request to the attention of directly affected groups, and inviting such directly affected groups to lodge any objections or representations relating to the request within a specified time; 10
- (b) if necessary, appoint a committee in terms of section 7, which shall consider such objections or representations and advise the Council;
- (c) consider the objections and representations from, and level of support among, directly affected groups, and the advice of the committee, if applicable; and
- (d) report on its findings and make a recommendation to the Minister within 60 15 days or such longer period as may be approved by the Minister.

(3) The Council may, upon receipt of a request to amend a statutory measure, on reasonable grounds determine that the proposed amendment is not significant and that it is not necessary to act in terms of subsection (2).

(4) A determination under subsection (3) shall only be made if the proposed 20 amendment places no additional statutory burden on any directly affected group.

(5) The Council shall consider whether any proposal made in terms of subsection 10(2)(g) and 10(3) would be optimal or may make its own recommendation regarding implementation.

(6) If the request is for the introduction, amendment or repeal of a levy, the Council 25 shall send a copy of its recommendations to the parliamentary committees for their information.

Recommendations to Council by provincial government

12. A provincial government shall be entitled to submit a request to the Minister in terms of section 10, and may, from time to time, make representations to the Minister on 30 any matter relating to the marketing of agricultural products.

Establishment, amendment or revocation of statutory measure

13. (1) The Minister may, after consideration of the Council's recommendations, establish, amend or revoke a statutory measure by notice in the *Gazette*, refer the matter back to the Council for further investigation or decline to take any action: Provided that 35 the Minister shall in each case publish his or her reasons for a specific decision in the *Gazette* within 30 days of such decision.

(2) A notice whereby a statutory measure is established, shall—

- (a) determine the date on which the statutory measure shall come into operation and the date on which it shall cease; 40
- (b) determine the geographical area in which it shall apply;
- (c) determine the agricultural product or class thereof to which it shall apply;
- (d) set out its purpose and aims and how it relates to the objectives referred to in section 2; and
- (e) contain particulars regarding its implementation, administration and enforce- 45 ment and any other particulars which the Minister may deem necessary.

(3) A notice whereby a statutory measure is amended or repealed shall—

- (a) determine the date on which such amendment or repeal shall come into operation; and
- (b) set out the purpose and aims of the amendment or revocation and how these 50 relate to the objectives referred to in section 2.

Implementation of statutory measures

14. The Minister may from time to time, by notice in the *Gazette*, entrust to any juristic person or body of persons, institution or the Department the implementation,

Oorweging van versoek

11. (1) By ontvangs van 'n versoek ingevolge artikel 10 wat nie strydig met die bepalings van artikel 2 is nie, verwys die Minister die versoek na die Raad vir ondersoek en verslag daaroor.

5 (2) By ontvangs van so 'n versoek, moet die Raad—

- (a) 'n kennisgewing, waarin die besonderhede van die versoek en 'n verduideliking in verband daarmee uiteengesit word, in die *Staatskoerant* en die tydskrifte of nuusblaaie wat toereikend mag wees om die versoek onder die aandag van direk geaffekteerde groepe te bring, publiseer, en die direk geaffekteerde groepe uitnoodig om enige besware of verhoë aangaande die versoek binne 'n bepaalde tyd in te dien;
- (b) indien nodig, 'n komitee ingevolge artikel 7 aanstel, wat sodanige besware of verhoë oorweeg en die Raad adviseer;
- (c) die besware en verhoë van, en mate van steun deur, direk geaffekteerde groepe, en die advies van die komitee, indien toepaslik, oorweeg; en
- 15 (d) binne 60 dae of die langer tydperk wat deur die Minister goedgekeur is, oor sy bevindings verslag doen en 'n aanbeveling aan die Minister doen.

(3) Die Raad kan, by ontvangs van 'n versoek om 'n statutêre maatreeël te wysig, op redelike gronde bepaal dat die voorgestelde wysiging nie wesenlik is nie en dat dit nie 20 nodig is om ingevolge subartikel (2) op te tree nie.

(4) 'n Bepaling kragtens subartikel (3) word slegs gemaak indien die voorgestelde wysiging nie 'n bykomende statutêre las op enige direk geaffekteerde groep plaas nie.

(5) Die Raad moet oorweeg of enige voorstel ingevolge artikel 10(2)(g) en 10(3) optimaal sal wees of kan sy eie aanbeveling betreffende implementering doen.

25 (6) Indien daar 'n versoek vir die instelling, wysiging of herroeping van 'n heffing is, moet die Raad 'n afskrif van sy aanbevelings aan die parlementêre komitees vir hul kennisname stuur.

Aanbevelings aan Raad deur provinsiale regering

12. 'n Provinsiale regering is geregtig om 'n versoek ingevolge artikel 10 aan die 30 Minister voor te lê, en kan van tyd tot tyd verhoë tot die Minister rig aangaande enige aangeleentheid met betrekking tot die bemarking van landbouprodukte.

Instelling, wysiging of herroeping van statutêre maatreeël

13. (1) Die Minister kan, na oorweging van die Raad se aanbevelings, 'n statutêre maatreeël by kennisgewing in die *Staatskoerant* instel, wysig of herroep, die aangeleentheid na die Raad vir verdere ondersoek terugverwys of enige optrede weerhou. Met 35 dien verstande dat die Minister in elke geval sy of haar redes vir 'n bepaalde besluit binne 30 dae na so 'n besluit in die *Staatskoerant* moet publiseer.

