// OFFICIAL GAZETTE
EXTRAORDINARY
OF SOUTH WEST AFRICA.

BUITENGEWONE
OFFISIËLE KOERANT
VAN SUIDWES-AFRIKA.

UITGAWE OP GESAG. PUBLISHED BY AUTHORITY.

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The following Draft Ordinance, which will be introduced during the next Session of the Legislative Assembly, is published for general information.

C. F. MARAIS,
Secretary for South West Africa.

Administrator's Office,
Windhoek.

Die volgende Ontwerpordonnansie, wat gedurende die volgende Sessie van die Wetgewende Vergadering ingedien sal word, word vir algemene inligting gepubliseer.

C. F. MARAIS,
Sekretaris van Suidwes-Afrika.

Kantoor van die Administrateur,
Windhoek.

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DRAFT ORDINANCE

To consolidate and amend the laws relating to the establishment of a Dairy Industry Control Board and its powers and functions and the regulation and control of the dairy industry; and to provide for maters incidental thereto.

BE IT ORDAINED by the Legislative Assembly for the Territory of South West Africa, with the consent of the State President in so far as such consent is necessary, previously obtained and communicated to the Legislative Assembly by message from the Administrator in accordance with the provisions of section *twenty-six* of the South West Africa Constitution Act, 1925, as amended by section *sixteen* of the South West Africa Affairs Amendment Act, 1949, as follows:—

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

(i) "adulterated milk" means milk which has been standardised without the written permission of the Board, or to which water has been added, or the composition of which has been tampered with in any way with intent to defraud; (cxxi)

(ii) "analyst" means a person designated as such in terms of paragraph (a) of subsection (1) of section *forty-two* by the Administrator; (lxxviii)

(iii) "Boards" means the Dairy Industry Control Board established in terms of section two; (xcv)

(iv) "brand" in relation to any article or dairy product or dairy produce substitute, when used as a verb, means the placing on such article, product or substitute of any mark, representation, designation or description, and when

ONTWERPORDONNANSIE

Om die wette op die instelling van 'n raad van beheer oor die suiwelnywerheid en sy bevoegdhede en werksaamhede en op die reëling van, en beheer oor, die suiwelnywerheid saam te vat en te wysig, en om voorsiening te maak vir verbandhoudende sake.

Die Wetgewende Vergadering van die Gebied Suidwes-Afrika met die toestemming van die Staatspresident, dermate sodanige toestemming nodig is, vooraf verkreë en deur boodskap van die Administrateur aan die Wetgewende Vergadering meegedeel ooreenkomstig die bepalings van artikel *ses-en-twintig* van die „Zuidwest Afrika Konstitutie Wet 1925" soos gewysig by artikel *sestien* van die Wysigingswet op die Aangeleenthede van Suidwes-Afrika 1949, VERORDEN:—

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

(i) „afgeroomde melk" melk waaruit die melkvet wesenlik verwyder is deur middel van 'n meganiese sentrifuge of afskeier of deur enige ander middel; (cxii)

(ii) „afgeroomde melkpoeier" melkpoeier of gedroogde melk vervaardig van afgeroomde melk en omvat dit „ontvette melkpoeier" en „vetvry melkpoeier"; (cxiii)

(iii) „afgeroomdemelkpoeierfabriek" 'n perseel geregistreer as 'n suiwelfabriek vir die vervaardiging van afgeroomde melkpoeier; (cxiv)

(iv) „afgeroomdemelkpoeiervervaardiger" of „vervaardiger van afgeroomdemelkpoeier" enigiemand wat as 'n suiwelprodukvervaardiger geregistreer is vir die vervaardiging van afgeroomdemelkpoeier; (cxv)

used as a noun, means any mark, representation, designation or description appearing upon or used in connection with any dairy product or dairy produce substitute; (lxxvii)

(v) "butter" means the conglomeration of milkfat rich in solid fat, formed by the churning or agitation of cream or milk, and for the purpose of this Ordinance "butter" when unqualified means creamery butter or farm butter; (vi)

(iv) "butter factory" or "creamery" means premises registered as a dairy products factory for the manufacture of creamery butter; (vii)

(vii) "buttermilk" means the product obtained by churning milk or cream and removing the butter granules formed, and does not include "cultured buttermilk", and for the purpose of this Ordinance "buttermilk" when unqualified means factory buttermilk or farm buttermilk; (lxi)

(viii) "casein" means the protein material produced or obtained from skim milk by precipitation or coagulation with acids or rennet or any other suitable enzyme or by spontaneous souring, and the subsequent drying of the coagulate or curd, and for the purposes of this Ordinance "casein" when unqualified means farm casein, factory casein or renovated casein; (lxii)

(ix) "casein depot" means any collection depot used for the collection and weighing or sampling or grading or testing of farm casein intended for dispatch to a renovated casein factory; (lxiii)

(x) "casein factory" means premises registered as a dairy products factory for the manufacture of factory casein; (lxiv)

(xi) "cheese" means any product, excluding casein, obtained or produced by coagulating whole milk or standardised milk or skimmed milk or partly skimmed milk or milk plus cream through the addition of organic acids or rennet or any other suitable enzyme or through spontaneous souring, irrespective of whether or not the coagulate or curd is subjected to heating and pressing and a period of ripening during manufacture of the cheese, and for the purpose of this Ordinance "cheese" when unqualified means factory cheese or farm cheese; (lix)

(xii) "cheese factory" means premises registered as a dairy products factory for the manufacture of factory cheese; (lx)

(xiii) "collection depot" means any premises other than premises registered as a dairy products factory, of which a dairy products manufacturer is the owner or occupier and which are used for the assembling or collection of milk, cream or farm casein from more than one milk producer before transportation to a dairy products factory, and for the purpose of this Ordinance "collection depot" when unqualified means cream depot, casein depot, milk depot or fresh milk depot; (cxx)

(xiv) "condensed milk" or "evaporated milk" means the liquid product obtained by the partial removal of water only from whole milk or standardised milk or skimmed milk or partly skimmed milk and to which other ingredients may have been added; (xxviii)

(xv) "condensed milk factory" means premises registered as a dairy products factory for the manufacture of condensed milk; (xxix)

(xvi) "condensed milk manufacturer" or "manufacturer of condensed milk" means any person registered as a dairy products manufacturer for the manufacture of condensed milk; (xxx)

(xvii) "cottage cheese" means cheese of whatever type or make or brand or name which has not been substantially pressed or subjected to a period of ripening during manufacture, and

(v) „bederfwerende middel" enige stof of bestanddeel of produk of chemikalie gebruik in enige suiwelproduk of suiwelsurrogaat en wat, na die ontleder meen, die uitwerking het dat dit die goedhou-eienskap van die suiwelproduk of suiwelsurrogaat waarin dit gebruik word, versterk; (xcii)

(vi) „botter" die klontering van melkvet ryk aan soliede vet wat gevorm word deur die karring of beroering van room of melk en, by die toepassing van hierdie ordonnansie, beteken „botter", wanneer ongekwalifiseer, fabrieksbotter of plaasbotter; (v)

(vii) „botterfabriek" 'n perseel wat geregistreer is as 'n suiwelfabriek vir die vervaardiging van fabrieksbotter; (vi)

(viii) „eienaar" ook 'n gedeeltelike eienaar of mede-eienaar of die eienaar se agent of verteenwoordiger en, in verband met enige perseel wat geregistreer is of moet wees, enige huurder of okkupeerder daarvan of die persoon wat die beheer of bestuur daarvan het; (lxxxvii)

(ix) „fabrieksbotter" botter wat in 'n botterfabriek vervaardig word; (xix)

(x) „fabrieksbottervervaardiger" of „vervaardiger van fabrieksbotter" enigiemand wat as 'n suiwelprodukvervaardiger geregistreer is vir die vervaardiging van fabrieksbotter; (xx)

(xi) „fabriekskaas" kaas wat in 'n kaasfabriek vervaardig word en ook hardekaas, sagtekaas of suurmelkkaas; (xxxviii)

(xii) „fabriekskaasvervaardiger" of „vervaardiger van fabriekskaas" enigiemand wat as 'n suiwelprodukvervaardiger geregistreer is vir die vervaardiging van fabriekskaas; (xxxix)

(xiii) „fabriekskarringmelk" karringmelk geproduseer by 'n botterfabriek; (xxxv)

(xiv) „fabriekskaseïen" kaseïen wat in 'n kaseïenfabriek vervaardig word; (xxxvi)

(xv) „fabriekskaseïenvervaardiger" of vervaardiger van fabriekskaseïen" enigiemand wat as 'n suiwelprodukvervaardiger geregistreer is vir die vervaardiging van fabriekskaseïen; (xxxvii)

(xvi) „fabrieksmelk" melk verkoop aan of bestem vir verkoop aan 'n vervaardiger van fabrieksbotter, 'n vervaardiger van fabriekskaas, 'n vervaardiger van fabriekskaseïen, 'n vervaardiger van melkpoeier, 'n vervaardiger van gekondenseerde melk of 'n vervaardiger van gesteriliseerde melk; (xlii)

(xvii) „fabrieksmelkprodusent" enige produsent van industriële melk wat fabrieksmelk produseer; (xliii)

(xviii) „fabrieksroom" room verkoop aan of bestem vir verkoop aan 'n vervaardiger van fabrieksbotter, vervaardiger van fabriekskaas of vervaardiger van gesteriliseerde room; (xl)

(xix) „fabrieksroomprodusent" enige produsent van industriële melk wat fabrieksroom produseer; (xli)

(xx) „gedeeltelik afgeroomde melk" of „laevetmelk" melk wat minder as 3 persent maar minstens 1 persent melkvet en minstens 8.5 persent vetvry soliede bestanddele bevat, en wat verkry word deur deel van die room of melkvet uit melk te verwyder, of deur afgeroomde melk of gedeeltelik afgeroomde melk by melk te voeg of deur room of melkvet by afgeroomde melk of gedeeltelik afgeroomde melk te voeg; (lxxxix)

(xxi) „gedroogde karringmelk" of „karringmelkpoeier" die droë produk verkry deur die verwydering van water alleen uit karringmelk; (xxxi)

(xxii) „gedroogdekarringmelkfabriek" 'n perseel geregistreer as 'n suiwelfabriek vir die vervaardiging van gedroogde karringmelk; (xxxii)

which has been declared a cottage cheese in terms of section *thirty-nine;* (cx)

(xviii) "cream" means that portion of milk rich in milk fat which has risen to the surface of the milk on standing and has then been removed, or which has been separated from milk by centrifugal force or by any other means, and for the purpose of this Ordinance "cream" when unqualified means factory cream or fresh cream; (xcvii)

(xix) "creamery butter means butter manufactured in a butter factory; (ix)

(xx) "creamery butter manufacturer" or "manufacturer of creamery butter" means any person registered as a dairy products manufacturer for the manufacture of creamery butter; (x)

(xxi) "cream depot" means any collection depot used for the collection and weighing or sampling or grading or testing of cream intended for dispatch to a dairy products factory; (xcviii)

(xxii) "cultured milk" means milk which has been curdled or fermented through natural souring or through the addition of lactic acid-producing or other suitable cultures, and includes "yoghurt", "cultured buttermilk", "acidophilus milk", "bulgaricus milk" and "kefir"; (lxv)

(xxiii) "cultured milk factory" means premises registered as a dairy products factory for the manufacture of cultured milk; (lxvi)

(xxiv) "cultured milk manufacturer" or "manufacturer of cultured milk" means any person registered as a dairy products manufacturer for the manufacture of cultured milk; (lxvii)

(xxv) "dairy product" or "dairy produce" means butter, buttermilk, casein, cheese, condensed milk or evaporated milk, cream, cultured milk, dried buttermilk or buttermilk powder, dried cream, factory cream, factory milk, fresh milk, flavoured milk, ghee, ice cream, industrial milk, milk, milkfat or butterfat, milk powder or dried milk, modified milk powder, partly skimmed milk, process butter, process cheese, reconstituted cream or recombined cream, reconstituted milk or recombined milk, skimmed milk, standardised milk, sterilized cream, sterilized milk or any other product which the Administrator has in terms of section *forty* declared to be a dairy product; (cv)

(xxvi) "dairy products factory" means premises registered as a dairy products factory and includes a butter factory or creamery, casein factory, cheese factory, condensed milk factory, cultured milk factory, dried buttermilk factory, flavoured milk factory, fresh milk plant or dairy, ice cream factory, milk powder factory, modified milk powder factory, process butter factory, process cheese factory, reconstituted cream factory, reconstituted milk factory, renovated casein factory, skimmed milk powder factory, sterilized cream factory, sterilized milk factory, a farm creamery and a farm cheesery; (civ)

(xxvii) "dairy products manufacturer" or "manufacturer of dairy products" means any person registered as a dairy products manufacturer and includes a manufacturer of condensed milk, creamery butter, cultured milk, dried buttermilk, factory casein, factory cheese, flavoured milk, ice cream, milk powder, modified milk powder, process butter, process cheese, reconstituted cream, seconstituted milk, renovated casein, skimmed milk powder, sterilized cream, sterilized milk, a processor of fresh milk, a farm butter maker and a farm cheese maker; (cvi)

(xxviii) "dairy produce substitute" means any substance which, irrespective of whether or not any dairy product was used in its production,

(xxiii) „gedroogdekarringmelkvervaardiger" of „vervaardiger van gedroogde karringmelk" enigiemand geregistreer as 'n suiwelprodukvervaardiger vir die vervaardiging van gedroogde karringmelk; (xxxiii)

(xxiv) „gedroogde room" die droë produk verkry deur die verwydering van water alleen uit room; (xxxiv)

(xxv) „gegeurde melk" volmelk, afgeroomde melk, gedeeltelik afgeroomde melk of gestandaardiseerde melk waarby onskadelike geur- of kleurstof gevoeg is; (liii)

(xxvi) „gegeurdemelkfabriek" 'n perseel geregistreer as 'n suiwelfabriek vir die vervaardiging van gegeurde melk; (liv)

(xxvii) „gegeurdemelkvervaardiger" of „vervaardiger van gegeurde melk" iemand wat geregistreer is as 'n suiwelprodukvervaardiger vir die vervaardiging van gegeurde melk; (lx)

(xxviii) „gekondenseerde melk" of „ingedampte melk" is die vloeibare produk wat verkry word deur die gedeeltelike verwydering van water alleen uit volmelk of gestandaardiseerde melk of afgeroomde melk of gedeeltelik afgeroomde melk en waarby ander bestanddele moontlik gevoeg is; (xiv)

(xxix) „gekondenseerdemelkfabriek" 'n perseel geregistreer as 'n suiwelfabriek vir die vervaardiging van gekondenseerde melk; (xv)

(xxx) gekondenseerdemelkvervaardiger of „vervaardiger van gekondenseerde melk" enigiemand wat as 'n vervaardiger van suiwelprodukte geregistreer is vir die vervaardiging van gekondenseerde melk; (xvi)

(xxxi) „gemodifiseerdemelkpoeier" enige poeier, buiten melkpoeier en karringmelkpoeier, verkry deur die verwydering van water uit melk wat suur geword het, òf natuurlik òf deur die byvoeging van geskikte ensieme of organiese sure of verkry word uit melk waarby bottervet of suiker of ander stowwe gevoeg is, en omvat dit melkpoeier waarby suiker of laktose of maltose of enige ander stof bygevoeg word; (lxxxiv)

(xxxii) gemodifiseerdemelkpoeierfabriek" 'n perseel geregistreer as 'n suiwelfabriek vir die vervaardiging van gemodifiseerdemelkpoeier; (lxxxv)

(xxxiii) „gemodifiseerdemelkpoeiervervaardiger" of "vervaardiger van gemodifiseerdemelkpoeier" enigiemand geregistreer as 'n suiwelprodukvervaardiger vir die vervaardiging van gemodifiseerdemelkpoeier; (lxxxvi)

(xxxiv) „geregistreer" geregistreer ingevolge hierdie ordonnansie en het „registrasie" 'n ooreenstemmende betekenis; (cvi)

(xxxv) „gestandaardiseerde melk" melk wat minstens 3 persent melkvet en minstens 8.5 persent nievethoudende soliede bestanddele bevat en wat verkry word deur 'n deel van die room of melkvet uit melk te verwyder of afgeroomde melk of gedeeltelik afgeroomde melk by melk te voeg of om room of melkvet by afgeroomde melk of gedeeltelik afgeroomde melk te voeg; (cxviii)

(xxxvi) „gesteriliseerde melk" melk wat gesteriliseer is en in 'n lugdigte houer bevat word; (cxxii)

(xxxvii) „gesteriliseerdemelkfabriek" 'n perseel wat as 'n suiwelfabriek geregistreer is vir die vervaardiging van gesteriliseerde melk; (cxxiii)

(xxxviii) „gesteriliseerdemelkvervaardiger" of „vervaardiger van gesteriliseerde melk" enigiemand wat as 'n suiwelprodukvervaardiger geregistreer is vir die vervaardiging van gesteriliseerde melk; (cxxiv)

(xxxix) „gesteriliseerde room" room wat gesteriliseer is en in 'n lugdigte houer bevat word; (cxix)

(xl) „gesteriliseerderoomfabriek" 'n perseel geregistreer as 'n suiwelfabriek vir die vervaardiging van gesteriliseerde room; (cxx)

processing or manufacture, is made from animal or vegetable fats or oils or a mixture thereof in imitation, form or semblance of a dairy product, and includes margarine; (cvii)

(xxix) "dairy produce substitute factory" means premises registered as a dairy produce substitute factory; (cviii)

(xxx) "dairy produce substitute manufacturer" or "manufacturer of dairy produce substitutes" means any person registered as a dairy products substitute manufacturer; (cix)

(xxxi) "dried buttermilk" or "buttermilk powder" means the dry product obtained by the removal of water only from buttermilk; (xxi)

(xxxii) "dried buttermilk factory" means premises registered as a dairy products factory for the manufacture of dried buttermilk; (xxii)

(xxxiii) "dried buttermilk manufacturer" or manufacturer of dried buttermilk" means any person registered as a dairy products manufacturer for the manufacture of dried buttermilk; (xxiii)

(xxxiv) "dried cream" means the dry product obtained by the removal of water only from cream; (xxiv)

(xxxv) "factory buttermilk" means buttermilk produced at a butter factory; (xiii)

(xxxvi) "factory casein" means casein manufactured in a casein factory; (xiv)

(xxxvii) "factory casein manufacturer" or "manufacturer of factory casein" means any person registered as a dairy products manufacturer for the manufacture of factory casein; (xv)

(xxxviii) "factory cheese" means cheese manufactured in a cheese factory and includes hard-pressed cheese, soft cheese or cottage cheese; (xi)

(xxxix) "factory cheese manufacturer" or "manufacturer of factory cheese" means any person registered as a dairy products manufacturer for the manufacture of factory cheese; (xii)

(xl) "factory cream" means cream sold to or intended for sale to a creamery butter manufacturer, factory cheese manufacturer or sterilized cream manufacturer; (xviii)

(xli) "factory cream producer" means any industrial milk producer who produces factory cream; (xix)

(xlii) "factory milk" means milk sold to or intended for sale to a creamery butter manufacturer, factory cheese manufacturer, factory casein manufacturer, milk powder manufacturer, condensed milk manufacturer or sterilized milk manufacturer; (xvi)

(xliii) "factory milk producer" means any industrial milk producer who produces factory milk; (xvii)

(xliv) "farm butter" means butter manufactured by a farm butter maker; (lxxx)

(xlv) "farm butter maker" means any milk producer registered as a dairy products manufacturer for the manufacture of farm butter and who manufactures butter from milk or cream not produced by any other milk producer; (lxxxi)

(xlvi) "farm buttermilk" means buttermilk produced by a milk producer; (lxxxvi)

(xlvii) "farm casein" means casein manufactured by a farm casein producer; (lxxxvii)

(xlviii) "farm casein producer" means any industrial milk producer who makes casein from milk not produced by any other milk producer; (lxxxviii)

(xlix) "farm cheese" means cheese manufactured by a farm cheese maker and includes hard-pressed

(xli) „gesteriliseerderoomvervaardiger" of „vervaardiger van gesteriliseerde room" enigiemand wat as 'n suiwelprodukvervaardiger geregistreer is vir die vervaardiging van gesteriliseerde room; (cxxi)

(xlii) „ghee" die produk wat verkry word van room of botter waaruit die water deur hitte verdryf is; (lxv)

(xliii) „gradeer" die klassifisering van 'n suiwelproduk of suiwelsurrogaat volgens gehalte, en „gradering" en „gegradeer" het ooreenstemmende betekenisse, terwyl „graad" die kwaliteitsklas van 'n suiwelproduk of suiwelsurrogaat beteken; (lxvi)

(xliv) „halfroommelkpoeier" melkpoeier of gedroogde melk vervaardig van gedeeltelik afgeroomde melk; (lxvii)

(xlv) „hardekaas" kaas van watter tipe of fabrikaat of merk of naam ook al wat gedurende vervaardiging onderwerp word aan wesenlike druk en 'n tydperk van rypmaking en wat kragtens artikel *negen-en-dertig* tot hardekaas verklaar is; (lxviii)

(xlvi) „herbewerkte kaseïen" plaaskaseïen verwerk, herbewerk of gesuiwer in 'n herbewerktekaseïenfabriek; (cviii)

(xlvii) „herbewerktekaseïenfabriek" 'n perseel geregistreer as 'n suiwelfabriek vir die vervaardiging van herbewerkte kaseïen; (cix)

(xlviii) „herbewerktekaseïenvervaardiger" of „vervaardiger van herbewerkte kaseïen" enigiemand wat as 'n suiwelprodukvervaardiger geregistreer is vir die vervaardiging van herbewerkte kaseïen; (cx)

(xlix) „hersaamgestelde melk" 'n produk verkry uit die hersamestelling van melkbestanddele met water; (ciii)

(l) ‚hersaamgesteldemelkfabriek" 'n perseel geregistreer as 'n suiwelfabriek vir die vervaardiging van hersaamgestelde melk; (civ)

(li) ‚hersaamgesteldemelkvervaardiger" of „vervaardiger van hersaamgestelde melk" enigiemand geregistreer as 'n suiwelprodukvervaardiger vir die vervaardiging van hersaamgestelde melk; (cv)

(lii) „hersaamgestelde room" 'n produk wat verkry word uit die samestelling van gedroogde room, botter of bottervet met room, volmelk, afgeroomde melk of water; (c)

(liii) „hersaamgestelderoomfabriek" 'n perseel geregistreer as 'n suiwelfabriek vir die vervaardiging van hersaamgestelde room; (ci)

(liv) „hersaamgestelderoomvervaardiger" of „vervaardiger van hersaamgestelde room" enigiemand geregistreer as 'n suiwelprodukvervaardiger vir die vervaardiging van hersaamgestelde room; (cii)

(lv) „hierdie ordonnansie" ook die regulasies; (cxxv)

(lvi) „industriële melk" alle melk wat deur 'n produsent van industriële melk geproduseer word; (lxxii)

(lvii) „industriëlemelkprodusent" of „produsent van industriële melk" 'n melkprodusent wat melk produseer vir verkoop aan enige suiwelprodukvervaardiger buiten 'n varsmelkverwerker, of wat melk produseer vir die maak van fabrieksroom of plaaskaseïen, en, by die toepassing van hierdie ordonnansie, beteken „industriëlemelkprodusent" of „produsent van industriële melk", wanneer ongekwalifiseer, 'n fabrieksmelkprodusent, fabrieksroomprodusent of 'n plaaskaseïenprodusent; (lxxiii)

(lviii) „inspekteur" iemand wat as sodanig deur die Administrateur kragtens paragraaf (h) van subartikel (1) van artikel *twee-en-veertig* aangestel is; (lxxiv)

(lix) „kaas" enige produk, buiten kaseïen, verkry of geproduseer deur die stolling van volmelk

cheese, soft cheese and cottage cheese; (lxxxiii)

(l) "farm cheese maker" means any milk producer registered as a dairy products manufacturer for the manufacture of farm cheese and who manufactures cheese from milk or cream not produced by any other milk producer; (lxxxiv)

(li) "farm cheesery" means premises registered as a dairy products factory for making farm cheese; (lxxxv)

(lii) "farm creamery" means premises registered as a dairy products factory for making farm butter; (lxxxii)

(liii) "flavoured milk" means whole milk, skimmed milk, partly skimmed milk or standardised milk to which harmless flavouring or colouring matter has been added; (xxv)

(liv) "flavoured milk factory" means premises registered as a dairy products factory for the manufacture of flavoured milk; (xxvi)

(lv) "flavoured milk manufacturer" or "manufacturer of flavoured milk" means any person registered as a dairy products manufacturer for the manufacture of flavoured milk; (xxvii)

(lvi) "fresh cream" means cream sold to or intended for sale to a fresh milk processor or ice cream manufacturer and cream sold by or intended for sale by a fresh milk processor, and includes pasteurised cream; (cxvi)

(lvii) "fresh cream producer" means any milk producer who produces fresh cream; (cxvii)

(lviii) "fresh milk" means milk sold to or intended for sale to a fresh milk processor or an ice cream manufacturer and milk sold by or intended for sale by a fresh milk processor, and includes pasteurised milk; (cxi)

(lix) "fresh milk depot" means any collection depot used for the collection and weighing or sampling or grading or testing of fresh milk and fresh cream intended for dispatch to a fresh milk plant; (cxii)

(lx) "fresh milk plant" or "dairy" means premises registered as a dairy products factory for the processing of fresh milk or fresh cream; (cxiii)

(lxi) "fresh milk processor" or "processor of fresh milk" means any person registered as a dairy products manufacturer for the processing of fresh milk or fresh cream; (cxv)

(lxii) "fresh milk producer" means any milk producer who produces fresh milk; (cxiv)

(lxiii) "full-cream milk" or "whole milk" means milk from which no milkfat has been removed and to which no skimmed milk or partly skimmed milk has been added; (cxxiii)

(lxiv) "full-cream milk powder" or "whole milk powder" means milk powder or dried milk manufactured from full-cream milk or standardised milk; (cxxiv)

(lxv) "ghee" means the product obtained from cream or butter from which the water has been driven off by heat; (xlii)

(lxvi) "grade", when used as a verb means the classification of a dairy product or dairy produce substitute according to quality, and "grading" and "graded" have corresponding meanings, and when used as a noun, "grade" means the quality class of any dairy product or dairy produce substitute; (xliii)

(lxvii) "half-cream milk powder" means milk powder or dried milk manufactured from partly skimmed milk; (xliv)

(lxviii) "hard-pressed cheese" means cheese of whatever type or make or brand or name which, during manufacture, has been subjected to substantial pressure and a period of ripening, and which has been declared a hard-pressed cheese in terms of section *thirty-nine;* (xlv)

of gestandaardiseerde melk of afgeroomde melk of gedeeltelik afgeroomde melk of melk plus room deur die byvoeging van organiese sure of stremsel of enige ander geskikte ensiem of deur natuurlike suurwording, ongeag of die gestolde produk of wrongel onderwerp word of nie aan hitte en druk en 'n tydperk van rypmaking gedurende die vervaardigiing van die kaas, en, by die toepassing van hierdie ordonnansie, beteken „kaas", wanneer ongekwalifiseer, fabriekskaas of plaaskaas; (xi)

(lx) „kaasfabriek" 'n perseel wat geregistreer is as 'n suiwelfabriek vir die vervaardiging van fabriekskaas; (xii)

(lxi) „karringmelk" die produk wat verkry word wanneer melk of room gekarring word en die gevormde botterkorrels verwyder word, en sluit dit „kultuurkarringmelk" uit, en, by die toepassing van hierdie ordonnansie, beteken „karringmelk", wanneer ongekwalifiseer, fabriekskarringmelk of plaaskarringmelk; (vii)

(lxii) „kaseïen" die proteïenstof wat geproduseer of verkry word van afgeroomde melk by wyse van neerslag of stolling met sure of stremsel of enige ander geskikte ensiem of deur natuurlike suurwording en die daaropvolgende verdroging van die gestolde produk of die wrongel, en, by die toepassing van hierdie ordonnansie, beteken „kaseïen", wanneer ongekwalifiseer, plaaskaseïen, fabriekskaseïen of herbewerkte kaseïen; (viii)

(lxiii) „kaseïendepot" enige versameldepot wat gebruik word vir die versameling en weeg of bemonstering of gradering of toets van plaaskaseïen bestem vir versending na 'n fabriek vir herbewerkte kaseïen; (ix)

(lxiv) „kaseïenfabriek" 'n perseel geregistreer as 'n suiwelfabriek vir die vervaardiging van fabriekskaseïen; (x)

(lxv) „kultuurmelk" melk wat gestol of gegis het weens natuurlike suurwording of deur die byvoeging van melksuurvormende of ander geskikte kulture, en omvat dit „joghurt", „kultuurkarringmelk", „acidophilusmelk", „bulgaricusmelk" en „kefir"; (xxii)

(lxvi) „kultuurmelkfabriek" 'n perseel wat geregistreer is as 'n suiwelfabriek vir die vervaardiging van kultuurmelk; (xxiii)

(lxvii) „kultuurmelkvervaardiger" of „vervaardiger van kultuurmelk" enigiemand wat geregistreer is as 'n suiwelprodukvervaardiger vir die vervaardiging van kultuurmelk; (xxiv)

(lxviii) „margarien" of „kunsbotter" enige stof wat 'n namaaksel van, of in die vorm van botter is, of die voorkoms van botter het, hetsy as margarien of onder 'n ander naam of benaming beskryf, en waarvan die tekstuur wesenlik ooreenkom met dié van botter en wat hoofsaaklik vervaardig word van een of meer plantaardige of dierlike vette of oliesoorte, maar sluit dit 'n enkele vetsoort wat as so 'n vetsoort verkoop word uit; (lxxv)

(lxi) „melk" die melkafskeiding verkry deur 'n koei te melk; (lxxvi)

(lxx) „melkdepot" enige versameldepot wat gebruik word vir die versameling en weeg of bemonstering of gradering of toets van fabrieksmelk bestem vir versending na 'n suiwelfabriek; (lxxvii)

(lxxi) „melkpoeier" of „gedroogde melk" die droë produk wat verkry word deur die verwydering van water alleen uit volmelk of afgeroomde melk of gestandaardiseerde melk of gedeeltelik afgeroomde melk en omvat dit volroommelkpoeier, halfroommelkpoeier en afgeroomdemelkpoeier, maar nie gemodifiseerdemelkpoeier nie; (lxxix)

(lxxii) „melkpoeierfabriek" 'n perseel geregistreer as 'n suiwelfabriek vir die vervaardiging van melkpoeier! (lxxx)

(lxix) "ice cream" means any frozen product made from fresh cream or butter and milk or condensed milk or milk powder with or without glucose, dextrose, sucrose, other wholesome food articles, harmless flavouring material, colouring substances or stabiliser in the form of gelatine and/or alginates; (xcix)

(lxx) "ice cream factory" means premises registered as a dairy products factory for the manufacture of ice cream; (c)

(lxxi) "ice cream manufacturer" or "manufacturer of ice cream" means any person registered as a dairy products manufacturer for the manufacturer of ice cream; (ci)

(lxxii) "industrial milk" means all milk produced by an industrial milk producer; (lxi)

(lxxiii) "industrial milk producer" means any milk producer who produces milk for sale to a dairy produce manufacturer other than a fresh milk processor or who produces milk for making factory cream or farm casein, and for the purpose of this Ordinance "industrial milk producer" when unqualified means a factory milk producer, factory cream producer, or a farm casein producer; (lvii)

(lxxiv) "inspector" means a person designated as such in terms of paragraph (h) of sub-section (1) of section *forty-two* by the Administrator; (lviii)

(lxxv) "margarine" means any substance in imitation, form or semblance of butter, whether described as margarine or by any other name or designation, whereof the consistency is substantially similar to that of butter and which has been manufactured mainly from any one or more vegetable or animal fats or oils, but does not include any single fat sold as such fat; (lxviii)

(lxxvi) "milk" means the lacteal secretion obtained by milking a cow; (lxix)

(lxxvii) "milk depot" means any collecting depot used for the collection and weighing or sampling or grading or testing of factory milk intended for dispatch to a dairy products factory; (lxx)

(lxxviii) "milkfat" or "butterfat" means the pure fat of milk; (lxxvi)

(lxxix) "milk powder" or "dried milk" means the dry product obtained by the removal of water only from whole milk or skimmed milk or standardised milk or partly skimmed milk, and includes full-cream milk powder, half-cream milk powder and skimmed milk powder, but does not include modified milk powder; (lxxi)

