

OFFICIAL GAZETTE

EXTRAORDINARY
OF SOUTH WEST AFRICA.



BUITENGEWONE OFFISIËLE KOERANT

UITGAWE OP GESAG.

VAN SUIDWES-AFRIKA.

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ACT

To provide for the control of the sugar industry by agreements entered into between growers, millers and refiners of sugar or by determinations made by the Minister of Commerce and Industries, the control of the prices at which certain sugars may be sold or disposed of, and for matters incidental thereto.

(Assented to 17th June, 1936.)

(Signed by the Governor-General in Afrikaans.)

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

1. (1) If the Minister is satisfied—
- (a) that an agreement has been entered into, whether before or after the commencement of this Act, between representatives of growers, millers and refiners, in which provision is made—
 - (i) for a formula for determining a base price of sugar and for fixing, on the basis of such base price, the prices to be paid for sugar cane by millers to growers;
 - (ii) for the regulation and restriction of the production of sugar cane and sugar, the regulation and control of the marketing and export of sugar, and the nature of the obligations of the various growers, millers and refiners in connection therewith;
 - (iii) for the establishment of a board for the purpose of carrying out the agreement and for exercising such functions as may be assigned to such board thereunder; and
 - (iv) for any other matter affecting the sugar industry, the inclusion of which in the agreement is approved or required by the Minister:

WET

Om voorsiening te maak vir die beheer van die suikerywereld deur middel van ooreenkomste aangegaan tussen suikerplanters, -meulenaars en -raffineerders, of deur middel van vasstellings neergelê deur die Minister van Handel en Nywerheid, vir die beheer van die pryse waarteen sekere suikersoorte verloop of van die hand gesit mag word, en vir daarmee in verband staande sake.

(Goedgekeur op 17 Junie 1936.)

(Deur die Goewerneur-generaal in Afrikaans geteken.)

DIT WORD BEPAAL deur Sy Majesteit die Koning, die Sennat en die Volksraad van die Unie van Suid-Afrika, as volg:—

1. (1) Indien die Minister oortuig is—
- (a) dat 'n ooreenkoms aangegaan is, hetsy voor of na die inwerkingtreding van Inleidende Wet, tussen verteenwoordigers van planters, meulenaars en raffineerders, waarin voorsiening gemaak word—
 - (i) vir 'n formule om 'n basis-prys vir suiker te bepaal, en vir die vasstelling op die grondslag van sodanige basis-prys, van die pryse wat deur meulenaars aan planters vir suikerriet betaal moet word;
 - (ii) vir die reëling en beperking van die produksie van suikerriet en suiker, die reëling en beheer van die bemerking en uitvoer van suiker, en die aard van die verpligtings van die onderskeie planters, meulenaars en raffineerders in verband daarmee;
 - (iii) vir die instelling van 'n raad met die doel om die ooreenkoms uit te voer en om sulke werksaamhede te verrig as wat aan daardie raad uit kragte daarvan toegewys mag word; en
 - (iv) vir enige ander aangeleentheid wat die suikerywereld rak waarvan die opname in die ooreenkoms deur die Minister goedgekeur of vereis word;

(b) that such agreement has been approved—

(i) by not less than ninety per cent. of growers who have together produced not less than ninety per cent. of the total weight of sugar cane produced in the Union by growers during the twelve months ending upon the thirty-first day of December of the year preceding the year in which the agreement has been entered into; and

(ii) by millers who have together manufactured not less than ninety per cent. of the total weight of sugar manufactured in the Union by millers during the said twelve months; and

(c) that it would be in the public interest to publish the agreement under the provisions of this Act, he may publish the agreement in the *Gazette*.

(2) In calculating, for the purpose of sub-paragraph (ii) of paragraph (b) of sub-section (1), the total weight of sugar manufactured in the Union, the weight to be included in such total weight shall, in the case of raw sugar which has been refined, be the weight of the raw sugar.

(3) If an agreement amending an agreement published under sub-section (1) is entered into between representatives of growers, millers and refiners, the Minister may, if he is satisfied that the amending agreement has been approved in the manner set forth in paragraph (b) of sub-section (1), and that it would be in the public interest to publish the amending agreement under the provisions of this Act, publish the amending agreement in the *Gazette*.