(2) 'n Kennisgewing waarkragtens 'n statutêre maatreeël ingestel word, moet—

- 40 (a) die datum waarop die statutêre maatreeël in werking sal tree en die datum waarop dit sal eindig, bepaal;
- (b) die geografiese gebied waarbinne dit sal geld, bepaal;
- (c) die landbouprodukt of klas daarvan waarop dit van toepassing sal wees, bepaal;
- 45 (d) sy doel en doelwitte en hoe dit verband hou met die oogmerke in artikel 2 bedoel, uiteensit; en
- (e) besonderhede betreffende sy implementering, administrasie en toepassing en enige ander besonderhede wat die Minister nodig ag, bevat.

(3) 'n Kennisgewing waarkragtens 'n statutêre maatreeël gewysig of herroep word, 50 moet—

- (a) die datum waarop die wysiging of herroeping in werking sal tree, bepaal; en
- (b) die doel en doelwitte van die wysiging of herroeping en hoe dit verband hou met die oogmerke in artikel 2 bedoel, uiteensit.

Implementering van statutêre maatreeëls

14. Die Minister kan van tyd tot tyd by kennisgewing in die *Staatskoerant* die 55 instelling, administrasie en toepassing van een of meer statutêre maatreeëls met

administration and enforcement of one or more statutory measures in respect of any agricultural product or class thereof.

Introduction of levies

15. (1) No levy shall be introduced, amended or repealed in terms of this Act unless the parliamentary committees have been consulted regarding such introduction, amendment or repeal. 5

(2) Within 30 days after the Council's recommendations on proposed levies have been submitted to the parliamentary committees, they shall make a decision on such levies.

(3) If the parliamentary committees do not approve the recommendations of the Council they shall publish the reasons for their decision in the *Gazette* within 30 days of such decision. 10

(4) The Minister may, by notice in the *Gazette*, introduce a levy on an agricultural product or class thereof, which notice shall, in addition to the requirements of section 13, contain the following particulars, namely—

- (a) the amount of such levy, or the formula by which such a levy shall be calculated: Provided that the value of the levies on a particular agricultural product shall not exceed, in total, five percent of the price realised minus the cost incurred up to its first point of sale; 15
- (b) the persons by whom and to whom, the time at which, and the conditions under which, the levy shall be paid; 20
- (c) the different levies introduced on different classes of agricultural products and at different points in the marketing chain between the producer and consumer for each such class, subject to paragraph (a);
- (d) regarding the auditing of the collection of such levies and the particular purposes for which such levies are used. 25

Control of exports of agricultural products

16. (1) The Minister may by notice under section 13 direct a person who wishes to export the agricultural product or the class of agricultural product to which that notice pertains, to dispose of that product in the manner determined in the notice, subject to such conditions as may be specified in the notice. 30

(2) The Minister may in the notice referred to in subsection (1) prescribe for or exclude from such control—

- (a) a particular class, grade, quantity or percentage of agricultural products;
- (b) a particular date or period of time;
- (c) a particular destination; 35
- (d) information on the transactions and transaction costs that may be made public.

(3) In formulating recommendations with regard to a direction contemplated in subsection (1) the Council shall have regard to—

- (a) the need to encourage some diversity of marketing channels to foreign markets or in respect of different classes of agricultural products; 40
- (b) whether value will be added to the agricultural product before it is exported;
- (c) whether the potential exporters have invested from the commencement of this Act in the development of the market to which the exports relate or intend to develop a new market; and
- (d) whether the exporters have facilitated or have demonstrated an intention to facilitate access to the market by small-scale farmers. 45

Conducting of pools

17. (1) The Minister may, apart from any pooling arrangements that may be instituted in terms of section 16, by notice in the *Gazette* direct that a pool shall be conducted by a particular body, at a particular location for the purchase and sale of a particular agricultural product or a class thereof. 50

betrekking tot enige landbouprodukt of 'n klas daarvan aan enige regspersoon of liggaam van persone, instelling of die Departement opdra.

Instelling van heffings

15 15. (1) Geen heffing word ingevolge hierdie Wet ingestel, gewysig of herroep nie tensy die parlementêre komitees geraadpleeg is oor sodanige instelling, wysiging of herroeping.

(2) Die parlementêre komitees moet binne 30 dae nadat die Raad se aanbevelings oor voorgestelde heffings aan die komitees voorgelê is, 'n besluit oor sodanige heffings neem.

10 (3) Indien die parlementêre komitees nie die aanbevelings van die Raad goedkeur nie, moet hulle die redes vir hul besluit binne 30 dae na so 'n besluit in die *Staatskoerant* publiseer.

(4) Die Minister kan, by kennisgewing in die *Staatskoerant*, 'n heffing op 'n landbouprodukt of 'n klas daarvan instel, welke kennisgewing, benewens die vereistes 15 van artikel 13, die volgende besonderhede moet bevat, naamlik—

(a) die bedrag van so 'n heffing, of die formule waarvolgens so 'n heffing bereken word: Met dien verstande dat die waarde van die heffings op 'n bepaalde landbouprodukt in totaal nie vyf persent van die prys wat gerealiseer word minus die koste wat aangegaan is tot en met sy eerste verkooppunt, 20 oorskry nie;

(b) die persone deur wie en aan wie, die tyd waarop, en die voorwaardes waaronder, die heffing betaal word;

(c) die verskillende heffings wat op verskillende klasse landbouprodukte en op verskillende punte in die bemarkingsketting tussen die produsent en verbruiker vir elke sodanige klas, behoudens paragraaf (a), ingestel is; 25

(d) betreffende die ouditering van die invordering van sodanige heffings en die besondere doeleindes waarvoor die heffings aangewend word.