(lxxx) "milk powder factory" means premises registered as a dairy products factory for the manufacture of milk powder; (lxxii)

(lxxxi) "milk powder manufacturer" or "manufacturer of milk powder" means any person registered as a dairy products manufacturer for the manufacture of milk powder; (lxxiii)

(lxxxii) "milk producer" or "producer of milk" means any person who owns or has the control of one or more cows from which milk is obtained and who sells or diposes of part or all of such milk or any milk product derived therefrom, and for the purpose of this Ordinance "milk producer" or "producer of milk" when unqualified means an industrial milk producer, a fresh milk producer or a fresh cream producer; (lxxv)

(lxxxiii) "milk product" means cream, milkfat, skimmed milk, partly skimmed milk, cultured milk, farm buttermilk, farm butter or farm cheese; (lxxiv)

(lxxxiv) "modified milk powder" means any powder, other than milk powder and buttermilk powder, obtained by the removal of water from milk

(lxxiii) „melkpoeiervervaardiger" of „vervaardiger van melkpoeier" enigiemand geregistreer as 'n suiwelprodukvervaardiger vir die vervaardiging van melkpoeier! (lxxxi)

(lxxiv) „melkproduk" room, melkvet, afgeroomde melk, gedeeltelik afgeroomde melk, kultuurmelk, plaaskarringmelk, plaasbotter of plaaskaas; (lxxxiii)

(lxxv) „melkprodusent" of „produsent van melk" enigiemand wat een of meer koeie besit of beheer waarvan melk verkry word en wat deel van, of al, sodanige melk of enige melkproduk daarvan verkry, verkoop of van die hand sit, en, by die toepassing van hierdie ordonnansie, beteken „melkprodusent" of „produsent van melk", wanneer ongekwalifiseer, 'n industriëlemelkprodusent, 'n varsmelkprodusent of 'n varsroomprodusent; (lxxxii)

(lxxvi) „melkvet" of „bottervet" die suiwer vet van melk; (lxxviii)

(lxxvii) „merk" met betrekking tot enige artikel of suiwelproduk of suiwelsurrogaat wanneer dit as 'n werkwoord gebesig word, die aanbring op daardie artikel, produk of surrogaat van 'n merk, voorstelling, benaming of beskrywing en, wanneer dit as 'n selfstandige naamwoord gebesig word, enige merk, voorstelling, benaming of beskrywing wat op 'n suiwelproduk of suiwelsurrogaat voorkom of in verband daarmee gebesig word; (iv)

(lxxviii) „ontleder" iemand wat as sodanig aangestel is deur die Administrateur kragtens paragraaf (a) van subartikel (1) van artikel *twee-en-veertig;* (ii)

(lxxix) „perseel" enige gebou of struktuur tesame met die grond waarop dit geleë is en die aangrensende grond wat in verband daarmee gebruik word; (xc)

(lxxx) „plaasbotter" botter vervaardig deur 'n plaasbottermaker; (xliv)

(lxxxi) „plaasbottermaker" enige melkprodusent wat geregistreer is as 'n suiwelprodukvervaardiger vir die vervaardiging van plaasbotter en wat botter vervaardig uit melk of room wat nie deur enige ander melkprodusent geproduseer word nie; (xlv)

(lxxxii) „plaasbottermakery" 'n perseel geregistreer as 'n suiwelfabriek vir die maak van plaasbotter; (lii)

(lxxxiii) „plaaskaas" kaas vervaardig deur 'n plaaskaasmaker en omvat dit hardekaas, sagtekaas en suurmelkkaas; (xlix)

(lxxxiv) „plaaskaasmaker" enige melkprodusent geregistreer as 'n suiwelprodukvervaardiger vir die vervaardiging van plaaskaas en wat kaas maak van melk of room wat nie deur 'n ander melkprodusent geproduseer word nie; (l)

(lxxxv) „plaaskaasmakery" 'n perseel geregistreer as 'n suiwelfabriek vir die maak van plaaskaas; (li)

(lxxxvi) „plaaskarringmelk" karringmelk geproduseer deur 'n melkprodusent; (xlvi)

(lxxxvii) „plaaskaseïen" kaseïen vervaardig deur 'n plaaskaseïenprodusent; (xlvii)

(lxxxviii) „plaaskaseïenprodusent" 'n produsent van industriële melk wat kaseïen maak van melk wat nie deur 'n ander melkprodusent geproduseer word nie; (xlviii)

(lxxxix) „prosesbotter" die produk verkry uit die herbewerking of verwerking van botter of deur die vermenging van twee of meer hoeveelhede botter van verskillende grade, gehaltes of fabrikate sonder die byvoeging van enige stof buiten melk, water of sout op persele buiten dié waarop die aldus herbewerkte botter oorspronklik vervaardig is, en omvat dit herbewerkte botter, gemaalde botter en melkbehandelde botter; (xciv)

which has been soured either spontaneously or by the addition of suitable enzymes or organic acids or obtained from milk to which butter-fat or sugar or other substances have been added, and includes milk powder to which sugar or lactose or maltose or any other substance has been added; (xxxi)

(lxxxv) "modified milk powder factory" means premises registered as a dairy products factory for the manufacture of modified milk powder; (xxxii)

(lxxxvi) "modified milk powder manufacturer" or "manufacturer of modified milk powder" means any person registered as a dairy products manufacturer for the manufacture of modified milk powder; (xxxiii)

(lxxxvii) "owner" includes a part or co-owner or the owner's agent or representative, and in relation to any premises registered or required to be registered any lessee or occupier thereof or any person having the control or management thereof; (viii)

(lxxxviii) "package" or "container" means anything in which a dairy product or dairy produce substitute is contained or enclosed; (cxix)

(lxxxix) "partly skimmed milk" or "low fat milk" means milk containing less than 3 per cent but not less than 1 per cent milkfat and not less than 8.5 per cent solids-non-fat, and which has been obtained by removing part of the cream or milkfat from milk, or by adding skimmed milk or partly skimmed milk to milk, or by adding cream or milkfat to skimmed milk or partly skimmed milk; (xx)

(xc) "premises" means any building or structure, together with the land on which it is situated and the adjoining land used in connection therewith; (lxxix)

(xci) "prescribed" means prescribed by this Ordinance or by regulation or in writing by the Board and "prescribe" shall have a corresponding meaning; (cxxv)

(xcii) "preservative" means any substance or ingredient or product or chemical used in any dairy product or dairy produce substitute and which, in the opinion of an analyst, has the effect of increasing the keeping quality of the dairy product or dairy produce substitute in which it is used; (v)

(xciii) "process" or "processing" or "manufacture" in addition to its ordinary meaning, means subjection to heat treatment, canning, bottling, packing, mixing, blending, milling or breaking down of bulk, and includes placing fresh milk or fresh cream in bottles, cartons, cans or other containers for the purpose of sale to any person other than a dairy products manufacturer; (cxxii)

(xciv) "process butter" means the product obtained by the reworking or processing of butter or by the mixing of two or more quantities of butter of different grades, qualities or makes without the addition of any substance other than milk, water or salt, on premises other than those in which the butter so reworked was originally manufactured and includes renovated butter, milled butter and milkblended butter; (lxxxix)

(xcv) "process butter factory" means premises registered as a dairy products factory for the manufacture of process butter; (xc)

(xcvi) "process butter manufacturer" or "manufacturer of process butter" means any person registered as a dairy products manufacturer for the manufacture of process butter; (xci)

(xcvii) "process cheese" means the product obtained by the milling, mixing or blending of different quantities of cheese whether or not of the same make, type, quality or grade and which has been subjected to heat treatment or pasteuri-

(xc) „prosesbotterfabriek" 'n perseel geregistreer as 'n suiwelfabriek vir die vervaardiging van prosesbotter; (xcv)

(xci) „prosesbottervervaardiger" of „vervaardiger van prosesbotter" enigiemand geregistreer as 'n suiwelprodukvervaardiger vir die vervaardiging van prosesbotter; (xcvi)

(xcii) „proseskaas" die produk verkry deur die maal, vermenging of versnyding van verskillende hoeveelhede kaas hetsy van dieselfde fabrikaat, tipe, gehalte of graad of nie, en wat onderwerp word aan hittebehandeling of pasteurisering met of sonder die byvoeging van onskadelike emulsifiseerders, kleurstowwe of enige voedselproduk; (xcvii)

(xciii) „proseskaasfabriek" 'n perseel geregistreer as 'n suiwelfabriek vir die vervaardiging van proseskaas; (xcviii)

(xciv) „proseskaasvervaardiger" of „vervaardiger van proseskaas" enigiemand geregistreer as 'n suiwelprodukvervaardiger vir die vervaardiging van proseskaas; (xcix)

(xcv) „raad" die Raad van Beheer oor die Suiwelnywerheid ingestel by artikel *twee;* (iii)

(xcvi) „regulasie" 'n regulasie uitgevaardig en van krag ingevolge hierdie ordonnansie; (cvii)

(xcvii) „room" daardie deel van melk wat ryk is aan melkvet en wat na die oppervlakte van die melk styg terwyl die melk staan en dan verwyder word of wat van melk afgeskei word deur sentrifugale krag of 'n ander middel, en, by die toepassing van hierdie ordonnansie, beteken „room", wanneer ongekwalifiseer, fabrieksroom of vars room; (xviii)

(xcviii) „roomdepot" enige versameldepot wat gebruik word vir die versameling en weeg of bemonstering of gradering of toets van room bestem vir versending na 'n suiwelfabriek; (xxi)

(xcix) „roomys" enige bevrore produk gemaak van vars room of botter en melk of gekondenseerde melk of melkpoeier met of sonder glukose, dekstrose, sukrose, ander gesonde voedselware, onskadelike geurstof, kleurstof of stabiliseerder in die vorm van gelatien en/of alginate; (lxix)

(c) „roomysfabriek" 'n perseel geregistreer as 'n suiwelfabriek vir die vervaardiging van roomys; (lxx)

(ci) „roomysvervaardiger" of „vervaardiger van roomys" enigiemand geregistreer as 'n suiwelprodukvervaardiger vir die vervaardiging van roomys; (lxxi)

(cii) „sagtekaas" kaas van watter tipe of fabrikaat of merk of naam ook al wat gedurende vervaardiging nie wesenlik aan druk onderwerp word nie maar wel aan 'n tydperk van rypmaking en wat kragtens artikel *negen-en-dertig* tot sagtekaas verklaar is; (cxvi)

(ciii) „standaardisasie" die wettige praktyk om 'n gedeelte van die room of melkvet uit melk te verwyder, of afgeroomde melk of gedeeltelik afgeroomde melk by melk te voeg of om room of melkvet by afgeroomde melk of gedeeltelik afgeroomde melk te voeg met die doel om melk te verkry met 'n melkvetinhoud of 'n inhoud van nie-vethoudende soliede bestanddele wat verskil aan dié van die oorspronklike melk waaruit die gestandaardiseerde melk verkry is, en wat nie uitgevoer word met die opset om te bedrieg nie, en het „standaardiseer" 'n ooreenstemmende beteknis; (cxvii)

(civ) „suiwelfabriek" 'n perseel geregistreer as 'n suiwelfabriek en omvat dit 'n botterfabriek, kaseïenfabriek, kaasfabriek, gekondenseerdemelkfabriek, kultuurmelkfabriek, gedroogdekarringmelkfabriek, gegeurdemelkfabriek, varsmelkinrigting of melkery, roomysfabriek, melkpoeierfabriek, gemodifiseerdemelkpoeierfabriek, prosesbotterfabriek, proseskaasfabriek, hersaamgestelderoomfabriek, hersaamgesteldemelkfabriek, herbewerktekaseïenfabriek, afge-

sation with or without the addition of harmless emulsifying agents, colouring matter or any food product; (xcii)

(xcviii) "process cheese factory" means premises registered as a dairy products factory for the manufacture of process cheese; (xciv)

(xcix) "process cheese manufacturer" or "manfacturer of process cheese" means any person registered as a dairy products manufacturer for the manufacture of process cheese; (xxciv)

(c) "reconstituted cream" or "recombined cream" means a product resulting from the combination of dried cream, butter or butterfat with cream, whole milk, skimmed milk or water; (lii)

(ci) "reconstituted cream factory" means premises registered as a dairy products factory for the manufacture of reconstituted cream; (liii)

(cii) "reconstituted cream manufacturer" or 'manufacturer of reconstituted cream" means any person registered as a dairy products manufacturer for the manufacture of reconstituted cream; (liv)

(ciii) "reconstituted milk" or "recombined milk" means a product resulting from the recombining of milk constituents with water; (xlix)

(civ) "reconstituted milk factory" means premises registered as a dairy products factory for the manufacture of reconstituted milk; (l)

(cv) "reconstituted milk manufacturer" or "manufacturer of reconstituted milk" means any person registered as a dairy products manufacturer for the manufacture of reconstituted milk; (li)

(cvi) "registered" means registered under this Ordinance and "registration" has a corresponding meaning; (xxxiv)

(cvii) "regulation" means a regulation made and in force under this Ordinance; (xcvi)

(cviii) "renovated casein" means farm casein processed, renovated or refined in a renovated casein factory; (xlvi)

(cix) "renovated casein factory" means premises registered as a dairy products factory for the manufacture of renovated casein; (xlvii)

(cx) "renovated casein manufacturer" or "manufacturer of renovated casein" means any person registered as a dairy products manufacturer for the manufacture of renovated casein; (xlviii)

(cxi) "sell" includes to offer, advertise, keep, expose, transmit, consign, convey or deliver for sale, or to authorise, direct or to allow a sale or to prepare or process for the purpose of sale, and to barter or exchange or supply or dispose of for any consideration direct or indirect; (cxviii)

(cxii) "skim-milk" or "skimmed milk" means milk from which the milkfat has substantially been removed by means of a mechanical centrifuge or separator, or by any other means; (i)

(cxiii) "skimmed milk powder" means milk powder or dried milk manufactured from skimmed milk, and includes "defatted milk powder" and "nonfat milk powder"; (ii)

(cxiv) "skimmed milk powder factory" means premises registered as a dairy products factory for the manufacture of skimmed milk powder; (iii)

(cxv) "skimmed milk powder manufacturer" or "manufacturer of skimmed milk powder" means any person registered as a dairy products manufacturer for the manufacture of skimmed milk powder; (iv)

(cxvi) "soft cheese" means cheese of whatever type or make or brand or name which, during manufacture, has not been substantially pressed but which has been subjected to a period of

roomdemelkpoeierfabriek, gesteriliseerderoomfabriek, gesteriliseerdemelkfabriek, 'n plaasbottermakery en 'n plaaskaasmakery; (xxvi)

(cv) „suiwelproduk" botter, karringmelk, kaseïen, kaas, gekondenseerde melk of verdampte melk, room, kultuurmelk, gedroogde karringmelk of karringmelkpoeier, gedroogde room, fabrieksroom, fabrieksmelk, vars melk, gegeurde melk, ghee, roomys, industriële melk, melk, melkvet of bottervet, melkpoeier of gedroogde melk, gemodifiseerde melkpoeier, gedeeltelik afgeroomde melk, prosesbotter, proseskaas, hersaamgestelde room, hersaamgestelde melk, afgeroomde melk, gestandaardiseerde melk, gesteriliseerde room, gesteriliseerde melk, of enige ander produk wat die Administrateur kragtens artikel *veertig* tot die suiwelproduk verklaar; (xxv)

(cvi) „suiwelprodukvervaardiger" of „vervaardiger van suiwelprodukte" enigiemand geregistreer as 'n suiwelprodukvervaardiger en omvat dit 'n vervaardiger van gekondenseerde melk, fabrieksbotter, kultuurmelk, gedroogde karringmelk, fabriekskaseïen, fabriekskaas, gegeurde melk, roomys, melkpoeier, gemodifiseerdemelkpoeier, prosesbotter, proseskaas, hersaamgestelde room, hersaamgestelde melk, herbewerkte kaseïen, afgeroomdemelkpoeier, gesteriliseerde room, gesteriliseerde melk, 'n varsmelkverwerker, 'n plaasbottermaker en 'n plaaskaasmaker; (xxvii)

(cvii) „suiwelsurrogaat" enige stof wat, ongeag of 'n suiwelproduk by sy produksie, verwerking of vervaardiging gebruik is of nie, gemaak is van dierlike of plantaardige vetsoorte of oliesoorte of 'n mengsel daarvan as namaaksel van, of in die vorm of met die voorkoms van, 'n suiwelproduk, en omvat dit margarien; (xxviii)

(cviii) „suiwelsurrogaatfabriek" 'n perseel geregistreer as 'n suiwelsurrogaatfabriek; (xxix)

(cix) „suiwelsurrogaatvervaardiger" of „vervaardiger van suiwelsurrogaate" enigiemand geregistreer as 'n suiwelsurrogaatvervaardiger; (xxx)

(cx) „suurmelkkaas" kaas van watter tipe of fabrikaat of merk of naam ook al wat nie wesenlik aan druk onderwerp word of aan 'n tydperk van rypmaking gedurende vervaardiging nie en wat ingevolge artikel *negen-en-dertig* tot suurmelkkaas verklaar word; (xvii)

(cxi) „vars melk" melk verkoop aan of bestem vir verkoop aan 'n varsmelkverwerker of 'n roomysvervaardiger en melk verkoop deur of bestem vir verkoop deur 'n varsmelkverwerker, en omvat dit gepasteuriseerde melk; (lviii)

(cxii) „varsmelkdepot" enige versameldepot wat gebruik word vir die versameling en weeg of bemonstering of gradering of toets van vars melk en vars room bestem vir versending na 'n varsmelkinrigting; (lix)

(cxiii) „varsmelkinrigting" of „melkery" 'n perseel wat geregistreer is as 'n suiwelfabriek vir die verwerking van vars melk of vars room; (lx)

(cxiv) „varsmelkprodusent" 'n melkprodusent wat vars melk produseer; (lxii)

(cxv) „varsmelkverwerker" of „verwerker van vars melk" enigiemand wat as 'n suiwelprodukvervaardiger geregistreer is vir die verwerking van vars melk of vars room; (lxi)

(cxvi) „vars room" room verkoop aan of bestem vir verkoop aan 'n varsmelkverwerker of roomysvervaardiger en room verkoop deur of bestem vir verkoop deur 'n varsmelkverwerker, en omvat dit gepasteuriseerde room; (lvi)

(cxvii) „varsroomprodusent" 'n melkprodusent wat vars room produseer; (lvii)

(cxviii) „verkoop" ook vir verkoop aanbied, adverteer aanhou, uitstal, oorstuur, versend, vervoer, of aflewer of 'n verkoop magtig, gelas of toelaat

ripening, and which has been declared a soft cheese in terms of section *thirty-nine;* (cii)

(cxvii) "standardisation" means the lawful practice of removing part of the cream or milkfat from milk, or adding skimmed milk or partly skimmed milk to milk, or adding cream or milkfat to skimmed milk or partly skimmed milk, with the object of obtaining milk with a milkfat and solids-non-fat content different to that of the original milk from which the standardised milk was obtained, and which is not carried out with intent to defraud and "standardise" has a corresponding meaning; (ciii)

(cxviii) "standardised milk" means milk containing not less than 3 per cent milkfat and not less than 8.5 per cent solids-non-fat, and which has been obtained by removing part of the cream or milkfat from milk, or by adding skimmed milk or partly skimmed milk to milk, or by adding cream or milkfat to skimmed milk or partly skimmed milk; (xxxv)

(cxix) "sterilized cream" means cream which has been sterilized and is contained in an airtight container; (xxxix)

(cxx) "sterilized cream factory" means premises registered as a dairy products factory for the manufacture of sterilized cream; (xl)

(cxxi) "sterilized cream manufacturer" or "manufacturer of sterilized cream" means any person registered as a dairy products manufacturer for the manufacture of sterilized cream; (xli)

(cxxii) "sterilized milk" means milk which has been sterilized and is contained in an airtight container; (xxxvi)

(cxxiii) "sterilized milk factory" means premises registered as a dairy products factory for the manufacture of sterilized milk; (xxxvii)

(cxxiv) 'sterilized milk manufacturer" or "manufacturer of sterilized milk" means any person registered as a dairy products manufacturer for the manufacture of sterilized milk; (xxxviii)

(cxxv) "this Ordinance" includes the regulations; (lv)

2. As from the date of coming into operation of this Ordinance there shall be established a board to be known as the Dairy Industry Control Board which shall be a body corporate and which shall be capable of suing and being sued in its corporate name and of performing, subject to the provisions of this Ordinance, all such acts as bodies corporate may by law perform.

3. (1) The Board shall consist of four members appointed by the Administrator, of whom —

(a) one shall be an officer in the public service (nominated by the Administrator) who shall be chairman of the Board;

(b) two shall represent the producers of milk (hereinafter referred to as the producers' representatives);

(c) one shall represent the manufacturers of dairy products, (hereinafter referred to as the manufacturers' representative).

(2) The Senior Dairy Officer shall be a member of the Board *ex officio* and he shall have the same rights as other members of the Board, except the right of voting at any meeting of the Board.

(3) The Board may, whenever it considers it to be expedient, co-opt in an advisory capacity any person who has a special knowledge of the production, manufacture, processing, storage, transportation or marketing of any dairy product or dairy produce substitute, but such person shall have no vote at any meeting of the Board though he may attend any such meeting in an advisory capacity.

4. The producers' and manufacturers' representatives shall be appointed by the Administrator after consultation with such persons and such bodies as he considers representative of the producers of milk and the manufacturers of dairy products, respectively: Provided that the Administrator may appoint as the producers' representative or manufactureres' representative, as the case may

of voorberei of verwerk ter verkoop, en teen enige regstreeks of onregstreeks vergoeding verruil of omruil, verskaf of van die hand sit; (cxi)

(cxix) „verpakking" of „houer" enigiets waarin 'n suiwelproduk of 'n suiwelsurrogaat bevat of toegemaak word; (lxxxviii)

(cxx) „versameldepot" enige perseel buiten 'n perseel geregistreer as 'n suiwelfabriek waarvan 'n vervaardiger van suiwelprodukte die eienaar of okkupeerder is, en wat gebruik word vir die byeenbringing of versameling van melk, room of plaaskaseïen van meer as een melkprodusent voordat dit na 'n suiwelfabriek vervoer word, en, by die toepassing van hierdie ordonnansie, beteken „versameldepot", wanneer ongekwalifiseer, 'n roomdepot, kaseïendepot, melkdepot of versameldepot; (xiii)

(cxxi) „vervalste melk" melk wat sonder die skriftelike toestemming van die raad gestandaardiseer is of waarby water gevoeg is, of met die samestelling waarvan daar op enige wyse gepeuter is met die opset om te bedrieg; (i)

(cxxii) „verwerk", „verwerking" of „vervaardig" of „vervaardiging", by sy gewonde betekenis ook onderwerping aan hittebehandeling, inmaking, bottel, verpakking, vermenging, versnyding, maal of opdeling van massa, en omvat dit die plaas van vars melk of vars room in bottels, bordpapierdose, kanne of ander houers ter verkoop aan enigiemand buiten 'n suiwelprodukvervaardiger; (xciii)

(cxxiii) „volroommelk" of „volmelk" melk waaruit geen melkvet verwyder is nie en waarby geen afgeroomde melk of gedeeltelik afgeroomde melk gevoeg is nie; (lxiii)

(cxxiv) „volroommelkpoeier" of „volmelkpoeier" melkpoeier of gedroogde melk vervaardig van volroommelk of gestandaardiseerde melk; (lxiv)

(cxxv) „voorgeskryf" of „voorgeskrewe" by hierdie ordonnansie of by regulasie of skriftelik deur die raad voorgeskryf, en het „voorskryf" 'n ooreenstemmende betekenis; (xci)

2. Met ingang van die datum van inwerkingtreding van hierdie ordonnansie word daar 'n raad ingestel wat heet die Raad van Beheer oor die Suiwelnywerheid wat met regspersoonlikheid beklee is en wat in sy naam as regspersoon as eiser en verweerder kan optree en wat met inagneming van die bepalings van hierdie ordonnansie al die handelings kan verrig wat regspersone regtens kan verrig.

3. (1) Die raad bestaan uit vier lede deur die Administrateur aangestel, van wie —

(a) een 'n beampte in die staatsdiens moet wees (benoem deur die Administrateur) wat die voorsitter van die raad is;

(b) twee die melkprodusente moet verteenwoordig (hierna heet hulle die produsenteverteenwoordigers);

(c) een die vervaardigers van suiwelprodukte moet verteenwoordig (hierna heet hy die vervaardigersverteenwoordiger).

(2) Die senior suiwelbeampte is *ex officio* lid van die raad en het dieselfde regte as ander lede van die raad buiten die reg om te stem by 'n vergadering van die raad.

(3) Die raad kan, wanneer hy dit dienstig ag, enigiemand met besondere kennis van die produksie, vervaardiging, verwerking, opberging, vervoer of bemarking van 'n suiwelproduk of suiwelsurrogaat, in 'n raadgewende hoedanigheid koöpteer, maar so iemand het geen stem by 'n vergadering van die raad nie, hoewel hy so 'n vergadering in raadgewende hoedanigheid kan bywoon.

4. Die Administrateur stel die produsente- en vervaardigersverteenwoordigers aan na oorleg met die persone en liggame wat hy as onderskeidelik verteenwoordigend beskou van die melkprodusente en die suiwelprodukvervaardigers: Met dien verstande dat die Administrateur enigiemand wat syns insiens die melkprodusente of die

be, any person whom he considers will adequately represent such producers of milk or manufacturers of dairy products.

5. (1) The first members of the Board shall be appointed as follows —

(a) the Chairman of the Dairy Industry Control Board established in terms of the Dairy Industry Control Ordinance, 1931 (Ordinance 16 of 1931) (hereinafter referred to as the former Dairy Industry Control Board), shall on the date on which this Ordinance comes into operation, be appointed by the Administrator in terms of paragraph (a) of sub-section (1) of section *three* for a period of two years;

(b) the producers' representative on the former Dairy Industry Control Board shall, on the date on which this Ordinance comes into operation, be appointed as a producers' representative in terms of paragraph (b) of sub-section (1) of section *three* for a period of one year;

(c) the farm dairy buttermakers' representative on the former Dairy Industry Control Board shall, on the date on which this Ordinance comes into operation, be appointed as a producers' representative in terms of paragraph (b) of sub-section (1) of section *three* for a period of two years;

(d) the manufacturers' representative on the former Dairy Industry Control Board shall, on the date on which this Ordinance comes into operation, be appointed as the manufacturers' representative in terms of paragraph (c) of sub-section (1) of section *three* for a period of one year.

(2) Subject to the provisions of sub-section (1), all members of the Board shall be appointed for a period of two years. Provided that members may continue to hold office for a further maximum period of three months from the date on which their terms of office expired until they have been re-appointed or their successors have been appointed, and such re-appointment or new appointment shall be for a period of two years reckoned from the date of expiration of the previous appointment.

(3) A member whose term of office has expired shall be eligible for a re-appointment.

(4) Whenever the office of any member of the Board for any reason becomes vacant before the expiration of the period for which he was appointed, the Administrator may appoint a new member in the same manner as such vacating member was appointed, to fill such vacancy until the expiration of the period for which the vacating member was appointed.

(5) Whenever the Administrator is satisfied that any member of the Board is prevented by illness, absence or other sufficient cause from performing the duties of his office, the Administrator may appoint any other person whom he considers suitable to act as the deputy of such member while he is so prevented, and while acting as such in terms of his appointment the said deputy shall be deemed to be a member of the Board.

(6) Whenever a member of the Board, without its leave, has failed to attend three consecutive meetings thereof, and no person has been appointed to act as deputy in terms of sub-section (5), he shall cease to be a member of the Board.

(7) Whenever there are so many vacancies on the Board that no quorum can be formed, the Administrator may perform all the functions of the Board until such time as sufficient of the said vacancies have been filled to enable a quorum of the Board to be formed.

6. (1) The first meeting of the Board shall be held on a day and at a place to be decided by the Chairman.

(2) All subsequent meetings of the Board shall be held at such times and places as the Board, or the Chairman if authorised by the Board, shall from time to time determine.

(3) The Chairman of the Board himself may at any time, and shall at the request of any two members, call a special meeting of the Board.

suiwelprodukvervaardigers, na gelang, doelmatig sal verteenwoordig, as produsenteverteenwoordiger of as vervaardigersverteenwoordiger kan aanstel.

5. (1) Die eerste lede van die raad word soos volg aangestel:—

(a) die voorsitter van die Raad van Toesig op die Suiwelnywerheid wat ingevolge die Ordonnansie op die Beheer van die Suiwelnywerheid 1931 (Ordonnansie 16 van 1931) ingestel is (hierna heet dit die vorige Raad van Toesig op die Suiwelnywerheid) word ingevolge paragraaf (a) van subartikel (1) van artikel *drie* deur die Administrateur vir 'n tydperk van twee jaar aangestel op die datum waarop hierdie ordonnansie in werking tree;

(b) die melkboerverteenwoordiger in die vorige Raad van Toesig op die Suiwelnywerheid word ingevolge paragraaf (b) van subartikel (1) van artikel *drie* deur die Administrateur vir 'n tydperk van een jaar as 'n produsenteverteenwoordiger aangestel op die datum waarop hierdie ordonnansie in werking tree;

(c) die verteenwoordiger van die plaasmelkery-bottermakers in die vorige Raad van Toesig op die Suiwelnywerheid word ingevolge paragraaf (b) van subartikel (1) van artikel *drie* vir 'n tydperk van twee jaar as 'n produsenteverteenwoordiger aangestel op die datum waarop hierdie ordonnansie in werking tree;

(d) die fabrikanteverteenwoordiger in die vorige Raad van Toesig op die Suiwelnywerheid word ingevolge paragraaf (c) van subartikel (1) van artikel *drie* vir 'n tydperk van een jaar as 'n vervaardigersverteenwoordiger aangestel op die datum waarop hierdie ordonnansie in werking tree.

(2) Behoudens die bepalings van subartikel (1) word alle lede van die raad vir 'n tydperk van twee jaar aangestel: Met dien verstande dat lede hul ampte kan bly beklee vir 'n verdere maksimum tydperk van drie maande na die datum waarop hul ampstyd verstryk het totdat hulle heraangestel is of hul opvolgers aangestel is, en sodanige heraanstelling of nuwe aanstelling duur vir 'n tydperk van twee jaar gereken vanaf die datum van verstryking van die vorige aanstelling.

(3) 'n Lid wie se ampstyd verstryk het, kan heraangestel word.

(4) Wanneer die amp van enige lid van die raad om enige rede vakant word voor die verstryking van die tydperk waarvoor hy aangestel is, kan die Administrateur 'n nuwe lid aanstel op dieselfde wyse waarop sodanige uittredende lid aangestel is om sodanige vakature te vul totdat die tydperk waarvoor die uittredende lid aangestel is, verstryk het.

(5) By oortuiging dat enige lid van die raad deur siekte, afwesigheid of ander voldoende rede verhinder word om sy ampspligte na te kom, kan die Administrateur enigiemand anders wat hy geskik ag, aanstel om as plaasvervanger van daardie lid op te tree solank hy aldus verhinder word, en terwyl die voormelde plaasvervanger ooreenkomstig sy aanstelling as sodanig optree, word hy as 'n lid van die raad beskou.

(6) Wanneer 'n lid van die raad sonder die raad se verlof, versuim het om drie agtereenvolgende vergaderings daarvan by te woon en niemand ingevolge subartikel (5) aangestel is om as sy plaasvervanger op te tree nie, hou hy op om 'n lid van die raad te wees.

(7) Wanneer daar soveel vakatures in die raad bestaan dat geen kworum gevorm kan word nie, kan die Administrateur al die funksies van die raad verrig tot tyd en wyl soveel van die vermelde vakatures aangevul is dat 'n kworum van die raad gevorm kan word.

6. (1) Die eerste vergadering van die raad word gehou op 'n dag en plek waarop die voorsitter besluit.

(2) Alle daaropvolgende vergaderings van die raad moet gehou word op die tye en plekke wat die raad, of die voorsitter, as die raad hom daartoe magtig, van tyd tot tyd bepaal.

(3) Die voorsitter van die raad kan self te eniger tyd, en moet op versoek van enige twee lede, 'n spesiale vergadering van die raad belê.

(4) Three members of the Board shall form a quorum at any meeting of the Board: Provided that when there is no quorum the meeting shall stand adjourned until a date to be fixed by the Chairman, at which meeting two members shall form a quorum.

(5) The decision of the majority of the members of the Board present at any meeting thereof shall constitute the decision of the Board: Provided that in the event of an equality of votes at any such meeting the Chairman of the Board shall have a casting vote in addition to his deliberative vote.

