Reproduced by Sabinet Online in terms of Government Printer's Copyright Authority No. 10505 dated 02 February 1998

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

Registered at the Post Office as a Newspaper — *As 'n Nuusblad by die Poskantoor Geregistreer*

Price 10c Prys

Overseas 15c Oorsee

POST FREE—POSVRY

VOL. 72.] CAPE TOWN, 9TH JUNE, 1971. KAAPSTAD, 9 JUNIE 1971. [No. 3135.

DEPARTMENT OF THE PRIME MINISTER.

No. 957. 9th June, 1971.

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

No. 48 of 1971: Canned Fruit Export Marketing Amendment Act, 1971.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 957. 9 Junie 1971.

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

No. 48 van 1971: Wysigingswet op Uitvoerbemarking van Ingemaakte Vrugte, 1971.

Reproduced by Sabinet Online in terms of Government Printer's Copyright Authority No. 10505 dated 02 February 1998

ACT

To amend the provisions of the Canned Fruit Export Marketing Act, 1967, relating to the constitution and financial year of the South African Canned Fruit Export Board; to prohibit certain persons from offering to export any canned fruit for sale; to provide for the payment of certain amounts in respect of the issue of licences to export canned fruit for sale; and to provide for incidental matters.

(*English text signed by the State President.*)
(*Assented to 26th May*, 1971.)

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

Substitution of section 4 of Act 100 of 1967.

1. The following section is hereby substituted for section 4 of the Canned Fruit Export Marketing Act, 1967 (hereinafter referred to as the principal Act):

"Constitution of the board.

4. (1) The board shall consist of twelve members appointed by the Minister of whom—

(*a*) eight shall represent the proprietors of canneries other than canneries owned by co-operative societies;

(*b*) two shall represent co-operative societies owning canneries;

(*c*) two shall represent producers of fruit intended for canning.

(2) The Minister shall by notice in writing invite as many nominations as he may determine—

(*a*) from the South African Fruit and Vegetable Canners' Association (Proprietary) Limited or any other association which in the opinion of the Minister is its successor;

(*b*) from any body which in the opinion of the Minister is sufficiently representative of co-operative societies owning canneries; and

(*c*) from the Canning Fruit Board referred to in section 6 of the Canning Fruit Scheme established under the Marketing Act, 1968 (Act No. 59 of 1968), and promulgated by Proclamation No. R.215 of the twenty-eighth day of August, 1970,

Reproduced by Sabinet Online in terms of Government Printer's Copyright Authority No. 10505 dated 02 February 1998

WET

Tot wysiging van die bepalings van die Wet op Uitvoerbemarking van Ingemaakte Vrugte, 1967, met betrekking tot die samestelling en boekjaar van die Uitvoerraad vir Suid-Afrikaanse Ingemaakte Vrugte; om sekere persone te belet om aan te bied om ingemaakte vrugte vir verkoop uit te voer; om voorsiening te maak vir die betaling van sekere bedrae ten opsigte van die uitreiking van lisensies om ingemaakte vrugte vir verkoop uit te voer; en om vir bykomstige aangeleenthede voorsiening te maak.

(*Engelse teks deur die Staatspresident geteken.*)
(*Goedgekeur op* 26 *Mei* 1971.)

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

Vervanging van artikel 4 van Wet 100 van 1967.

1. Artikel 4 van die Wet op Uitvoerbemarking van Ingemaakte Vrugte, 1967 (hieronder die Hoofwet genoem), word hierby deur die volgende artikel vervang:

„Samestelling van die raad.

4. (1) Die raad bestaan uit twaalf deur die Minister aangestelde lede van wie—

(*a*) agt die besitters verteenwoordig van ander inmakerye as inmakerye wat aan koöperatiewe verenigings behoort;

(*b*) twee koöperatiewe verenigings verteenwoordig aan wie inmakerye behoort;

(*c*) twee produsente van vrugte wat vir inmaak bestem is, verteenwoordig.