(4) On the publication of the agreement or amending agreement in the *Gazette*, it shall become binding upon every grower who supplies sugar cane to any miller to whom a quota in respect of his manufacture of sugar has been assigned in terms of the agreement or amending agreement, upon every miller to whom such a quota has been so assigned, and upon every refiner, as if such grower, miller or refiner had signed the agreement or amending agreement.

2. (1) The Minister may—

(a) if at any time no agreement which has been published or which he is prepared to publish under section one is in existence, and if he is satisfied that it would be in the interest of the sugar industry to do so, determine the terms of an agreement between growers, millers and refiners in which provision is made for the matters referred to in paragraph (a) of sub-section (1) of section one;

(b) amend from time to time or revoke any determination so made; and

(c) publish such determination or amendment in the *Gazette*.

(2) On the publication of any such determination or amendment in the *Gazette*, it shall become binding upon every grower who supplies sugar cane to any miller to whom a quota in respect of his manufacture of sugar has been assigned in terms of the determination or amendment, upon every miller to whom such a quota has been so assigned, and upon every refiner, as if it had been an agreement or amending agreement, as the case may be, signed by such grower, miller or refiner.

3. Any agreement, determination or amendment thereof published under section one or two may provide—

(a) that different growers, millers or refiners, or different classes of growers, millers or refiners, shall have different rights and obligations (hereunder); and

(b) for levies upon growers or millers for the purpose of carrying out the terms of such agreement, determination or amendment.

(b) dat bedoelde ooreenkoms goedgekeur is—

(i) deur minstens negentig persent van die planters wat tesame minstens negentig persent van die totaalgewig van suikerriet geproduseer het wat gedurende die twaalf maande eindigende op die een-en-dertigste dag van Desember van die jaar wat die jaar waarin die ooreenkoms aangegaan is, voorafgaan, in die Unie deur planters geproduseer is; en

(ii) deur meulenaars wat tesame minstens negentig persent van die totaalgewig van suiker vervaardig het wat gedurende daardie twaalf maande in die Unie deur meulenaars vervaardig is; en

(c) dat dit in die openbare belang sou wees om die ooreenkoms kragtens die bepaling van hierdie Wet te publiseer,

kan hy die ooreenkoms in die *Staatskoerant* publiseer.

(2) Die gewig wat, in die geval van ru-suiker wat geraffineer geword is, by die berekening, vir die doeleindes van sub-paragraaf (ii) van paragraaf (b) van sub-artikel (1), van die totaalgewig van suiker in die Unie vervaardig, by daardie totaalgewig ingereken moet word, is die gewig van die ru-suiker.

(3) Indien 'n ooreenkoms wat 'n kragtens sub-artikel (1) gepubliseerde ooreenkoms wysig, aangegaan word tussen verteenwoordigers van planters, meulenaars en raffineerders, kan die Minister, as hy oortuig is dat die wysigende ooreenkoms op die wyse in paragraaf (b) van sub-artikel (1) vermeld, goedgekeur is, en dat dit in die openbare belang sou wees om die wysigende ooreenkoms kragtens die bepaling van hierdie Wet te publiseer, die wysigende ooreenkoms in die *Staatskoerant* publiseer.

(4) By publikasie van die ooreenkoms of wysigende ooreenkoms in die *Staatskoerant*, word dit bindend vir elke planter wat suikerriet verskaf aan 'n meulenaar aan wie 'n kwota ten aansien van sy vervaardiging van suiker ingevolge die ooreenkoms of wysigende ooreenkoms toegeken is, vir elke meulenaar aan wie so 'n kwota aldus toegeken is, en vir elke raffineerder, asof bedoelde planter, meulenaar of raffineerder die ooreenkoms of wysigende ooreenkoms onderteken het.