(6) The Board may, for the purpose of conducting its affairs, adopt rules of procedure not inconsistent with the provisions of this Ordinance.

7. The members of the Board and any advisory members co-opted by the Board shall be paid such allowances out of the funds of the Board, as the Board may, with the approval of the Administrator, determine, to meet the reasonable expenses to which they are put in connection with the business of the Board.

8. The Board shall recommend to the Administrator the person who is to be appointed as the member representing the Territory on the Dairy Industry Control Board in the Republic of South Africa in terms of Proclamation by the Governor-General No. 183 of 1954.

9. It shall be the function of the Board —

(a) to encourage and assist the improvement and betterment of the primary production of dairy products, to co-ordinate as far as possible the primary production, manufacture and marketing of dairy products, to encourage the greater utilization of dairy products and generally to assist and promote the development and improvement of the dairy industry of the Territory;

(b) to regulate the prices of dairy products, and to further price stability to milk producers;

(c) to impose levies on dairy products, and dairy produce substitutes, and to utilise levy funds to further the objects of this Ordinance and to carry out the functions of the Board;

(d) to control and direct the establishment of dairy products factories and dairy produce substitutes factories in the Territory, and to regulate the manufacture of dairy products and dairy produce substitutes in the Territory;

(e) to control and regulate the distribution of dairy products and dairy produce substitutes in the Territory;

(f) to control and regulate the exportation of dairy products and dairy produce substitutes from the Territory;

(g) to control and regulate the importation of dairy products and dairy products substitutes into the Territory;

(h) to determine and prescribe standards of quality and composition for dairy products and dairy produce substitutes, and to assist in the improvement and betterment of the quality of dairy products;

(i) generally to advise the Administrator on all matters relating to the development of the dairy industry, and to recommend to him any steps which are in the Board's opinion calculated to promote the general welfare of that industry.

10. In addition to powers vested in the Board under other sections of this Ordinance, the Board shall have power —

(a) to appoint such servants as it considers necessary to enable it to exercise its functions, at such remuneration and on such conditions as it may determine and to discharge such servants;

(b) to acquire or hire any property which it considers necessary for the purpose of exercising its functions and to dispose of such property;

(c) to determine prices, subject to the approval of the Administrator, for all dairy products and dairy

(4) Drie lede van die raad is by enige vergadering van die raad 'n kworum: Met dien verstande dat waar daar geen kworum is nie die vergadering verdaag moet word tot op 'n datum wat die voorsitter bepaal, en by sodanige vergadering is twee lede 'n kworum.

(5) Die besluit van die meerderheid van die lede van die raad teenwoordig by enige vergadering daarvan is die besluit van die raad: Met dien verstande dat by 'n staking van stemme by enige sodanige vergadering die voorsitter van die raad 'n beslissende sowel as sy beraadslagende stem het.

(6) Die raad kan vir die afhandeling van sy werksaamhede 'n reglement van orde opstel wat nie onbestaanbaar met die bepalings van hierdie ordonnansie mag wees nie.

7. Die lede van die raad en enige raadgewende lede gekoöpteer deur die raad ontvang die toelaes uit die gelde van die raad, wat die raad met die goedkeuring van die Administrateur bepaal om die redelike uitgawes wat hulle moet aangaan in verband met die werksaamhede van die raad te bestry.

8. Die raad beveel by die Administrateur die persoon aan wat ingevolge Proklamasie 183 van 1954 van die Goewerneur-generaal aangestel moet word as die lid wat die Gebied in die Raad van Toesig op die Suiwelnywerheid van die Republiek van Suid-Afrika verteenwoordig.

9. Die funksies van die raad is —

(a) om die verbetering en vooruitgang van die primêre produksie van suiwelprodukte aan te moedig en en by te staan, om die primêre produksie, vervaardiging en bemarking van suiwelprodukte sover moontlik te koördineer, om 'n groter gebruik van suiwelprodukte aan te moedig en in die algemeen om die ontwikkeling en verbetering van die suiwelnywerheid van die Gebied by te staan en te bevorder;

(b) om die pryse van suiwelprodukte te reël en om prysstabiliteit vir melkprodusente te bevorder;

(c) om heffings op suiwelprodukte en suiwelsurrogate op te lê en om heffingsfondse te benut ter bevordering van die doeleindes van hierdie ordonnansie en ter uitvoering van die werksaamhede van die raad;

(d) om die stigting van suiwelfabrieke en suiwelsurrogaatfabrieke in die Gebied te beheer en te lei, en om die vervaardiging van suiwelprodukte en suiwelsurrogate in die Gebied te reël;

(e) om die verspreiding van suiwelprodukte en suiwelsurrogate in die Gebied te beheer en te reël;

(f) om die uitvoer van suiwelprodukte en suiwelsurrogate uit die Gebied te beheer en te reël;

(g) om die invoer van suiwelprodukte en suiwelsurrogate in die Gebied te beheer en te reël;

(h) om standaarde van gehalte en samestelling vir suiwelprodukte en suiwelsurrogate te bepaal en voor te skryf en om steun te verleen by die verbetering en bevordering van die gehalte van suiwelprodukte;

(i) in die algemeen, om die Administrateur raad te gee oor alle sake wat die ontwikkeling van die suiwelnywerheid betref en om maatreëls by hom aan te beveel wat, na die raad meen, bereken is om die algemene welvaart van die nywerheid te bevorder.

10. Benewens die bevoeghede wat kragtens ander artikels van hierdie ordonnansie by die raad berus, het die raad die bevoegdheid —

(a) om die beamptes aan te stel wat hy nodig ag om hom in staat te stel om sy werksaamhede te verrig en wel teen die besoldiging en op die voorwaardes wat hy bepaal en om sodanige beamptes te ontslaan;

(b) om enige eiendom te verkry of te huur wat hy nodig ag vir die verrigting van sy werksaamhede en om oor sodanige eiendom te beskik;

(c) om, onderhewig aan die Administrateur se goedkeuring, die pryse van alle suiwelprodukte en sui-

produce substitutes produced, manufactured, purchased or sold in the Territory;

(d) to impose levies, subject to the approval of the Administrator, on all dairy products and dairy produce substitutes produced, manufactured, processed, purchased or sold in the Territory, or imported into the Territory, or exported from the Territory;

(e) to impose an administrative fee, subject to the approval of the Administrator, which shall be paid by all persons registered as dairy products manufacturers or dairy produce substitute manufacturers;

(f) to utilise levy funds, and any other moneys at its disposal, for the purpose of exercising its functions and for making any payments which the Board is in terms of this Ordinance; to make and for the purpose of achieving the objects of this ordinance;

(g) to assist, by way of grant, bounty, subsidy, premium, loan or advance, or in any other manner, any milk producer or milk producers or any group or class of milk producers or any manufacturer or manufacturers of dairy products, or any person or undertaking, for the purpose of achieving the objects of this Ordinance and for the purpose of exercising the Board's functions, and all moneys owing to the Board by a debtor in respect of any loan or advance made to him in terms of this paragraph shall be a first charge upon his movable property and such property shall be deemed to be pledged in favour of the Board to the amount of such moneys, notwithstanding that such property remains in possession of the debtor and has not been delivered to the Board;

(h) to advance money from its funds, on such terms as the Board may determine, to a dairy products manufacturer against adequate security of the dairy products belonging to such dairy products manufacturer and which are under the control of the Board.

(i) to raise loans with the approval of the Administrator, for the purpose of achieving the objects of this Ordinance and for the purpose of exercising the Board's functions;

(j) to accept money or property given to it by way of donation, subsidy, grant or otherwise, and to utilise such money or property for the purposes of this Ordinance, or for any other purpose which the Administrator may approve;

(k) to request any person concerned in the production, manufacture, processing, storage, transportation, marketing, exportation or importation of any dairy product or dairy produce substitute, to furnish the Board with such information relating to such product as may be available to such person and as the Board may specify;

(l) to prescribe the records to be kept, the period for which any such record shall be retained, and the returns to be rendered to the Board by any person concerned in the production, manufacture, processing, storage, transportation, marketing, exportation or importation of any dairy product or dairy produce substitute;

(m) to prohibit, subject to the approval of the Administrator, the importation of any dairy product or dairy produce substitute into the Territory, save with the written consent of the Board;

(n) to prohibit, subject to the approval of the Administrator, the exportation of any dairy product or dairy produce substitute from the Territory, save with the written consent of the Board;

(o) to prohibit, subject to the approval of the Administrator, the sale of any dairy product or dairy produce substitute, save with the written consent of the Board;

(p) to prohibit, subject to the approval of the Administrator, any dairy products manufacturer or group or class of dairy products manufacturers

welsurrogate wat in die Gebied geproduseer, vervaardig, aangekoop of verkoop word, te bepaal;

(d) om, onderhewig aan die goedkeuring van die Administrateur, heffings te lê op alle suiwelprodukte en suiwelsurrogate wat in die Gebied geproduseer, vervaardig, verwerk, aangekoop of verkoop, of in die Gebied ingevoer, of uit die Gebied uitgevoer word;

(e) om, onderhewig aan die goedkeuring van die Administrateur, 'n administratiewe geld te hef wat betaal moet word deur almal wat geregistreer is as die vervaardigers van suiwelprodukte of van suiwelsurrogate;

(f) om heffingsfondse en enige ander geld tot sy beskikking te benut ter uitoefening van sy funksies en om enige betalings te doen waartoe die raad ingevolge hierdie ordonnansie gemagtig is, en ten einde die doelstellings van hierdie ordonnansie te verwesenlik;

(g) om by wyse van toekenning, toeslag, subsidie, premie, lening of voorskot, of op enige ander wyse, enige melkprodusent of melkprodusente of enige groep of klas melkprodusente of enige vervaardiger of vervaardigers van suiwelprodukte of enige persoon of onderneming te ondersteun ter verwesenliking van die doelstellings van hierdie ordonnansie, en ter uitoefening van die raad se funksies, en alle gelde aan die raad verskuldig deur 'n skuldenaar ten opsigte van enige lening of voorskot wat ingevolge hierdie paragraaf aan hom toegestaan is, is 'n eerste las op sy roerende eiendom en sodanige eiendom word beskou as verpand ten gunste van die raad tot op die bedrag van sodanige gelde, nieteenstaande dat sodanige eiendom in die besit van die skuldenaar bly en nie aan die raad afgelewer is nie;

(h) om, op die voorwaardes wat die raad stel, geld voor te skiet uit sy fondse aan 'n vervaardiger van suiwelprodukte teen toereikende sekuriteit van die suiwelprodukte wat aan so 'n vervaardiger van suiwelprodukte behoort, en wat onder beheer van die raad is;

(i) om, met die Administrateur se goedkeuring, lenings aan te gaan ten einde die doelstellings van hierdie ordonnansie te verwesenlik en ter uitoefening van die raad se funksies;

(j) om geld of eiendom aan te neem wat aan die raad gegee is by wyse van skenking, subsidie, toekenning of andersins en om sodanige geld of eiendom te benut vir die doeleindes van hierdie ordonnansie of vir enige ander doel wat die Administrateur goedkeur;

(k) om enigiemand wat by die produksie, vervaardiging, verwerking, opberging, vervoer, bemarking, uitvoer of invoer van enige suiwelproduk of suiwelsurrogaat betrokke is, te versoek om die inligting oor sodanige produk waaroor so iemand beskik, en wat die raad aandui, aan die raad te verskaf;

(l) om voor te skryf watter registers gehou moet word, die tydperk waarvoor sodanige registers behou moet word, en watter opgawes by die raad ingedien moet word deur enigiemand wat betrokke is by die produksie, vervaardiging, verwerking, opberging, vervoer, bemarking, uitvoer of invoer van enige suiwelproduk of suiwelsurrogaat;

(m) om, onderhewig aan die goedkeuring van die Administrateur, die invoer van enige suiwelproduk of suiwelsurrogaat in die Gebied, buiten met die skriftelike toestemming van die raad, te verbied;

(n) om, onderhewig aan die goedkeuring van die Administrateur, die uitvoer van enige suiwelproduk of suiwelsurrogaat uit die Gebied, buiten met die skriftelike toestemming van die raad, te verbied;

(o) om, onderhewig aan die goedkeuring van die Administrateur, die verkoop van enige suiwelproduk of suiwelsurrogaat, buiten met die skriftelike toestemming van die raad, te verbied;

(p) om, onderhewig aan die goedkeuring van die Administrateur, enige suiwelprodukvervaardiger of groep of klas suiwelprodukvervaardigers te ver-

from selling any dairy product to any person or through any channel other than the Board;

(q) to conduct a pool for the sale of any dairy product which a dairy products manufacturer is in terms of paragraph (p) prohibited from selling;

(r) to make annually out of its funds, on behalf of the Administration, the payments specified in section *thirty-five* of the Schedule to Proclamation by the Governor-General No. 183 of 1954;

(s) to co-operate with any person in performing any act or function which the Board in terms of this Ordinance may perform;

(t) to instruct any dairy products manufacturer or dairy produce substitute manufacturer or any person who acts as selling agent or marketing agent for such dairy products manufacturer or dairy produce substitute manufacturer to store, hold in stock, consign, transport, export, dispose of or sell any dairy products or dairy produce substitutes under his control, as the Board may direct;

(u) to determine and prescribe the standards of composition with which any dairy product or dairy produce substitute produced, manufactured, processed or sold in the Territory, or imported into the Territory, or exported from the Territory, must comply;

(v) to determine and prescribe the grades and standards of quality with which any dairy product or dairy produce substitute produced, manufactured, processed, purchased or sold in the Territory, or imported into the Territory, or exported from the Territory, must comply;

(w) to determine and prescribe the manner in which and method by which any dairy product or dairy produce substitute produced, manufactured, processed or sold in the Territory, or imported into the Territory, or exported from the Territory, or any package or container containing any dairy product or dairy produce substitute, shall be marked, labelled, branded or coded;

(x) to determine and prescribe the mark, code, number, design, brand, description or other information which must appear on any dairy product or dairy produce substitute, or on any package or container containing a dairy product or dairy produce substitute;

(y) to determine and prescribe the manner in which or method by which a dairy products manufacturer or dairy produce substitute manufacturer shall produce, process, manufacture, treat, pack, store or transport any dairy product or dairy produce substitute under his control;

(z) to determine and prescribe the manner in which and method by which a dairy products manufacturer or dairy produce substitute manufacturer shall weigh, measure, grade, inspect, examine, test or analyse any dairy product or dairy produce substitute for the purpose of purchase or sale or for the purpose of any provision of this Ordinance;

(aa) to register, subject to the provisions of this Ordinance, any person as a dairy products manufacturer or dairy produce substitute manufacturer or to refuse such registration;

(bb) to appoint, on such conditions as it may determine and subject to such requirements as it may prescribe, such agents as it may consider necessary for the proper performance of its function, and for achieving the objects of this Ordinance;

(cc) to act as agent for the receipt and sale of any dairy product or dairy produce substitute produced, manufactured or processed in the Territory, or imported into the Territory;

(dd) to purchase, or to import into the Territory, any dairy product or dairy produce substitute;

(ee) to treat in such manner as it may deem fit, grade, pack, store, process, adapt for sale, insure, advertise or transport any dairy product or dairy produce substitute which it has purchased or imported;

bied om enige suiwelproduk aan enigiemand of deur enige kanaal buiten die raad te verkoop;

(q) om 'n poel te bestuur ter verkoop van enige suiwelproduk wat 'n suiwelprodukvervaardiger ingevolge paragraaf (p) verbied word om te verkoop;

(r) om jaarliks uit sy fondse namens die Administrasie die betalings genoem in artikel *vyf-en-dertig* van die bylae by Proklamasie 183 van 1954 van die Goewerneur-generaal te doen;

(s) om met iemand anders saam te werk by die uitvoering van enige handeling of funksie wat die raad ingevolge hierdie ordonnansie kan uitvoer;

(t) om enige vervaardiger van suiwelprodukte of van suiwelsurrogate of enigiemand wat as verkoops- of markagent vir sodanige vervaardiger van suiwelprodukte of suiwelsurrogate optree aan te sê om enige suiwelprodukte of suiwelsurrogate onder sy beheer volgens lasgewing van die raad op te berg, voorradig te hou, te versend, te vervoer, uit te voer, van die hand te sit of te verkoop;

(u) om die standaarde van samestelling te bepaal en voor te skryf waaraan enige suiwelproduk of suiwelsurrogaat wat in die Gebied geproduseer, vervaardig, verwerk of verkoop word, of wat in die Gebied ingevoer of uit die Gebied uitgevoer word, moet voldoen;

(v) om die grade en standaarde van gehalte te bepaal en voor te skryf waaraan enige suiwelproduk of suiwelsurrogaat wat in die Gebied geproduseer, vervaardig, verwerk, aangekoop of verkoop word, of in die Gebied ingevoer of uit die Gebied uitgevoer word, moet voldoen;

(w) om die wyse en die metode te bepaal en voor te skryf waarop en waarvolgens enige suiwelproduk of suiwelsurrogaat wat in die Gebied geproduseer, vervaardig, verwerk of verkoop word, of in die Gebied ingevoer of uit die Gebied uitgevoer word, of suiwelsurrogaat wat in die Gebied geproduseer, produk of suiwelsurrogaat bevat, gemerk, geëtiketteer, of andersins aangedui moet word;

(x) om die merk, kode, nommer, ontwerp, handelsmerk, beskrywing of ander inligting te bepaal en voor te skryf wat op enige suiwelproduk of suiwelsurrogaat, of op enige verpakking of houer wat 'n suiwelproduk of suiwelsurrogaat bevat, moet verskyn;

(y) om die wyse of die metode te bepaal en voor te skryf waarop of waarvolgens 'n vervaardiger van suiwelprodukte of suiwelsurrogate enige suiwelproduk of suiwelsurrogaat onder sy beheer moet produseer, verwerk, vervaardig, behandel, verpak, opberg of vervoer;

(z) om die wyse en metode te bepaal en voor te skryf waarop en waarvolgens 'n vervaardiger van suiwelprodukte of suiwelsurrogate enige suiwelproduk of suiwelsurrogaat moet weeg, meet, gradeer, inspekteer, ondersoek, toets of ontleed met die oog op aankoop of verkoop of vir die doeleindes van enige bepaling van hierdie ordonnansie;

(aa) om behoudens die bepalings van hierdie ordonnansie enigiemand as 'n vervaardiger van suiwelprodukte of van suiwelsurrogate te registreer of om te weier om hom as sodanig te registreer;

(bb) om, op die voorwaardes wat hy bepaal en onderhewig aan die vereistes wat hy stel, die agente wat hy nodig ag vir die behoorlike verrigting van sy werksaamhede en ter verwesenliking van die doelstellings van hierdie ordonnansie aan te stel;

(cc) om op te tree as agent vir die ontvangs en verkoop van enige suiwelproduk of suiwelsurrogaat wat in die Gebied geproduseer, vervaardig of verwerk word, of in die Gebied ingevoer word;

(dd) om enige suiwelproduk of suiwelsurrogaat te koop of in die Gebied in te voer;

(ee) om enige suiwelproduk of suiwelsurrogaat wat hy aangekoop of ingevoer het, na goeddunke te behandel, te gradeer, te verpak, op te berg, te verwerk, ter verkoop geskik te maak, te verseker, te adverteer of te vervoer;

(ff) to sell or export from the Territory, whether in its original form or processed wholly or in part, any dairy product or dairy produce substitute which it has bought or imported, or to withhold it or any part of it from the market.

11. (1) Whenever the Board in terms of section *ten* imposes a levy or levies on any dairy product or dairy produce substitute, the Board may differentiate in such levy or levies according to the grade or quality or treatment or quantity or weight of the product concerned, or the place at which or the area or country in which, or the person by whom, it is produced, manufactured, processed or sold or the time when or the manner in which, or the method by which it is produced, manufactured, processed, packed, marked, labelled, purchased or sold.

(2) Any levy imposed by the Board shall be published by notice in the *Official Gazette*, and shall be and remain in force until withdrawn by a like notice.

(3) Any person required to pay a levy imposed in terms of section *ten* shall, in respect of the product on which the levy is payable, keep a true and correct record in such form as the Board may approve, of the total quantity of such product produced, manufactured, processed, purchased, sold, imported or exported, as the case may be, during any period specified by the Board.

(4) Any levy imposed by the Board be paid in a manner prescribed by regulation.

(5) Notwithstanding anything contained in subsections (1) to (4), whenever any levy payable to the Board in terms of section *ten* is not paid on the date prescribed by regulation, the Board may charge interest, calculated at not more than ten per cent per annum, for each day or part of day that the levy so remains unpaid after the prescribed date.

12. (1) Whenever the Board in terms of section *ten* determines the price or prices at which any dairy product or dairy produce substitute may be purchased or sold, the Board may differentiate in such price or prices according to the grade or quality or treatment or quantity or weight of the product concerned, or the place at which or the area or country in which, or the person by whom it is produced, manufactured, processed or sold, or the time when or the manner in which or the method by which it is produced, manufactured, processed, packed, marked, labelled, purchased or sold.

(2) Any price so determined by the Board shall be a minimum price or a maximum price or a fixed price as the Board may in each case determine.

(3) Any price determined by the Board in terms of section *ten* shall be published by notice in the *Official Gazette*, and shall be and remain in force as from the date fixed in such notice until withdrawn by a like notice.

(4) No person shall purchase and no person shall sell any dairy product or dairy produce substitute at a price other than or at a price higher than or at a price lower than the fixed price or the maximum price or the minimum price, as the case may be, published in such notice.

(5) Notwithstanding anything to the contrary contained in this section, a dairy products manufacturer may pay a bonus to milk producers: Provided that a dairy products manufacturer shall not pay a bonus on milk or cream or casein purchased from any milk producer except at the end of his financial year, and provided further that any bonus so paid shall be in proportion to the total quantity of milk or cream or casein, as the case may be, purchased from each milk producer during that financial year, and any such bonus shall be paid to each and every supplier of milk or cream or casein who supplied milk or cream or casein, as the case may be, during that financial year.

(6) Whenever the Board determines the price or prices at which a dairy products manufacturer shall purchase milk or cream or casein, the Board may direct that such dairy products manufacturer shall deduct from any

(ff) om enige suiwelproduk of suiwelsurrogaat wat hy aangekoop of ingevoer het, te verkoop of uit die Gebied uit te voer, hetsy in sy oorspronklike vorm of geheel of deels verwerk, of om dit of enige deel daarvan van die mark af te hou.

11. (1) Wanneer die raad ingevolge artikel *tien* 'n heffing of heffings op 'n suiwelproduk of suiwelsurrogaat oplê, kan die raad in sodanige heffing of heffings onderskei volgens die graad of gehalte of behandeling of hoeveelheid of gewig van die betrokke produk, of die plek waar, of die streek of land waarin, of die persoon deur wie dit geproduseer, vervaardig, verwerk of verkoop is, of die tyd wanneer of die wyse waarop of die metode waarvolgens dit geproduseer, vervaardig, verwerk, verpak, gemerk, geëtiketteer, aangekoop of verkoop word.

(2) Enige heffing wat die raad oplê, moet by kennisgewing in die *Offisiële Koerant* gepubliseer word en is en bly van krag totdat dit by 'n dergelike kennisgewing ingetrek word.

(3) Elkeen wat 'n heffing moet betaal wat kragtens artikel *tien* opgelê is, moet ten opsigte van die produk waarop die heffing betaalbaar is, 'n ware en juiste register hou in die vorm wat die raad goedkeur van die totale hoeveelheid van sodanige produk geproduseer, vervaardig, verwerk, aangekoop, verkoop, ingevoer of uitgevoer, na gelang, gedurende enige tydperk wat die raad aandui.

(4) Enige heffing wat die raad oplê, moet betaal word op die wyse wat by regulasie voorgeskryf word.

(5) Nieteenstaande die bepalings van subartikels (1) tot (4) kan die raad wanneer ook al 'n heffing wat ingevolge artikel *tien* aan die raad betaal moet word, nie op die datum voorgeskryf by regulasie betaal is nie, rente vorder, bereken teen hoogstens tien persent per jaar vir elke dag of deel van 'n dag waarop die heffing aldus na die voorgeskrewe dag onbetaal bly.

12. Wanneer die raad kragtens artikel *tien* die prys of pryse bepaal waarteen 'n suiwelproduk of suiwelsurrogaat aangekoop of verkoop kan word, kan die raad onderskei ten opsigte van sodanige prys of pryse volgens die graad of gehalte of behandeling of hoeveelheid of gewig van die betrokke produk of die plek waar of die streek of land waarin, of die persoon deur wie, dit geproduseer, vervaardig, verwerk of verkoop word, of die tyd wanneer of die wyse waarop of die metode waarvolgens dit geproduseer, vervaardig, verwerk, verpak, gemerk, geëtiketteer, aangekoop of verkoop word.

(2) Enige prys wat die raad aldus bepaal, is 'n minimum prys of 'n maksimum prys of 'n vaste prys na die raad in elke geval bepaal.

(3) Enige prys wat die raad kragtens artikel *tien* bepaal, moet by kennisgewing in die *Offisiële Koerant* gepubliseer word en is en bly van krag met ingang van die datum bepaal in sodanige kennisgewing totdat dit by 'n dergelike kennisgewing ingetrek word.

(4) Niemand mag enige suiwelproduk of suiwelsurrogaat aankoop en niemand mag enige suiwelproduk of suiwelsurrogaat verkoop teen 'n prys wat afwyk van, of teen 'n prys hoër as of teen 'n prys laer as die vaste prys of die maksimum prys of die minimum prys, na gelang, wat in sodanige kennisgewing gepubliseer word nie.

(5) Nieteenstaande andersluidende bepalings in hierdie artikel, kan 'n vervaardiger van suiwelprodukte 'n bonus aan melkprodusente betaal: Met dien verstande dat 'n vervaardiger van suiwelprodukte nie 'n bonus op melk of room of kaseïen aangekoop van 'n melkprodusent mag betaal nie, buiten aan die einde van sy boekjaar en met dien verstande voorts dat enige bonus wat aldus betaal word eweredig moet wees met die totale hoeveelheid melk of room of kaseïen, na gelang, wat gedurende daardie boekjaar van elke melkprodusent aangekoop is, en enige sodanige bonus moet betaal word aan elke en iedere leweransier van melk of room of kaseïen wat gedurende daardie boekjaar melk of room of kaseïen, na gelang, gelewer het.

(6) Wanneer die raad die prys of pryse bepaal waarteen 'n vervaardiger van suiwelprodukte melk of room of kaseïen moet aankoop, kan die raad gelas dat sodanige vervaardiger van suiwelprodukte enige spoor- of ander

amount payable by him to a milk producer in respect of milk or cream or casein, as the case may be, received by him from such milk producer, any railage or any other transport charges which he may have paid on or incurred in connection with the transport of such milk or cream or casein, as the case may be: Provided that such other transport charges shall not be less than the rates charged by the South African Railways and Harbours Administration for similar services.

(7) The Board may require that any price determined as aforesaid, be displayed in such manner and form and at such places or on such premises or on such vehicles and by such persons or classes of persons as may be determined by the Board.

(8) The Board may determine the charges or costs to be included in, or added to or deducted from any price determined as aforesaid.

(9) The Board may require any person disposing of any dairy product or dairy produce substitute, or of any class, grade or quantity thereof, on credit or for an amount exceeding an amount determined by the Board, to render an invoice containing such particulars as the Board may direct.

13. (1) Whenever the Board in terms of paragraph (m) or (n) or (o) of section *ten* imposes a prohibition, the Board may differentiate in any such prohibition according to the grade or quality or treatment or quantity or weight of the product concerned, or the place at which or the area or country in which, or the person by whom, it is produced, manufactured, processed, imported, purchased or sold, or to which or to whom it is exported, or the time when or the manner in which or the method by which it is produced, manufactured, processed, packed, marked, labelled, sold, purchased, imported or exported.

(2) Any prohibition imposed by the Board in terms of paragraph (m) or (n) or (o) of section *ten* shall be published by notice in the *Official Gazette,* and shall be and remain in force until withdrawn by a like notice.

(3) The Board may give written permission for the importation into, sale in, or exportation from the Territory, of any dairy product or dairy produce substitute on such conditions as the Board may determine and subject to such requirements as it may prescribe; or it may refuse such permission.

(4) Whenever the Board gives permission for the importation into, sale in, or exportation from the Territory, of any dairy product or dairy produce substitute, or refuses such permission, the Board may differentiate in such permission or refusal of permission according to the grade or quality or treatment or quantity or weight of the product concerned, or the place at which or the area or country in which, or the person by whom, it is produced, manufactured, processed, imported, purchased or sold or to which or to whom it is exported, or the time when or the manner in which or method by which it is produced, manufactured, processed, packed, marked, labelled, purchased, sold, imported or exported.

(5) If any person is in possession of any dairy product or dairy produce substitute, the importation into the Territory of which is prohibited in terms of this Ordinance, the onus shall on such person to prove that such product was not imported into the Territory, or was imported with the written permission of the Board, or was imported when the importation was not prohibited.

(6) If any person is in possession of any dairy product or dairy produce substitute, the sale of which is prohibited in terms of this Ordinance, the onus shall be on such person to prove that such product is not being held or stored or transported for the purpose of sale, or that the written permission of the Board has been obtained for the sale of such product.

(7) If any persons consigns or despatches or conveys or transports or ships, or authorises the consignment or despatch or conveyance or transportation or shipping of any dairy product or dairy produce substitute, the exportation from the Territory of which is prohibited in terms of this Ordinance, the onus shall be on such person to prove that such product is not being consigned or

vervoerkoste wat hy moontlik betaal of aangegaan het in verband met die vervoer van sodanige melk of room of kaseïen, na gelang, moet aftrek van enige bedrag wat hy aan 'n melkprodusent ten opsigte van melk of room of kaseïen, na gelang, wat hy van sodanige melkprodusent ontvang het, moet betaal: Met dien verstande dat sodanige ander vervoerkoste nie minder mag wees nie as die tariewe wat die Administrasie van die Suid-Afrikaanse Spoorweë en Hawens vir soortgelyke dienste vra nie.

(7) Die raad kan vereis dat enige prys wat soos voormeld bepaal is, op die wyse en in die vorm en op die plekke of persele of voertuie en deur die persone of klasse van persone soos die raad bepaal, tentoongestel moet word.

(8) Die raad kan bepaal watter gelde of koste ingesluit of bygevoeg moet word by, of afgetrek moet word van, enige prys wat soos voormeld bepaal is.

(9) Die raad kan vereis dat enigiemand wat enige suiwelproduk of suiwelsurrogaat of enige klas, graad of hoeveelheid daarvan, van die hand sit op krediet of teen 'n bedrag hoër as die bedrag wat die raad bepaal het, 'n faktuur met die besonderhede wat die raad aanvra, moet indien.

13. (1) Wanneer die raad kragtens paragraaf (m) of (n) of (o) van artikel *tien* 'n verbod oplê, kan die raad in so 'n verbod onderskei volgens die graad of die gehalte of behandeling of hoeveelheid of gewig van die betrokke produk of die plek waar of die streek of land waarin, of die persoon deur wie dit geproduseer, vervaardig, verwerk, ingevoer, aangekoop of verkoop word, of waarheen of aan wie dit uitgevoer word, of die tyd wanneer of die wyse waarop of die metode waarvolgens dit geproduseer, vervaardig, verwerk, verpak, gemerk, geëtiketteer, verkoop, aangekoop, ingevoer of uitgevoer word.

(2) Enige verbod wat die raad kragtens paragraaf (m) of (n) of (o) van artikel *tien* oplê, moet by kennisgewing in die *Offisiële Koerant* gepubliseer word en is en bly van krag totdat dit by 'n dergelike kennisgewing ingetrek word.

(3) Die raad kan skriftelike toestemming verleen vir die invoer in, verkoop in, of uitvoer uit die Gebied van enige suiwelproduk of suiwelsurrogaat op die voorwaardes wat die raad bepaal en onderhewig aan die vereistes wat die raad stel; of die raad kan sodanige toestemming weier.

(4) Wanneer die raad toestemming verleen vir die invoer in, verkoop in, of uitvoer uit die Gebied van enige suiwelproduk of suiwelsurrogaat, of sodanige toestemming weier, kan die raad by sodanige toestemming of weiering van toestemming onderskei volgens die graad of gehalte of behandeling of hoeveelheid of gewig van die betrokke produk, of die plek waar, of die streek of land waarin, of die persoon deur wie dit geproduseer, vervaardig, verwerk, ingevoer, aangekoop of verkoop word of waarheen of aan wie dit uitgevoer word, of die tyd wanneer of die wyse waarop of die metode waarvolgens dit geproduseer, vervaardig, verwerk, verpak, gemerk, geëtiketteer, aangekoop, verkoop, ingevoer of uitgevoer word.

