



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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CAPE TOWN, 16TH JULY, 1971.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 1231.

16 Julie 1971.

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

No. 96 van 1971: Wysigingswet op die Suiwelnywerheid, 1971.

DEPARTMENT OF THE PRIME MINISTER.

No. 1231.

16th July, 1971.

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

No. 96 of 1971: Dairy Industry Amendment Act, 1971.

Act No. 96, 1971

DAIRY INDUSTRY AMENDMENT ACT, 1971.

ACT

To amend the Dairy Industry Act, 1961, in order to permit, subject to certain control measures, the manufacture, the importation into the Republic and the sale of yellow margarine; and to provide for incidental matters.

*(Afrikaans text signed by the State President.)
(Assented to 18th June, 1971.)*

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

Amendment of section 1 of Act 30 of 1961, as amended by section 1 of Act 34 of 1965.

Substitution of section 8 of Act 30 of 1961, as substituted by section 2 of Act 1 of 1969.

1. Section 1 of the Dairy Industry Act, 1961 (hereinafter referred to as the principal Act), is hereby amended by the addition after the definition of "this Act" of the following definitions:

"white margarine" means margarine other than yellow margarine;

'yellow margarine' means margarine whereof the colour, measured in terms of the Lovibond tintometer scale, contains more than one degree of yellow, or of yellow and red collectively.".

2. The following section is hereby substituted for section 8 of the principal Act:

"Cancellation of registration of a margarine factory. 8. The Minister may at his discretion cancel the registration of any premises as a margarine factory—

(a) if the owner thereof contravenes or fails to comply with any condition attached under section 4 (3) (a) to such registration;

(b) if a quantity of white margarine or a quantity of yellow margarine manufactured in that factory does not, in the opinion of the Minister, comply with the prescribed requirements relating to the ingredients of which white margarine or yellow margarine, as the case may be, may consist; or

(c) if the quantity of white margarine or the quantity of yellow margarine manufactured in that factory under the authority of a permit referred to in section 14 (1) during the period for which the permit in question is in terms of section 14 (2) valid after the issue or a renewal thereof, exceeds the quantity of white margarine or the quantity of yellow margarine, as the case may be, which may be manufactured during the period in question under the authority of that permit in terms of a condition imposed under section 14 (3) and specified in that permit; or

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WET

Tot wysiging van die Wet op die Suiwelnywerheid, 1961, ten einde die vervaardiging, die invoer in die Republiek en die verkoop van geel margarien onderworpe aan sekere beheermatreëls toe te laat; en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 18 Junie 1971.)

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

1. Artikel 1 van die Wet op die Suiwelnywerheid, 1961 (hieronder die Hoofwet genoem), word hierby gewysig—
(a) deur na die omskrywing van „fabrieksbotter” die volgende omskrywing in te voeg:
„geel margarien” margarien waarvan die kleur, gemeet volgens die Lovibondkleurmeterskaal, meer as een graad geel, of geel en rooi gesamentlik, bevat;” en
(b) deur na die omskrywing van „voorgeskryf” en „voorgeskreve” die volgende omskrywing by te voeg:
„wit margarien” ander margarien as geel margarien.”.
2. Artikel 8 van die Hoofwet word hierby deur die volgende artikel vervang:
„Intrekking van registrasie van 'n margarien-fabriek.” 8. Die Minister kan na goeddunke die registrasie van 'n perseel as 'n margarienfabriek intrek—
(a) indien die eienaar daarvan 'n voorwaarde wat aan sodanige registrasie kragtens artikel 4 (3) (a) geheg is, oortree of versuim om daaraan te voldoen;
(b) indien 'n hoeveelheid wit margarien of 'n hoeveelheid geel margarien in daardie fabriek vervaardig, na die mening van die Minister nie aan die voorgeskrewe vereistes met betrekking tot die bestanddele waaruit wit margarien of geel margarien, na gelang van die geval, kan bestaan, voldoen nie; of
(c) indien die hoeveelheid wit margarien of die hoeveelheid geel margarien uit hoofde van 'n in artikel 14 (1) bedoelde permit in daardie fabriek vervaardig gedurende die tydperk waarvoor die betrokke permit ingevolge artikel 14 (2) geldig is na die uitreiking of 'n hernuwing daarvan, die hoeveelheid wit margarien of die hoeveelheid geel margarien, na gelang van die geval, oorskry wat uit hoofde van daardie permit gedurende die betrokke tydperk vervaardig kan word ingevolge 'n voorwaarde kragtens artikel 14 (3) opgelê en in dié permit vermeld; of