2. (1) Die Minister kan—

(a) indien daar te eniger tyd geen ooreenkoms wat gepubliseer is of wat hy hierdie is om te publiseer ingevolge artikel een, bestaan nie, en indien hy oortuig is dat dit in belang van die suikerywerheid sou wees om sulks te doen, die bepaling van 'n ooreenkoms tussen planters, meulenaars en raffineerders, waarin voorsiening gemaak word vir die in paragraaf (a) van sub-artikel (1) van artikel een bedoelde aangeleenthede, vasstel;

(b) 'n aldus neergelegde vasstelling van tyd tot tyd wysig of dit intrek; en

(c) bedoelde vasstelling of wysiging in die *Staatskoerant* publiseer.

(2) By publikasie van so 'n vasstelling of wysiging in die *Staatskoerant* word dit bindend vir elke planter wat suikerriet verskaf aan 'n meulenaar aan wie 'n kwota ten aansien van sy vervaardiging van suiker ingevolge die vasstelling van sy vervaardiging van suiker ingevolge die vasstelling of wysiging toegeken is, vir elke meulenaar en vir elke raffineerder, asof dit, na gelang van die geval, 'n ooreenkoms of wysigende ooreenkoms was, deur bedoelde planter, meulenaar of raffineerder onderteken.

3. Kragtens artikel een of twee gepubliseerde ooreenkoms, vasstelling of wysiging daarvan mag—

(a) bepaal dat verskillende planters, meulenaars of raffineerders of verskillende klasse planters, meulenaars of raffineerders, verskillende regte en verpligtinge uitkragte daarvan het; en

(b) voorsiening maak vir heffings op planters en meulenaars met die doel om die bepalinge van so 'n ooreenkoms, vasstelling of wysiging uit te voer.

4. In determining the base price of sugar for the purpose of fixing the prices to be paid for sugar cane under any agreement or determination published under section one or two the quantity of sugar of a grade prescribed under paragraph (f) of sub-section (1) of section six, which has been sold during the period with reference to which such base price is to be calculated, shall be included in the quantity of sugar upon which the calculation is to be based.

5. (1) Notwithstanding anything contained in any agreement or determination or amendment thereof published under section one or two, any grower or miller upon whom, in terms of sub-section (4) of section one or of sub-section (2) of section two, such agreement, determination or amendment is not binding, may sell, whether for manufacture or consumption, as the case may be, in the Union or elsewhere, any sugar cane or sugar produced or manufactured by him.

(2) During the currency of any such agreement or determination every such miller shall, in respect of each year and not later than six months after the expiry thereof—

(a) export a quantity of sugar which bears, in relation to the total quantity of sugar manufactured by him during that year, the same proportion as the total quantity of sugar exported in terms of such agreement, determination or amendment during that year by millers to whom quotas in respect of the production of sugar have been assigned under such agreement, determination or amendment, bears to the total quantity of sugar manufactured by such millers during that year; and

(b) sell or place at the disposal of the board for sale on his behalf to manufacturers who are entitled to a rebate in price in respect of sugar purchased by them from the millers referred to in paragraph (a) or from refiners, at the same rebate in price as is allowed to such manufacturers by such millers or refiners, a quantity of sugar of a grade required by such manufacturers which bears the same proportion in relation to the total quantity of sugar manufactured by him during that year as the total quantity of sugar sold to such manufacturers at a rebate during that year by such millers and refiners, bears to the total quantity of sugar manufactured by such millers during that year.

(3) Whenever the board receives or makes in respect of any year any estimate in connection with the quantity of sugar which—

(a) will be exported in terms of any such agreement, determination or amendment; or

(b) will be sold at a rebate to manufacturers referred to in paragraph (b) of sub-section (2); or

(c) will be manufactured,

by millers to whom quotas have been assigned as described in that sub-section, or by refiners, as the case may be, it shall inform every miller referred to in sub-section (1) of the particulars of such estimate.

(4) For the purposes of sub-section (2), the total quantities of sugar which, according to the final estimate made by the board in respect of any year, have during that year been exported, sold or manufactured as described in sub-section (3), shall be deemed to be the total quantities of sugar so exported, sold or manufactured, as the case may be.

(5) No miller shall be relieved of his obligations under sub-section (2) in respect of any sugar by reason of the fact that he is unable to acquire such sugar by purchase.