(5) As enigiemand in besit is van 'n suiwelproduk of suiwelsurrogaat waarvan die invoer in die Gebied ingevolge hierdie ordonnansie verbode is, rus die bewyslas op so iemand om te bewys dat sodanige produk nie in die Gebied ingevoer is nie, of met die skriftelike toestemming van die raad ingevoer is, of ingevoer is toe die invoer nie verbode was nie.

(6) As enigiemand in besit is van 'n suiwelproduk of suiwelsurrogaat waarvan die verkoop ingevolge hierdie ordonnansie verbode is, rus die bewyslas op so iemand om te bewys dat sodanige produk nie gehou of opgeberg of vervoer word vir die doel van verkoop nie, of dat die skriftelike toestemming van die raad vir die verkoop van sodanige produk verkry is.

(7) As enigiemand enige suiwelproduk of suiwelsurrogaat wegstuur of versend of vervoer of verskeep, of die wegstuur of versending, of vervoer of verskeping daarvan magtig, as die uitvoer daarvan uit die Gebied ingevolge hierdie ordonnansie verbode is, rus die bewyslas op so iemand om te bewys dat sodanige produk nie vir die

despatched or conveyed or transported or shipped for the purposes of export.

(8) The Board may cancel any permit issued in terms of this section if the holder of such permit fails to comply with the terms of the permit, or with any condition or requirement determined or prescribed by the Board, or with any provision or requirement of this Ordinance.

14. (1) Whenever the Board has in terms of paragraph (p) of section *ten* prohibited any dairy products manufacturer or any group or class of dairy products manufacturers from selling any dairy product to any person or through any channel other than the Board, the Board shall conduct a pool for the sale of such product.

(2) Any prohibition so imposed by the Board shall be published by notice in the *Official Gazette* and shall be and remain in force until withdrawn by a like notice.

(3) Any notice so prohibiting the sale of any dairy product to any person or through any channel other than the Board, shall set out the manner in which, and the provisions in accordance with which, the Board shall conduct a pool for the sale of such product.

(4) Any pool so conducted by the Board shall be a monthly pool or an annual pool or for any other period which the Board may determine, and shall be audited annually by the Board's auditors.

(5) The Board may conduct separate pools in respect of any group or class of dairy products manufacturers, or in respect of any class or grade or quality or quantity of any dairy product, or in respect of any place, area or district.

15. (1) The Board shall establish a fund to be known as the General Fund into which shall be paid —

(a) all amounts received by the Board by way of interest on investments, loans and advances or interest charged on any levy payments in arrear;

(b) any fees collected by the Board in terms of sections *twenty five* and *twenty seven;*

(c) amounts realised upon the sale or disposal of any of the Board's property no longer required for the Board's purposes;

(d) any amounts received by the Board which are not paid into any of the funds established in terms of sections *sixteen* to *twenty one* both inclusive: Provided that whenever the nature of an amount received is such that it is not clearly indicated by this section and sections *sixteen* to *twenty one* both inclusive, into which fund such amount shall be paid, the Board shall determine into which fund it shall be paid.

(2) The Board shall pay out of the General Fund —

(a) the administrative expenditure incurred by the Board in carrying out its functions and conducting its affairs;

(b) the cost of any property acquired by the Board for the purpose of exercising its functions;

(c) the cost of research and advertising and similar expenditure incurred in the interest of the dairy industry: Provided that the Board may determine whether any such expenditure shall be partly or wholly paid from any of the funds established in terms of sections *sixteen* to *twenty,* both inclusive, or subject to the provisions of section *twenty-one,* from the Stabilisation Fund;

(d) all expenditure not provided for in sections *sixteen* to *twenty-one,* both inclusive;

(e) into any of the funds established in terms of sections *sixteen* to *twenty,* both inclusive, such amounts as the Board may from time to time determine;

(f) into the Stabilisation Fund established in terms of section *twenty-one,* such amounts as the Board may from time to time determine.

doeleindes van uitvoer weggestuur, versend of vervoer of verskeep word nie.

(8) Die raad kan enige permit wat ingevolge hierdie artikel uitgereik is, intrek as die houer van sodanige permit versuim om die voorwaardes van die permit of enige voorwaarde of vereiste wat die raad bepaal of voorskryf of enige bepaling of vereiste van hierdie ordonnansie na te kom.

14. (1) Wanneer die raad ingevolge paragraaf (p) van artikel *tien* enige vervaardiger van suiwelprodukte of enige groep of klas van vervaardigers van suiwelprodukte verbied om enige suiwelproduk aan enigiemand of deur enige kanaal buiten die raad te verkoop, moet die raad 'n poel vir die verkoop van sodanige produk bestuur.

(2) Enige verbod wat die raad aldus oplê, moet by kennisgewing in die *Offisiële Koerant* gepubliseer word en is en bly van krag totdat dit by 'n dergelike kennisgewing ingetrek word.

(3) Enige kennisgewing wat die verkoop van enige suiwelproduk aan enigiemand of deur enige kanaal buiten die raad verbied, moet die wyse waarop en die bepalings waaringevolge die raad 'n poel vir die verkoop van sodanige produk bestuur, uiteensit.

(4) Enige poel wat aldus deur die raad bestuur word, moet 'n maandelikse of 'n jaarlikse poel wees of vir enige ander tydperk wat die raad bepaal, en moet jaarliks deur die raad se ouditeurs geouditeer word.

(5) Die raad kan afsonderlike poele bestuur ten opsigte van enige groep of klas van vervaardigers van suiwelprodukte of ten opsigte van enige klas of graad of gehalte of hoeveelheid van enige suiwelproduk of ten opsigte van enige plek, streek of distrik.

15. (1) Die raad moet 'n fonds instel wat heet die Algemene Fonds waarin daar inbetaal moet word —

(a) alle bedrae wat die raad ontvang by wyse van rente op beleggings, lenings en voorskotte of rente gehef op agterstallige betalings van heffings;

(b) enige gelde wat die raad kragtens artikel *vyf-en-twintig* en *sewen-en-twintig* invorder;

(c) bedrae verkry uit die verkoop van, of ander beskikking oor, die raad se eiendom wat hy nie meer vir sy doeleindes nodig het nie;

(d) enige bedrae deur die raad ontvang wat nie in enige van die fondse ingestel ingevolge artikels *sestien* tot en met *een-en-twintig* gestort word nie: Met dien verstande dat wanneer ook al die aard van 'n bedrag wat ontvang is, sodanig is dat daar nie by hierdie artikel en artikels *sestien* tot en met *een-en-twintig* duidelik aangedui word in watter fonds sodanige bedrag inbetaal moet word nie, die raad moet besluit in watter fonds dit inbetaal moet word.

(2) Die raad betaal uit die Algemene Fonds —

(a) die administratiewe uitgawes wat die raad by die uitvoering van sy werksaamhede en die bestuur van sy sake aangaan;

(b) die koste van enige eiendom wat die raad aangeskaf het ten einde sy werksaamhede uit te voer;

(c) die koste van navorsing en adverteer en soortgelyke uitgawes wat in die belang van die suiwelnywerheid aangegaan word: Met dien verstande dat die raad kan besluit of enige sodanige uitgawe in sy geheel of deels uit enige van die fondse ingestel ingevolge artikels *sestien* tot en met *twintig,* of, behoudens die bepalings van artikel *een-en-twintig,* uit die Stabilisasiefonds betaal moet word;

(d) alle uitgawes waarvoor daar nie in artikels *sestien* tot en met *een-en-twintig* voorsiening gemaak word nie;

(e) in enige van die fondse ingestel ingevolge artikels *sestien* tot en met *twintig* die bedrae wat die raad van tyd tot tyd bepaal;

(f) in die Stabilisasiefonds ingestel ingevolge artikel *een-en-twintig* die bedrae wat die raad van tyd tot tyd bepaal.

(3) If in any financial year of the Board, the total of amounts paid into the General Fund, plus any surplus of income over expenditure brought forward from the previous financial year, exceeds the total of amounts paid from the General Fund, the surplus shall be carried forward to the next financial year.

(4) If in any financial year of the Board, the total of amounts paid into the General Fund, plus any surplus of income over expenditure brought forward from the previous financial year, is less than the total of amounts paid from the General Fund, an amount equal to such deficit shall be transferred, in such proportions as the Board may determine, from any or all of the funds established in terms of sections *sixteen* to *twenty*, both inclusive, and, subject to the provisions of section *twenty-one*, from the Stabilisation Fund to the General Fund.

16. (1) The Board shall establish a fund to be known as the Butter Levy Fund, into which shall be paid all amounts derived from the levy on butter, as well as all amounts which are paid to the Board in respect of butter by way of subsidy or otherwise.

(2) The Board shall pay out of the Butter Levy Fund —

(a) the payments specified in paragraph (b) (i) and (b) (ii) of sub-section (2) of section *thirty-five* of the schedule to Proclamation by the Governor-General No. 183 of 1954;

(b) into the General Fund established in terms of section *fifteen*, such share of the general expenditure of the Board as the Board may determine;

(c) to producers of cream, or manufacturers of butter or to any other person, by way of subsidy or loan or advance or otherwise such amounts as the Board may determine to assist in the development and improvement of the butter industry, or in the production, manufacture, processing, storage, transportation or marketing of cream or butter, or for any other purpose which the Board considers to be in the interest of the butter industry, or to defray any other expenditure incurred directly in connection with the butter industry;

(d) into the Stabilisation Fund established in terms of section *twenty-one*, such amounts as the Board may from time to time determine.

(3) If in any financial year of the Board, the total of amounts paid into the Butter Levy Fund, plus any surplus of income over expenditure brought forward from the previous financial year, exceeds the total of amounts paid from the Butter Levy Fund, the surplus shall be carried forward to the next financial year.

(4) If in any financial year of the Board, the total of amounts paid into the Butter Levy Fund, plus any surplus of income over expenditure brought forward from the previous financial year, is less than the total of amounts paid from the Butter Levy Fund, an amount equal to such deficit shall, subject to the provisions of section *twenty-one*, be transferred from the Stabilisation Fund to the Butter Levy Fund.

(5) On the date of coming into operation of this Ordinance, any moneys in the Butter Reserve Fund and the Butter Levy Fund established in terms of sections *eight* and *seventeen*, respectively, of the Dairy Industry Control Ordinance, 1931 (Ordinance 16 of 1931), shall be paid into the Butter Levy Fund established in terms of sub-section (1).

17. (1) The Board shall establish a fund to be known as the Cheese Levy Fund, into which shall be paid all amounts derived from the levy on cheese, as well as all amounts which are paid to the Board in respect of cheese by way of subsidy or otherwise.

(2) The Board shall pay out of the Cheese Levy Fund —

(a) the payments specified in paragraph (b) (iii) and (b) (iv) of sub-section (2) of section *thirty-five* of the Schedule to Proclamation by the Governor-General 183 of 1954;

(b) into the General Fund established in terms of section *fifteen*, such share of the general expenditure of the Board as the Board may determine;

(3) As die totaalbedrag wat in die Algemene Fonds inbetaal is, plus enige surplus aan inkomste bo uitgawes wat van die vorige boekjaar oorgedra is, in enige boekjaar van die raad meer is as die totaalbedrag wat uit die Algemene Fonds uitbetaal is, moet die surplus na die volgende boekjaar oorgedra word.

(4) As die totaalbedrag wat in die Algemene Fonds inbetaal is plus enige surplus aan inkomste bo uitgawes wat van die vorige boekjaar orgedra is, in enige boekjaar van die raad minder is as die totaalbedrag wat uit die Algemene Fonds uitbetaal is, moet 'n bedrag gelyk aan sodanige tekort in die verhoudings wat die raad bepaal, oorgedra word uit enige van, of al, die fondse wat ingevolge artikels *sestien* tot en met *twintig* ingestel is en behoudens die bepalings van artikel *een-en-twintig* uit die Stabilisasiefonds in die Algemene Fonds oorgedra word.

16. (1) Die raad stel 'n fonds in wat heet die Botterheffingsfonds waarin alle bedrae verkry uit die heffing op botter betaal moet word asook alle bedrae wat ten opsigte van botter aan die raad betaal word by wyse van subsidie of andersins.

(2) Die raad betaal uit die Botterheffingsfonds —

(a) die bedrae genoem in paragrawe (b)(i) en (b)(ii) van subartikel (2) van artikel *vyf-en-dertig* van die bylae van Proklamasie 183 van 1954 van die Goewerneur-generaal;

(b) in die Algemene Fonds ingestel ingevolge artikel *vyftien* sodanige deel van die algemene uitgawes van die raad soos die raad bepaal;

(c) aan produsente van room, of vervaardigers van botter of aan enigiemand anders by wyse van subsidie of lening of voorskot of andersins die bedrae wat die raad bepaal ter ondersteuning by die ontwikkeling en verbetering van die botternywerheid, of by die produksie, vervaardiging, verwerking, opberging, vervoer of bemarking van room of botter, of vir enige ander doel wat, na die raad meen, die belange van die botternywerheid bevorder, of ter bestryding van enige ander uitgawe regstreeks in verband met die botternywerheid aangegaan;

(d) in die Stabilisasiefonds ingestel ingevolge artikel *een-en-twintig* die bedrae wat die raad van tyd tot tyd bepaal.

(3) As die totaalbedrag wat in die Botterheffingsfonds inbetaal is plus enige surplus aan inkomste bo uitgawes wat van die vorige boekjaar oorgedra is, in enige boekjaar van die raad meer is as die totaalbedrag wat uit die Botterheffingsfonds uitbetaal is, moet die surplus na die volgende boekjaar oorgedra word.

(4) As die totaalbedrag wat in die Botterheffingsfonds inbetaal is, plus enige surplus aan inkomste bo uitgawes wat van die vorige boekjaar oorgedra is, in enige boekjaar van die raad minder is as die totaalbedrag wat uit die Botterheffingsfonds uitbetaal is, moet 'n bedrag gelyk aan sodanige tekort behoudens die bepalings van artikel *een-en-twintig* uit die Stabilisasiefonds in die Botterheffingsfonds oorgedra word.

(5) Op die datum waarop hierdie ordonnansie in werking tree, moet alle gelde in die Botterreserwefonds en die Botterheffingsfonds ingestel ingevolge artikels *agt* en *sewentien* onderskeidelik van die Ordonnansie op die Beheer van die Suiwelnywerheid 1931 (Ordonnansie 16 van 1931) in die Botterheffingsfonds ingestel ingevolge subartikel (1) inbetaal word.

17. (1) Die raad stel 'n fonds in wat heet die Kaasheffingsfonds waarin alle bedrae verkry uit die heffing op kaas betaal moet word, asook alle bedrae wat ten opsigte van kaas aan die raad betaal word by wyse van subsidie of andersins.

(2) Die raad betaal uit die Kaasheffingsfonds —

(a) die bedrae genoem in paragrawe (b)(iii) en (b)(iv) van subartikel (2) van artikel *vyf-en-dertig* van die bylae van Proklamasie 183 van 1954 van die Goewerneur-generaal;

(b) in die Algemene Fonds ingestel ingevolge artikel *vyftien* sodanige deel van die algemene uitgawes van die raad soos die raad bepaal;

(c) to producers of milk, or manufacturers of cheese, or to any other person, by way of subsidy or loan or advance or otherwise such amounts as the Board may determine to assist in the development and improvement of the cheese industry, or in the production, manufacture, processing, storage, transportation or marketing of milk or cheese, or for any other purpose which the Board considers to be in the interest of the cheese industry, or to defray any other expenditure incurred directly in connection with the cheese industry;

(d) into the Stabilisation Fund established in terms of section *twenty-one*, such amounts as the Board may from time to time determine.

(3) If in any financial year of the Board, the total of amounts paid into the Cheese Levy Fund, plus any surplus of income over expenditure brought forward from the previous financial year, exceeds the total of amounts paid from the Cheese Levy Fund, the surplus shall be carried forward to the next financial year.

(4) If in any financial year of the Board, the total of amounts paid into the Cheese Levy Fund, plus any surplus of income over expenditure brought forward from the previous financial year, is less than the total of amounts paid from the Cheese Levy Fund, an amount equal to such deficit shall, subject to the provisions of section *twenty-one*, be transferred from the Stabilisation Fund to the Cheese Levy Fund.

(5) On the date of coming into operation of this Ordinance, any moneys in the Cheese Reserve Fund and the Cheese Levy Fund established in terms of sections *eight* and *seventeen*, respectively, of the Dairy Industry Control Ordinance, 1931 (Ordinance 16 of 1931), shall be paid into the Cheese Levy Fund established in terms of sub-section (1).

18. (1) The Board shall establish a fund to be known as the Casein Levy Fund, into which shall be paid all amounts derived from the levy on casein, as well as all amounts which are paid to the Board in respect of casein by way of subsidy or otherwise.

(2) The Board shall pay out of the Casein Levy Fund —

(a) into the General Fund established in terms of section *fifteen*, such share of the general expenditure of the Board as the Board may determine;

(b) to producers of casein, or manufacturers or processors of casein, or to any other person, by way of subsidy or loan or advance or otherwise such amounts as the Board may determine to assist in the development and improvement of the casein industry, or in the production, manufacture, processing, storage, transportation or marketing of casein, or for any other purpose which the Board considers to be in the interest of the casein industry, or to defray any other expenditure incurred directly in connection with the casein industry;

(c) into the Stabilisation Fund established in terms of section *twenty-one*, such amounts as the Board may from time to time determine.

(3) If in any financial year of the Board, the total of amounts paid into the Casein Levy Fund, plus any surplus of income over expenditure brought forward from the previous financial year, exceeds the total of amounts paid from the Casein Levy Fund, the surplus shall be carried forward to the next financial year.

(4) If in any financial year of the Board, the total of amounts paid into the Casein Levy Fund, plus any surplus of income over expenditure brought forward from the previous financial year, is less than the total of amounts paid from the Casein Levy Fund, an amount equal to such deficit shall, subject to the provisions of section *twenty-one*, be transferred from the Stabilisation Fund to the Casein Levy Fund.

(5) On the date of coming into operation of this Ordinance, any moneys in the Casein Levy Fund and the Casein Price Stabilisation Account established in terms of section *three* of the Dairy Industry Control Amendment

(c) aan produsente van melk, vervaardigers van kaas, of aan enigiemand anders by wyse van subsidie of lening of voorskot of andersins die bedrae wat die raad bepaal ter ondersteuning by die ontwikkeling en verbetering van die kaasnywerheid of die produksie, vervaardiging, verwerking, opberging, vervoer of bemarking van melk of kaas of vir enige ander doel wat, na die raad meen, die belange van die kaasnywerheid bevorder, of ter bestryding van enige ander uitgawe regstreeks in verband met die kaasnywerheid aangegaan;

(d) in die Stabilasasiefonds ingestel ingevolge artikel *een-en-twintig* die bedrae wat die raad van tyd tot tyd bepaal.

(3) As die totaalbedrag wat in die Kaasheffingsfonds inbetaal is plus enige surplus aan inkomste bo uitgawes wat van die vorige boekjaar oorgedra is, in enige boekjaar van die raad meer is as die totaalbedrag wat uit die Kaasheffingsfonds uitbetaal is, moet die surplus na die volgende boekjaar oorgedra word.

(4) As die totaalbedrag wat in die Kaasheffingsfonds inbetaal is plus enige surplus aan inkomste bo uitgawes wat van die vorige boekjaar oorgedra is, in enige boekjaar van die raad minder is as die totaalbedrag wat uit die Kaasheffingsfonds uitbetaal is, moet 'n bedrag gelyk aan sodanige tekort behoudens die bepalings van artikel *een-en-twintig* uit die Stabilisasiefonds in die Kaasheffingsfonds oorgedra word.

(5) Op die datum waarop hierdie ordonnansie in werking tree, moet alle gelde in die Kaasreserwefonds en die Kaasheffingsfonds ingestel ingevolge artikels *agt* en *sewentien* onderskeidelik van die Ordonnansie op die Beheer van die Suiwelnywerheid 1931 (Ordonnansie 16 van 1931) in die Kaasheffingsfonds ingestel ingevolge subartikel (1) inbetaal word.

18. (1) Die raad stel 'n fonds in wat heet die Kaseïenheffingsfonds waarin alle bedrae verkry uit die heffing op kaseïen betaal moet word, asook alle bedrae wat ten opsigte van kaseïen aan die raad betaal word by wyse van subsidie of andersins.

(2) Die raad betaal uit die Kaseïenheffingsfonds —

(a) in die Algemene Fonds ingestel ingevolge artikel *vyftien* sodanige deel van die algemene uitgawes van die raad soos die raad bepaal;

(b) aan produsente of vervaardigers of verwerkers van kaseïen of aan enigiemand anders by wyse van subsidie of lening of voorskot of andersins die bedrae wat die raad bepaal ter ondersteuning by die ontwikkeling en verbetering van die kaseïennywerheid, of by die produksie, vervaardiging, verwerking, opberging, vervoer of bemarking van kaseïen of vir enige ander doel wat, na die raad meen, die belange van die kaseïennywerheid bevorder, of ter bestryding van enige ander uitgawe regstreeks in verband met die kaseïennywerheid aangegaan;

(c) in die Stamilisasiefonds ingestel ingevolge artikel *een-en-twintig* die bedrae wat die raad van tyd tot tyd bepaal.

(3) As die totaalbedrag wat in die Kaseïenheffingsfonds inbetaal is plus enige surplus aan inkomste bo uitgawes wat van die vorige boekjaar oorgedra is, in enige boekjaar van die raad meer is as die totaalbedrag wat uit die Kaseïenheffingsfonds uitbetaal is, moet die surplus na die volgende boekjaar oorgedra word.

(4) As die totaalbedrag wat in die Kaseïenheffingsfonds inbetaal is plus enige surplus aan inkomste bo uitgawes wat van die vorige boekjaar oorgedra is, in enige boekjaar van die raad minder is as die totaalbedrag wat uit die Kaseïenheffingsfonds uitbetaal is, moet 'n bedrag gelyk aan sodanige tekort behoudens die bepalings van artikel *een-en-twintig* uit die Stabilisasiefonds in die Kaseïenheffingsfonds oorgedra word.

(5) Op die datum waarop hierdie ordonnansie in werking tree moet alle gelde in die Kaseïenheffingsfonds en die prysstabilisasierekening vir kaseïen ingestel ingevolge artikel *drie* van die Wysigingsordonnansie op die

Ordinance, 1955 (Ordinance 26 of 1955), shall be paid into the Casein Levy Fund established in terms of sub-section (1).

19. (1) The Board shall establish a fund to be known as the Milk Powder Levy Fund, into which shall be paid all amounts derived from the levy on milk powder and condensed milk, as well as all amounts which are paid to the Board in respect of milk powder and condensed milk by way of subsidy or otherwise.

(2) The Board shall pay out of the Milk Powder Levy Fund —

(a) into the General Fund established in terms of section *fifteen,* such share of the general expenditure of the Board as the Board may determine;

(b) to producers of milk, or manufacturers or processors of milk powder and condensed milk, or to any other person by way of subsidy or loan or advance or otherwise such amounts as the Board may determine to assist in the development and improvement of the milk powder and condensed milk industries, or in the production, manufacture, processing, storage, transportation or marketing of milk powder and condensed milk, or for any other purpose which the Board considers to be in the interest of the milk powder and condensed milk industries, or to defray any other expenditure incurred directly in connection with the milk powder and condensed milk industries;

(c) into the Stabilisation Fund established in terms of section *twenty-one,* such amounts as the Board may from time to time determine.

(3) If in any financial year of the Board, the total of amounts paid into the Milk Powder Levy Fund, plus any surplus of income over expenditure brought forward from the previous financial year, exceeds the total of amounts paid from the Milk Powder Levy Fund, the surplus shall be carried forward to the next financial year.

(4) If in any financial year of the Board, the total of amounts paid into the Milk Powder Levy Fund, plus any surplus of income over expenditure brought forward from the previous financial year, is less than the total of amounts paid from the Milk Powder Levy Fund, an amount equal to such deficit shall, subject to the provisions of section *twenty-one,* be transferred from the Stabilisation Fund to the Milk Powder Levy Fund.

(5) On the date of coming into operation of this Ordinance, any moneys in the Dried Milk Fund and the Dried Milk Price Stabilisation Account established in terms of section *three* of the Dairy Industry Control Amendment Ordinance, 1955 (Ordinance 26 of 1955), shall be paid into the Milk Powder Levy Fund established in terms of sub-section (1).

20. (1) The Board shall establish a fund to be known as the Fresh Milk Levy Fund, into which shall be paid all amounts derived from the levy on fresh milk and fresh cream, as well as all amounts which are paid to the Board in respect of fresh milk and fresh cream by way of subsidy or otherwise.

(2) The Board shall pay out of the Fresh Milk Levy Fund —

(a) into the General Fund established in terms of section *fifteen,* such share of the general expenditure of the Board as the Board may determine;

(b) to fresh milk producers or fresh cream producers, or processors of fresh milk and fresh cream, or to any other person, by way of subsidy or loan or advance or otherwise such amounts as the Board may determine to assist in the development and improvement of the fresh milk and fresh cream industries, or in the production, manufacture, processing, storage, transportion or marketing of fresh milk and fresh cream, or for any other purpose which the Board considers to be in the interest of the fresh milk and fresh cream industries, or to defray any other expenditure incurred directly in connection with the fresh milk and fresh cream industries;

(c) into the Stabilsation Fund established in terms of section *twenty-one,* such amounts as the Board may from time to time determine.

Beheer van die Suiwelnywerheid 1955 (Ordonnansie 26 van 1955) in die Kaseïenheffingsfonds ingestel ingevolge subartikel (1) inbetaal word.

19. (1) Die raad stel 'n fonds in wat heet die Melkpoeierheffingsfonds waarin alle bedrae verkry uit die heffing op melkpoeier en gekondenseerde melk betaal moet word, asook alle bedrae wat ten opsigte van melkpoeier en gekondenseerde melk aan die raad betaal word by wyse van subsidie of andersins.

(2) Die raad betaal uit die Melkpoeierheffingsfonds —

(a) in die Algemene Fonds ingestel ingevolge artikel *vyftien* sodanige deel van die algemene uitgawes van die raad soos die raad bepaal;

(b) aan produsente van melk of vervaardigers of verwerkers van melkpoeier en gekondenseerde melk of aan enigiemand anders by wyse van subsidie of lening of voorskot of andersins die bedrae wat die raad bepaal ter ondersteuning by die ontwikkeling en verbetering van die melkpoeier- en gekondenseerdemelknywerhede, of by die produksie, vervaardiging, verwerking, opberging, vervoer of bemarking van melkpoeier en gekondenseerde melk of vir enige ander doel wat, na die raad meen, die belange van die melkpoeier- en gekondenseerdemelknywerhede bevorder, of ter bestryding van enige ander uitgawes regstreeks in verband met die melkpoeier- en gekondenseerdmelknywerhede aangegaan;

(c) in die Stabilasasiefonds ingestel ingevolge artikel *een-en-twintig* die bedrae wat die raad van tyd tot tyd bepaal.

(3) As die totaalbedrag wat in die Melkpoeierheffingsfonds inbetaal is plus enige surplus aan inkomste bo uitgawes wat van die vorige boekjaar oorgedra is, in enige boekjaar van die raad meer is as die totaalbedrag wat uit die Melkpoeierheffingsfonds uitbetaal is, moet die surplus na die volgende boekjaar oorgedra word.

(4) As die totaalbedrag wat in die Melkpoeierheffingsfonds inbetaal is plus enige surplus aan inkomste bo uitgawes wat van die vorige boekjaar oorgedra is, in enige boekjaar van die raad minder is as die totaalbedrag wat uit die Melkpoeierheffingsfonds uitbetaal is, moet 'n bedrag gelyk aan sodanige tekort behoudens die bepalings van artikel *een-en-twintig* uit die Stabilisasiefonds in die Melkpoeierheffingsfonds oorgedra word.

(5) Op die datum waarop hierdie ordonnansie in werking tree, moet alle gelde in die fonds vir gedroogde melk en die prysstabilisasierekening vir gedroogde melk ingestel ingevolge artikel *drie* van die Wysigingsordonnansie op die Beheer van die Suiwelnywerheid 1955 (Ordonnansie 26 van 1955) in die Melkpoeierheffingsfonds ingestel ingevolge subartikel (1) inbetaal word.

20. (1) Die raad stel 'n fonds in wat heet die Varsmelkheffingsfonds waarin alle bedrae verkry uit die heffing op vars melk en vars room betaal moet word, asook alle bedrae wat ten opsigte van vars melk en vars room aan die raad betaal word by wyse van subsidie of andersins.

(2) Die raad betaal uit die Varsmelkheffingsfonds —

(a) in die Algemene Fonds ingestel ingevolge artikel *vyftien* sodanige deel van die algemene uitgawes van die raad soos die raad bepaal;

(b) aan produsente van vars melk of vars room, of verwerkers van vars melk en vars room, of aan enigiemand anders, by wyse van subsidie of lening of voorskot of andersins, die bedrae wat die raad bepaal ter ondersteuning by die ontwikkeling en verbetering van die varsmelk- en varsroomnywerhede, of by die produksie, vervaardiging, verwerking, opberging, vervoer of bemarking van vars melk en vars room of vir enige ander doel wat, na die raad meen, die belange van die varsmelk- en varsroomnywerhede bevorder, of ter bestryding van enige ander uitgawes regstreeks in verband met die varsmelk- en varsroomnywerhede aangegaan;

(c) in die Stabilisasiefonds ingestel ingevolge artikel *een-en-twintig* die bedrae wat die raad van tyd tot tyd bepaal.

(3) If in any financial year of the Board, the total of amounts paid into the Fresh Milk Levy Fund, plus any surplus of income over expenditure brought forward from the previous financial year, exceeds the total of amounts paid from the Fresh Milk Levy Fund, the surplus shall be carried forward to the next financial year.

(4) If in any financial year of the Board, the total of amounts paid into the Fresh Milk Levy Fund, plus any surplus of income over expenditure brought forward from the previous financial year, is less than the total of amounts paid from the Fresh Milk Levy Fund, an amount equal to such deficit shall, subject to the provisions of section *twenty-one,* be transferred from the Stabilisation Fund to the Fresh Milk Levy Fund.

(5) On the date of coming into operation of this Ordinance, any moneys in any Fresh Milk Pool established in terms of section *six* of the Fresh Milk Control Ordinance, 1957 (Ordinance 8 of 1957), shall be paid into the Fresh Melk Levy Fund established in terms of subsection (1).

21. (1) The Board shall establish a fund to be known as the Stabilisation Fund, into which shall be paid —

(a) such amounts from the funds established in terms of sections *fifteen* to *twenty,* both inclusive, as the Board may from time to time determine;

(b) all amounts derived from the levy imposed on any dairy product or dairy produce substitute not provided for in sections *sixteen* to *twenty,* both inclusive, as well as all amounts which are paid to the Board by way of subsidy or otherwise in respect of any dairy product or dairy produce substitute not provided for in sections *sixteen* to *twenty,* both inclusive.

(2) The Board may, subject to the approval of the Administrator, pay out of the Stabilisation Fund —

(a) into the funds established in terms of sections *sixteen* to *twenty,* both inclusive, such amounts as are provided for in those sections;

(b) such amounts as the Board may determine, for any purpose which the Board considers to be in the interest of the dairy industry generally or any particular section of that industry.

22.. (1) The financial year of the Board under this Ordinance shall be the period from the first day of October in each year to the thirtieth day of September in the following year.

(2) The accounts and balance sheet of the Board shall be audited annually by the Controller and Auditor-General, who may, for the purpose of such audit, appoint one or more persons to assist him, subject to such directions as he may deem fit.

(3) An amount which shall be determined by the Administrator after consultation with the Board and the Controller and Auditor-General, shall be paid by the Board to the Administration in respect of such audit.

23. (1) The Board may, with the approval of the Administrator, and subject to such conditions as the Board may impose, appoint one or more committees from its members and invest any such committee with such of its powers as it may deem fit: Provided that the Board shall not be divested of any power with which it may invest any such committee.

(2) The members of a committee and any advisory members co-opted by a committee, shall receive the same allowances as the members of the Board.

(3) The chairman of the Board may at any time and at any place convene a meeting of any committee.

(4) The decision of the majority of all the members of a committee shall constitute a decision of the committee.