Beheer oor uitvoere van landbouprodukte

30 16. (1) Die Minister kan by kennisgewing kragtens artikel 13 'n persoon wat van voorneme is om die landbouprodukt of die klas landbouprodukt waarop daardie kennisgewing betrekking het, uit te voer, gelas om oor daardie produkt op die wyse in die kennisgewing bepaal, behoudens die voorwaardes wat in die kennisgewing vermeld word, te beskik.

(2) Die Minister kan in die kennisgewing in subartikel (1) bedoel, vir sodanige 35 beheer, voorskryf of daarvan uitsluit—

(a) 'n bepaalde klas, graad, hoeveelheid of persentasie landbouprodukte;

(b) 'n bepaalde datum of tydperk;

(c) 'n bepaalde bestemming;

(d) inligting oor die transaksies en transaksiekostes wat openbaar mag word. 40

(3) In die formulering van aanbevelings met betrekking tot 'n lasgewing in subartikel (1) beoog, moet die Raad oorweging skenk aan—

(a) die behoefte om 'n mate van verskeidenheid van bemarkingskanale na buitelandse markte of met betrekking tot verskillende klasse landbou- 45 produkte, aan te moedig;

(b) of waarde tot die landbouprodukt toegevoeg sal word voordat dit uitgevoer word;

(c) of die potensiele uitvoerders vanaf die inwerkingtreding van hierdie Wet in die ontwikkeling van die mark waarop die uitvoere betrekking het, belê het, of van voorneme is om 'n nuwe mark te ontwikkel; en

50 (d) of die uitvoerders toegang tot die mark deur kleinmaatprodusente vergemaklik het of 'n voorneme getoon het om dit te vergemaklik.

Bedryf van poele

17. (1) Die Minister kan, benewens enige poelreëlins wat ingevolge artikel 16 ingestel mag word, by kennisgewing in die *Staatskoerant* gelas dat 'n poel bedryf moet 55 word deur 'n bepaalde liggaam, by 'n bepaalde plek vir die koop en verkoop van 'n bepaalde landbouprodukt of 'n klas daarvan.

Act No. 47, 1996

MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996

(2) A pool conducted in terms of subsection (1) shall be conducted on the basis that any person who sells to, buys from or participates in any way in such a pool, shall be compelled to sell exclusively to or buy exclusively from such a pool.

(3) The notice referred to in subsection (1) shall prescribe—

- (a) the conditions under which the pool shall be conducted; 5
- (b) the dates, times and places when and where delivery to the pool shall take place; and
- (c) the manner in which the costs of the pool shall be recovered or the proceeds of the pool shall be distributed.

Records and returns

10

18. (1) The Minister may, by notice in the *Gazette*, direct that any person shall keep such records and returns as may be specified with regard to the agricultural products or classes thereof to which the notice pertains and which such person has in his or her possession or under his or her control, and direct that such records and returns be furnished to the institution or body of persons referred to in the notice. 15

(2) Such records and returns shall be kept for the period or furnished at the time and in the manner determined in such notice.

Registration

19. The Minister may, by notice in the *Gazette*, direct that any producer of a particular agricultural product or class thereof or any person who disposes of such an agricultural product or class thereof for a profit, or any person involved in the purchase, sale, processing or production of such agricultural products or a class thereof shall be registered as specified in the notice. 20

Register of directly affected groups

20. (1) The Minister shall annually by notice in the *Gazette* and through the news media invite any group of persons which regards itself as a group that is directly affected, or potentially directly affected, by this Act or any market intervention in terms thereof and which complies with the criteria determined by the Council and set out in the said notice, to furnish the Council with full particulars regarding the reasons why it regards itself so to be affected or potentially affected, its composition, its address, and any other information that may be required. 25 30

(2) The Council shall keep a register of all the particulars received in terms of subsection (1).

Inspectors

21. (1) The Minister may appoint a person as an inspector to exercise the powers and perform the duties referred to in subsection (3). 35

(2) An inspector shall be furnished with a certificate, signed by or on behalf of the Minister and bearing a declaration that the bearer is an inspector in terms of this Act, which shall be carried by the inspector at all times during the execution of his or her duties. 40

(3) An inspector may, on the authority of a warrant issued in terms of subsection (4)—

- (a) at any reasonable time, enter premises where he or she has reason to believe that a statutory measure or any prohibition, control or direction referred to in this Act has been or is being contravened, in order to investigate and obtain evidence; 45
 - (b) direct a person in control of or employed at such premises—
 - (i) to deliver any book, record or other document that pertains to the investigation and which is in the possession or under the control of that person;
 - (ii) to furnish such information as he or she has with regard to that matter; 50
- and

(2) 'n Poel wat ingevolge subartikel (1) bedryf word, word bedryf op die grondslag dat enige persoon wat aan so 'n poel verkoop, van so 'n poel koop of op enige wyse daaraan deelneem, verplig is om uitsluitlik aan so 'n poel te verkoop of uitsluitlik daarvan te koop.