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(d) if a quantity of white margarine or a quantity of yellow margarine manufactured in that factory under the authority of any such permit, is manufactured from any other type or kind of oil or fat or from any other mixture of different types or kinds of oils or fats, than that from which white margarine or yellow margarine, as the case may be, may be manufactured under the authority of that permit in terms of a condition imposed under section 14 (3) and specified in that permit.”.

Amendment of
section 14 of
Act 30 of 1961,
as substituted by
section 4 of
Act 1 of 1969.

3. Section 14 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (3) of the following paragraph:

“(b) impose such conditions as he may deem fit on the manufacture of margarine under the authority of such permit, including conditions relating to the quantity of white margarine and the quantity of yellow margarine (if any) which may be manufactured under the authority of the permit in question during the period for which it is in terms of subsection (2) valid after the issue or a renewal thereof, or the type or kind of oil or fat or the mixture of different types or kinds of oils or fats, from which white margarine or yellow margarine may be manufactured under the authority of the permit in question.”.

Amendment of
section 15 of
Act 30 of 1961,
as amended by
section 6 of
Act 34 of 1965.

4. Section 15 of the principal Act is hereby amended—

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

“(a) manufacture or sell margarine which does not as regards its ingredients, composition, consistency or flavour, or as regards the manner in which it is packed or marked, conform to the requirements prescribed;”;

(b) by the deletion of paragraphs (c) and (e) of that subsection; and

(c) by the substitution for paragraph (f) of that subsection of the following paragraph:

“(f) for consumption by any person other than himself, the members of his household or his non-paying guests—

(i) add to margarine any butterfat (whether in the form of butter or not); or

(ii) otherwise than in the manufacturing of yellow margarine under the authority of a permit referred to in section 14 (1), add to white margarine any colouring substance which gives to white margarine the appearance of yellow margarine,

except under the authority of such a permit or by virtue of authority conferred by regulation on a class of persons to which he belongs, and in accordance with the conditions imposed under section 14 (3) and contained in the permit in question or the provisions of the regulations.”.

Amendment of
section 23 of
Act 30 of 1961,
as amended by
section 10 of
Act 34 of 1965
and section 5 of
Act 1 of 1969.

5. Section 23 of the principal Act is hereby amended by the substitution for paragraph (iii) of the following paragraph:

“(iii) in the case of an offence referred to in paragraph (c), to a fine not exceeding one thousand rand or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment;”.

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(d) indien 'n hoeveelheid wit margarien of 'n hoeveelheid geel margarien uit hoofde van so 'n permit in daardie fabriek vervaardig, vervaardig is uit 'n ander tipe of soort olie of vet, of uit 'n ander mengsel van verskillende tipes of soorte olies of vette, as dié waaruit wit margarien of geel margarien, na gelang van die geval, uit hoofde van daardie permit vervaardig kan word ingevolge 'n voorwaarde kragtens artikel 14 (3) opgelê en in dié permit vermeld.”.

3. Artikel 14 van die Hoofwet word hierby gewysig deur paragraaf (b) van subartikel (3) deur die volgende paragraaf te vervang:

„(b) die vervaardiging van margarien uit hoofde van sodanige permit onderworpe stel aan die voorwaardes wat hy goedvind, met inbegrip van voorwaardes betreffende die hoeveelheid wit margarien en die hoeveelheid geel margarien (indien daar is) wat uit hoofde van die betrokke permit vervaardig kan word gedurende die tydperk waarvoor dit ingevolge subartikel (2) geldig is na die uitreiking of 'n hernuwing daarvan, of die tipe of soort olie of vet, of die mengsel van verskillende tipes of soorte olies of vette, waaruit wit margarien of geel margarien uit hoofde van die betrokke permit vervaardig kan word.”.

Wysiging van artikel 14 van Wet 30 van 1961, soos vervang deur artikel 4 van Wet 1 van 1969.

4. Artikel 15 van die Hoofwet word hierby gewysig—

(a) deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

„(a) margarien vervaardig of verkoop wat nie met betrekking tot die bestanddele, samestelling, tekstuur of smaak daarvan, of met betrekking tot die wyse waarop dit verpak of gemerk is, aan die voorgeskrewe vereistes voldoen nie;”;

(b) deur paragrawe (c) en (e) van daardie subartikel te skrap; en

(c) deur paragraaf (f) van daardie subartikel deur die volgende paragraaf te vervang:

„(f) vir gebruik deur iemand anders as homself, die lede van sy huishouding of sy nie-betalende gaste—

(i) bottervet (het sy in die vorm van botter of nie) by margarien voeg nie; of

(ii) anders as by die vervaardiging van geel margarien uit hoofde van 'n permit in artikel 14 (1) bedoel, kleursel wat aan wit margarien die voorkoms van geel margarien gee, by wit margarien voeg nie,

behalwe op gesag van so 'n permit of uit hoofde van magtiging by regulasie verleen aan 'n klas van persone waartoe hy behoort, en ooreenkomsdig die voorwaardes kragtens artikel 14 (3) opgelê en in die betrokke permit vervat, of die voor-skrifte van die regulasies;”.

Wysiging van artikel 15 van Wet 30 van 1961, soos gewysig deur artikel 6 van Wet 34 van 1965.

5. Artikel 23 van die Hoofwet word hierby gewysig deur paragraaf (iii) deur die volgende paragraaf te vervang:

„(iii) in die geval van 'n misdryf in paragraaf (c) bedoel, met 'n boete van hoogstens eenduisend rand of met gevangerenisstraf vir 'n tydperk van hoogstens ses maande of met sowel sodanige boete as sodanige gevangerenisstraf;”.

Wysiging van artikel 23 van Wet 30 van 1961, soos gewysig deur artikel 10 van Wet 34 van 1965 en artikel 5 van Wet 1 van 1969.

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Amendment of
section 29 of
Act 30 of 1961,
as amended by
section 11 of
Act 34 of 1965.

- 6. Section 29 of the principal Act is hereby amended—**
- (a) by the substitution for paragraphs (p) and (q) of subsection (1) of the following paragraphs:
- “(p) standards for the composition, purity and quality of dairy produce, and the ingredients for any composition of such produce;
- (q) the ingredients of and standards for rennet and colouring matter which may be used in butter, cheese or margarine, and conditions for the sale and use of such rennet or colouring matter;”; and
- (b) by the insertion after paragraph (t) of that subsection of the following paragraph:
- “(tA) the particulars with which and the manner in which dairy produce or containers or packages containing dairy produce shall be marked or labelled;”.

Short title.

- 7. This Act shall be called the Dairy Industry Amendment Act, 1971.**

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6. Artikel 29 van die Hoofwet word hierby gewysig—
(a) deur paragrawe (p) en (q) van subartikel (1) deur die volgende paragrawe te vervang:
„(p) standarde vir die samestelling, suiwerheid en gehalte van suiwelprodukte, en die bestanddele vir 'n samestelling van bedoelde produkte;
(q) die bestanddele van en standarde vir stremsel en kleursel wat gebruik kan word in botter, kaas of margarien, en voorwaardes vir die verkoop en gebruik van sodanige stremsel of kleursel;”; en
(b) deur na paragraaf (t) van daardie subartikel die volgende paragraaf in te voeg:
„(tA) die gegewens waarmee en die wyse waarop suiwelprodukte of houers of verpakings wat suiwelprodukte bevat, gemerk of geëtiketteer moet word;”.

7. Hierdie Wet heet die Wysigingswet op die Suiwelnywerheid, Kort titel.
1971.