24. (1) No member of the Board and no servant or agent of the Board shall, except in connection with the administration of this Ordinance or in connection with legal proceedings thereunder, disclose any information conveyed to the Board in terms of this Ordinance.

(3) As die totaalbedrag wat in die Varsmelkheffingsfonds inbetaal is plus enige surplus aan inkomste bo uitgawes wat van die vorige boekjaar oorgedra is, in enige boekjaar van die raad meer is as die totaalbedrag wat uit die Varsmelkheffingsfonds uitbetaal is, moet die surplus na die volgende boekjaar oorgedra word.

(4) As die totaalbedrag wat in die Varsmelkheffingsfonds inbetaal is plus enige surplus aan inkomste bo uitgawes wat van die vorige boekjaar oorgedra is, in enige boekjaar van die raad minder is as die totaalbedrag wat uit die Varsmelkheffingsfonds uitbetaal is, moet 'n bedrag gelyk aan sodanige tekort behoudens die bepalings van artikel *een-en-twintig* uit die Stabilisasiefonds in die Varsmelkheffingsfonds oorgedra word.

(5) Op die datum waarop hierdie ordonnansie in werking tree, moet alle gelde in enige varsmelkpoel ingestel ingevolge artikel *ses* van die Ordonnansie op die Beheer oor Vars Melk 1957 (Ordonnansie 8 van 1957) in die Varsmelkheffingsfonds ingestel ingevolge subartikel (1) inbetaal word.

21. (1) Die raad stel 'n fonds in wat heet die Stabilisasiefonds waarin die volgende bedrae betaal moet word:

(a) sodanige bedrae uit die fondse ingestel ingevolge artikels *vyftien* tot en met *twintig* soos die raad van tyd tot tyd bepaal;

(b) alle bedrae verkry uit die heffing opgelê op enige suiwelproduk of suiwelsurrogaat waarvoor daar nie in artikels *sestien* tot en met *twintig* voorsiening gemaak word nie, asook alle bedrae wat aan die raad betaal word by wyse van subsidie of andersins ten opsigte van enige suiwelproduk of suiwelsurrogaat waarvoor daar nie in artikels *sestien* tot en met *twintig* voorsiening gemaak word nie.

(2) Die raad kan, onderhewig aan die goedkeuring van die Administrateur, uit die Stabilisasiefonds —

(a) in die fondse ingestel ingevolge artikels *sestien* tot en met *twintig* die bedrae betaal waarvoor daar in daardie artikels voorsiening gemaak word;

(b) sodanige bedrae betaal soos die raad bepaal vir enige doel wat die raad beskou as in die belang van die suiwelnywerheid in die algemeen of van enige besondere deel van daardie nywerheid.

22. (1) Die boekjaar van die raad is ingevolge hierdie ordonnansie die tydperk van die eerste dag van Oktober in elke jaar tot op die dertigste dag van September in die daaropvolgende jaar.

(2) Die rekeninge en balansstaat van die raad moet jaarliks geouditeer word deur die Kontroleur en Ouditeur-generaal wat vir die doeleindes van sodanige ouditering een of meer persone kan aanstel om hom by te staan onderhewig aan die opdragte wat hy goedvind.

(3) Ten opsigte van sodanige ouditering betaal die raad aan die Administrasie 'n bedrag wat die Administrateur na oorleg met die raad en die Kontroleur en Ouditeur-generaal bepaal.

23. (1) Die raad kan met die goedkeuring van die Administrateur en onderhewig aan die voorwaardes wat die raal stel, een of meer komitees uit sy geledere aanstel en enige sodanige komitee beklee met sodanige van sy eie bevoegdhede soos hy goedvind: Met dien verstande dat die raad self geen bevoegdheid waarmee hy so 'n komitee beklee, afstaan nie.

(2) Die lede van 'n komitee en enige raadgewende lede wat die komitee koöpteer, ontvang dieselfde toelaes as die lede van die raad.

(3) Die voorsitter van die raad kan 'n vergadering van enige komitee op enige tyd en plek belê.

(4) Die besluit van die meerderheid van al die lede van 'n komitee is 'n besluit van die komitee.

24. (1) Geen lid van die raad en geen beampte of agent van die raad mag buiten in verband met die uitvoering van hierdie ordonnansie of in verband met 'n regsgeding daaringevolge enige inligting verstrek wat ingevolge hierdie ordonnansie aan die raad meegedeel is nie.

(2) No liability shall atach to the Board for any loss or damage sustained by any person as a result of the *bona fide* exercise or performance by the Board or a committee thereof or by any servant or agent of the Board, of any power or function or duty conferred or imposed upon the Board by this Ordinance.

25. (1) As from the date of coming into operation of this Ordinance no person shall produce, process or manufacture any dairy product or dairy produce substitute or cause it to be produced, processed or manufactured unless he has been registered by the Board as a dairy products manufacturer, or as a dairy produce substitute manufacturer, as the case may be, for the production, processing, or manufacture of the dairy product or dairy produce substitute concerned: Provided that the provisions of this section shall not apply to —

(a) any milk producer who produces milk or cream or casein intended for sale to a dairy products manufacturer; or

(b) any person who produces, processes or manufactures a dairy product or dairy produce substitute for the sole purpose of consumption by himself or members of his immediate household; or

(c) to any cafe, tearoom, coffeeroom, restaurant, soda fountain, eating house, boarding house or hotel which produces, processes or manufactures on its premises any dairy product or dairy produce substitute for the sole purpose of consumption on such premises.

(2) Any person may make written application to the Board for registration as a dairy products manufacturer, or as a dairy produce substitute manufacturer, as the case may be, in respect of the product or products specified in such application, and any such person shall furnish to the Board such information in such form as the Board may deem necessary for the purpose of considering such application.

(3) The Board may approve of the registration of any such person on such conditions as it may determine and subject to such requirements as it may prescribe, or it may refuse such registration.

(4) In addition to any other conditions which the Board may impose in terms of sub-section (3), it may impose conditions prescribing the maximum or the minimum quantity of any dairy product or dairy product substitute which may be produced, processed or manufactured by any person registered as a dairy products manufacturer or as a dairy products substitute manufacturer, as the case may be.

(5) The Board may cancel the registration of any person registered as a dairy products manufacturer or as a dairy produce substitute manufacturer, if he contravenes or fails to comply with any requirement so prescribed, or with any condition so determined, or with any provision of this Ordinance or with any prohibition, requirement or order issued thereunder, and whenever the Board has cancelled the registration of any person, the certificate of registration issued to such person in terms of sub-section (6) shall be returned to the Board within fourteen days from the date of cancellation of such registration.

(6) Whenever the Board has approved of the registration of any person as a dairy products manufacturer or as a dairy produce substitute manufacturer, the Board shall issue a certificate of registration to such person specifying the product in respect of which he is so registered, stating the conditions, if any, laid down by the Board under which the certificate is so issued, and indicating the premises where the product so specified shall be produced, processed or manufactured.

(7) A certificate of registration issued under this section, together with all privileges conferred by this Ordinance in respect of registration, shall expire on the thirtieth day of September next succeeding the date of issue, but may on application be renewed by the Board if it is satisfied that the requirements of this Ordinance have been and are being complied with by the holder of such certificate.

(2) Die raad is nie aanspreeklik vir enige verlies of skade wat enigiemand gely het weens die uitoefening of verrigting te goeder trou deur die raad of 'n komitee daarvan of 'n beampte of agent van die raad van enige bevoegdheid of funksie of plig wat by hierdie ordonnansie aan die raad verleen of opgelê is nie.

25. (1) Met ingang van die datum waarop hierdie ordonnansie in werking tree, mag niemand enige suiwelproduk of suiwelsurrogaat produseer, verwerk, vervaardig of laat produseer, verwerk of vervaardig nie tensy hy deur die raad geregistreer is as vervaardiger van suiwelprodukte of as vervaardiger van suiwelsurrogate, na gelang, vir die produksie, verwerking of vervaardiging van die betrokke suiwelproduk of suiwelsurrogaat: Met dien verstande dat die bepalings van hierdie artikel nie van toepassing is op —

(a) enige melkprodusent wat melk of room of kaseïen bestem vir verkoop aan 'n vervaardiger van suiwelprodukte produseer nie; of

(b) enigiemand wat 'n suiwelproduk of suiwelsurrogaat uitsluitlik vir eie verbruik of vir dié van lede van sy onmiddellike huishouding produseer, verwerk of vervaardig; of

(c) enige kafee, teekamer, koffiekamer, restourant, bruisbron, eethuis, losieshuis of hotel wat op sy perseel enige suiwelproduk of suiwelsurrogaat produseer, verwerk of vervaardig uitsluitlik vir verbruik op sodanige perseel nie.

(2) Enigiemand kan skriftelik by die raad aansoek doen om registrasie as vervaardiger van suiwelprodukte of as vervaardiger van suiwelsurrogate, na gelang, ten opsigte van die produk of produkte wat in sodanige aansoek aangedui word, en elk so iemand moet aan die raad sodanige inligting verskaf in sodanige vorm soos die raad nodig ag ter oorweging van sodanige aansoek.

(3) Die raad kan die registrasie van enige so iemand goedkeur op die voorwaardes wat die raad bepaal en onderhewig aan die vereistes wat die raad stel, of die raad kan sodanige registrasie weier.

(4) By enige ander voorwaardes wat die raad ingevolge subartikel (3) kan bepaal, kan hy voorwaardes bepaal wat die maksimum of die minimum hoeveelheid voorskryf van enige suiwelproduk of suiwelsurrogaat wat enigiemand geregistreer as vervaardiger van suiwelprodukte of as vervaardiger van suiwelsurrogate, na gelang, kan produseer, verwerk of vervaardig.

(5) Die raad kan die registrasie van enigiemand wat as vervaardiger van suiwelprodukte of as vervaardiger van suiwelsurrogate geregistreer is, intrek as die vervaardiger 'n aldus gestelde vereiste of 'n aldus bepaalde voorwaarde of 'n bepaling van hierdie ordonnansie of enige verbod, vereiste of bevel daarkragtens uitgevaardig, gestel of uitgereik, oortree of versuim om daaraan te voldoen, en wanneer die raad iemand se registrasie ingetrek het, moet die registrasiesertifikaat wat ingevolge subartikel (6) aan so iemand uitgereik is, binne veertien dae na die datum van intrekking van sodanige registrasie aan die raad terugbesorg word.

(6) Wanneer die raad iemand se registrasie as vervaardiger van suiwelprodukte of as vervaardiger van suiwelsurrogate goedgekeur het, moet die raad aan so iemand 'n registrasiesertifikaat uitreik waarin die produk ten opsigte waarvan hy aldus geregistreer is, die voorwaardes (as daar is) wat die raad stel en waarop die sertifikaat aldus uitgereik word, en die perseel waarop die aldus genoemde produk geproduseer, verwerk of vervaardig moet word, vermeld word.

(7) 'n Registrasiesertifikaat uitgereik ingevolge hierdie artikel tesame met al die voorregte ten opsigte van registrasie wat by hierdie ordonnansie verleen word, verstryk op die dertigste dag van September wat volg op die datum van uitreiking, maar die raad kan dit op aansoek hernieu by oortuiging dat die vereistes van hierdie ordonnansie deur die houer van sodanige sertifikaat nagekom is en word.

(8) Any person whose application in terms of this section has been refused or whose registration has been cancelled by the Board may, within thirty days of such refusal or cancellation, appeal in writing to the Administrator, and the Administrator, after consultation with the Board, may allow or dismiss such appeal or make such order as he may deem fit.

(9) The Board may determine a fee which shall be paid to the Board in respect of each application for registration as a dairy products manufacturer or as a dairy produce substitute manufacturer, or each application for renewal of a certificate of registration, in order to cover the reasonable expenditure to which the Board may be put in connection with the consideration of such application: Provided that such fee shall not exceed twenty rand (R 20.00) in respect of each product specified in such application.

(10) The Board may direct any person who is so registered as a dairy products manufacturer or as a dairy produce substitute manufacturer to furnish the Board with such information and to render such returns in such form and within such period as the Board may require in regard to the product or products produced, processed, manufactured, purchased or sold by him, and any other information which is in the opinion of the Board necessary to enable it to carry out its functions.

(11) No person registered as a dairy products manufacturer or as a dairy produce substitute manufacturer shall, on the premises in respect of which he is so registered, produce, process or manufacture or without the written permission of the Board deal in the course of trade with any dairy product or dairy product substitute other than that stated in such certificate of registration.

(12) No dairy products manufacturer or dairy produce substitute manufacturer shall without the written permission of the Board, on the premises in respect of which he is so registered, produce, process or manufacture, or deal in the course of trade with any product, commodity or article other than a dairy product or dairy product substitute.

(13) Notwithstanding any provision of this Ordinance, whenever the Board has in terms of sub-section (10) directed a dairy products manufacturer or a dairy produce substitute manufacturer to render a return to the Board and such dairy products manufacturer or dairy produce substitute manufacturer without reasonable cause fails to render such return on the date prescribed by the Board, the Board may charge a fee not exceeding one rand (R 1.00) for any day or part of day that such return is not so rendered to the Board.

26. (1) Notwithstanding any provision of this Ordinance, the Administrator may, on the recommendation of the Board, by proclamation in the *Official Gazette*, prohibit the registration of any other dairy products manufacturer or dairy produce substitute manufacturer in any place, area or district if there are, in his opinion, already sufficient of such manufacturers in that place, area or district.

(2) Notwithstanding anything to the contrary contained in this Ordinance, the Administrator may, on the recommendation of the Board, by proclamation in the *Official Gazete* prohibit the production, processing or manufacture of any dairy product or dairy produce substitute in the Territory.

(3) If any person is in the possession of any dairy product or dairy produce substitue, the production, processing or manufacture of which is prohibited in the Territory in terms of this section, the onus shall be on such person to prove that such product was not produced, processed or manufactured in the Territory, or was produced, processed or manufactured in the Territory when the production, processing or manufacture of such product was not so prohibited in the Territory.

27. (1) Whenever the Board in terms of section *ten* imposes an administrative fee, the Board may differentiate in such fee according to the nature or type or quality or treatment or quantity or weight of the dairy product or dairy produce substitute produced, processed or manufac-

(8) Elkeen wie se aansoek ingevolge hierdie artikel geweier is of wie se registrasie deur die raad ingetrek is, kan binne dertig dae na sodanige weiering of intrekking skriftelik by die Administrateur appèl aanteken, en die Administrateur kan, na oorleg met die raad, sodanige appèl toestaan of afwys of sodanige lasgewing uitreik soos hy goedvind.

(9) Die raad kan 'n geld bepaal wat aan hom betaal moet word ten opsigte van elke aansoek om registrasie as vervaardiger van suiwelprodukte of as vervaardiger van suiwelsurrogate, of ten opsigte van elke aansoek om hernuwing van 'n registrasiesertifikaat ter dekking van die redelike uitgawes wat die raad moontlik moet aangaan in verband met die oorweging van sodanige aansoek: Met dien verstande dat so 'n geld hoogstens twintig rand (R20.00) mag bedra ten opsigte van elke produk wat in so 'n aansoek genoem word.

(10) Die raad kan enigiemand wat aldus geregistreer is as vervaardiger van suiwelprodukte of as vervaardiger van suiwelsurrogate gelas om die inligting aan die raad te verskaf en die opgawes in te dien in die vorm en binne die tydperk wat die raad vereis ten opsigte van die produk of produkte wat so iemand produseer, verwerk, vervaardig, koop of verkoop, asook enige ander inligting wat, na die raad meen, nodig is om die raad in staat te stel om sy werksaamhede te verrig.

(11) Niemand wat as vervaardiger van suiwelprodukte of as vervaardiger van suiwelsurrogate geregistreer is, mag op die perseel ten opsigte waarvan hy aldus geregistreer is, enige suiwelproduk of suiwelsurrogaat buiten dié wat in sodanige registrasiesertifikaat genoem word, produseer, verwerk of vervaardig of sonder die skriftelike toestemming van die raad in die loop van die handel daarmee te doen hê nie.

(12) Geen vervaardiger van suiwelprodukte of vervaardiger van suiwelsurrogate mag sonder die skriftelike toestemming van die raad op die perseel ten opsigte waarvan hy aldus geregistreer is, enige produk, handelsware of artikel buiten 'n suiwelproduk of suiwelsurrogaat produseer, verwerk of vervaardig of in die loop van die handel daarmee te doen hê nie.

(13) Nieteenstaande enige bepalings van hierdie ordonnansie kan die raad wanneer ook al hy ingevolge subartikel (10) 'n vervaardiger van suiwelprodukte of 'n vervaardiger van suiwelsurrogate aangesê het om 'n opgaaf aan die raad te verstrek en sodanige vervaardiger van suiwelprodukte of vervaardiger van suiwelsurrogate sonder redelike oorsaak versuim om sodanige opgaaf op die datum wat die raad voorgeskryf het, te verstrek, gelde hef teen hoogstens een rand (R1.00) vir elke dag of deel van 'n dag waarop die versuim om so 'n opgaaf aan die raad te verstrek, voortduur.

26. (1) Nieteenstaande die bepalings van hierdie ordonnansie kan die Administrateur op aanbeveling van die raad by proklamasie in die *Offisiële Koerant* die registrasie van enige ander vervaardiger van suiwelprodukte of vervaardiger van suiwelsurrogate op enige plek of in enige streek of distrik verbied as daar syns insiens reeds genoeg sodanige vervaardigers op daardie plek of in daardie streek of distrik is.

(2) Nieteenstaande andersluidende bepalings in hierdie ordonnansie kan die Administrateur op aanbeveling van die raad by proklamasie in die *Offisiële Koerant* die produksie, verwerking of vervaardiging van enige suiwelproduk of suiwelsurrogaat in die Gebied verbied.

(3) As enigiemand in besit is van 'n suiwelproduk of 'n suiwelsurrogaat waarvan die produksie, verwerking of vervaardiging ingevolge hierdie artikel in die Gebied verbied is, rus die bewyslas op so iemand om te bewys dat sodanige produk nie in die Gebied geproduseer, verwerk of vervaardig is nie, of in die Gebied geproduseer, verwerk of vervaardig is toe die produksie, verwerking of vervaardiging van sodanige produk nie aldus in die Gebied verbode was nie.

27. (1) Wanneer die raad ingevolge artikel *tien* 'n administratiewe geld hef, kan die raad by sodanige heffing onderskei volgens die aard of tipe of gehalte of behandeling of hoeveelheid of gewig van die suiwelproduk of suiwelsurrogaat geproduseer, verwerk of vervaardig

tured by the person registered as a dairy products manufacturer or as a dairy produce substitute manufacturer as the case may be in terms of this Ordinance, and may also differentiate in such fee according to the place, area or district in which such product is produced, processed or manufactured.

(2) Any administrative fee so imposed shall not exceed fifty rand (R 50.00), and shall be payable to the Board in respect of each issue or each renewal of a certificate of registration in terms of section *twenty-five*.

(3) Any administrative fee imposed by the Board shall be published by notice in the *Official Gazette* and shall be paid in the manner prescribed in such notice.

28. (1) As from the date of coming into operation of this Ordinance, no premises shall be used for the production, processing or manufacture of any dairy product or dairy produce substitute, unless —

(a) the owner of such premises has been registered by the Board in terms of this Ordinance as a dairy products manufacturer or as a dairy produce substitute manufacturer, as the case may be, for the manufacture of the dairy product or dairy produce substitute so produced, processed or manufactured;

(b) such premises have been registered by the Director of Agriculture in the manner prescribed as a dairy products factory, or as a dairy produce substitute factory as the case may be, for the manufacture of the dairy product or dairy produce substitute so produced, processed or manufactured:

Provided that the provisions of this section shall not apply to —

(i) premises used by any milk producer for the production of milk, cream or farm casein which is intended for sale to a dairy products manufacturer; or

(ii) premises used by any person for the production, processing or manufacture of any dairy product or dairy produce substitute for the sole purpose of consumption by himself or members of his immediate household; or

(iii) premises used as a cafe, tearoom, coffeeroom, restaurant, soda fountain, eating house, boarding house or hotel which produces, processes or manufactures on its premises any dairy product or dairy produce substitute for the sole purpose of consumption on such premises.

(2) No product other than that in respect of which the premises are so registered shall be produced, processed or manufactured on such premises.

(3) No premises shall be registered as a dairy products factory, or as a dairy produce substitute factory, unless they comply with such requirements as may be prescribed.

(4) No premises registered as a creamery shall be registered as a process butter factory, and no premises registered as a process butter factory shall be registered as a creamery.

(5) The Administrator, if satisfied that the requirements of this Ordinance in respect of such premises have been and are being complied with, shall, through the Director of Agriculture, issue a certificate of registration of such premises: Provided that a separate certificate of registration shall be issued in respect of each different dairy product or dairy product substitute produced, processed of manufactured on such premises.

(6) Each certificate of registration so issued, shall bear the destinctive registration number alloted to such premises in respect of the product specified, as provided under section *thirty*.

(7) Each certificate of registration issued under this section, together with all privileges conferred by this Ordinance in respect of registration, shall expire on the thirtieth day of September next succeeding the date of issue, but may on application be renewed if the Administrator is satisfied that the requirements of this Ordi-

deur die persoon wat ingevolge hierdie ordonnansie geregistreer is as vervaardiger van suiwelprodukte of as vervaardiger van suiwelsurrogate, na gelang, en kan die raad ook by sodanige heffing onderskei volgens die plek, streek of distrik waarop of waarin sodanige produk geproduseer, verwerk of vervaardig is.

(2) Enige aldus gehefte administratiewe geld mag hoogstens vyftig rand (R50.00) bedra en is aan die raad betaalbaar ten opsigte van elke uitreiking of elke hernuwing van 'n registrasiesertifikaat ingevolge artikel *vyf-en-twintig*.

(3) Elke administratiewe geld wat die raad hef, moet by kennisgewing in die *Offisiële Koerant* gepubliseer word en moet betaal word op die wyse wat in sodanige kennisgewing voorgeskryf word.

28. (1) Met ingang van die datum van inwerkingtreding van hierdie ordonnansie mag geen perseel gebruik word vir die produksie, verwerking of vervaardiging van enige suiwelproduk of suiwelsurrogaat nie, tensy —

(a) die eienaar van sodanige perseel ingevolge hierdie ordonnansie deur die raad geregistreer is as 'n vervaardiger van suiwelprodukte of 'n vervaardiger van suiwelsurrogate, na gelang, vir die vervaardiging van die suiwelproduk of suiwelsurrogaat wat aldus geproduseer, verwerk of vervaardig word;

(b) sodanige perseel deur die Direkteur van Landbou op die voorgeskrewe wyse geregistreer is as 'n suiwelfabriek of 'n suiwelsurrogaatfabriek, na gelang, vir die vervaardiging van die suiwelproduk of suiwelsurrogaat wat aldus geproduseer, verwerk of vervaardig word:

Met dien verstande dat die bepalings van hierdie artikel nie van toepassing is nie op —

(i) 'n perseel wat deur enige melkprodusent gebruik word vir die produksie van melk, room of plaaskaseïen wat bestem is vir verkoop aan 'n vervaardiger van suiwelprodukte; of

(ii) 'n perseel wat deur enigiemand gebruik word vir die produksie, verwerking of vervaardiging van enige suiwelproduk of suiwelsurrogaat uitsluitlik vir eie verbruik of vir dié van lede van sy onmiddellike huishouding; of

(iii) 'n perseel wat gebruik word as 'n kafee, teekamer, koffiekamer, restourant, bruisbron, eethuis, losieshuis of hotel wat op sy perseel enige suiwelproduk of suiwelsurrogaat uitsluitlik vir verbruik op sodanige perseel produseer, verwerk of vervaardig.

(2) Geen produk buiten dié ten opsigte waarvan 'n perseel aldus geregistreer is, mag op sodanige perseel geproduseer, verwerk of vervaardig word nie.

(3) Geen perseel mag geregistreer word as 'n suiwelfabriek of as 'n suiwelsurrogaatfabriek nie tensy dit voldoen aan die vereistes wat voorgeskryf word.

(4) Geen perseel wat as 'n botterfabriek geregistreer is, mag as 'n prosesbotterfabriek geregistreer word nie, en geen perseel wat geregistreer is as 'n prosesbotterfabriek mag as 'n botterfabriek geregistreer word nie.

(5) By oortuiging dat die vereistes van hierdie ordonnansie ten opsigte van sodanige persele nagekom is of word, reik die Administrateur deur middel van die Direkteur van Landbou 'n registrasiesertifikaat ten opsigte van sodanige perseel uit: Met dien verstande dat 'n afsonderlike registrasiesertifikaat uitgereik moet word ten opsigte van elke verskillende suiwelproduk of suiwelsurrogaat wat op sodanige perseel geproduseer, verwerk of vervaardig word.

(6) Elke aldus uitgereikte registrasiesertifikaat moet die onderskeidende registrasienommer wat aan sodanige perseel toegeken is ten opsigte van die genoemde produk, soos bepaal by artikel *dertig*, dra.

(7) Elke registrasiesertifikaat wat ingevolge hierdie artikel uitgereik is, tesame met al die voorregte wat by hierdie ordonnansie ten opsigte van registrasie verleen word, verstryk op die dertigste dag van September wat volg op die datum van uitreiking, maar kan op aansoek hernieu word as die Administrateur oortuig is dat die

nance, have been and are being complied with in respect of such premises.

(8) Application for the renewal of a certificate of registration shall be made within the period of thirty days immediately preceding the date of expiry thereof and shall be accompanied by any renewal fee that may be prescribed.

(9) The Administrator may refuse the renewal of a certificate of registration if during the period of twelve months immediately preceding the date of expiry of such certificate, the owner of the premises concerned has been convicted on not less than three separate occasions of one or more contraventions of this Ordinance.

(10) Every holder of a certificate of registration shall brand in the prescribed manner any dairy produce or dairy produce substitute which has been produced, processed or manufactured on the premises to which such certificate relates and any package containing such product.

29. (1) No person shall operate a collection depot for the collection of milk, cream, fresh milk or farm casein from milk producers, unless he has the written permission of the Board.

(2) The Board may give written permission for the operation of a collection depot on such conditions as the Board may determine and subject to such requirements as it may prescribe, or it may refuse such permission.

(3) No premises shall be used as a collection depot for milk, cream, fresh milk, fresh cream or casein unless they comply with such requirements as may be prescribed by regulation.

30. (1) The Senior Dairy Officer shall allot to all premises registered under section *twenty-eight,* a distinctive registration number in respect of each different dairy product or dairy produce substitute produced, processed or manufactured on such premises.

(2) The owner of such premises shall have the exclusive right to use the registration number so allotted for the purpose of designating the dairy product or dairy produce substitute produced, processed or manufactured on those premises.

(3) The distinctive registration number so allotted in respect of each dairy product or dairy produce substitute produced, processed or manufactured on such premises shall appear on each and every package or container containing such product and where the Board so directs also on the product itself.

31. (1) No person shall sell the lacteal secretion of any mammal other than a cow without the written permission of the Board.

(2) No person shall sell any product made from the lacteal secretion of any mammal other than a cow without the written permission of the Board.

(3) The Board may give written permission for the sale of the lacteal secretion of any mammal other than a cow or any product made from such lacteal secretion on such conditions as the Board may determine and subject to such requirements as the Board may prescribe, or it may refuse such permission.

32. (1) Notwithstanding anything to the contrary contained in this Ordinance, no milk producer shall sell —

(a) any milk other than the fresh, clean and unaltered product obtained by the milking of one or more healthy cows; or

(b) milk obtained within two weeks before or one week after calving or such longer period as may be necessary to render the milk free of colostrum; or

(c) milk which clots on boiling; or

(d) milk which contains foreign matter such as any preservative or anti-biotic which may have an adverse effect on any manufacturing process or which may be deleterious to the health of consumers of such milk; or

vereistes van hierdie ordonnansie ten opsigte van sodanige perseel nagekom is en word.

(8) Aansoek om die hernuwing van 'n registrasiesertifikaat moet geskied binne die tydperk van dertig dae wat die datum van verstryking daarvan onmiddellik voorafgaan en moet vergesel gaan van enige hernuwingsgeld wat moontlik voorgeskryf word.

(9) Die Administrateur kan die hernuwing van 'n registrasiesertifikaat weier as die eienaar van die betrokke perseel gedurende die tydperk van twaalf maande wat die verstrykingsdatum van sodanige sertifikaat onmiddellik voorafgaan, by minstens drie afsonderlike geleenthede skuldig bevind is aan een of meer oortredings van hierdie ordonnansie.

(10) Elke houer van 'n registrasiesertifikaat moet enige suiwelproduk of suiwelsurrogaat wat geproduseer, verwerk of vervaardig is op die perseel waarop sodanige sertifikaat betrekking het en enige verpakking wat sodanige produk bevat op die voorgeskrewe wyse merk.

29. (1) Niemand mag 'n versameldepot vir die versameling van melk, room, vars melk of plaaskaseïen van melkprodusente dryf nie, tensy hy die skriftelike toestemming van die raad verkry het.

(2) Die raad kan skriftelike toestemming vir die dryf van 'n versameldepot gee op die voorwaardes wat hy bepaal en onderhewig aan die vereistes wat hy stel, of hy kan sodanige toestemming weier.

(3) Geen perseel mag as 'n versameldepot vir melk, room, vars melk, vars room of kaseïen gebruik word nie, tensy sodanige perseel voldoen aan die vereistes wat moontlik by regulasie voorgeskryf word.

30. (1) Die senior suiwelbeampte ken aan alle persele wat ingevolge artikel *agt-en-twintig* geregistreer is, 'n onderskeidende registrasienommer toe ten opsigte van elke verskillende suiwelproduk of suiwelsurrogaat wat op sodanige perseel geproduseer, verwerk of vervaardig word.

(2) Die eienaar van so 'n perseel het die uitsluitlike reg om die aldus toegekende registrasienommer te gebruik om die suiwelproduk of suiwelsurrogaat wat op daardie perseel geproduseer, verwerk of vervaardig word, aan te dui.

(3) Die onderskeidende registrasienommer aldus toegeken ten opsigte van elke suiwelproduk of suiwelsurrogaat wat op sodanige perseel geproduseer, verwerk of vervaardig word, moet verskyn op elk en iedere verpakking of houer wat sodanige produk bevat, en, waar die raad dit gelas, ook op die produk self.

31. (1) Niemand mag die melkafskeiding van enige soogdier buiten 'n koei sonder die skriftelike toestemming van die raad verkoop nie.

(2) Niemand mag enige produk gemaak uit die melkafskeiding van 'n soogdier buiten 'n koei sonder die skriftelike toestemming van die raad verkoop nie.

(3) Die raad kan skriftelike toestemming gee vir die verkoop van die melkafskeiding van enige soogdier buiten 'n koei of van enige produk gemaak uit sodanige melkafskeiding op die voorwaardes wat die raad bepaal en onderhewig aan die vereistes wat die raad stel, of hy kan sodanige toestemming weier.

32. (1) Nieteenstaande andersluidende bepalings in hierdie ordonnansie mag geen melkprodusent die volgende verkoop nie —

(a) enige melk buiten die vars, skoon en onveranderde produk verkry deur een of meer gesonde koeie te melk; of

(b) melk wat verkry is binne twee weke voordat, of binne een week nadat die koei gekalf het of binne sodanige langer tydperk soos nodig is om die melk vry van kolostrum te maak; of

(c) melk wat stol wanneer dit kook; of

(d) melk wat vreemde stof bevat soos enige bederfwerende middel of antibiotikum wat 'n ongunstige uitwerking kan hê op enige vervaardigingsproses of wat die gesondheid van verbruikers van sodanige melk kan benadeel; of

(e) milk which through any other defect is unsuitable for the purpose of manufacturing any dairy product; or

(f) any milk which has been drawn from a cow within seventy-two hours after such cow has been treated with any anti-biotic; or

(g) any milk product derived from milk the sale of which is prohibited in terms of paragraph (a), (b), (c), (d), (e) or (f).

(2) No person shall sell any milk containing less than 3 per cent fat or less than 8.5 per cent solids-non-fat without the written permission of the Board.

(3) The Board may give written permission for the sale of milk containing less than 3 per cent fat or less than 8.5 per cent solids-non-fat on such conditions as the Board may determine and subject to such requirements as the Board may prescribe, or it may refuse such permission.

33. (1) No person shall standardise milk without the written permission of the Board.

(2) No person shall sell standardised milk or partly skimmed milk or skimmed milk without the written permission of the Board.

(3) The Board may give written permission to a dairy products manufacturer or a dairy produce substitute manufacturer to standardise milk on such conditions as the Board may determine and subject to such requirements as the Board may prescribe, or it may refuse such permission.