5 (3) Die kennisgewing in subartikel (1) bedoel, skryf voor—

- (a) die voorwaardes waaronder die poel bestuur word;
- (b) die datums, tye en plekke wanneer en waar lewering aan die poel geskied; en
- (c) die wyse waarop die koste van die poel verhaal word of die opbrengs van die poel verdeel word.

10 Aantekeninge en opgawes

18. (1) Die Minister kan by kennisgewing in die *Staatskoerant* gelas dat enige persoon die aantekeninge en opgawes wat vermeld word met betrekking tot die landbouprodukte of klasse daarvan waarop die kennisgewing betrekking het en wat so 'n persoon in sy of haar besit of onder sy of haar beheer het, hou, en gelas dat sodanige
15 aantekeninge en opgawes aan die instelling of liggaam van persone in die kennisgewing bedoel, verstrek word.

(2) Sodanige aantekeninge en opgawes word gehou vir die tydperk of voorsien op die tyd en wyse in die kennisgewing bepaal.

Registrasie

20 19. Die Minister kan by kennisgewing in die *Staatskoerant* gelas dat enige produsent van 'n bepaalde landbouproduk of 'n klas daarvan of enige persoon wat so 'n landbouproduk of 'n klas daarvan verhandel vir 'n wins, of enige persoon betrokke by die koop, verkoop, verwerking of produksie van daardie landbouprodukte of 'n klas daarvan, geregistreer word soos in die kennisgewing vermeld.

25 Register van direk geaffekteerde groepe

20. (1) Die Minister moet jaarliks by kennisgewing in die *Staatskoerant* en deur die nuusmedia enige groep persone wat hom beskou as 'n groep wat direk geaffekteerd is of potensieel direk geaffekteerd is deur hierdie Wet of enige markingryping ingevolge daarvan, en wat voldoen aan die kriteria wat deur die Raad bepaal is en in genoemde
30 kennisgewing uiteengesit is, uitnooi om die Raad van volle besonderhede te voorsien betreffende die redes waarom hy homself as aldus geaffekteerd of potensieel geaffekteerd beskou, sy samestelling, sy adres en enige ander inligting wat verlang mag word.

(2) Die Raad moet 'n register hou van al die besonderhede wat ingevolge subartikel (1) ontvang word.

35 Inspekteurs

21. (1) Die Minister kan iemand as inspekteur aanstel om die bevoegdhede in subartikel (3) bedoel, uit te oefen en die werksaamhede in subartikel (3) bedoel, te verrig.

(2) 'n Inspekteur word voorsien van 'n sertifikaat wat deur of namens die Minister
40 onderteken is en 'n verklaring bevat dat die draer 'n inspekteur ingevolge hierdie Wet is, wat te alle tye deur die inspekteur gedra word tydens die uitvoering van sy of haar pligte.

(3) 'n Inspekteur kan, op gesag van 'n lasbrief ingevolge subartikel (4) uitgereik—

(a) te enige redelike tyd 'n perseel betree met betrekking waartoe hy of sy rede
45 het om te glo dat 'n statutêre maatreef of enige verbod, beheer of lasgewing in hierdie Wet bedoel, oortree is of word, ten einde te ondersoek en getuienis te verkry;

(b) 'n persoon in beheer van of in diens by sodanige perseel, gelas—

- (i) om enige boek, aantekening of ander dokument wat op die ondersoek
50 betrekking het en wat in die besit of onder die beheer van sodanige persoon is, te lewer;
- (ii) die inligting wat hy of sy met betrekking tot daardie aangeleentheid het, te verstrek; en

- (iii) to render such assistance as the inspector requires in order to enable him or her to perform his or her functions under this Act;
- (c) inspect any book, record or other document and make copies thereof or excerpts therefrom;
- (d) seize any agricultural product, material, substance, book, record or other document which is or might be relevant to a prosecution under this Act and keep it in his or her custody: Provided that the person from whose possession or control any book, record or document has been taken, may, at his or her own expense and under supervision of the inspector concerned, make copies thereof or excerpts therefrom;
- (e) take samples of any agricultural product or any material or substance used or intended for use in the sale, manufacture, production, processing, treatment, preparation, grading, classification, packing or marking thereof, and of any agricultural product, material or substance seized in terms of paragraph (d), and examine, analyse, grade or classify such samples.
- (4) A warrant referred to in subsection (3) shall be issued by a judge of the Supreme Court or by a magistrate who has jurisdiction in the area where the premises in question are situated, and shall only be issued if it appears from information on oath that there are reasonable grounds for believing that an article or thing mentioned in subsection (3) is upon or in such premises, and shall specify which of the acts mentioned in that subsection may be performed thereunder by the person to whom it is issued.
- (5) Any inspector executing a warrant in terms of this section shall immediately before commencing the execution—
- (a) identify himself or herself to the person in control of the premises, if such person is present, and hand to such person a copy of the warrant or, if such person is not present, affix such copy to a prominent place on the premises;
- (b) supply such person at the request of such person, with particulars regarding his or her authority to execute such a warrant.
- (6) Any inspector may without a warrant enter upon any premises, other than a private dwelling, and search for, seize and remove any article or thing referred to in subsection (3) if the person who is competent to do so consents to such entry, search, seizure and removal.
- (7) (a) Any inspector who, on the authority of a warrant issued in terms of subsection (4), enters upon and searches any premises may use such force as may reasonably be necessary to overcome resistance to such entry or search.
- (b) No person may enter upon or search any premises unless he or she has audibly demanded admission to the premises and has notified the purpose of his or her entry, unless such person is, upon reasonable grounds, of the opinion that any article or thing may be destroyed if such admission is first demanded and such purpose is first notified.
- (c) Any entry and search in terms of this section shall be executed by day, unless the execution thereof by night is justifiable and necessary.
- (8) A warrant contemplated in this section may be issued on any day and shall be of force until—
- (a) it is executed; or
- (b) it is cancelled by the person who issued it or, if such person is not available, by any person with similar authority; or
- (c) one month from the date of its issue; or
- (d) the purpose for which the warrant was issued, no longer exists, whichever occurs first.
- (9) If no criminal proceedings are instituted in connection with an agricultural product, material, substance, book, record or other document seized in terms of subsection (3)(d), or if it appears that such agricultural product, material, substance, book, record or other document is not required at the trial for the purposes of evidence or an order of court, that agricultural product, material, substance, book, record or other document shall be returned to the person from whom it was seized.