4. By die bepaling van die basis-prys van suiker ten einde die pryse vas te stel wat ingevolge 'n kragtens artikel een of twee gepubliseerde ooreenkoms of vaststelling vir suikerriet betaal moet word, word die hoeveelheid suiker van 'n graad kragtens paragraaf (f) van sub-artikel (1) van artikel ses voorgeskryf, wat gedurende die tydperk met betrekking tot welke bedoelde basis-prys bereken moet word, verkoop is, by die hoeveelheid suiker waarop die berekening gebaseer moet word, ingereken.

5. (1) Nieteenstaande andersluidende bepalings in 'n kragtens artikel een of twee gepubliseerde ooreenkoms, vaststelling of wysiging daarvan vervat, kan 'n planter of meulenaar vir wie bedoelde ooreenkoms, vaststelling of wysiging volgens sub-artikel (4) van artikel een of sub-artikel (2) van artikel twee nie bindend is nie, enige suikerriet of suiker deur hom geproduseer of vervaardig verkoop, hetsy vir vervaardiging of vir verbruik, in gelang van die geval, in die Unie of elders.

(2) Tydens die duur van so 'n ooreenkoms of vaststelling moet iedere sodanige meulenaar ten aansien van elke jaar en nie later nie as ses maande na die verloop daarvan—

(a) 'n hoeveelheid suiker uitvoer wat met betrekking tot die totale hoeveelheid suiker deur hom gedurende daardie jaar vervaardig, in dieselfde verhouding staan as dié waarin die totale hoeveelheid suiker wat ingevolge bedoelde ooreenkoms, vaststelling of wysiging gedurende daardie jaar uitgevoer is deur meulenaars aan wie kwotas ten aansien van die produksie van suiker ingevolge so 'n ooreenkoms, vaststelling of wysiging toegeken is, staan tot die totale hoeveelheid suiker deur bedoelde meulenaars gedurende daardie jaar vervaardig; en

(b) aan fabrikante wat ten opsigte van suiker deur hul van die in paragraaf (a) bedoelde meulenaars of van raffineerders gekoop, geregtig is op 'n pryskorting, 'n hoeveelheid suiker, van 'n graad deur bedoelde fabrikante benodig, verkoop of tot beskikking van die raad stel om ten behoeve van hom aan hul te verkoop, teen dieselfde pryskorting as wat aan bedoelde fabrikante deur bedoelde meulenaars of raffineerders toegestaan word, wat met betrekking tot die totale hoeveelheid suiker deur hom gedurende daardie jaar vervaardig in dieselfde verhouding staan as dié waarin die totale hoeveelheid suiker gedurende daardie jaar teen 'n korting aan bedoelde fabrikante deur bedoelde meulenaars en raffineerders verkoop staan tot die totale hoeveelheid suiker gedurende daardie jaar deur bedoelde meulenaars vervaardig.

(3) Wanneer die raad ten opsigte van enige jaar 'n skatting ontvang of maak in verband met die hoeveelheid suiker wat—

(a) ingevolge so 'n ooreenkoms, vaststelling of wysiging uitgevoer sal word; of

(b) teen 'n korting aan die in paragraaf (b) van sub-artikel (2) bedoelde fabrikante verkoop sal word; of

(c) vervaardig sal word,

deur meulenaars aan wie kwotas toegeken is soos in daardie sub-artikel beskryf, of deur raffineerders, na gelang van die geval, moet hy die beoonderhede van so 'n skatting mededeel aan iedere meulenaar in sub-artikel (1) bedoel.

(4) Die totale hoeveelheid suiker wat, volgens die finale skatting deur die raad ten opsigte van enige jaar gemaak, gedurende daardie jaar uitgevoer, verkoop of vervaardig is soos beskryf in sub-artikel (3), word vir die doeleindes van sub-artikel (2), geges die totale hoeveelheid suiker te wees wat, in gelang van die geval, aldus uitgevoer, verkoop of vervaardig is.

(5) Geen meulenaar word van sy verpligtings ingevolge sub-artikel (2) ten opsigte van suiker bevry van weë die feit dat hy nie in staat is om bedoelde suiker deur aankoop te verkry nie.