(4) The Board may give written permission for the sale of standardised milk or partly skimmed milk or skimmed milk, on such conditions as the Board may determine and subject to such requirements as the Board may prescribe, or it may refuse such permission.

34. (1) No person shall sell —

(a) any class or type of dairy product which does not conform to the requirements of this Ordinance in respect of that class or type of dairy product;

(b) any class or type of dairy product for which grades have been prescribed, unless such product has been graded in accordance with such grades in the manner prescribed;

(c) for human consumption any dairy product condemned by an inspector as unfit for human consumption;

(d) any milk or any milk product derived from any milk which has been drawn from a cow which is known or suspected of being diseased;

(e) for human consumption any dairy product which has been kept or stored under conditions, or been handled in a manner, which has rendered it unfit for human consumption;

(f) any dairy product or dairy produce substitute which to his knowledge was illegally produced, processed or manufactured in or imported into the Territory;

(g) butter otherwise than in an enclosed package; or

(h) farm butter unless the package wherein it is contained is branded in the prescribed manner;

(i) adulterated milk;

(j) as milk, milk to which any substance has been added or from which any part of or any of its constituents has been removed, unless it complies with the provisions of section *thirty-three*.

(2) For the purposes of sub-section (1), a person shall be presumed to be in possession for purposes of sale of a dairy product or a dairy produce substitute if such product is stored or kept on his premises or elsewhere on his behalf, or has been or is in the course of being despatched from his possession or premises, whether on sale or otherwise, and the onus shall be on such person to prove that such dairy product or dairy produce substitute is not intended for sale.

35. (1) No person may use any preservative in any dairy product or dairy produce substitute, unless such preservative has been approved of in writing by the Board.

(e) melk wat weens enige ander gebrek ongeskik is vir die vervaardiging van enige suiwelproduk; of

(f) enige melk wat verkry is van 'n koei binne twee-en-sewentig uur nadat sodanige koei met enige antibiotikum behandel is; of

(g) enige melkproduk verkry uit melk waarvan die verkoop kragtens paragrawe (a), (b), (c), (d), (e) of (f) verbode is.

(2) Niemand mag enige melk wat minder as 3 persent vet of minder as 8.5 persent nie-vethoudende soliede bestanddele bevat sonder die skriftelike goedkeuring van die raad verkoop nie.

(3) Die raad kan skriftelike toestemming gee vir die verkoop van melk wat minder as 3 persent vet of minder as 8.5 persent nie-vethoudende soliede bestanddele bevat op die voorwaardes wat die raad stel en onderhewig aan die vereistes wat die raad voorskryf, of die raad kan sodanige toestemming weier.

33. (1) Niemand mag sonder die skriftelike toestemming van die raad melk standaardiseer nie.

(2) Niemand mag sonder die skriftelike toestemming van die raad gestandaardiseerde melk of gedeeltelik afgeroomde melk of afgeroomde melk verkoop nie.

(3) Die raad kan skriftelike toestemming aan 'n vervaardiger van suiwelprodukte of 'n vervaardiger van suiwelsurrogate gee om melk te standaardiseer op die voorwaardes wat die raad stel en onderhewig aan die vereistes wat die raad voorskryf, of die raad kan sodanige toestemming weier.

(4) Die raad kan skriftelike toestemming gee vir die verkoop van gestandaardiseerde melk of gedeeltelik afgeroomde melk of afgeroomde melk op die voorwaardes wat die raad stel en onderhewig aan die vereistes wat die raad voorskryf, of die raad kan sodanige toestemming weier.

34. (1) Niemand mag —

(a) enige klas of tipe suiwelproduk wat nie aan die vereistes van hierdie ordonnansie ten opsigte van daardie klas of tipe suiwelproduk voldoen nie, verkoop nie;

(b) enige klas of tipe suiwelproduk waarvoor grade voorgeskryf is, verkoop nie, tensy sodanige produk op die voorgeskrewe wyse volgens sodanige grade gegradeer is;

(c) enige suiwelproduk wat deur 'n inspekteur as ongeskik vir menslike verbruik afgekeur is, vir menslike verbruik verkoop nie;

(d) enige melk of enige suiwelproduk wat van melk verkry is van 'n koei wat na wete of vermoede siek is, verkoop nie;

(e) enige suiwelproduk wat gehou of opgeberg is onder toestande, of gehanteer is op 'n wyse, wat dit ongeskik maak vir menslike verbruik, vir menslike verbruik verkoop nie;

(f) enige suiwelproduk of suiwelsurrogaat wat na sy wete onwettig geproduseer, verwerk of vervaardig is in, of ingevoer is in, die Gebied verkoop nie;

(g) botter verkoop buiten in 'n geslote verpakking nie; of

(h) plaasbotter verkoop nie, tensy die verpakking wat dit bevat op die voorgeskrewe wyse gemerk is;

(i) vervalste melk verkoop nie;

(j) melk waarby enige stof gevoeg is of waarvan enige deel van, of enige van sy bestanddele, verwyder is, as melk verkoop nie, tensy dit aan die bepalings van artikel *drie-en-dertig* voldoen.

(2) By die toepassing van subartikel (1) word daar vermoed dat iemand in besit is van 'n suiwelproduk of 'n suiwelsurrogaat vir doeleindes van verkoop as dit op sy perseel of elders ten behoewe van hom opgeberg of gehou word, of uit sy besit of van sy perseel, hetsy na verkoop of andersins, versend is of versend word, en die bewyslas om te bewys dat sodanige suiwelproduk of suiwelsurrogaat nie vir verkoop bestem is nie, rus op so iemand.

35. (1) Niemand mag enige bederfwerende middel in 'n suiwelproduk of suiwelsurrogaat gebruik nie, tensy die raad sodanige bederfwerende middel skriftelik goedgekeur het.

(2) The Board may give written permission to any person to use any preservative specified in such permission on such conditions as the Board may determine and subject to such requirements as the Board may prescribe, or it may refuse such permission.

36. (1) No person shall sell any dairy product or dairy produce substitute which has been produced, processed or manufactured outside the Territory and which is contained in a wrapper, package or container and is not in bulk, otherwise than in the same wrapper, package or container in which it was imported.

(2) No person shall sell any dairy product or dairy produce substitute which was imported into the Territory, if it is contained in a wrapper, package, or container bearing a brand, mark or name under which any dairy product or dairy produce substitute produced, processed or manufactured in the Territory is commonly sold, or which is calculated to induce any person to believe that such dairy product or dairy produce substitute was produced, processed or manufactured in the Territory.

(3) No person shall sell any dairy product or dairy produce substitute, which was produced, processed or manufactured in any place outside the Territory, unless the name of the country of origin is clearly branded upon every wrapper, package or container containing such product and, if the Board so directs, upon the product itself.

(4) No person shall sell any dairy product produced, processed or manufactured outside a dairy products factory registered in terms of this Ordinance, if upon such dairy product or upon any wrapper or other package in which it is contained, or upon any label attached to such product or wrapper or package, there appear words or marks stating or implying that such dairy product has been produced, processed or manufactured in a dairy products factory so registered.

37. (1) No person shall place upon any dairy product or dairy produce substitute or any wrapper, package or container containing a dairy product or a dairy produce substitute, any incorrect mark or description or information as to the nature, type, grade, quality or weight of such product or the place where, the time when, or the person by whom it was produced, processed or manufactured, or any information or representation which is misleading in any way whatsoever.

(2) No person shall sell any dairy product or dairy produce substitute or any wrapper, package or container containing a dairy product or dairy produce substitute, which to his knowledge bears any incorrect mark or description or information as to the nature, type, grade, quality or weight of such product or the place where, the time when, or the person by whom it was produced, processed or manufactured, or any other information or representation which is misleading in any way whatsoever.

38. (1) The Administrator may, on the recommendation of the Board by proclamation in the *Official Gazette*, declare that no person shall place upon any dairy product or dairy produce substitute specified in such proclamation produced, processed or manufactured in the Territory or sold in the Territory, or upon any wrapper, package or container containing such dairy product or dairy produce substitute, any brand, mark, code, number, design, information or description of any kind unless such brand, mark, code number, design, information or description has been approved by the Board.

(2) The Administrator may, on the recommendation of the Board, by proclamation in the *Official Gazette*, declare that no person shall export from the Territory, and no person shall import into the Territory, any dairy product or dairy produce substitute specified in such proclamation unless any brand, mark, code, number, design, information or description appearing on such product or any wrapper, package or container containing such product has been approved by the Board.

(3) The Board may in respect of any dairy product or dairy product substitute specified in any proclamation issued in terms of sub-sections (1) and (2) give written

(2) Die raad kan enigiemand skriftelik toestemming gee om enige bederfwerende middel wat in sodanige toestemming genoem word, te gebruik op die voorwaardes wat die raad stel en onderhewig aan die vereistes wat die raad voorskryf, of die raad kan sodanige toestemming weier.

36. (1) Niemand mag enige suiwelproduk of suiwelsurrogaat wat buite die Gebied geproduseer, verwerk of vervaardig is en wat in 'n omslag, verpakking of houer bevat is en nie in massa is nie, verkoop nie, tensy dit in dieselfde omslag, verpakking of houer is waarin dit ingevoer is.

(2) Niemand mag enige suiwelproduk of suiwelsurrogaat wat in die Gebied ingevoer is, verkoop nie as dit bevat is in 'n omslag, verpakking, of houer waarop 'n handels- of ander merk of naam voorkom, waaronder enige suiwelproduk of suiwelsurrogaat wat in die Gebied geproduseer, verwerk of vervaardig is, gewoonlik verkoop word nie, of wat bereken is om iemand oor te haal om aan te neem dat sodanige suiwelproduk of suiwelsurrogaat in die Gebied geproduseer, verwerk of vervaardig is.

(3) Niemand mag enige suiwelproduk of suiwelsurrogaat wat op enige plek buite die Gebied geproduseer, verwerk of vervaardig is, verkoop nie, tensy die naam van die land van oorsprong duidelik op elke omslag, verpakking of houer wat sodanige produk bevat, en, as die raad dit gelas, op die produk self gemerk is.

(4) Niemand mag enige suiwelproduk wat buite 'n suiwelfabriek geregistreer ingevolge hierdie ordonnansie, geproduseer, verwerk of vervaardig is, verkoop nie as daar op sodanige suiwelproduk of op die omslag of ander verpakking wat dit bevat of op 'n etiket wat aan so 'n produk of omslag of verpakking geheg is, woorde of merke voorkom wat verklaar of te kenne gee dat sodanige suiwelproduk in 'n aldus geregistreerde suiwelfabriek geproduseer, verwerk of vervaardig is.

37. (1) Niemand mag op enige suiwelproduk of suiwelsurrogaat of op enige omslag, verpakking of houer wat 'n suiwelproduk of suiwelsurrogaat bevat enige onjuiste merk of beskrywing of inligting aanbring oor die aard, tipe, graad, gehalte of gewig van sodanige produk of die plek waar, die tyd wanneer, of die persoon deur wie dit geproduseer, verwerk of vervaardig is nie, nòg enige inligting of voorstelling wat op enige wyse hoegenaamd misleidend is nie.

(2) Niemand mag enige suiwelproduk of suiwelsurrogaat of enige omslag, verpakking of houer wat 'n suiwelproduk of suiwelsurrogaat bevat, verkoop nie, wat na sy wete 'n onjuiste merk of beskrywing of inligting oor die aard, tipe, graad, gehalte of gewig van sodanige produk of die plek waar, of die tyd wanneer, of die persoon deur wie dit geproduseer, verwerk of vervaardig is, of enige ander inligting of voorstelling wat op enige wyse hoegenaamd misleidend is, dra nie.

38. (1) Die Administrateur kan op aanbeveling van die raad by proklamasie in die *Offisiële Koerant* verklaar dat niemand op enige suiwelproduk of suiwelsurrogaat wat in sodanige proklamasie genoem word en wat in die Gebied geproduseer, verwerk of vervaardig is, of wat in die Gebied verkoop word, of op enige omslag, verpakking of houer wat sodanige suiwelproduk of suiwelsurrogaat bevat enige handels- of ander merk, kode, nommer, ontwerp, inligting of beskrywing hoegenaamd mag aanbring nie, tensy sodanige handels- of ander merk, kode, nommer, ontwerp, inligting of beskrywing deur die raad goedgekeur is.

(2) Die Administrateur kan op aanbeveling van die raad by proklamasie in die *Offisiële Koerant* verklaar dat niemand enige suiwelproduk of suiwelsurrogaat wat in sodanige proklamasie genoem word uit die Gebied mag uitvoer nie en niemand dit in die Gebied mag invoer nie, tensy die handels- of ander merk, kode, nommer, ontwerp, inligting of beskrywing wat op sodanige produk of op enige omslag, verpakking of houer wat sodanige produk bevat voorkom, deur die raad goedgekeur is.

(3) Die raad kan ten opsigte van enige suiwelproduk of suiwelsurrogaat genoem in enige proklamasie uitgevaardig ingevolge subartikels (1) en (2) skriftelike goedkeuring verleen van enige handels- of ander merk, kode,

approval of any brand, mark, code, number, design, information or description placed upon or appearing on any such product or on any wrapper, package or container containing such product, or it may refuse such approval.

39. The Administrator may, on the recommendation of the Board, by proclamation in the *Official Gazette*, declare as either a hard-pressed cheese or a soft cheese or a cottage cheese, as the case may be, any cheese of whatever type or make or brand or name which in the opinion of the Board complies with the definition of either hard-pressed cheese, soft cheese or cottage cheese, as the case may be, in this Ordinance.

40. (1) Notwithstanding anything to the contrary contained in this Ordinance, no product other than margarine shall be considered a dairy produce substitute for the purpose of this Ordinance unless such product has been declared a dairy produce substitute in terms of sub-section (2).

(2) The Administrator may, on the recommendation of the Board, by proclammation in the *Official Gazette* declare as a dairy produce substitute any product which complies with the definition of a dairy produce substitute in this Ordinance.

(3) The Administrator may, on the recommendation of the Board, by proclamation in the *Official Gazette* declare as a dairy product the lacteal secretion of any mammal or any product derived from the lacteal secretion of any mammal.

41. (1) No person shall —

(a) manufacture or sell margarine which does not as regards its composition, consistency or flavour, or as regards the manner of packing or marking thereof, conform to the requirements prescribed;
(b) sell as margarine or under a name or description whereof the word "margarine" or "margarien" forms a part, any substance which does not conform to the said requirements;
(c) manufacture or sell or import into the Territory margarine whereof the colour, measured in terms of the Lovibond comparator scale, contains more than one degree of yellow or of yellow and red collectively;
(d) import margarine into the Territory, except in so far as the importation thereof has been authorized in the manner prescribed, or otherwise than subject to the conditions upon which such importation has been so authorized;
(e) sell or deliver to any person any colouring substance intended to be added to or mixed with margarine;
(f) if he sells foodstuffs or supplies the same to any other person in the course of his business, add to or mix with margarine, or cause or permit to be added thereto or mixed therewith, any butter or any colouring substances; or
(g) manufacture margarine on the same premises as those on which butter or any process butter is manufactured.

(2) The Administrator may, on the recommendation of the Board, by notice in the *Official Gazette*, prohibit the importation of margarine into the Territory.

(3) Subject to the provisions of any notice issued in terms of sub-section (2), no person shall import margarine into the Territory except under the authority of a permit issued by the Board, or otherwise than subject to the conditions specified in such permit, and the Board may refuse or grant any such permit, having regard to the protection of the dairy industry as a whole or any part of such industry.

42. (1) Subject to the provisions of sub-section (2), the Administrator may designate —

(a) as analysts, persons qualified by technical training and possessing competent knowledge, skill and experience, to carry out miscroscopical, bacteriological or analytical examinations under or for the purposes of any provision of this Ordinance; and
(b) officers in the public service or officers of the Board or other persons as inspectors for the purposes of this Ordinance.

nommer, ontwerp, inligting of beskrywing wat op enige sodanige produk of op enige omslag, verpakking of houer wat sodanige produk bevat, aangebring is of daarop voorkom, of die raad kan sodanige goedkeuring weier.

39. Die Administrateur kan op aanbeveling van die raad by proklamasie in die *Offisiële Koerant* enige kaas van watter tipe of fabrikaat of merk of naam ook al wat, na die raad meen, ooreenkom met die woordbepaling van òf hardekaas òf sagtekaas òf suurmelkkaas, na gelang, in hierdie ordonnansie tot hardekaas òf sagtekaas òf suurmelkkaas, na gelang, verklaar.

40. (1) Nieteenstaande andersluidende bepalings in hierdie ordonnansie mag geen produk buiten margarien by die toepassing van hierdie ordonnansie as 'n suiwelsurrogaat beskou word nie, tensy sodanige produk ingevolge subartikel (2) tot suiwelsurrogaat verklaar is.

(2) Die Administrateur kan op aanbeveling van die raad by proklamasie in die *Offisiële Koerant* enige produk wat ooreenkom met die woordbepaling van 'n suiwelsurrogaat in hierdie ordonnansie tot suiwelsurrogaat verklaar.

(3) Die Administrateur kan op aanbeveling van die raad by proklamasie in die *Offisiële Koerant* die melkafskeiding van enige soogdier of enige produk verkry uit die melkafskeiding van enige soogdier tot suiwelproduk verklaar.

41. (1) Niemand mag —

(a) margarien vervaardig of verkoop wat nie wat betref sy samestelling, tekstuur of smaak of wat betref die wyse van verpakking of merk daarvan aan die voorgeskrewe vereistes voldoen nie;
(b) 'n stof wat nie aan die bedoelde vereistes voldoen nie, as margarien of onder 'n naam of beskrywing waarvan die woord „margarine" of „margarien" 'n deel uitmaak, verkoop nie;
(c) margarien waarvan die kleur, gemeet volgens die Lovibond-kleurmeterskaal, meer as een graad geel of geel en rooi gesamentlik, bevat nie, vervaardig of verkoop of in die Gebied invoer nie;
(d) margarien in die Gebied invoer nie, behalwe vir sover die invoer daarvan op die voorgeskrewe wyse gemagtig is, of op 'n ander wyse nie as onderhewig aan die voorwaardes waarop sodanige invoer aldus gemagtig is;
(e) enige kleurstof wat bedoel is om by margarien gevoeg te word of daarmee gemeng te word, aan iemand verkoop of aflewer nie;
(f) as hy voedselware verkoop of dit in die loop van sy besigheid aan enigiemand anders verskaf, enige botter of enige kleurstof by margarien voeg of daarmee meng nie, of dit daarby laat voeg of daarmee laat meng nie of toelaat dat dit daarby gevoeg of daarmee gemeng word nie; of
(g) margarien op dieselfde perseel as dié waarop botter of enige prosesbotter vervaardig word, vervaardig nie.

(2) Die Administrateur kan op aanbeveling van die raad by kennisgewing in die *Offisiële Koerant* die invoer van margarien in die Gebied verbied.

(3) Behoudens die bepalings van enige kennisgewing ingevolge subartikel (2) uitgereik, mag niemand margarien in die Gebied invoer nie, buiten uit hoofde van 'n permit wat die raad uitreik, nòg op 'n ander wyse as onderhewig aan die voorwaardes in so 'n permit vermeld nie, en die raad kan na goeddunke enige sodanige permit weier of toestaan met inagneming van die beskerming van die suiwelnywerheid as geheel of van enige deel van sodanige nywerheid.

42. (1) Behoudens die bepalings van subartikel (2) kan die Administrateur —

(a) persone wat deur tegniese opleiding gekwalifiseer is en behoorlike kennis, vaardigheid en ondervinding besit, as ontleders aanstel om mikroskopiese, bakteriologiese of analitiese ondersoeke ingevolge, of vir die doeleindes van, enige bepaling van hierdie ordonnansie uit te voer; en
(b) beamptes in die Staatsdiens of beamptes van die raad of ander persone vir die doeleindes van hierdie ordonnansie as inspekteurs aanstel.

(2) The Administrator shall not so designate any person who is engaged directly or indirectly, or has any pecuniary interest, in any trade or business connected with dairy products or dairy produce substitutes.

(3) If the Administrator has so designated any person —

(a) notice thereof shall be given in the *Offizial Gazette;* and

(b) a certificate stating that he has been so designated shall be furnished to such person.

(4) A person so designated shall keep in his possession the certificate furnished to him in terms of paragraph (b) of sub-section (3).

43. (1) Subject to the provisions of this Ordinance, an inspector may at any time —

(a) enter and inspect any premises, building, room, cooling chamber, place, vehicle, truck, coach or vessel wherein or whereon any dairy product or dairy produce substitute is produced, processed, manufactured, stored, kept, carried or conveyed or wherein or whereon he reasonably suspects that such product is produced, processed, manufactured, stored, kept, carried or conveyed;

(b) examine and inspect any plant, machinery, apparatus, equipment, alliances, utensils, glassware, container or vessels used in, or used in connection with, the production, processing, manufacture, storage or transportation of any dairy product or dairy produce substitute;

(c) open any package or container or wrapper which contains or is suspected of containing any dairy product or dairy produce substitute;

(d) inspect, examine, grade or test any dairy product or dairy produce substitute wherever it may be or in whatever receptacle or package it may be contained, and, without payment, take as much thereof as he may reasonably require as a sample for the purpose of grading, testing or analysing such product or having it graded, tested or analysed;

(e) inspect, examine, test or analyse any product, substance, ingredient or chemical used in, or used in connection with, or suspected of being used in or used in connection with the production, processing or manufacture of a dairy product or dairy produce substitute, and, without payment, take as much of such product, substance, ingredient or chemical as he may reasonable require as a sample for the purpose of testing or analysing it or having it tested or analysed;

(f) transmit or deliver to a person designated under paragraph (a) of sub-section (1) of section *forty-two* for such examination as is in that section mentioned, any sample of a dairy product or dairy produce substitute or of any other product, article, substance, ingredient or chemical used or reasonably suspected of being used in, or in connection with, the production, processing or manufacture of dairy produce or dairy produce substitutes;

(g) inspect and examine any record, book, document or account relating to the production, processing, manufacture, purchase, sale, importation, exportation, storage or transportation of any dairy product or dairy produce substitute, and make copies or extracts from such record, book, document or account or request that he be furnished with such copy or extract;

(h) request any person who is the owner, occupier or custodian or has the apparent management or control of any premises, place, vehicle, plant, machinery, product, article, record, book, document or account concerned, to render him such reasonable assistance as may be necessary to enable him to carry out such inspection or examination;

(i) demand from any owner or custodian of any record, book, document or account an explanation of any entry therein and any information concerning any product under his control: Provided that an in-

(2) Die Administrateur stel nie so 'n persoon aldus aan wat regstreeks of onregstreeks betrokke is by, of geldelike belang het in, 'n bedryf of besigheid wat in verband met suiwelprodukte of suiwelsurrogate staan nie.

(3) As die Administrateur so 'n persoon aldus aangestel het —

(a) moet kennis daarvan in die *Offisiële Koerant* gegee word; en

(b) moet 'n sertifikaat waarin vermeld word dat hy aldus aangestel is aan die bedoelde persoon verskaf word.

(4) 'n Persoon wat aldus aangestel is, moet die sertifikaat wat ingevolge paragraaf (b) van subartikel (3) aan hom verskaf is, in sy besit hou.

43. (1) Behoudens die bepalings van hierdie ordonnansie kan 'n inspekteur te eniger tyd —

(a) enige perseel, gebou, kamer, verkoelingskamer, plek, voertuig, vragwa, koets of vaartuig waarin of waarop enige suiwelproduk of suiwelsurrogaat geproduseer, verwerk, vervaardig, opgeberg, gehou, gedra of vervoer word of waarin of waarop, na hy redelik vermoed, sodanige produk geproduseer, verwerk, vervaardig, opgeberg, gehou, gedra of vervoer word, betree en inspekteer;

(b) enige inrigting, masjinerie, apparaat, toerusting, bybehore, gereedskap, glasware, houer of bak wat vir of in verband met die produksie, verwerking, vervaardiging, opberging of vervoer van enige suiwelproduk of suiwelsurrogaat gebruik word, ondersoek en inspekteer;

(c) enige verpakking of houer of omslag wat 'n suiwelproduk of suiwelsurrogaat bevat of vermoedelik bevat, oopmaak;

(d) enige suiwelproduk of suiwelsurrogaat waar dit ook al is, en in watter houer of verpakking dit ook al bevat is, inspekteer, ondersoek, gradeer of toets en sonder betaling soveel daarvan soos hy redelik nodig het as monster neem met die doel om sodanige produk te gradeer, toets of ontleed of dit te laat gradeer, toets of ontleed;

(e) enige produk, stof, bestanddeel of chemikalie wat vir, of in verband met, die produksie, verwerking of vervaardiging van 'n suiwelproduk of suiwelsurrogaat gebruik word of vermoedelik vir of in verband daarmee gebruik word, inspekteer, ondersoek, toets of ontleed en sonder betaling soveel van sodanige produk, stof, bestanddeel of chemikalie soos hy redelik nodig het as monster neem met die doel om dit te toets of dit te ontleed of dit te laat toets of ontleed;

(f) aan iemand wat kragtens paragraaf (a) van subartikel (1) van artikel *twee-en-veertig* aangestel is, enige monster van 'n suiwelproduk of suiwelsurrogaat of van enige ander produk, artikel, stof, bestanddeel of chemikalie wat vir, of in verband met, die produksie, verwerking of vervaardiging van suiwelprodukte of suiwelsurrogate gebruik word of vermoedelik gebruik word, deurstuur of aflewer vir sodanige ondersoek soos in daardie artikel vermeld word;

(g) enige register, boek, dokument of rekening met betrekking tot die produksie, verwerking, vervaardiging, aankoop, verkoop, invoer, uitvoer, opberging of vervoer van enige suiwelproduk of suiwelsurrogaat, inspekteer en ondersoek en afskrifte van, of uittreksels uit, sodanige register, boek, dokument of rekening maak of versoek dat so 'n afskrif of uittreksel aan hom verskaf moet word;

(h) enigiemand wat die eienaar, okkupeerder of bewaarder van enige betrokke perseel, plek, voertuig, inrigting, masjinerie, produk, artikel, register, boek, dokument of rekening is, of wat blykbaar die bestuur daarvan of die beheer daaroor het, versoek om hom die redelike hulp te verleen wat nodig is om hom in staat te stel om sodanige inspeksie of ondersoek uit te voer;

(i) die eienaar of bewaarder van enige register, boek, dokument of rekening aansê om 'n verduideliking van enige inskrywing daarin en enige inligting oor enige produk onder sy beheer te verskaf: Met dien verstande dat 'n inspekteur geen reg van insae in

spector shall not have any right of access to any secret document relating to the production, procession or manufacture of any such product;

(j) seize any record, book, document, account, product, substance or article or any quantity of such product, substance or article which may afford evidence of the commission of an offence under this Ordinance, and remove from the place, premises, vehicle or vessel in question or leave at such place or premises or on such vehicle or vessel any record, book, document, account, product, substance or article or any quantity of such product, substance or article which has been so seized, and if he deems fit, place on any such record, book, document, account, product, substance or article, or on any container thereof, any identification mark which he may consider necessary.

(2) If, after or upon an inspection under this Ordinance, an inspector is of opinion that —

(a) any premises, place, vehicle or vessel or any utensil, apparatus or equipment so inspected, is in an unclean or unwholesome condition or is otherwise unfit for the production, processing, manufacture, storage or carriage of dairy produce or dairy produce substitutes;

(b) any chemical, scale, balance, measure or apparatus used in testing dairy produce or dairy produce substitutes so inspected or any package, container or wrapper, is not in accordance with regulation or the prescribed standard, or is incorrect or otherwise unfit for the use for which it is intended;

(c) any water, ingredient, chemical or any other substance used thereon in connection with the production, processing or manufacture of dairy produce or dairy produce substitutes, is impure or unwholesome;

(d) any dairy produce or dairy produce substitute is unfit for human consumption,

he may issue an order in writing under his hand addressed to the owner, occupier or person having the apparent management or control of the premises, place, vehicle or vessel concerned without further naming or describing him in the order, and requiring —

(i) such premises, place, vehicle or vessel or the utensil, apparatus or equipment, as the case may be, forthwith to be cleaned, disinfected or otherwise rendered wholesome to his satisfaction;

(ii) the use of such chemical, scale, balance, measure or apparatus to be discontinued until it has been made correct or otherwise fit for the use for which it is intended;

(iii) the use of such water, ingredient, chemical or other substance to be discontinued until it has been rendered fit or that an alternative satisfactory supply thereof be obtained;

(iv) such dairy produce or dairy produce substitute to be destroyed or disposed of to his satisfaction,

and may further by such written order prohibit the use of any such vehicle, vessel, utensil, apparatus, equipment or substance in connection with the carriage, production, processing, manufacture or storage, as the case may be, of dairy produce or dairy produce substitutes altogether or until the defects therein have been remedied to his satisfaction, or for such time specified in the order as he thinks necessary, or he may prohibit the removal from any such premises of any dairy produce or dairy produce substitute for such time as he thinks necessary;

(e) any person is affected with a disease of an infectious or contagious nature and is engaged in such duties that dairy produce or dairy produce substitutes are likely to be contaminated, he may order the suspension of such person from such duties, and shall report the circumstances and his action to the proper health authority and shall take such further steps as such health authority considers necessary;

enige geheime dokument wat betrekking het op die produksie, verwerking of vervaardiging van enige sodanige produk het nie;

(j) enige register, boek, dokument, rekening, produk, stof of artikel, of enige hoeveelheid van sodanige produk, stof of artikel wat bewys kan lewer van die pleging van enige misdryf ingevolge hierdie ordonnansie in beslag neem, en enige register, boek, dokument, rekening, produk, stof of artikel, of enige hoeveelheid van sodanige produk, stof of artikel wat in beslag geneem is, verwyder van die betrokke plek, perseel, voertuig of vaartuig, of dit op sodanige plek of perseel of voertuig of vaartuig laat, en as hy dit goedvind, enige identifikasiemerk wat hy nodig ag om enige sodanige register, boek, dokument, rekening, produk, stof of artikel, of op enige houer daarvan, aanbring.

(2) As 'n inspekteur na of by 'n inspeksie ingevolge hierdie ordonnansie meen dat —

(a) enige aldus geïnspekteerde perseel, plek, voertuig of vaartuig of gereedskap, apparaat of toerusting in 'n vuil of ongesonde toestand verkeer, of andersins ongeskik is vir die produksie, verwerking, vervaardiging, opberging of vervoer van suiwelprodukte of suiwelsurrogate is;

(b) enige aldus geïnspekteerde chemikalie, skaal, balans, maat of apparaat wat vir die toets van suiwelprodukte of suiwelsurrogate gebruik word, of enige verpakking, houer of omslag, nie aan die regulasies of die voorgeskrewe standaarde voldoen nie, of onakkuraat is of andersins ongeskik is vir die gebruik waarvoor dit bestem is;

(c) enige water, bestanddeel, chemikalie of enige ander stof wat daarop in verband met die produksie, verwerking of vervaardiging van suiwelprodukte of suiwelsurrogate gebruik word, onsuiwer of ongesond is;

(d) enige suiwelproduk of suiwelsurrogaat ongeskik is vir menslike verbruik,

kan hy 'n skriftelike, deur hom ondertekende, bevel uitreik, gerig aan die eienaar of okkupeerder van, of die persoon wat blykbaar die bestuur of beheer het van of oor die betrokke perseel, plek, voertuig of vaartuig sonder om in die bevel sy naam verder te vermeld of hom verder te beskrywe, en wat vereis dat —

(i) sodanige perseel, plek, voertuig of vaartuig of die gereedskap, apparaat of toerusting, na gelang, onverwyld skoongemaak, ontsmet of andersins in 'n gesonde toestand tot sy bevrediging gebring word;

(ii) die gebruik van sodanige chemikalie, skaal, balans, maat of apparaat gestaak word totdat dit akkuraat of andersins geskik gemaak is vir die gebruik waarvoor dit bedoel is;

(iii) die gebruik van sodanige water, bestanddeel, chemikalie of ander stof gestaak word totdat dit geskik vir gebruik gemaak is, of dat 'n alternatiewe bevredigende voorraad daarvan verkry word;

(iv) sodanige suiwelproduk of suiwelsurrogaat vernietig word of dat daaroor tot sy bevrediging beskik word,

en kan hy voorts by so 'n skriftelike bevel die gebruik van enige sodanige voertuig, vaartuig, gereedskap, apparaat, toerusting of stof in verband met die vervoer, produksie, verwerking, vervaardiging of opberging, na gelang, van suiwelprodukte of suiwelsurrogate totaal verbied of totdat die gebreke daarin tot sy bevrediging herstel is, of vir sodanige tydperk, in die bevel vermeld, soos hy nodig ag, of kan hy die verwydering van suiwelprodukte of suiwelsurrogate van so 'n perseel verbied vir 'n tydperk wat hy nodig ag;

(e) iemand deur 'n siekte van 'n aansteeklike of besmetlike aard aangetas is en betrokke is by sodanige pligte dat suiwelprodukte of suiwelsurrogate waarskynlik besmet sal word, kan hy die skorsing van so iemand van bedoelde pligte gelas, en moet hy die omstandighede en sy optrede by die aangewese gesondheidsbeampte aanmeld en sodanige verdere stappe doen soos die bedoelde gesondheidsbeampte nodig ag;

(f) any livestock on premises on which milk or cream is produced, is so diseased as to be likely to affect dairy produce injuriously, he shall report the circumstances to a State Veterinarian and on the latter's recommendation may prohibited the sale or use of milk from any such animal until a state veterinarian has declared such animal free from disease;

(g) the grade indicated on any dairy produce or dairy produce substitute does not correctly represent the quality of such produce, he shall —

(i) in the case of dairy produce or dairy produce substitutes not enclosed in a package, cancel the grade mark and brand the correct grade thereon; or

(ii) in the case of dairy produce or dairy produce substitutes enclosed in a package, prohibit the sale of such produce until it has been placed in a package bearing the correct grade of such produce.