- (iii) die bystand te verleen wat die inspekteur verlang ten einde hom of haar in staat te stel om sy of haar werksaamhede ingevolge hierdie Wet te verrig;
- 5 (c) enige boek, aantekening of ander dokument ondersoek en afskrifte daarvan of uittreksels daaruit maak;
- (d) beslag lê op enige landbouprodukt, materiaal, stof, boek, aantekening of ander dokument waarop 'n vervolging kragtens hierdie Wet betrekking het of betrekking kan hê en dit in bewaring hou: Met dien verstande dat die persoon uit wie se besit enige boek, aantekening of dokument geneem is, op eie koste
- 10 en onder toesig van die betrokke inspekteur afskrifte daarvan of uittreksels daaruit kan maak;
- (e) monsters neem van enige landbouprodukt of enige materiaal of stof wat gebruik word of bedoel is om gebruik te word in die verkoop, vervaardiging, produksie, verwerking, behandeling, voorbereiding, gradering, klassifisering,
- 15 verpakking of merk daarvan, en monsters neem van enige landbouprodukt, materiaal of stof waarop daar ingevolge paragraaf (d) beslag gelê is, en sodanige monsters ondersoek, ontleed, gradeer of klassifiseer.
- (4) 'n Lasbrief bedoel in subartikel (3) word deur 'n regter van die Hooggeregshof of 'n landdros wat regsbevoegdheid het in die gebied waar die betrokke perseel geleë
- 20 is, uitgereik, en word slegs uitgereik indien dit blyk uit inligting onder eed dat daar redelike gronde is om te glo dat 'n voorwerp of ding in subartikel (3) genoem, op of in sodanige perseel is, en moet aandui welke van die handeling in daardie subartikel bedoel daarkragtens verrig mag word deur die persoon aan wie dit uitgereik is.
- (5) 'n Inspekteur wat 'n lasbrief ingevolge hierdie artikel uitvoer, moet onmiddellik
- 25 voor hy of sy met die uitvoering begin—
- (a) homself of haarself identifiseer aan die persoon in beheer van die perseel indien sodanige persoon teenwoordig is, en 'n afskrif van die lasbrief aan sodanige persoon oorhandig, of indien sodanige persoon nie teenwoordig is nie, sodanige afskrif op 'n opvallende plek by die perseel aanheg;
- 30 (b) aan sodanige persoon, op daardie persoon se versoek, besonderhede met betrekking tot sy of haar magtiging om die lasbrief uit te voer, verskaf.
- (6) 'n Inspekteur kan sonder 'n lasbrief 'n perseel behalwe 'n private woning, betree, en vir enige voorwerp of ding in subartikel (3) bedoel, soek, daarop beslag lê en dit verwyder indien die persoon wat daartoe bevoeg is tot sodanige betreding, deursoeking,
- 35 beslaglegging en verwydering instem.
- (7) (a) 'n Inspekteur wat op gesag van 'n lasbrief uitgereik ingevolge subartikel (4), 'n perseel betree en deursoek, kan die geweld gebruik wat redelikerwys nodig is om enige verzet teen sodanige betreding en deursoeking te bowe te kom.
- (b) Niemand mag 'n perseel betree en deursoek nie tensy hy of sy eers hoorbaar
- 40 toegang tot die perseel geëis het, en die doel van sy of haar betreding verklaar het, tensy sodanige persoon op redelike gronde van mening is dat 'n voorwerp of ding vernietig mag word indien sodanige toegang eers geëis word en sodanige doel eers verklaar word.
- (c) Enige betreding en deursoeking ingevolge hierdie artikel word gedurende die dag
- 45 gedoen tensy die uitvoering daarvan in die nag geregverdig en nodig is.
- (8) 'n Lasbrief in hierdie artikel beoog, kan op enige dag uitgereik word en bly van krag totdat—
- (a) dit uitgevoer is; of
- (b) dit ingetrek word deur die persoon wat dit uitgereik het of, indien sodanige
- 50 persoon nie beskikbaar is nie, deur iemand met dergelike gesag; of
- (c) een maand verstryk het vanaf die dag waarop dit uitgereik is; of
- (d) die doel waarvoor die lasbrief uitgereik is nie langer bestaan nie, welke ook al eerste plaasvind.
- (9) Indien geen strafregtelike verrigtinge in verband met 'n landbouprodukt, stof,
- 55 voorwerp, 'n boek, aantekening of ander dokument wat ingevolge subartikel (3)(d) in beslag geneem is, ingestel word nie, of indien dit blyk dat sodanige landbouprodukt, stof, voorwerp, boek, aantekening of ander dokument nie by die verhoor vir doeleindes van getuienis of 'n bevel van die hof benodig word nie, moet daardie landbouprodukt, stof, voorwerp, boek, aantekening of ander dokument teruggegee word aan die persoon
- 60 van wie dit in beslag geneem is.