6. (1) The Minister may by notice in the *Gazette*—

- (a) prescribe that the maximum price at which refined sugars may be sold or disposed of by retail by any person in Durban, East London, Port Elizabeth, Mossel Bay and Cape Town, for consumption in the Union, shall not exceed three and one half pence per pound and that the maximum price at which all or any grades of mill white sugars may be sold or disposed of in the said places, shall not exceed threepence farthing per pound;
- (b) prescribe that the maximum price at which any particular grade of sugar, other than a refined sugar or a mill white sugar for which a maximum price has been prescribed under paragraph (a), may be sold or disposed of by retail by any person in any of the places referred to in paragraph (a) and in all places situated within a radius of five miles from any railway station, siding or halt, for consumption in the Union, shall not exceed twopenne halfpenny per pound;
- (c) after enquiry by the Board of Trade and Industries, prescribe the prices at which sugars may be sold or disposed of by retail in the Union or in any portion thereof, for consumption therein: Provided that in the case of any grade of sugar for which a maximum price has been prescribed under paragraph (a) or (b), the price prescribed under this paragraph shall not, at the places referred to in paragraph (a) or (b), as the case may be, exceed such maximum price;
- (d) if upon investigation he is satisfied that the base price of sugar as determined for any year for the purpose of fixing the prices to be paid for sugar cane under any agreement or determination published under section one or two and in force during that year, has exceeded twelve pounds per ton, prescribe a reduced price at which all or any grades of sugar shall be sold or disposed of by manufacturers for consumption in the Union and the mandated territory;
- (e) determine the maximum quantity of white sugar which may be sold or disposed of by millers and refiners for consumption in the Union and the mandated territory in any one year during the period during which any agreement or determination under section one or two is in force;
- (f) prescribe a grade of sugar which shall, during any year in respect of which a maximum price for a particular grade of sugar has been prescribed under paragraph (b), be sold by millers for consumption in the Union and the mandated territory at a maximum price of fourteen pounds ten shillings per ton, free on rail at Durban.

(2) If the Minister has prescribed a grade of sugar under paragraph (f) of sub-section (1) in respect of any year, every miller shall during that year manufacture and sell for consumption in the Union or the mandated territory, and at a price not exceeding the price referred to in the said paragraph, such quantities of sugar of the grade prescribed under the said paragraph and at such times as the board may from time to time require of such miller: Provided that the board shall not during any year require any miller so to manufacture and sell a greater quantity of sugar of the said grade than a quantity which bears the same proportion, according to the estimate of the board, to the total quantity of such sugar which will be so manufactured and sold by millers during that year, as the total quantity of sugar which such miller will manufacture for such consumption during that year bears to the total quantity of sugar which will be manufactured by all millers for such consumption during that year.

(3) The Minister may amend from time to time or revoke any notice issued under this section.

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

- (a) voorskryf dat die maksimum-prys waarteen geraffineerde suikersoorte deur enig iemand in Durban Oos-Londen, Port Elizabeth, Mosselbaai en Kaapstad by die kleinmaat vir verbruik in die Unie verkoop of van die hand gesit mag word, drie en 'n halfpennie per pond nie mag te bowe gaan nie, en dat die maksimum-prys waarteen alle of enige grade van meulwit suikersoorte aldus op vermelde plekke verkoop of van die hand gesit mag word, drie en 'n kwartpennie per pond nie te bowe mag gaan nie;
- (b) voorskryf dat die maksimum-prys waarteen 'n bepaalde graad suiker (behalwe 'n geraffineerde suiker of 'n meulwit suiker waarvoor 'n maksimum-prys kragtens paragraaf (a) voorgeskrif is) deur enig iemand op die in paragraaf (a) vermelde plekke en op alle plekke wat binne 'n omtrek van vyf myl vanaf 'n spoorwegstasie, -slyng of -halte geleë is, by die kleinmaat vir verbruik in die Unie verkoop of van die hand gesit mag word, twee en 'n halfpennie per pond nie mag te bowe gaan nie;
- (c) na ondersoek deur die Raad van Handel en Nywerheid, die prys voorskryf waarteen suikersoorte in die Unie of in 'n deel daarvan by die kleinmaat vir verbruik daarin verkoop of van die hand gesit mag word: Met dien verstande dat in die geval van 'n graad suiker waarvoor 'n maksimum-prys kragtens paragraaf (a) of (b) voorgeskrif is, die kragtens hierdie paragraaf voorgeskrewe prys op die plekke in paragraaf (a) of (b), na gelang van die geval, be-deel, daardie maksimum-prys nie te bowe gaan nie;
- (d) indien hy na ondersoek oortuig is dat die basis-prys vir suiker, soos vir enige jaar bepaal met die doel om die prys te lag, ingevolge 'n ooreenkoms of vaststelling kragtens artikel een of twee getydsitstap en gedurende daardie jaar van krag, vir suikerriet betaal moet word, vas te stel, twaalf pond per ton te bowe gaan het, 'n verminderde prys voorskryf waarteen alle of enige grade suiker deur fabrikante vir verbruik in die Unie en die mandaatgebied verkoop of van die hand gesit moet word;
- (e) die maksimum hoeveelheid wit suiker vasstel wat gedurende die tydperk gedurende welke 'n ooreenkoms of vaststelling ingevolge artikel een of twee van krag is, in die loop van een jaar deur meulenaars en raffineerders vir verbruik in die Unie en die mandaatgebied verkoop of van die hand gesit mag word;
- (f) 'n graad suiker voorskryf wat, gedurende enige jaar ten opsigte waarvan 'n maksimum-prys vir 'n bepaalde graad suiker kragtens paragraaf (b) voorgeskrif is, deur meulenaars vir verbruik in die Unie en die mandaatgebied verkoop moet word teen 'n maksimum-prys van veertien pond tien sjielings per ton, vry op spoor te Durban.