(3) A copy of every order made or prohibition imposed under sub-section (2) shall, together with the report of such inspector in the matter, be transmitted to the Secretary for South West Africa as soon as possible after the order or prohibition as been made or imposed and the Secretary may confirm, set aside or vary such order or prohibition as he may deem fit, and his determination thereon shall be final and conclusive.

(4) Any person designated in terms of paragraph (a) of sub-section (1) of section *forty-two* to carry out microscopical, bacteriological or analytical examinations, may at any time enter any premises, place, vehicle or vessel wherein or whereon any dairy produce or dairy produce substitute is produced, processed, manufactured, stored or carried out, without payment, take such samples of any dairy produce or dairy produce substitute thereon or therein, or of any article or substance used or suspected of being used in connection with dairy produce or dairy produce substitutes, as he may reasonable require for the purpose of testing or analysing such produce, article or substance.

(5) Any cancellation, branding or prohibition referred to in paragraph (g) of sub-section (2), shall be subject to an appeal to the Secretary for South West Africa, by or on behalf of the owner of such dairy produce or dairy produce substitute, and the Secretary may, after consideration of any such appeal, confirm, set aside or vary the inspector's decision or make such order in connection therewith as he may deem fit and his determination thereon shall be final and conclusive.

44. (1) No dairy products manufacturer other than a farm butter maker and a farm cheese maker shall —

(a) purchase milk from any milk producer unless there is employed, at the premises where the milk is so purchased, a person who holds a milk testing certificate issued in terms of this section and who tests in the manner prescribed the milk so purchased;

(b) purchase cream from any milk producer unless there is employed, at the premises where the cream is so purchased, a person who holds a cream testing certificate issued in terms of this section and who tests in the manner prescribed the cream so purchased;

(c) purchase cream from any milk producer unless there is employed, at the premises where the cream is so purchased, a person who holds a cream grading certificate issued in terms of this section and who grades in the manner prescribed the cream so purchased;

(d) purchase casein from any milk producer unless there is employed, at the premises where the casein is so purchased, a person who holds a casein testing certificate issued in terms of this section and who tests in the manner prescribed the casein so purchased;

(e) purchase casein from any milk producer unless there is employed, at the premises where the casein is so purchased, a person who holds a casein grading certificate issued in terms of this section and

(f) enige lewende hawe op 'n perseel waarop melk of room geproduseer word, so siek is dat dit waarskynlik 'n skadelike uitwerking op suiwelprodukte sal hê, moet hy die omstandighede aanmeld by 'n staatsveearts en kan hy op laasbedoelde se aanbeveling die verkoop of die gebruik van melk van so 'n dier verbied totdat 'n staatsveearts verklaar het dat die dier van siekte vry is;

(g) die graad wat op enige suiwelproduk of suiwelsurrogaat aangedui is nie die gehalte van sodanige suiwelproduk juis weergee nie, moet hy —

(i) in die geval van 'n suiwelproduk of 'n suiwelsurrogaat wat nie in 'n verpakking toegemaak is nie, die graadmerk kanselleer en die korrekte graad daarop merk; of

(ii) in die geval van 'n suiwelproduk of suiwelsurrogaat wat in 'n verpakking toegemaak is, die verkoop van sodanige produk verbied totdat dit geplaas is in 'n verpakking wat die korrekte graad van sodanige prodruk dra.

(3) 'n Afskrif van elke bevel of verbod uitgereik of opgelê kragtens subartikel (2) saam met die verslag van sodanige inspekteur oor die saak moet so spoedig doenlik nadat die bevel of verbod uitgereik of opgelê is, aan die Sekretaris van Suidwes-Afrika deurgestuur word, en die Sekretaris kan sodanige bevel of verbod na goeddunke bekragtig, ter syde stel of wysig, en sy beslissing daaroor is finaal en afdoende.

(4) Elkeen wat ingevolge paragraaf (a) van subartikel (1) van artikel *twee-en-veertig* aangestel is om mikroskopiese, bakteriologiese of analitiese ondersoeke uit te voer, kan te alle tye enige perseel, plek, voertuig of vaartuig betree waarin of waarop enige suiwelproduk of suiwelsurrogaat geproduseer, verwerk, vervaardig, opgeberg of vervoer word, en sonder betaling van enige suiwelproduk of suiwelsurrogaat daarop of daarin of van enige artikel of stof wat in verband met suiwelprodukte of suiwelsurrogate gebruik word of vermoedelik gebruik word, sodanige monsters neem soos hy redelikerwys nodig het om sodanige produk, artikel of stof te toets of te ontleed.

(5) Enige kansellasie, merk of verbod bedoel in paragraaf (g) van subartikel (2) is onderhewig aan appèl by die Sekretaris van Suidwes-Afrika deur of ten behoewe van die eienaar van sodanige suiwelproduk of suiwelsurrogaat en die Sekretaris kan, na oorweging van enige sodanige appèl, die inspekteur se besluit bekragtig, ter syde stel of wysig, of in verband daarmee so 'n bevel uitreik soos hy goedvind en sy beslissing daaroor is finaal en afdoende.

44. (1) Geen vervaardiger van suiwelprodukte buiten 'n plaasbottermaker en 'n plaaskaasmaker mag —

(a) melk van enige melkprodusent koop nie tensy daar op die perseel waar die melk aldus gekoop word, iemand werksaam is wat 'n melktoetssertifikaat, ingevolge hierdie artikel uitgereik, hou en wat die aldus gekoopte melk op die voorgeskrewe wyse toets;

(b) room van enige melkprodusent koop nie tensy daar op die perseel waar die room aldus gekoop word, iemand werksaam is wat 'n roomtoetssertifikaat, ingevolge hierdie artikel uitgereik, hou en wat die aldus gekoopte room op die voorgeskrewe wyse toets;

(c) room van enige melkprodusent koop nie tensy daar op die perseel waar die room aldus gekoop word, iemand werksaam is wat 'n roomgraderingssertifikaat, uitgereik ingevolge hierdie artikel, hou en wat die aldus gekoopte room op die voorgeskrewe wyse gradeer;

(d) kaseïen van enige melkprodusent koop nie tensy daar op die perseel waar die kaseïen aldus gekoop word, iemand werksaam is wat 'n kaseïentoetssertifikaat, uitgereik ingevolge hierdie artikel, hou en wat die aldus gekoopte kaseïen op die voorgeskrewe wyse toets;

(e) kaseïen van enige melkprodusent koop nie tensy daar op die perseel waar die kaseïen aldus gekoop word, iemand werksaam is wat 'n kaseïengraderingssertifikaat, uitgereik ingevolge hierdie artikel,

who grades in the manner prescribed the casein so purchased;

(f) manufacture butter unless there is employed at the premises where the butter is so manufactured, a person who holds a butter makers certificate and who makes the butter;

(g) manufacture cheese unless there is employed at the premises where the cheese is so manufactured, a person who holds a cheese makers certificate and who makes the cheese.

(2) Subject to the provision of sub-section (3), the Director of Agriculture shall issue a certificate of proficiency in the testing of milk (herein referred to as a milk testing certificate) or in the testing of cream (herein referred to as a cream testing certificate) or in the grading of cream (herein referred to as a cream grading certificate) or in the testing of casein (herein referred to as a casein testing certificate) or in the grading of casein (herein referred to as a casein grading certificate) or in the making of butter (herein referred to as a butter makers certificate) or in the making of cheese (herein referred to as a cheese makers certificate), as the case may be, to any person who applies and qualifies for such a certificate of proficiency.

(3) Before a certificate of proficiency is issued to any person in terms of sub-section (2), the Director of Agriculture shall cause such person to be examined in the manner prescribed by regulation and shall be satisfied that the person to whom the certificate is so issued has sufficient theoretical and practical knowledge of the testing of milk or the testing of cream or the grading of cream or the testing of casein or the grading of casein or the making of butter or the making of cheese, as the case may be, and is in all respects a competent and suitable person to hold such a certificate.

(4) The Senior Dairy Officer shall keep a list of all holders of certificates issued in terms of this section.

(5) The Administrator may cancel any certificate of proficiency issued in terms of this section if, after due enquiry, he is satisfied that the holder thereof —

(a) has, during the immediately preceding period of two years, not been engaged in the testing or grading of milk or cream or casein or in the making of butter or cheese, as the case may be; or

(b) is incompetent or negligent or unreliable in carrying out the testing or grading of milk or cream or casein or in the making of butter or cheese, as the case may be, or is otherwise not a fit person to hold the certificate concerned.

(6) If a person holding a certificate of proficiency in milk or cream or casein testing or in cream or casein grading is convicted of an offence of contravening sub-paragraph (v) or (vi) of paragraph (a) of sub-section (1) of section *forty-nine* the Director of Agriculture shall forthwith cause such certificate to be cancelled, and his name to be deleted from the list of certificate holders referred to in sub-section (4).

(7) Any person referred to in sub-section (6), may appeal to the Administrator in writing for his reinstatement as a certificate holder and the Administrator may, if he grants the appeal, cause a new certificate to be issued to him and his name to be replaced on the list of certificate holders referred to in sub-section (4).

45. (1) No person shall use any glassware or appliance for the testing of milk or cream or casein or any other dairy product, unless such glassware or appliance complies with such requirements as may be prescribed.

(2) No person shall sell any such glassware or appliance unless it complies with such requirements.

(3) Such glassware and appliances as may be required to be examined and tested for compliance with the prescribed requirements, shall be so examined and tested by such persons and at such places as the Administrator may from time to time approve, and such glassware and appliances as comply with the said requirements, shall be ineffaceably branded in the manner prescribed.

hou en wat die aldus gekoopte kaseïen op die voorgeskrewe wyse gradeer;

(f) botter vervaardig nie tensy daar op die perseel waar die botter aldus vervaardig word, iemand werksaam is wat 'n bottermakersertifikaat hou en wat die botter maak;

(g) kaas vervaardig nie tensy daar op die perseel waar die kaas aldus vervaardig word, iemand werksaam is wat 'n kaasmakersertifikaat hou en wat die kaas maak.

(2) Behoudens die bepalings van subartikel (3) moet die Direkteur van Landbou 'n sertifikaat van bekwaamheid in die toets van melk (hierna heet dit 'n melktoetssertifikaat) of in die toets van room (hierna heet dit 'n roomtoetssertifikaat) of in die gradering van room (hierna heet dit 'n roomgraderingssertifikaat) of in die toets van kaseïen (hierna heet dit 'n kaseïentoetssertifikaat) of in die gradering van kaseïen (hierna heet dit 'n kaseïengraderingssertifikaat) of in die maak van botter (hierna heet dit 'n bottermakersertifikaat) of in die maak van kaas (hierna heet dit 'n kaasmakersertifikaat), na gelang, uitreik aan enigiemand wat om so 'n sertifikaat van bekwaamheid aansoek doen en daarvoor kwalifiseer.

(3) Voordat 'n sertifikaat van bekwaamheid aan enigiemand ingevolge subartikel (2) uitgereik word, moet die Direkteur van Landbou so iemand op die wyse by regulasie voorgeskryf laat eksamineer en hy moet oortuig wees dat die persoon aan wie die sertifikaat aldus uitgereik word, genoegsame teoretiese en praktiese kennis het van die toets van melk of die toets van room of die gradering van room of die toets van kaseïen of die gradering van kaseïen of die maak van botter of die maak van kaas, na gelang, en allesins 'n bekwame en geskikte persoon is om so 'n sertifikaat te hou.

(4) Die senior suiwelbeampte moet 'n lys hou van alle houers van sertifikate uitgereik ingevolge hierdie artikel.

(5) Die Administrateur kan enige sertifikaat van bekwaamheid ingevolge hierdie artikel uitgereik, intrek as hy na behoorlike ondersoek oortuig is dat die houer daarvan —

(a) gedurende die onmiddelik voorafgaande tydperk van twee jaar nie met die toets of gradeer van melk of room of kaseïen of met die maak van botter of kaas, na gelang, besig was nie; of

(b) onbekwaam of nalatig of onbetroubaar is by die uitvoering van die toets of gradeer van melk of room of kaseïen of by die maak van botter of kaas, na gelang, of andersins nie 'n geskikte persoon is om die betrokke sertifikaat te besit nie.

(6) As iemand wat die houer is van 'n sertifikaat van bekwaamheid in die toets van melk of room of kaseïen, of in die gradeer van room of kaseïen skuldig bevind word aan 'n misdryf weens 'n oortreding van subparagraaf (v) of (vi) van paragraaf (a) van subartikel (1) van artikel *negen-en-veertig* moet die Direkteur van Landbou onmiddellik so 'n sertifikaat laat intrek en sy naam van die lys van sertifikaathouers bedoel in subartikel (4) laat skrap.

(7) Enigiemand bedoel in subartikel (6) kan skriftelik by die Administrateur appèlleer om sy herstelling as 'n sertifikaathouer, en die Administrateur kan, as hy die appèl toestaan, 'n nuwe sertifikaat laat uitreik aan so iemand en sy naam laat terugplaas op die lys van sertifikaathouers bedoel in subartikel (4).

45. (1) Niemand mag enige glasware of toestel vir die toets van melk of room of kaseïen of enige ander suiwelproduk gebruik nie, tensy sodanige glasware of toestel voldoen aan sodanige vereistes soos voorgeskryf word.

(2) Niemand mag enige sodanige glasware of toestel verkoop nie, tensy dit aan die bedoelde vereistes voldoen.

(3) Sodanige glasware en toestelle wat vir voldoening aan die voorgeskrewe vereistes ondersoek en getoets moet word, moet aldus ondersoek en getoets word deur sodanige persone en op sodanige plekke soos die Administrateur van tyd tot tyd goedkeur en die glasware en toestelle wat aan die bedoelde vereistes voldoen, moet onuitwisbaar op die voorgeskrewe wyse gemerk word.

46. Whenever a dairy products manufacturer purchases —

(a) milk for processing or manufacturing purposes, he shall —

(i) weigh, sample and test such milk in the manner prescribed; and

(ii) deal in the manner prescribed with all milk considered as unfit by a milk tester certificated in terms of section *forty-four* or by an inspector, for conversion into a dairy product;

(b) cream for conversion into butter, he shall —

(i) weigh, grade, sample and test such cream in the manner prescribed; and

(ii) deal in the manner prescribed with all cream considered as unfit by a cream grader certificated in terms of section *forty-four*, or by an inspector, for conversion into butter;

(c) farm casein for processing or manufacturing purposes, he shall —

(i) weigh, grade, sample and test such casein in the manner prescribed; and

(ii) deal in the manner prescribed with all casein considered unfit by a casein grader or casein tester certificated in terms of section *forty-four*, or by an inspector, for processing or sale.

47. No person shall produce, process, manufacture, store, keep, transport, convey, handle, deal with or treat any dairy product or dairy produce substitute in such a manner or under such conditions as he may reasonably be expected to know will expose or may be likely to expose such product to contamination which may render such product injurious or dangerous to any consumer thereof.

48. (1) The owner of a dairy products factory or a dairy produce substitute factory shall keep a correct record in such form as the Senior Dairy Officer may deem proper and sufficient of the total quantity of each grade or type of any dairy product or dairy produce substitute received, purchased, produced, processed, manufactured, held in stock, sold or exported by such owner on each day of the week.

(2) Any record so kept shall be retained in the factory concerned and be available to an inspector for a period of at least five years, reckoned from the last day of the Board's financial year during which the record was kept.

(3) The Senior Dairy Officer may direct the owner of a dairy products factory or a dairy produce substitute factory to furnish him once in every calendar month not later than the fifteenth day of that month, with a return in such form and in such manner as may be required by him.

49. (1) Any person who —

(a) with intent to defraud —

(i) obliterates, defaces or alters an inspector's brand on any dairy product or dairy produce substitute which has been inspected under this Ordinance, or on any package containing such product;

(ii) counterfeits any such brand or the registration number referred to in section *thirty* or places upon any dairy product or dairy produce substitute or package containing a dairy product or dairy produce substitute any such counterfeited brand or number;

(iii) places into any package branded after inspection under this Ordinance any dairy product or dairy produce substitute whether of the same or any other kind, which was not contained therein at the time of such inspection;

(iv) uses for the purpose of packing any dairy product or dairy produce substitute, any package previously used for that purpose without effacing therefrom all previous brands relating to the grade, the identfication of churn, vat or batch, or the date of production, processing or manufacture;

46. Wanneer 'n vervaardiger van suiwelprodukte —

(a) melk aankoop vir die doeleindes van verwerking of vervaardiging, moet hy —

(i) sodanige melk op die voorgeskrewe wyse weeg, bemonster en toets; en

(ii) met alle melk wat deur 'n melktoetser, gesertifiseer ingevolge artikel *vier-en-veertig*, of deur 'n inspekteur as ongeskik beskou word vir omsetting in enige suiwelproduk, op die voorgeskrewe wyse handel;

(b) room aankoop vir omsetting in botter, moet hy —

(i) sodanige room op die voorgeskrewe wyse weeg, gradeer, bemonster en toets; en

(ii) met alle room wat deur 'n roomgradeerder, gesertifiseer ingevolge artikel *vier-en-veertig*, of deur 'n inspekteur as ongeskik beskou word vir omsetting in botter, op die voorgeskrewe wyse handel;

(c) plaaskaseïen aankoop vir die doeleindes van verwerking of vervaardiging, moet hy —

(i) sodanige kaseïen op die voorgeskrewe wyse weeg, gradeer, bemonster en toets; en

(ii) met alle kaseïen wat deur 'n kaseïengradeerder of kaseïentoetser, gesertifiseer ingevolge artikel *vier-en-veertig*, of deur 'n inspekteur as ongeskik beskou word vir verwerking of verkoop, op die voorgeskrewe wyse handel.

47. Niemand mag enige suiwelproduk of suiwelsurrogaat produseer, verwerk, vervaardig, opberg, hou, vervoer, oorbring, hanteer, daarmee handel of dit behandel nie op sodanige wyse of in sodanige toestande soos, na hy redelik verwag kan word om te weet, sodanige produk aan besmetting sal blootstel of waarskynlik sal blootstel of wat sodanige produk skadelik of gevaarlik vir enige verbruiker daarvan kan maak nie.

48. (1) Die eienaar van 'n suiwelfabriek of 'n suiwelsurrogaatfabriek moet 'n korrekte register hou van die totale hoeveelheid van elke graad of tipe van enige suiwelproduk of suiwelsurrogaat ontvang, aangekoop, geproduseer, verwerk, vervaardig, in voorraad gehou, verkoop of uitgevoer deur sodanige eienaar op elke dag van die week in sodanige vorm soos die senior suiwelbeampte behoorlik en voldoende beskou.

(2) Enige aldus gehoue register moet in die betrokke fabriek bly en moet vir 'n tydperk van minstens vyf jaar, gereken vanaf die laaste dag van die raad se boekjaar waarin die register gehou is, aan 'n inspekteur beskikbaar wees.

(3) Die senior suiwelbeampte kan die eienaar van 'n suiwelfabriek of suiwelsurrogaatfabriek gelas om aan hom een maal in elke kalendermaand, uiterlik op die vyftiende dag van daardie maand, 'n opgawe te verstrek in die vorm en op die wyse wat hy vereis.

49. (1) Elkeen wat —

(a) met die opset om te bedrieg —

(i) 'n merk van 'n inspekteur op 'n suiwelproduk of suiwelsurrogaat wat kragtens hierdie ordonnansie geïnspekteer is, of op enige verpakking wat sodanige produk bevat, uitwis, onleesbaar maak of verander;

(ii) so 'n merk of die registrasienommer bedoel in artikel *dertig* namaak of so 'n nagemaakte merk of nommer aanbring op enige suiwelproduk of suiwelsurrogaat of op 'n verpakking wat 'n suiwelproduk of suiwelsurrogaat bevat;

(iii) in enige verpakking wat na 'n inspeksie kragtens hierdie ordonnansie gemerk is, enige suiwelproduk of suiwelsurrogaat, hetsy van dieselfde of enige ander soort, plaas wat nie tydens sodanige inspeksie daarin bevat was nie;

(iv) ten einde 'n suiwelproduk of suiwelsurrogaat te verpak enige verpakking gebruik wat voorheen vir daardie doel gebruik was sonder om alle vorige merke uit te wis wat betrekking het op die graad, die uitkenning van die karring, vat of besending of die datum van produksie, verwerking of vervaardiging daarvan;

(v) without the written permission of an inspector, removes or causes to be removed any record, book, document, account, product, substance or article or quantity of such product, substance or article seized in terms of section *forty-three* from the place where it was left by such inspector, or tampers with any such record, book, document, product, substance or article or any identification mark placed thereon by such inspector;

(vi) being the holder of a certificate of proficiency in milk or cream or casein testing, makes, states or enters in the test book an incorrect test result; or

(vii) being the holder of a certificate of proficiency in cream or casein grading, classifies cream or casein in a grade other than that in which the cream or casein should have been classified under this Ordinance;

(b) being in the employ of any manufacturer, packer or consignor of dairy produce or dairy produce substitute —

(i) hires or lends the registration number or branding instruments of his employer to any person; or

(ii) connives at or is a party to any fraudulent act in respect of such number or marking instruments;

(c) contravenes or fails to comply with any provision of section *eleven, twelve, thirteen, fourteen, twenty-five, twenty-six, twenty-eight, twenty-nine, forty-one*, or with any prohibition, order, notice, condition or requirement imposed, made, published, prescribed, determined or issued thereunder;

(d) contravenes or fails to comply with any provision of section *twenty-seven, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, thirty-six, thirty-seven, thirty-eight, forty-four, forty-five, forty-six, forty-seven* or *forty-eight*, or with any prohibition, order, notice, condition or requirement imposed, made, published, prescribed, determined or issued thereunder;

(e) uses in respect in respect of any premises, whether or not registered under this Ordinance, for the purpose of designating dairy produce or dairy produce substitutes produced, processed or manufactured on those premises, any registration number which has not been allotted to those premises under section *thirty;*

(f) obstructs or hinders an inspector or any other person in the exercise of any power or the performance of any duty which such inspector or other person may be authorised or required to exercise or perform in terms of this Ordinance;

(g) when required under this Ordinance to give information to an inspector or other person mentioned in paragraph (f), fails to give information which he may be lawfully required to give, or gives false information knowing it to be false;

(h) when required to carry out any written order given by an inspector under this Ordinance, fails to carry out the terms of such order within the period prescribed thereby or by the inspector;

(i) fails to give any notice or render any return or furnish any information which under this Ordinance it is his duty to give or render or furnish;

(j) in any application made in terms of this Ordinance, knowingly makes or causes to be made a statement which is false in a material particular;

(k) falsely holds himself out to be a person designated under section *forty-two;*

(v) sonder die skriftelike toestemming van 'n inspekteur enige register, boek, dokument, rekening, produk, stof of artikel of hoeveelheid van sodanige produk, stof of artikel waarop daar kragtens artikel *drie-en-veertig* beslag gelê is, verwyder of laat verwyder van die plek waar sodanige inspekteur dit gelaat het, of wat peuter met sodanige register, boek, dokument, produk, stof of artikel of enige identifikasiemerk wat sodanige inspekteur daarop aangebring het;

(vi) synde die houer van 'n sertifikaat van bekwaamheid in die toets van melk of room of kaseïen 'n onjuiste toets uitvoer of opgee, of 'n onjuiste toetsuitslag in die toetsboek inskryf;

(vii) synde die houer van 'n sertifikaat van bekwaamheid in die gradeer van room of kaseïen, die room of kaseïen in 'n ander graad klassifiseer as dié waarin die room of kaseïen ingevolge hierdie ordonnansie geklassifiseer moes gewees het;

(b) terwyl hy in die diens is van 'n vervaardiger, verpakker of versender van suiwelprodukte of suiwelsurrogate —

(i) die registrasienommer of merkinstrumente van sy werkgewer aan iemand anders verhuur of uitleen; of

(ii) enige bedrieglike handeling ten opsigte van sodanige nommer of merkinstrumente oogluikend toelaat of daaraan medepligtig is;

(c) enige bepaling van artikel *elf, twaalf, dertien, veertien, vyf-en-twintig, ses-en-twintig, agt-en-twintig, negen-en-twintig, een-en-veertig* of enige verbod, bevel, kennisgewing, voorwaarde of vereiste wat daarkragtens uitgevaardig, uitgereik, gepubliseer, voorgeskryf, bepaal of gestel is, oortree of versuim om daaraan te voldoen;

(d) enige bepaling van artikel *sewen-en-twintig, dertig, een-en-dertig, twee-en-dertig, drie-en-dertig, vier-en-dertig, vyf-en-dertig, ses-en-dertig, sewen-en-dertig, agt-en-dertig, vier-en-veertig, vyf-en-veertig, ses-en-veertig, sewen-en-veertig* of *agt-en-veertig* of enige verbod, bevel, kennisgewing, voorwaarde of vereiste wat daarkragtens uitgevaardig, uitgereik, gepubliseer, voorgeskryf, bepaal of gestel is, oortree of versuim om daaraan te voldoen;

(e) ten opsigte van enige perseel, hetsy ingevolge hierdie ordonnansie geregistreer of nie, 'n registrasienommer wat nie kragtens artikel *dertig* aan daardie perseel toegeken is nie, gebruik ten einde suiwelprodukte of suiwelsurrogate wat op daardie perseel geproduseer, verwerk of vervaardig is, aan te dui;

(f) 'n inspekteur of enige ander persoon belemmer of hinder by die uitoefening van 'n bevoegdheid of die uitvoering van 'n plig wat sodanige inspekteur of ander persoon ingevolge hierdie ordonnansie kan of moet uitoefen of uitvoer;

(g) wanneer dit kragtens hierdie ordonnansie van hom vereis word om inligting aan 'n inspekteur of ander in paragraaf (f) bedoelde persoon te verstrek, versuim om inligting te verstrek wat wettig van hom vereis kan word of wetens vals inligting verstrek;

(h) wanneer dit van hom vereis word om 'n skriftelike bevel wat 'n inspekteur kragtens hierdie ordonnansie uitgereik het, uit te voer, versuim om die bepalings van sodanige bevel binne die tydperk daardeur of deur die inspekteur voorgeskryf, uit te voer;

(i) versuim om enige kennis te gee of enige opgawe te verstrek wat hy kragtens hierdie ordonnansie verplig is om te gee of te verstrek;

(j) in enige aansoek ingevolge hierdie ordonnansie gedoen, wetens 'n verklaring maak of laat maak wat in 'n wesenlike opsig vals is;

(k) valslik voorgee dat hy iemand is wat kragtens artikel *twee-en-veertig* aangestel is;

(l) fails to keep any book or record or document which in terms of this Ordinance it is his duty to keep;

(m) contravenes or fails to comply with any written order or instruction which the Board or the Administrator is in terms of this Ordinance empowered to issue,

shall be guilty of an offence and liable on conviction —

(i) in the case of an offence referred to in paragraph (a), to the penalties prescribed by law for the crime of fraud;

(ii) in the case of an offence referred to in paragraph (b), to a fine not exceeding one hundred rand;

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

(iv) in the case of an offence referred to in paragraph (d), to a fine not exceeding one hundred rand;

(v) in the case of an offence referred to in paragraph (e), (f), (g), (h), (i), (j), (k), (l) or (m) to a fine not exceeding one hundred rand.

(2) Any person guilty of an offence against, or a contravention of, this Ordinance, or of any default in complying with any provision thereof with which it is his duty to comply, shall, if no penalty is expressly provided for the offence, contravention or default, be liable on convicting to a fine not exceeding fifty rand.

(3) When any person is convicted of an offence against, or a contravention of, or a default in complying with, any provision of this Ordinance, the court convicting him shall, in addition to any penalty imposed in respect of that offence —

(a) if the offence consisted of a failure to pay the full amount due by that person in respect of any levy imposed by the Board by virtue of the provisions of section *ten*, or of a failure to pay any interest charged by the Board in terms of section *eleven*, or of a failure to pay any fee payable in terms of section *twenty-five* or *twenty-seven*, forthwith give judgment against that person and in favour of the Board for the amount which the court finds is due to the Board and any such judgment may be executed in the same manner as if it had been given in the course of civil proceedings;

(b) enquire summarily and without pleadings, but in the presence of such person, into the amount of the postage, railway carriage or other reasonable charge, if any, paid for transmitting under this Ordinance to an inspector, analyst tester or grader any sample in connection with the offence of which such person was convicted and the amount of the fee, if any, charged under the prescribed tariff for analysing, examining, testing or grading such sample, and upon proof of any such amount, give judgment therefor against that person and in favour of the Administration or the Board, as the case may be, and any such judgment may be executed in the same manner as if it had been given in the course of civil proceedings.

50. Nothing in this Ordinance contained shall be construed as prohibiting any act or commission of any person authorized by the Board or the Administrator to conduct any investigation, experiment or research in connection with any dairy product or dairy produce substitute, in so far as it is in furtherance of any such investigation, experiment or research.

51. No action shall lie against the South African Railways and Harbours Administration by reason of —

(a) its refusal to transport any dairy product or dairy produce substitute for the reason that —

(i) the removal thereof was prohibited under this Ordinance; or

(ii) for the removal thereof a permit was required

(l) versuim om 'n boek, register of dokument te hou wat hy ingevolge hierdie ordonnansie verplig is om te hou;

(m) enige skriftelike bevel of opdrag wat die raad of die Administrateur kragtens hierdie ordonnansie kan gee, oortree of versuim om daaraan te voldoen,

is aan 'n misdryf skuldig, en is by skuldigbevinding strafbaar —

(i) in die geval van 'n misdryf in paragraaf (a) bedoel, met die strawwe wat regtens vir die misdaad bedrog voorgeskryf is;

(ii) in die geval van 'n misdryf in paragraaf (b) bedoel, met 'n boete van hoogstens eenhonderd rand;

(iii) in die geval van 'n misdryf in paragraaf (c) bedoel, met 'n boete van hoogstens tweehonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande, of met beide sodanige boete en sodanige gevangenisstraf;

(iv) in die geval van 'n misdryf in paragraaf (d) bedoel, met 'n boete van hoogstens eenhonderd rand;

(v) in die geval van 'n misdryf in paragraaf (e), (f), (g), (h), (i), (j), (k), (l) of (m) bedoel, met 'n boete van hoogstens eenhonderd rand.

(2) Elkeen wat skuldig is aan 'n misdryf teen, of 'n oortreding van, hierdie ordonnansie, of aan 'n versuim om aan 'n bepaling daarvan te voldoen waaraan hy verplig is om te voldoen, is, as daar nie uitdruklik 'n straf vir die misdryf, oortreding of versuim voorgeskryf word nie, by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig rand.