Prohibition of import and export of agricultural product

22. In extraordinary circumstances and bearing in mind the Republic's international obligations, the Minister may after consultation with the parliamentary committees, by notice in the *Gazette* prohibit the importation into the Republic of any agricultural product or class thereof, or the export of any agricultural product or class thereof from the Republic, or impose conditions, specified in such notice, with regard to any such importation or export. 5

Transparency and confidentiality

23. (1) All meetings of the Council, or its committees, shall be open unless the chairperson, in cases where he or she deems it justifiable and having given reasons therefor to everyone present, orders the public to withdraw from such meeting for the duration of the discussion of a particular matter or matters on the agenda. 10

(2) No person shall, except in the performance of his or her functions under this Act, or unless required to do so by a court of law or in terms of any law, or with the written consent of the Minister, disclose to any other person information, pertaining to any person, institution or body of persons, collected under section 18 or otherwise acquired in the performance of functions in terms of this Act. 15

Offences and penalties

24. (1) Any person who contravenes or fails to comply with any provision of this Act or of any statutory measure established by or under this Act, shall be guilty of an offence. 20

(2) A person found guilty of an offence in terms of this Act—

- (a) shall on a first conviction be liable to a fine or imprisonment for a period not exceeding two years;
- (b) shall on a second or subsequent conviction be liable to a fine or imprisonment for a period not exceeding five years. 25

Delegation of powers

25. The Director-General may, subject to such conditions as he or she may determine, either in general or in respect of any particular case, delegate in writing any power conferred on him or her by or under this Act, except the power referred to in section 8(2), to any officer of the Department. 30

Regulation of assets, liabilities and contractual rights and obligations of control boards

26. (1) All control boards established under the Marketing Act, 1968 (Act No. 59 of 1968), as well as organisations funded in terms of section 84A of that Act, shall within 30 days of the commencement of this Act submit to the Minister for his or her approval a business plan for the following twelve months or such shorter period as the Minister may determine. 35

(2) From the date of commencement of this Act any property, whether movable or immovable, and whether corporeal or incorporeal, owned, hired or in which any such control board or similar body established by or under a law mentioned in the Schedule has an interest, shall only be disposed of, alienated, let, hypothecated or otherwise dealt with in order to discharge the scheme's or body's liabilities or, with the approval of the Minister, be transferred to a trust, the purpose of which is not inconsistent with this Act. 40

(3) On dissolution of any scheme in terms of the Marketing Act, 1968 (Act No. 59 of 1968), any surplus or shortfall of assets over liabilities of that scheme shall be dealt with in terms of the applicable scheme and, failing any provision which prescribes how such surplus or shortfall is to be dealt with, the Minister shall determine how such surplus or shortfall is to be dealt with. 45

Repeal of Acts, and savings

27. (1) Subject to the provisions of subsection (2), the laws mentioned in the Schedule are hereby repealed to the extent shown in the third column thereof. 50

Verbod op die invoer en uitvoer van landbouprodukt

22. Onder buitengewone omstandighede en in ag genome die Republiek se internasionale verpligtinge, kan die Minister na oorleg met die parlementêre komitees, by kennisgewing in die *Staatskoerant* die invoer in die Republiek van 'n landbou-
5 produk of 'n klas daarvan, of die uitvoer uit die Republiek van 'n landbouprodukt of 'n klas daarvan, verbied, of voorwaardes in so 'n kennisgewing vermeld, op lê, met betrekking tot enige sodanige invoer of uitvoer.

Deursigtigheid en vertroulikheid

23. (1) Alle vergaderings van die Raad of sy komitees is oop tensy die voorsitter, in
10 gevalle waar hy of sy dit geregverdig ag en nadat redes daarvoor aan almal teenwoordig verstrekkend is, die publiek gelas om die vergadering vir die duur van die bespreking van 'n bepaalde aangeleentheid of aangeleenthede op die agenda, te verlaat.
- (2) Niemand mag, behalwe by die verrigting van sy of haar werksaamhede kragtens hierdie Wet, of tensy dit deur 'n hof of ingevolge 'n wet vereis word, of met die
15 skriftelike toestemming van die Minister, inligting, rakende enige persoon, instelling of liggaam van persone, wat kragtens artikel 18 of andersins by verrigting van werksaamhede ingevolge hierdie Wet verkry is, aan iemand anders openbaar nie.

Misdrywe en strawwe

24. (1) Iemand wat enige bepaling van hierdie Wet of enige statutêre maatregel by of
20 kragtens hierdie Wet ingestel, oortree of versuim om daaraan te voldoen, is skuldig aan 'n misdryf.
- (2) Iemand wat skuldig bevind word aan 'n misdryf ingevolge hierdie Wet—
- (a) is by 'n eerste skuldigbevinding strafbaar met 'n boete of gevangenisstraf vir 'n tydperk van hoogstens twee jaar;
- 25 (b) is by 'n tweede of daaropvolgende skuldigbevinding strafbaar met 'n boete of gevangenisstraf vir 'n tydperk van hoogstens vyf jaar.

Delegering van bevoegdhede

25. Die Direkteur-generaal kan, behoudens die voorwaardes wat hy of sy bepaal, hetsy in die algemeen of in 'n bepaalde geval, skriftelik enige bevoegdheid by of
30 kragtens hierdie Wet aan hom of haar verleen, behalwe die bevoegdheid in artikel 8(2) bedoel, aan 'n beampte van die Departement deleger.

Reëling van bates, laste en kontraktuele regte en verpligtinge van beheerrade

26. (1) Alle beheerrade wat kragtens die Bemarkingswet, 1968 (Wet No. 59 van 1968), ingestel is, asook organisasies wat ingevolge artikel 84A van daardie Wet
35 befonds word, moet binne 30 dae na die inwerkingtreding van hierdie Wet 'n besigheidsplan vir die volgende twaalf maande of 'n korter tydperk deur die Minister bepaal, aan die Minister vir sy of haar goedkeuring voorlê.
- (2) Vanaf die datum van inwerkingtreding van hierdie Wet word enige bates, hetsy roerend of onroerend, en hetsy liggaamlik of onliggaamlik, besit, gehuur of waarin so
40 'n beheerraad of soortgelyke liggaam wat by of kragtens 'n wet in die Bylae genoem, ingestel is, 'n belang het, slegs oor beskik, vervreem, verhuur, beswaar of andersins mee gehandel ten einde die skema of liggaam se laste af te los of word, met die Minister se goedkeuring, aan 'n trust waarvan die doel nie strydig met hierdie Wet is nie, oorgedra.
- 45 (3) By die ontbinding van enige skema ingevolge die Bemarkingswet, 1968 (Wet No. 59 van 1968), word enige surplus of tekort van bates teenoor laste van daardie skema mee gehandel ingevolge die tersaaklike skema en, by gebrek aan enige bepaling wat voorskryf hoe daar met sodanige surplus of tekort gehandel moet word, bepaal die Minister hoe daar met sodanige surplus of tekort gehandel moet word.

Herroeping van Wette, en voorbehoude

27. (1) Behoudens die bepalings van subartikel (2), word die wette in die Bylae vermeld in die mate in die derde kolom daarvan vermeld, hierby herroep.

(2) Notwithstanding the repeal of the Marketing Act, 1968 (Act No. 59 of 1968), in terms of subsection (1)—

- (a) any scheme established under that Act, anything done or any measure introduced in terms of that Act or in terms of such a scheme, and any appointment, decision, levy, prohibition, requirement, direction, determination, regulation, or notice made, taken, imposed, given, promulgated or published under a provision of that Act, or under a scheme established under it, shall be valid for a period of one year after the first full meeting of the Council, or until it is repealed by the Minister by notice in the *Gazette*, whichever occurs first; 5 10
- (b) the Minister may, after consultation with the parliamentary committees, subject to paragraph (a) and subsection (3), fill vacancies which may exist in the control boards established under that Act for such term of office as he or she may deem necessary; and
- (c) the Minister may, at the request of a control board and after consultation with the parliamentary committees, subject to paragraph (a) and subsection (3), by notice in the *Gazette* amend or repeal any scheme, levy, prohibition, requirement, direction, determination, regulation or notice referred to in paragraph (a). 15

(3) The Minister may by notice in the *Gazette* extend the period of one year referred to in subsection (2) on the advice of the Council if such extension is not inconsistent with the objectives mentioned in section 2, the need for a smooth transition, or the maintenance of the legal standing of control boards for the collection of outstanding levies. 20

Short title

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28. This Act shall be called the Marketing of Agricultural Products Act, 1996, and shall come into operation on a date fixed by the President by proclamation in the *Gazette*.

(2) Ondanks die herroeping van die Bemarkingswet, 1968 (Wet No. 59 van 1968), ingevolge subartikel (1)—

- 5 (a) is 'n skema kragtens daardie Wet ingestel, enigiets gedoen of enige maatreël ingevolge daardie Wet of ingevolge so 'n skema ingestel, en enige aanstelling, besluit, heffing, verbod, vereiste, lasgewing, bepaling, regulasie of kennisgewing gemaak, geneem, opgelê, gegee, uitgevaardig of gepubliseer
- 10 kragtens 'n bepaling van daardie Wet, of kragtens 'n skema daarkragtens ingestel, geldig vir 'n tydperk van een jaar na die eerste volle vergadering van die Raad, of totdat dit by kennisgewing in die *Staatskoerant* deur die Minister herroep word, welke ook al eerste plaasvind;
- 15 (b) kan die Minister, na oorleg met die parlementêre komitees, behoudens paragraaf (a) en subartikel (3), vakatures wat mag bestaan in beheerrade kragtens daardie Wet ingestel, vul vir die ampstermyn wat hy of sy nodig ag; en
- 20 (c) kan die Minister, op versoek van 'n beheerraad en na oorleg met die parlementêre komitees, behoudens paragraaf (a) en subartikel (3), by kennisgewing in die *Staatskoerant* 'n skema, heffing, verbod, vereiste, lasgewing, bepaling, regulasie of kennisgewing in paragraaf (a) bedoel, wysig of herroep.
- (3) Die Minister kan by kennisgewing in die *Staatskoerant* die tydperk van een jaar in subartikel (2) bedoel op aanbeveling van die Raad verleng indien so 'n verlenging nie met die oogmerke vermeld in artikel 2, die behoefte aan 'n maklike oorgang, of die handhawing van die regstatus van beheerrade vir die invordering van uitstaande heffings, strydig is nie.