(2) Indien die Minister ten opsigte van enige jaar ingevolge paragraaf (f) van sub-artikel (1) 'n graad suiker voorskryf het, moet iedere meulenaar gedurende daardie jaar sodanige hoeveelhede suiker van die kragtens daardie paragraaf voorgeskrewe graad, en op sodanige tydstap, as wat die raad van tyd tot tyd van so 'n meulenaar mag vereis, vervaardig en vir verbruik in die Unie of die mandaatgebied verkoop teen 'n prys wat die prys in daardie paragraaf vermeld nie te bowe gaan nie: Met dien verstande dat die raad nie gedurende enige jaar van 'n meulenaar vereis nie dat hy 'n groter hoeveelheid suiker van daardie graad aldus vervaardig en verkoop as 'n hoeveelheid wat, volgens die skatting van die raad, in dieselfde verhouding staan tot die totale hoeveelheid van daardie suiker wat aldus deur meulenaars gedurende daardie jaar vervaardig en verkoop sal word, as dié waarin dié totale hoeveelheid suiker wat daardie meulenaar gedurende daardie jaar vir sodanige verbruik sal vervaardig staan tot die totale hoeveelheid suiker wat deur alle meulenaars gedurende daardie jaar vir sodanige verbruik vervaardig sal word.

(3) Die Minister kan 'n kennisgewing kragtens hierdie artikel uitgevaardig van tyd tot tyd wysig, of dit intrek.

7. Any miller upon whom under the provisions of sub-section (2) of section *five* or under any similar provisions relating to the export of sugar or the sale of sugar to manufacturers by millers, contained in an agreement, determination or amendment thereof published under section *one* or *two*, or under the provisions of sub-section (2) of section *six*, an obligation is imposed, may relieve himself of that obligation by entering into an agreement with a refiner or another miller whereby that refiner or miller undertakes to fulfil that obligation, and thereupon such refiner or other miller shall be subject to that obligation and liable to any penalty provided for the failure to fulfil the same.

8. Proof of publication in the *Gazette* of any agreement or amending agreement under section *one* shall, in the absence of proof of fraud, be conclusive evidence that all the provisions of that section, and of any regulations made under this Act, in respect of matters precedent and incidental to the publication of such agreement or amending agreement, have been complied with.

9. (1) Any person who—

- (a) sells or disposes of any sugar under the representation that it is refined sugar whereas in fact it is not such; or
- (b) contravenes or fails to comply with the provisions of paragraph (a) or (b) of sub-section (2) of section *five*, or any similar provisions relating to the export of sugar or the sale of sugar to manufacturers by millers, contained in an agreement, determination or amendment thereof published under section *one* or *two*, or the provisions of sub-section (2) of section *six*, or of a notice issued under paragraph (a), (b), (c) or (d) of sub-section (1) of section *six*,

shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds or to imprisonment for a period not exceeding six months, or to both such fine and imprisonment.

(2) If any person is convicted of an offence referred to in paragraph (b) of sub-section (1), other than a contravention or failure to comply with the provisions of a notice issued under paragraph (a), (b) or (c) of sub-section (1) of section *six*, the court convicting him shall enquire into and estimate the amount of the profit made by him in consequence of his having committed such offence, and shall, in addition to any sentence which it may impose under sub-section (1), impose on the person so convicted a fine equal to the amount of the profit which the court so estimates he made in consequence of his having committed such offence.

(3) Notwithstanding anything contained in any other law, magistrates' courts shall have jurisdiction to impose any penalty prescribed by this Act.

The provisions of paragraphs (a), (b) and (c) of sub-section (1) of section *six*, and of paragraph (a) of sub-section (1) of section *nine*, shall not apply to candy, loaf, castor, icing or cube sugar.

11. (1) The Governor-General may make regulations for the better carrying out of the objects and provisions of this Act and of any agreement or determination or amendment thereof which has been published under section *one* or *two*.

(2) Any regulations made under this section may prescribe penalties for any contravention thereof or failure to comply therewith not exceeding imprisonment for a period six months together with a fine of fifty pounds.

12. The Sugar Prices Act, 1926, and section *eleven* of the Financial Adjustments Act, 1932, are hereby repealed.

13. In this Act, unless inconsistent with the context—

7. 'n Meulenaar aan wie ingevolge die bepalings van sub-artikel (2) van artikel *vyf*, of ingevolge soortgelyke bepalings die uitvoer van suiker of die verkoop van suiker aan fabrikante deur meulenaars, vervat in 'n kragtens artikel *een* of *twee* gepubliseerde ooreenkoms, vaststelling of wysiging daarvan, of ingevolge die bepalings van sub-artikel (2) van artikel *ses*, 'n verpligting opgelê is, kan homself van daardie verpligting bevry deur 'n ooreenkoms na te gaan met 'n raffineerder of 'n ander meulenaar waardeur daardie raffineerder of meulenaar onderneem om daardie verpligting na te kom, en daarop berus daardie verpligting op daardie raffineerder of ander meulenaar en is hy strafbaar met enige straf wat bepaal is vir versuim om dit na te kom.

8. Bewys van publikasie in die *Startskoornt* van 'n ooreenkoms of wysigende ooreenkoms ingevolge artikel *een* is, by gebreke aan bewys van bedrog, afdoende bewys dat aan alle bepalings van daardie artikel, en van enige regulasies kragtens hierdie Wet uitgevaardig, met betrekking tot sake wat die publikasie van bedoelde ooreenkoms of wysigende ooreenkoms voorafgaan en daarmee in verband staan, voldoen is.

9. (1) Iemand wat—

- (a) suiker verkoop of van die hand sit onder die voorwendsel dat dit geraffineerde suiker is terwyl dit in werklikheid nie sulks is nie; of
- (b) die bepalings van paragraaf (a) of (b) van sub-artikel (2) van artikel *vyf*, of soortgelyke bepalings betreffende die uitvoer van suiker of die verkoop van suiker aan fabrikante deur meulenaars, vervat in 'n kragtens artikel *een* of *twee* gepubliseerde ooreenkoms, vaststelling of wysiging daarvan, of die bepalings van sub-artikel (2) van artikel *ses*, of van 'n kennisgewing kragtens paragraaf (a), (b), (c) of (d) van sub-artikel (1) van artikel *ses* uitgevaardig, oortree of versuim om daaraan te voldoen,

is skuldig aan 'n misdryf en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd pond of met gevangenisstraf van hoogstens ses maande, of met beide sodanige boete en gevangenisstraf.

(2) Wanneer iemand skuldig bevind word van 'n misdryf in paragraaf (b) van sub-artikel (1) bedoel, (behalwe 'n oortreding van versuim om te voldoen aan die bepalings van 'n kennisgewing kragtens paragraaf (a), (b) of (c) van sub-artikel (1) van artikel *ses* uitgevaardig), moet die hof wat hom skuldig vind ondersoek instel betreffende die wins wat hy behaal het as gevolg daarvan dat hy bedoelde misdryf begaan het, en die bedrag van daardie wins skat, en moet, benewens die vonnis wat hy kragtens sub-artikel (1) mog ople, op die persoon wat aldus skuldig bevind is 'n boete lê gelyk aan die bedrag van die wins wat hy volgens die skatting van die hof behaal het as gevolg daarvan dat hy bedoelde misdryf begaan het.

(3) Nieteenstande die bepalings van enige ander wet, is magistratsrewe bevoeg om enige straf in hierdie Wet bepaal op te lê.

10. Die bepalings van paragrawe (a), (b) en (c) van sub-artikel (1) van artikel *ses*, en van paragraaf (a) van sub-artikel (1) van artikel *nege*, is nie van toepassing nie op kandy-, brood-, strooi-, glaseer- en klontjiesuiter.

11. (1) Die Goewerneur-generaal kan regulasies uitgevaardig vir die beter uitvoering van die doeleindes en bepalings van hierdie Wet en van 'n kragtens artikel *een* of *twee* gepubliseerde ooreenkoms of vaststelling of wysiging daarvan.

(2) Regulasies kragtens hierdie artikel uitgevaardig kan vir 'n oortreding daarvan of versuim om daaraan te voldoen strawwe voorskryf van hoogstens ses maande gevangenisstraf tesame met 'n boete van vyftig pond.

12. Die Wet op Suikerpryse, 1926, en artikel *el* van die Finansiële Reëlingswet, 1932, word hiermee herroep.

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

„the board” means the board established under any agreement or determination published under section one or two;

„grower” means a person who produces sugar cane for the purpose of the manufacture of sugar: Provided that for the purposes of paragraph (b) of sub-section (1) of section one, „grower” shall not include—

- (i) a person of non-European descent; or
- (ii) a person who manufactures sugar; or
- (iii) a person who is a director of a company which manufactures sugar; or
- (iv) a partnership, syndicate or company in which a person who manufactures sugar or who is a director of a company which manufactures sugar holds an interest of more than one-third;

„mandated territory” means the mandated territory of South-West Africa;

„miller” means a person who manufactures sugar from sugar cane;

„Minister” means the Minister of Commerce and Industries;

„refiner” means a person who converts raw sugar into refined sugar at a refinery;

„refined sugar” means all such sugars of refined quality as have been refined by the bone-char-filter, the vegetable-carbon or the carbonatation process;

„year” means a period of twelve months ending upon the thirtieth day of April.

14. This Act shall be called the Sugar Act, 1936.

„die raad” die raad ingevolge 'n kragtens artikel een of twee gepubliseerde ooreenkoms of vasstelling ingestel;

„planter” iemand wat suikerriet produseer vir die vervaardiging van suiker: Met dien verstande dat „planter” volgens die betekenis van paragraaf (b) van sub-artikel (1) van artikel een nie insluit nie—

- (i) iemand van nie-blanke afkoms; of
- (ii) iemand wat suiker vervaardig; of
- (iii) iemand wat 'n direkteur is van 'n maatskappy wat suiker vervaardig; of
- (iv) 'n vennootskap, sindikaat of maatskappy waarin iemand wat suiker vervaardig of wat 'n direkteur is van 'n maatskappy wat suiker vervaardig, 'n belang besit van meer as een-derde;

„mandaatgebied” die mandaatgebied Suidwes-Afrika;

„meulenaar” iemand wat suiker uit suikerriet vervaardig;

„Minister” die Minister van Handel en Nywerheid;

„raffineerder” iemand wat in 'n raffinadery ru-suiker omsit in geraffineerde suiker;

„geraffineerde suiker” al sulke suikersoorte van geraffineerde kwaliteit as wat geraffineer is deur middel van die been-kool-filtreer-, die houtskool-, of die karbonceer-proses;

„jaar” 'n tydperk van twaalf maande eindigende op die dertigste dag van April.

14. Hierdie Wet heet die Suikerwet, 1936.