(3) Wanneer iemand skuldig bevind word aan 'n misdryf teen, of 'n oortreding van, of versuim om te voldoen aan, 'n bepaling van hierdie ordonnansie, moet die vonnisvellende hof, benewens enige straf ten opsigte van daardie misdryf opgelê —

(a) as die straf ontstaan het uit 'n versuim om die volle bedrag te betaal wat so iemand skuld ten opsigte van 'n heffing uit hoofde van die bepalings van artikel *tien* deur die raad opgelê, of 'n versuim om enige rente te betaal wat die raad kragtens artikel *elf* vorder, of 'n versuim om enige geld te betaal wat ingevolge artikel *vyf-en-twintig* of *sewen-en-twintig* betaalbaar is, onmiddellik uitspraak gee teen so iemand en ten gunste van die raad vir die bedrag wat, na die hof bevind, aan die raad verskuldig is, en so 'n uitspraak is op dieselfde wyse uitvoerbaar asof dit in 'n siviele geding gegee is;

(b) summier en sonder pleitstukke, maar in die teenwoordigheid van so iemand, ondersoek instel na die bedrag van die posgeld, spoorvrag, of ander redelike koste, as daar is, wat betaal is vir die deurstuur ingevolge hierdie ordonnansie aan 'n inspekteur, ontleder, toetser of gradeerder, van 'n monster in verband met die misdryf waaraan so iemand skuldig bevind is, en die bedrag van die gelde, as daar is, wat kragtens die voorgeskrewe tarief vir die ontleding, ondersoek, toets, of gradering van so 'n monster gevra is, en by bewys van enige sodanige bedrag daarvoor uitspraak gee teen so iemand en ten gunste van die Administrasie of die raad, na gelang, en so 'n uitspraak is op dieselfde wyse uitvoerbaar asof dit in 'n siviele geding gegee is.

50. Geen bepalings van hierdie ordonnansie moet so vertolk word dat dit enige daad of versuim van enigiemand wat deur die raad of die Administrateur gemagtig is om enige ondersoek, proefneming of navorsing in verband met enige suiwelproduk of suiwelsurrogaat uit te voer, dermate dit enige sodanige ondersoek, proefneming of navorsing bevorder, belet nie.

51. Geen geding kan teen die Administrasie van die Suid-Afrikaanse Spoorweë en Hawens ingestel word nie weens —

(a) sy weiering om enige suiwelproduk of suiwelsurrogaat te vervoer omrede —

(i) die verwydering daarvan ingevolge hierdie ordonnansie verbied is; of

(ii) 'n permit vir die verwydering daarvan ingevolge hierdie ordonnansie vereis is en die af-

under this Ordinance and the consignor failed to produce such permit to such Administration;

(b) its examination or detention or disposal of any dairy product or dairy product substitute in accordance with an order or instruction issued by the Board or an inspector under the provisions of this Ordinance.

52. (1) If any person required to carry out any written order given by an inspector under this Ordinance, fails to carry out the terms of such order within the time prescribed thereby or by the inspector, the magistrate of the district in which the premises, vehicle or vessel concerned is situate may, upon the application of the inspector, prohibit the use thereof by such person until the said terms have been carried out by him.

(2) If such person is convicted under this Ordinance of failing to carry out the terms of such order, the court before which the conviction takes place shall, at the request of the inspector, enquire summarily and without pleadings, but in the presence of the accused, into the amount of the costs and expenses incurred by the inspector in connection with the order.

(3) Upon proof of the amount of such costs and expenses, the court shall give judgment therefor in favour of the inspector and against the accused, and such judgment shall be of the same force and effect and be executable in the same manner as if it had been given in a civil action duly instituted before such court: Provided that judgment shall not be given under this sub-section for an amount exceeding two hundred rand.

53. (1) Any person designated by the Administrator under the provisions of section *forty-two* to carry out microscopical, bacteriological or analytical examinations under or for the purposes of any provision of this Ordinance, shall furnish a certificate, in the prescribed form, of the results of each such examination carried out by him.

(2) (a) In any proceedings against any person for a contravention of any provision of this Ordinance, a certificate furnished in terms of sub-section (1) by the designated person who made the examination for the purpose of ascertaining such contravention, shall be *prima facie* evidence of the facts stated in the certificate, unless the accused has, not less than three days before the hearing of the charge against him, required that such designated person be called as a witness.

(b) If the accused requires such person to be so called, he shall bear the expenses incidental to such person being summoned and appearing as a witness, and before such person is so summoned the accused shall deposit with the registrar or clerk of the court in which the proceedings are pending such sum as may be sufficient to meet the said expenses, which sum shall be refunded to the accused if he is not convicted.

(3) The accused, instead of requiring the attendance, as a witness, of the designated person who made the examination, shall be entitled to put to him interrogatories approved by the court, and such interrogatories and the answers thereto shall be received in evidence in such proceedings.

54. (1) The Administrator may, on the recommendation of the Board, make regulations, not inconsistent with the provisions of this Ordinance, in regard to any or all of the following matters, namely —

(a) the manner in which and the method by which and the conditions under which any dairy product or dairy produce substitute, or any part or quantity thereof, whether in its original form or wholly or partially processed, shall be weighed, measured, sampled, graded, tested, analysed, treated, examined, inspected or otherwise dealt with for the purpose of purchase or sale or export or import or for the purpose of establishing or determining its grade, quality, purity, standard or composition, or for the purpose of any provision of this Ordinance;

sender nie sodanige permit aan sodanige Administrasie getoon het nie;

(b) sy ondersoek of terughouding van, of beskikking oor, enige suiwelproduk of suiwelsurrogaat ooreenkomstig 'n bevel of opdrag wat die raad of 'n inspekteur kragtens die bepalings van hierdie ordonnansie uitgereik het.

52. (1) As enigiemand wat aangesê word om 'n skriftelike bevel uit te voer wat kragtens hierdie ordonnansie deur 'n inspekteur uitgereik is, versuim om die bepalings van sodanige bevel uit te voer binne die tydperk daardeur of deur die inspekteur voorgeskryf, kan die landdros van die distrik waarin die betrokke perseel, voertuig of vaartuig geleë is of verkeer op aansoek van die inspekteur die gebruik daarvan deur so iemand verbied totdat hy die bedoelde bepalings uitgevoer het.

(2) As so iemand kragtens hierdie ordonnansie skuldig bevind is daaraan dat hy die bepalings van so 'n bevel nie uitgevoer het nie, kan die hof wat hom skuldig bevind, op aansoek van die inspekteur, summier en sonder pleitstukke, maar in die teenwoordigheid van die beskuldigde, ondersoek instel na die bedrag van die koste en uitgawes wat die inspekteur in verband met die bevel aangegaan het.

(3) By bewys van die bedrag van sodanige koste en uitgawes moet die hof uitspraak daarvoor gee ten gunste van die inspekteur en teen die beskldigde, en so 'n uitspraak het dieselfde krag en uitwerking en is op dieselfde wyse uitvoerbaar asof dit in 'n siviele geding gegee is wat behoorlik voor sodanige hof ingestel is: Met dien verstande dat uitspraak nie kragtens hierdie subartikel gegee mag word vir 'n bedrag wat tweehonderd rand te bowe gaan nie.

53. (1) Enigiemand wat ingevolge die bepalings van artikel *twee-en-veertig* deur die Administrateur aangestel is om mikroskopiese, bakteriologiese of analitiese ondersoeke kragtens of vir die doeleindes van enige bepaling van hierdie ordonnansie uit te voer, moet 'n sertifikaat in die voorgeskrewe vorm verstrek van die uitslag van elke sodanige ondersoek wat hy uitgevoer het.

(2) (a) By 'n geding teen iemand weens 'n oortreding van enige bepaling van hierdie ordonnansie is 'n sertifikaat verstrek ingevolge subartikel (1) deur die aangestelde persoon wat die ondersoek uitgevoer het om sodanige oortreding vas te stel, bewys *prima facie* van die feite wat in die sertifikaat vermeld word, tensy die beskuldigde minstens drie dae voor die verhoor van die aanklag teen hom geëis het dat sodanige aangestelde persoon as 'n getuie opgeroep word.

(b) As die beskuldigde eis dat sodanige persoon aldus opgeroep word, moet hy die uitgawes dra in verband met die dagvaarding en verskyning van so 'n persoon as getuie en voordat sodanige persoon aldus gedagvaar word, moet die beskuldigde by die registrateur of klerk van die hof waarin die saak aanhangig is, 'n bedrag stort wat voldoende is om bedoelde uitgawes te dek, en dié bedrag moet aan die beskuldigde terugbetaal word as hy nie skuldig bevind word nie.

(3) Die beskuldigde is geregtig om in plaas van die teenwoordigheid van die aangestelde persoon wat die ondersoek uitgevoer het, as getuie te eis, vraagpunte wat die hof goedgekeur het, aan hom te stel, en sodanige vraagpunte en die antwoorde daarop word in sodanige geding as getuienis aanvaar.

54. (1) Die Administrateur kan, op aanbeveling van die raad regulasies uitvaardig wat nie onbestaanbaar is met die bepalings van hierdie ordonnansie nie ten opsigte van enige van, of al, die volgende sake, naamlik —

(a) die wyse waarop, die metode waarvolgens en die toestande waarin enige suiwelproduk of suiwelsurrogaat of enige deel of hoeveelheid daarvan, hetsy in sy oorspronklike vorm of geheel of deels verwerk, geweeg, gemeet, bemonster, gegradeer, getoets, ontleed, bewerk, ondersoek, geïnspekteer of andersins behandel moet word vir die doel van aankoop of verkoop of uitvoer of invoer of die vasstelling of bepaling van sy graad, gehalte, suiwerheid, standaard of samestelling, of vir die doel van enige bepaling van hierdie ordonnansie;

(b) the manner in which, the method by which and the conditions under which any dairy product or dairy produce substitute, or any part or quantity thereof, whether in its original form or wholly or partially processed shall be produced, manufactured, processed, treated, packed, stored, kept, conveyed, transported, handled, prepared for sale or otherwise dealt with;

(c) the nature, type, standard, quality, pattern, design, size, capacity and specifications of any machinery, plant, equipment, vehicle, utensils, glassware, and applicances used in the production, manufacture, processing, grading, testing, analysis, measuring, weighing, storage, transportation or preparation for sale of any dairy product or dairy produce substitute;

(d) the construction, sanitation, drainage, ventilation, lighting and equipment of premises used for the production, processing or manufacture of dairy products or dairy produce substitutes, the accomodation to be provided in such premises, the situation of any building or structure on such premises in relation to any other building or structure, and the situation of such premises in relation to other premises or land;

(e) the nature, type, standard, quality, purity and composition of any substance, ingredient, product or chemical added to or used in any dairy product or dairy produce substitute, or used in the prodution, manufacture, processing, storage, transportation, grading, testing, analysis or examination of any dairy product or dairy produce substitute;

(f) the grade, standard, quality, degree of purity and the composition with which any dairy product or dairy produce substitute, or any part or quantity thereof, whether wholly or partially processed, shall comply, and the standards of quality, purity and composition with which any grade or class or type of dairy product or dairy produce substitute shall comply;

(g) the nature, type, standard, quality, design, size, capacity and specifications of any wrappers or wrapping material, package or container in which any dairy product or dairy produce substitute is placed, and the manner in which and conditions under which such wrappers or wrapping material or package or container must be kept or stored or treated before use;

(h) the manner in which, the method by which, and the conditions under which any dairy product or dairy produce substitute and any wrapper, package or container containing a dairy product or dairy produce substitute shall be marked, labelled, branded, numbered or coded;

(i) the nature, type, pattern, design, size and specifications of any mark, code, number, design, brand, description or information appearing on or placed upon any dairy product or dairy produce substitute, or any part or quantity thereof, or on any wrapper, package or container containing any dairy product or dairy produce substitute;

(j) the nature, size, form and specifications of any receipt, invoice, statement, notice, certificate, report, form, record, register, document, or book to be kept or issued in connection with the purchase, sale, export, import, production, processing, manufacture, handling, transportation, conveyance, or storage of any dairy product or dairy produce substitute or for any purpose of this Ordinance, and the form and manner in which such receipt, invoice, statement, notice, certificate, report, form, record, register, document or book shall be kept or issued, and the period for which it shall be retained;

(k) the nature, size, form and specifications of any return, certificate, form, register, book or document to be submited to the Board or the Director of Agriculture or the Senior Dairy Officer, the period within which it must be submitted and the information to be disclosed therein in regard to the

(b) die wyse waarop, die metode waarvolgens en die toestande waarin enige suiwelproduk of suiwelsurrogaat of enige deel of hoeveelheid daarvan, hetsy in sy oorspronklike vorm of geheel of deels verwerk, geproduseer, vervaardig, verwerk, bewerk, verpak, opgeberg, gehou, oorgebring, vervoer, gehanteer, ter verkoop voorberei of andersins behandel moet word;

(c) die aard, tipe, standaard, gehalte, patroon, ontwerp, grootte, inhoudsvermoë en spesifikasies van enige masjinerie, inrigting, toerusting, voertuig, gereedskap, glasware en toestelle gebruik by die produksie, vervaardiging, verwerking, gradering, toets, ontleding, meet, weeg, opberging, vervoer of voorbereiding ter verkoop van enige suiwelproduk of suiwelsurrogaat;

(d) die bou, sanitasie, dreinering, ventilasie, beligting, en toerusting van persele wat gebruik word vir die produksie, verwerking of vervaardiging van suiwelprodukte of suiwelsurrogate; die akkommodasie wat verskaf moet word op so 'n perseel, die ligging van enige gebou of struktuur op so 'n perseel met betrekking tot enige ander gebou of struktuur en die ligging van so 'n perseel met betrekking tot ander persele of grond;

(e) die aard, tipe, standaard, gehalte, suiwerheid en samestelling van enige stof, bestanddeel, produk of chemikalie wat bygevoeg word tot, of gebruik word in, enige suiwelproduk of suiwelsurrogaat of wat gebruik word in die produksie, vervaardiging, verwerking, opberging, vervoer, gradering, toets, ontleding of ondersoek van enige suiwelproduk of suiwelsurrogaat;

(f) die graad, standaard, gehalte, suiwerheidsgraad en die samestelling waaraan enige suiwelproduk of suiwelsurrogaat of enige deel of hoeveelheid daarvan, hetsy geheel of deels verwerk, moet voldoen, en die standaarde van gehalte, suiwerheid en samestelling waaraan enige graad, of klas of tipe suiwelproduk of suiwelsurrogaat moet voldoen;

(g) die aard, tipe, standaard, gehalte, ontwerp, grootte, inhoudsvermoë en spesifikasies van enige omslae of omslagmateriaal, verpakking of houer waarin enige suiwelproduk of suiwelsurrogaat geplaas word en die wyse waarop, en die toestande waarin, sodanige omslae of omslagmateriaal of verpakking of houer, voor gebruik, gehou of opgeberg of behandel moet word;

(h) die wyse waarop, die metode waarvolgens en die toestande waarin enige suiwelproduk of suiwelsurrogaat en enige omslag, verpakking of houer wat 'n suiwelproduk of suiwelsurrogaat bevat, gemerk, geëtiketteer, genommer of andersins aangedui moet word;

(i) die aard, tipe, patroon, ontwerp, grootte en spesifikasies van enige merk, kode, nommer, ontwerp, handelsmerk, beskrywing of inligting wat op enige suiwelproduk of suiwelsurrogaat of op enige deel of hoeveelheid daarvan, of op enige omslag, verpakking of houer wat 'n suiwelproduk of suiwelsurrogaat bevat, verskyn of daarop geplaas is;

(j) die aard, grootte, vorm en spesifikasies van enige kwitansie, faktuur, rekening, kennisgewing, sertifikaat, verslag, vorm, aantekening, register, dokument of boek wat gehou of uitgereik moet word in verband met die aankoop, verkoop, uitvoer, invoer, produksie, verwerking, vervaardiging, hantering, vervoer, oorbringing, of opberging van enige suiwelproduk of suiwelsurrogaat of vir enige doeleindes van hierdie ordonnansie, en die vorm waarin en die wyse waarop, sodanige kwitansie, faktuur, rekening, kennisgewing, sertifikaat, verslag, vorm, aantekening, register, dokument of boek gehou of uitgereik moet word en die tydperk waarvoor dit behou moet word;

(k) die aard, grootte, vorm en spesifikasies van enige opgaaf, sertifikaat, vorm, register, boek of dokument wat aan die raad of die Direkteur van Landbou of die senior suiwelbeampte voorgelê moet word, die tydperk waarin dit voorgelê moet word en die inligting wat daarin bekend gemaak moet

purchase, sale, export, import, production, manufacture, processing, handling, storage, transportation or conveyance of any dairy product or dairy produce substitute or in regard to any provision of this Ordinance;

(l) the methods and manner of handling, cleaning, maintaining, storing or keeping of milking machines and dairy utensils;

(m) the manner in which and the method by which the results of any sampling, inspection, examination, grading, weighing, testing or analysis of any product, substance or ingredient, carried out for the purpose of any provision of this Ordinance, shall be recorded;

(n) the fees which may be charged for any inspection, examination, grading, testing or analysis carried out under this Ordinance;

(o) the manner in which any substance (other than a dairy product) derived from milk, shall be treated before its removal from premises which are registered or are required to be registered in terms of section *twenty-eight;*

(p) the manner in which a person shall be registered as a dairy products manufacturer or as a dairy products substitute manufacturer;

(q) the manner in which premises shall be registered as a dairy products factory or as a dairy produce substitute factory;

(r) the disposal of condemned dairy produce or dairy produce substitutes;

(s) the qualifications, function, powers and duties of analysts, inspectors and other persons designated to exercise powers and perform duties under this Ordinance;

(t) the examination of candidates for certificates of proficiency in the inspection, examination, grading, testing, analysis or manufacture of dairy produce or dairy produce substitutes;

(u) the cleaning, sterilization and desinfection of premises, plant, equipment, utensils or appliances used in the production of dairy produce or dairy produce substitutes, the maintenance of such premises, plant, equipment, utensils or appliances and the conditions of storage when not in use of such equipment, utensils or appliances;

(v) any matter which is required or permitted to be prescribed by regulation; and

(w) generally, any matter which he considers it necessary or expedient to prescribe in order that the objects and purposes of this Ordinance may be better achieved, the generality of the powers conferred by this paragraph not being limited by the provisions of the preceding paragraphs.

(2) When regulations are made in terms of subsection (1) the Administrator may differentiate in such regulations according to the grade or type or class or quality of the dairy product or dairy produce substitute concerned or according to the place at which or area, district or country in which, or the person by whom such product is produced, processed, manufactured, purchased, sold, imported, exported, stored, kept, handled, conveyed or transported.

(3) The regulations may prescribe penalties for any contravention or failure to comply therewith, not exceeding a fine of twenty rand or imprisonment for a period not exceeding fourteen days on a first conviction and fifty rand or imprisonment for a period not exceeding two months on a second or subsequent conviction.

55. The Administrator may delegate to the Secretary for South West Africa any of the powers conferred upon him by this Ordinance.

56. Any assets or liabilities vesting in the former Dairy Industry Control Board, shall remain vested in the Board as if such assets or liabilities accrued under this Ordinance.

word betreffende die aankoop, verkoop, uitvoer, invoer, produksie, vervaardiging, verwerking, hantering, opberging, vervoer of oorbringing van enige suiwelproduk of suiwelsurrogaat of betreffende enige bepaling van hierdie ordonnansie;

(l) die metodes en wyse van hantering, reiniging, instandhouding, opberging of hou van melkmasjiene en suiwelgereedskap;

(m) die wyse waarop en die metode waarvolgens die resultate van enige bemonstering, inspeksie, ondersoek, gradering, weeg, toets of ontleding van enige produk, stof of bestanddeel, uitgevoer vir die doel van enige bepaling van hierdie ordonnansie, aangeteken moet word;

(n) die gelde wat vir enige inspeksie, ondersoek, gradering, toets of ontleding uitgevoer ingevolge hierdie ordonnansie gevra kan word;

(o) die wyse waarop enige stof (buiten 'n suiwelproduk) wat van melk verkry is, behandel moet word voor sy verwydering van 'n perseel wat ingevolge artikel *agt-en-twintig* geregistreer is of moet word;

(p) die wyse waarop iemand as 'n vervaardiger van suiwelprodukte of vervaardiger van suiwelsurrogate geregistreer moet word;

(q) die wyse waarop 'n perseel as 'n suiwelfabriek of as 'n suiwelsurrogaatfabriek geregistreer moet word;

(r) die wegdoening van afgekeurde suiwelprodukte of suiwelsurrogate;

(s) die kwalifikasies, funksies, bevoeghede en pligte van ontleders, inspekteurs en ander persone wat aangestel is om kragtens hierdie ordonnansie bevoegdhede uit te oefen en pligte uit te voer;

(t) die eksaminering van kandidate vir sertifikate van bekwaamheid in die inspeksie, ondersoek, gradering, toets, ontleding of vervaardiging van suiwelprodukte of suiwelsurrogate;

(u) die reiniging, sterilisasie en ontsmetting van persele, inrigtings, toerusting, gereedskap of toestelle gebruik by die produksie van suiwelprodukte of suiwelsurrogate, die instandhouding van sodanige persele, inrigtings, toerusting, gereedskap of toestelle en die toestande van opberging wanneer sodanige toerusting, gereedskap of toestelle nie in gebruik is nie;

(v) enige aangeleentheid wat by regulasie voorgeskryf moet of kan word; en

(w) in die algemeen, enige aangeleentheid wat hy nodig of dienstig ag om voor te skryf ten einde die oogmerke en doeleindes van hierdie ordonnansie beter te verwesenlik, sonder dat die algemeenheid van die bevoeghede wat by hierdie paragraaf verleen word deur die bepalings van die voorafgaande paragrawe beperk word.

(2) Wanneer regulasies kragtens subartikel (1) uitgevaardig word, kan die Administrateur in sodanige regulasies onderskei volgens die graad of tipe of klas of gehalte van die betrokke suiwelproduk of suiwelsurrogaat of volgens die plek waarop of die streek, distrik of land waarin, of die persoon deur wie, sodanige produk geproduseer, verwerk, vervaardig, aangekoop, verkoop, ingevoer, uitgevoer, opgeberg, gehou, gehanteer, oorgebring of vervoer word.

(3) Die regulasies kan vir 'n oortreding daarvan of 'n versuim om daaraan te voldoen, strawwe voorskryf wat nie 'n boete van twintig rand of gevangenisstraf vir 'n tydperk van veertien dae by 'n eerste skuldigbevinding en vyftig rand of gevangenisstraf vir 'n tydperk van twee maande by 'n tweede of daaropvolgende skuldigbevinding te bowe gaan nie.

55. Die Adminitsarteur kan aan die Sekretaris van Suidwes-Afrika enige van die bevoeghede delegeer wat hierdie ordonnansie aan hom verleen.

56. Enige bate en laste van die vorige Raad van Toesig op die Suiwelnywerheid bly by die raad berus asof sodanige bate en laste ingevolge hierdie ordonnansie ontstaan het.

57. Nothing in this Ordinance contained shall be construed as in any way repealing or affecting the provisions of any law relating to the adulteration of articles of diet or any regulation made under such law, but the provisions of this Ordinance shall be construed as being in addition to, and not in substitution for, the provisions of any such law, or regulation: Provided that no provision of any such law expressly making any warranty or any other fact whatever a defence to any charge under such law shall apply in respect of any charge under this Ordinance.

58. This Ordinance shall bind the State.

59. (1) Subject to the provisions of sub-section (2), the laws specified in the Schedule to this Ordinance are hereby repealed to the extent set out in the third column of that Schedule.

(2) Any proclamation, regulation, notice, order, prohibition, requirement, agreement, decision, determination, authority or document issued, made, promulgated, given, prescribed, granted, imposed or entered into and any other action taken under any provision of a law repealed by this Ordinance shall, if not inconsistent with the provisions of this Ordinance, be deemed to have been issued, made, promulgated, given, prescribed, granted imposed, entered into or taken under the corresponding provisions of this Ordinance, and shall continue in force until amended or withdrawn in terms of this Ordinance.

60. This Ordinance shall be called the Dairy Industry Control Ordinance, 1962, and shall come into operation upon a date to be fixed by the Administrator by proclamation in the *Official Gazette*.

SCHEDULE

Number and year of law	Short title of law	Extent repealed
Ordinance 2 of 1926	Dairy Industry Ordinance, 1926.	The whole
Proclamation 25 of 1928	Amendment of Schedule to Ordinance No. 2 of 1926	The whole
Ordinance 16 of 1931	Dairy Industry Control Ordinance, 1931.	The whole
Proclamation 45 of 1931	Date of establishment of Dairy Industry Control Board	The whole
Proclamation 3 of 1932	Dairy Industry Control Amendment Proclamation, 1932.	The whole
Ordinance 4 of 1932	Dairy Industry Control Ordinance, Amendment Ordinance, 1932.	The whole
Proclamation 8 of 1934	Prohibition on importation of butter.	The whole
Proclamation 32 of 1939	Dairy Products Marketing Proclamation, 1939.	The whole
Proclamation 50 of 1939	Dairy Products Marketing Amendment Proclamation, 1939.	The whole
Proclamation 35 of 1940	Dairy Products Marketing Amendment Proclamation, 1940.	The whole
Proclamation 31 of 1943	Dairy Industry Control Board Indemnity Proclamation, 1943.	The whole
Ordinance 6 of 1944	Dairy Industry Control Amendment Ordinance, 1944.	The whole
Proclamation 15 of 1944	Dairy Products Marketing Amendment Proclamation, 1944.	The whole

57. Die bepalings van hierdie ordonnansie moet nie so vertolk word dat dit die bepalings van 'n wet betreffende die vervalsing van eetware of van 'n regulasie kragtens so 'n wet uitgevaardig, in enige opsig herroep of raak nie, maar die bepalings van hierdie ordonnansie moet so vertolk word dat dit 'n byvoeging is by, en nie 'n vervanging nie van, die bepalings van so 'n wet of regulasie: Met dien verstande dat geen bepaling van so 'n wet wat uitdruklik 'n waarborg of enige ander feit hoegenaamd tot verdediging teen 'n aanklag kragtens so 'n wet verklaar ten opsigte van 'n aanklag kragtens hierdie ordonnansie van toepassing is nie.

58. Hierdie ordonnansie verbind die Staat.

59. (1) Behoudens die bepalings van subartikel (2) word die wette aangegee in die bylae van hierdie ordonnansie herroep in die mate uiteengesit in die derde kolom van daardie bylae.

(2) Enige proklamasie, regulasie, kennisgewing, bevel, verbod, vereiste, ooreenkoms, beslissing, bepaling, magtiging of dokument uitgevaardig, gepubliseer, uitgereik, opgelê, voorgeskryf, aangegaan, gevel, gestel, verleen of verly en enige ander stappe gedoen kragtens enige bepaling van 'n wet wat by hierdie ordonnansie herroep word, word, as dit nie met die bepalings van hierdie ordonnansie onbestaanbaar is nie, beskou as uitgevaardig, gepubliseer, uitgereik, opgelê, voorgeskryf, aangegaan, gevel, gestel, verleen of verly kragtens die ooreenstemmende bepalings van hierdie ordonnansie en bly in werking totdat dit kragtens hierdie ordonnansie gewysig of ingetrek word.

60. Hierdie ordonnansie heet die Ordonnansie op die Beheer van die Suiwelnywerheid 1962, en tree in werking op 'n datum wat die Administrateur by proklamasie in die *Offisiële Koerant* bepaal.

BYLAE

Nommer en Jaar van Wet	Kort Titel van Wet	Mate van Herroeping
Ordonnansie 2 van 1926	Suiwelnywerheid Ordonnnansie 1926	Die hele
Proklamasie 25 van 1928	Wysiging van Bylae van Ordonnansie 2 van 1926	Die hele
Ordonnansie 16 van 1931	Ordonnansie op die Beheer van die Suiwelnywerheid 1931	Die hele
Proklamasie 45 van 1931	Datum van Instelling van Raad van Toesig op die Suiwelnywerheid	Die hele
Proklamasie 3 van 1932	Wysigings-Proklamasie op die Beheer van die Suiwelnywerheid 1932	Die hele
Ordonnansie 4 van 1932	Wysigingsordonnansie op die Beheer van die Suiwelnywerheid 1932	Die hele
Proklamasie 8 van 1934	Verbod op die Invoer van Botter	Die hele
Proklamasie 32 van 1939	Suiwelprodukte Bemarkingsproklamasie 1939	Die hele
Proklamasie 50 van 1939	Suiwelprodukte Bemarkings-Wysigingsproklamasie 1939	Die hele
Proklamasie 35 van 1940	Suiwelprodukte Bemarkings-Wysigingsproklamasie 1940	Die hele
Proklamasie 31 van 1943	Proklamasie van 1943 betreffende Vrywaring van die Raad van Toesig op die Suiwelnywerheid 1943	Die hele
Ordonnansie 6 van 1944	Wysigingsordonnansie betreffende die Beheer van die Suiwelnywerheid 1944	Die hele
Proklamasie 15 van 1944	Suiwelprodukte Bemarkings-Wysigingsproklamasie 1944	Die hele

Number and year of law	Short title of law	Extent repealed	Nommer en Jaar van Wet	Kort Titel van Wet	Mate van Herroeping
Proclamation 10 of 1946	Dairy Industry Control Amendment Proclamation, 1946.	The whole	Proklamasie 10 van 1946	Wysigingsproklamasie op die Beheer van die Suiwelnywerheid 1946	Die hele
Ordinance 12 of 1947	Dairy Industry Control Amendment Ordinance, 1947	The whole	Ordonnansie 12 van 1947	Wysigingsordonnansie op die Beheer van die Suiwelnywerheid 1947	Die hele
Proclamation 34 of 1947	Dairy Products Marketing Amendment Proclamation, 1947.	The whole	Proklamasie 34 van 1947	Wysigingsproklamasie op die Bemarking van Suiwelprodukte 1947	Die hele
Proclamation 35 of 1947	Amendment of Schedule to Ordinance No. 2 of 1926	The whole	Proklamasie 35 van 1947	Wysiging van Bylae van Ordonnansie 2 van 1926	Die hele
Ordinance 9 of 1949	Dairy Industry Control Amendment Ordinance, 1949.	The whole	Ordonnansie 9 van 1949	Wysigingsordonnansie op die Beheer van die Suiwelnywerheid 1949	Die hele
Proclamation 17 of 1949	Dairy Products Marketing Amendment Proclamation, 1949.	The whole	Proklamasie 17 van 1949	Wysigingsproklamasie op die Bemarking van Suiwelprodukte 1949	Die hele
Proclamation 3 of 1951	Prohibition on importation of margarine.	The whole	Proklamasie 3 van 1951	Verbod op die Invoer van Kunsbotter	Die hele
Proclamation 17 of 1951	Dairy Industry Amendment Proclamation, 1951.	The whole	Proklamasie 17 van 1951	Wysigingsproklamasie op die Suiwelnywerheid 1951	Die hele
Ordinance 5 of 1952	Dairy Industry Control Amendment Ordinance, 1952.	The whole	Ordonnansie 5 van 1952	Wysigingsordonnansie op die Beheer van die Suiwelnywerheid	Die hele
Proclamation 9 of 1952	Amendment of Schedule to Ordinance No. 2 of 1926	The whole	Proklamasie 9 van 1952	Wysiging van Bylae van Ordonnansie 2 van 1926	Die hele
Ordinance 26 of 1955	Dairy Industry Control Amendment Ordinance, 1955.	The whole	Ordonnansie 26 van 1955	Wysigingsordonnansie op die Beheer van die Suiwelnywerheid 1955	Die hele
Proclamation 55 of 1955	Date of coming into operation of Ordinance No. 26 of 1955.	The whole	Proklamasie 55 van 1955	Datum van Inwerkingtreding van Ordonnansie 26 van 1955	Die hele
Ordinance 8 of 1957	Fresh Milk Control Ordinance, 1957.	The whole	Ordonnansie 8 van 1957	Ordonnansie op die Beheer oor Vars Melk 1957	Die hele
Ordinance 46 of 1957	Dairy Industry Control Amendment Ordinance, 1957.	The whole	Ordonnansie 46 van 1957	Wysigingsordonnansie op die Beheer van die Suiwelnywerheid 1957	Die hele
Ordinance 24 of 1958	Dairy Industry Control Amendment Ordinance, 1958.	The whole	Ordonnansie 24 van 1958	Wysigingsordonnansie op die Beheer van die Suiwelnywerheid 1958	Die hele
Proclamation 55 of 1959	Prohibition on importation of cheese.	The whole	Proklamasie 55 van 1959	Verbod op Invoer van Kaas	Die hele
Ordinance 10 of 1960	Dairy Industry Control Amendment Ordinance, 1960.	The whole	Ordonnansie 10 van 1960	Wysigingsordonnansie op die Beheer van die Suiwelnywerheid 1960	Die hele
Proclamation 49 of 1960	Prohibition on importation of dried milk and condensed milk.	The whole	Proklamasie 49 van 1960	Beheer oor Invoer van Gedroogde Melk en Gekondenseerde Melk 1960	Die hele

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