(2) Die Minister vra by skriftelike kennisgewing die deur hom bepaalde aantal nominasies aan—

(*a*) van die „South African Fruit and Vegetable Canners' Association (Proprietary) Limited" of 'n ander vereniging wat, na die oordeel van die Minister, sy opvolger is;

(*b*) van 'n liggaam wat na die oordeel van die Minister voldoende verteenwoordigend is van koöperatiewe verenigings aan wie inmakerye behoort; en

(*c*) van die Raad vir Inmaakvrugte vermeld in artikel 6 van die Skema vir Inmaakvrugte ingestel kragtens die Bemarkingswet, 1968 (Wet No. 59 van 1968), en afgekondig by Proklamasie No. R.215 van die ag-en-twintigste dag van Augustus 1970,

Reproduced by Sabinet Online in terms of Government Printer's Copyright Authority No. 10505 dated 02 February 1998

and shall, subject to the provisions of subsection (3) select the members contemplated in subsection (1) (*a*) from among the nominees of any association aforesaid, the members contemplated in subsection (1) (*b*) from among the nominees of the body aforesaid and the members contemplated in subsection (1) (*c*) from among the nominees of the aforesaid Canning Fruit Board.

(3) If any nominations invited under subsection (2) are not lodged with the Minister within the period stated in the notice inviting such nominations, the Minister may, in making the appointment in respect of which such nominations are not so lodged, appoint any person whom he considers to be suitable to be a member of the board.

(4) The members of the board shall hold office for such period as the Minister may at the time of the appointment determine, but shall be eligible for re-appointment: Provided that if in his opinion there are good reasons for doing so, the Minister may at any time terminate the period of office of any member.

(5) A member of the board designated by the Minister as chairman, or, in his absence, such a member so designated as deputy chairman, shall preside at any meeting of the board: Provided that if both the chairman and the deputy chairman are absent from any meeting of the board, a chairman elected by the members present from among themselves, shall preside at such meeting.

(6) The board shall out of its funds pay to a member of the board such remuneration and allowances and afford him such transport facilities in respect of his services as such a member as the Minister in consultation with the Minister of Finance may determine.".

Amendment of section 6 of Act 100 of 1967.

2. Section 6 of the principal Act is hereby amended by the substitution for subsection (4) of the following subsection:

"(4) (*a*) The board shall keep proper records of all its financial transactions.

(*b*) The period from the first day of November, 1970, to the thirty-first day of December, 1971, both dates inclusive, shall be a financial year of the board and thereafter the financial year of the board shall terminate on the thirty-first day of December in each year.".

Amendment of section 8 of Act 100 of 1967.

3. Section 8 of the principal Act is hereby amended—

(*a*) by the substitution for subsection (1) of the following subsection:

"(1) No person shall export for sale or offer to export for sale any canned fruit to any country or territory specified by the Minister from time to time by notice in the *Gazette*, unless he is the holder of a licence issued under this section.";

(*b*) by the substitution for subsection (3) of the following subsection:

Reproduced by Sabinet Online in terms of Government Printer's Copyright Authority No. 10505 dated 02 February 1998

en kies, behoudens die bepalings van subartikel (3), die in subartikel (1) (*a*) beoogde lede uit die genomineerdes van eersbedoelde vereniging, die in subartikel (1) (*b*) beoogde lede uit die genomineerdes van voormelde liggaam en die in subartikel (1) (*c*) bedoelde lede uit die genomineerdes van voormelde Raad vir Inmaakvrugte.

(3) Indien enige nominasies kragtens subartikel (2) aangevra, nie by die Minister ingedien word binne die tydperk in die kennisgewing aangegee wat daardie nominasies aanvra nie, kan die Minister, wanneer hy die aanstelling doen ten opsigte waarvan daardie nominasies nie aldus ingedien is nie, enige persoon aanstel wat hy geskik ag om lid van die raad te wees.

(4) Die lede van die raad beklee hul amp vir die tydperk wat die Minister ten tyde van die aanstelling bepaal maar kan weer aangestel word: Met dien verstande dat indien daar na sy oordeel gegronde redes daarvoor bestaan, die Minister te eniger tyd die ampstermyn van 'n lid kan beëindig.

(5) 'n Deur die Minister as voorsitter aangewese lid van die raad of, in sy afwesigheid, so 'n aldus as adjunk-voorsitter aangewese lid, sit voor op 'n vergadering van die raad: Met dien verstande dat indien sowel die voorsitter as die adjunkvoorsitter van 'n vergadering van die raad afwesig is, 'n voorsitter deur die aanwesige lede uit hul midde verkies, op die vergadering voorsit.