25 Kort titel

28. Hierdie Wet heet die Wet op die Bemarking van Landbouprodukte, 1996, en tree in werking op 'n datum wat deur die President by proklamasie in die *Staatskoerant* bepaal word.

SCHEDULE**ACTS REPEALED [SECTION 27(1)]**

No. and year of Act	Short title	Extent of repeal
Act No. 59 of 1968	Marketing Act, 1968	The whole
Act No. 52 of 1969	Marketing Amendment Act, 1969	The whole
Act No. 69 of 1970	Marketing Amendment Act, 1970	The whole
Act No. 78 of 1971	Marketing Amendment Act, 1971	The whole
Act No. 68 of 1972	Marketing Amendment Act, 1972	The whole
Act No. 31 of 1973	Marketing Amendment Act, 1973	The whole
Act No. 73 of 1974	Marketing Amendment Act, 1974	The whole
Act No. 38 of 1975	Marketing Amendment Act, 1975	The whole
Act No. 50 of 1976	Marketing Amendment Act, 1976	The whole
Act No. 109 of 1977	Marketing Amendment Act, 1977	The whole
Act No. 6 of 1980	Marketing Amendment Act, 1980	The whole
Act No. 66 of 1984	Marketing Amendment Act, 1984	The whole
Act No. 79 of 1987	Marketing Amendment Act, 1987	The whole
Act No. 11 of 1992	Marketing Amendment Act, 1992	The whole
Act No. 188 of 1993	Marketing Amendment Act, 1993	Sections 1 and 2
Act No. 22 of 1986 (Ciskei)	Marketing Act, 1986	The whole to the extent that it is in force in the area of the former Republic of Ciskei.
Act No. 14 of 1978 (Lebowa)	Marketing Act, 1978	The whole to the extent that it is in force in the area of the former self-governing territory of Lebowa.
Act No. 9 of 1985 (Transkei)	Marketing Act, 1985	The whole to the extent that it is in force in the area of the former Republic of Transkei.
Act No. 18 of 1980 (Venda)	Marketing Act, 1980	The whole to the extent that it is in force in the area of the former Republic of Venda.
Act No. 11 of 1984 (Venda)	Marketing Amendment Act, 1984	The whole to the extent that it is in force in the area of the former Republic of Venda.
Act No. 5 of 1985 (Venda)	Marketing Amendment Act, 1985	The whole to the extent that it is in force in the area of the former Republic of Venda.

BYLAE
WETTE HERROEP [ARTIKEL 27(1)]

No. en jaar van Wet	Kort titel	Omvang van herroeping
Wet No. 59 van 1968	Bemarkingswet, 1968	Die geheel
Wet No. 52 van 1969	Wysigingswet op Bemarking, 1969	Die geheel
Wet No. 69 van 1970	Wysigingswet op Bemarking, 1970	Die geheel
Wet No. 78 van 1971	Wysigingswet op Bemarking, 1971	Die geheel
Wet No. 68 van 1972	Wysigingswet op Bemarking, 1972	Die geheel
Wet No. 31 van 1973	Wysigingswet op Bemarking, 1973	Die geheel
Wet No. 73 van 1974	Wysigingswet op Bemarking, 1974	Die geheel
Wet No. 38 van 1975	Wysigingswet op Bemarking, 1975	Die geheel
Wet No. 50 van 1976	Wysigingswet op Bemarking, 1976	Die geheel
Wet No. 109 van 1977	Wysigingswet op Bemarking, 1977	Die geheel
Wet No. 6 van 1980	Wysigingswet op Bemarking, 1980	Die geheel
Wet No. 66 van 1984	Wysigingswet op Bemarking, 1984	Die geheel
Wet No. 79 van 1987	Wysigingswet op Bemarking, 1987	Die geheel
Wet No. 11 van 1992	Wysigingswet op Bemarking, 1992	Die geheel
Wet No. 188 van 1993	Wysigingswet op Bemarking, 1993	Artikels 1 en 2
Wet No. 22 van 1986 (Ciskei)	Marketing Act, 1986	Die geheel, vir sover dit in die gebied van die voormalige Republiek van Ciskei geld.
Wet No. 14 van 1978 (Lebowa)	Marketing Act, 1978	Die geheel, vir sover dit in die gebied van die voormalige self-regerende gebied van Lebowa geld.
Wet No. 9 van 1985 (Transkei)	Marketing Act, 1985	Die geheel, vir sover dit in die gebied van die voormalige Republiek van Transkei geld.
Wet No. 18 van 1980 (Venda)	Marketing Act, 1980	Die geheel, vir sover dit in die gebied van die voormalige Republiek van Venda geld.
Wet No. 11 van 1984 (Venda)	Marketing Amendment Act, 1984	Die geheel, vir sover dit in die gebied van die voormalige Republiek van Venda geld.
Wet No. 5 van 1985 (Venda)	Marketing Amendment Act, 1985	Die geheel, vir sover dit in die gebied van die voormalige Republiek van Venda geld.