(6) Die raad betaal uit sy fondse aan 'n lid van die raad die besoldiging of vergoeding en toelaes en verskaf aan hom die vervoergeriewe ten opsigte van sy dienste as so 'n lid, wat die Minister in oorleg met die Minister van Finansies bepaal.".

Wysiging van artikel 6 van Wet 100 van 1967.

2. Artikel 6 van die Hoofwet word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang:

„(4) (*a*) Die raad moet van al sy geldelike transaksies behoorlik boekhou.

(*b*) Die tydperk vanaf die eerste dag van November 1970 tot en met die een-en-dertigste dag van Desember 1971 geld as 'n boekjaar van die raad en daarna eindig die boekjaar van die raad op die een-en-dertigste dag van Desember in elke jaar.".

Wysiging van artikel 8 van Wet 100 van 1967.

3. Artikel 8 van die Hoofwet word hierby gewysig—

(*a*) deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Geen persoon mag ingemaakte vrugte vir verkoop uitvoer of aanbied om ingemaakte vrugte vir verkoop uit te voer na 'n land of gebied deur die Minister van tyd tot tyd by kennisgewing in die *Staatskoerant* vermeld nie, tensy hy die houer is van 'n lisensie kragtens hierdie artikel uitgereik.";

(*b*) deur subartikel (3) deur die volgende subartikel te vervang:

Reproduced by Sabinet Online in terms of Government Printer's Copyright Authority No. 10505 dated 02 February 1998

"(3) (*a*) An application for a licence to export canned fruit for sale shall be in such form as the Minister may determine and shall, together with the amount determined under paragraph (*b*), be lodged with the board who shall forward such application to the Minister together with its recommendation.

(*b*) The amount referred to in paragraph (*a*) shall be determined by the Minister on the recommendation of the board by notice in the *Gazette*."; and

(*c*) by the insertion after subsection (4) of the following subsection:

"(4A) If an application for a licence referred to in subsection (3) is granted, the amount lodged together with such application shall accrue to the board, and if such application is refused such amount shall be refunded to the applicant.".

Substitution of section 11 of Act 100 of 1967.

4. The following section is hereby substituted for section 11 of the principal Act:

"Application of Act in South-West Africa.

11. This Act and any amendment thereof shall apply also in the territory of South-West Africa, including the Eastern Caprivi Zipfel.".

Short title and commencement.

5. This Act shall be called the Canned Fruit Export Marketing Amendment Act, 1971, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

Reproduced by Sabinet Online in terms of Government Printer's Copyright Authority No. 10505 dated 02 February 1998

„(3) (*a*) 'n Aansoek om 'n lisensie om ingemaakte vrugte vir verkoop uit te voer, is in die vorm wat die Minister bepaal en moet, tesame met die bedrag kragtens paragraaf (*b*) bepaal, by die raad ingedien word, wat sodanige aansoek tesame met sy aanbeveling na die Minister aanstuur.

(*b*) Die bedrag in paragraaf (*a*) bedoel, word deur die Minister op aanbeveling van die raad by kennisgewing in die *Staatskoerant* bepaal."; en

(*c*) deur na subartikel (4) die volgende subartikel in te voeg:

„(4A) Indien 'n aansoek om 'n in subartikel (3) bedoelde lisensie toegestaan word, val die bedrag wat tesame met sodanige aansoek ingedien is, aan die raad toe, en indien sodanige aansoek van die hand gewys word, word sodanige bedrag aan die applikant terugbetaal.".

Vervanging van artikel 11 van Wet 100 van 1967.

4. Artikel 11 van die Hoofwet word hierby deur die volgende artikel vervang:

„Toepassing van Wet in Suidwes-Afrika.

11. Hierdie Wet en 'n wysiging daarvan is ook in die gebied Suidwes-Afrika, met inbegrip van die Oostelike Caprivi Zipfel, van toepassing.".

Kort titel en inwerkingtreding.

5. Hierdie Wet heet die Wysigingswet op Uitvoerbemarking van Ingemaakte Vrugte, 1971, en tree in werking op 'n datum deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal.