

BUITENGEWONE

OFFISIËLE KOERANT

VAN SUIDWES-AFRIKA

OFFICIAL GAZETTE

EXTRAORDINARY



OF SOUTH WEST AFRICA

UITGAWE OP GESAG

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PROKLAMASIE

van die
ADMINISTRATEUR-GENERAAL VIR DIE GE-
BIED SUIDWES-AFRIKA

(Deur die Staatspresident goedgekeur op 28 Junie 1978)

No. AG. 41 1978

WYSIGING VAN PROKLAMASIE R.172 VAN 28
JUNIE 1968 EN PROKLAMASIE AG. 18 VAN 1977

Kragtens die bevoegdheid my verleen by Proklamasie 181 van 19 Augustus 1977, maak ek hierby die wette in die Bylae vervat.

M. T. STEYN

Administrateur-generaal Windhoek, 29 Junie 1978

BYLAE

Wysiging van artikel 1 van Proklamasie R.172 van 1968

1. Artikel 1 van Proklamasie R.172 van 1968 (hieronder Proklamasie R.172 genoem) word hierby gewysig deur in subartikel (2) die woorde "in die Republiek van Suid-Afrika en" te skrap.

Wysiging van artikel 2 van Proklamasie R.172 van 1968

2. Artikel 2 van Proklamasie R.172 word hierby gewysig —

PROCLAMATION

by the
ADMINISTRATOR-GENERAL FOR THE TERRI-
TORY OF SOUTH WEST AFRICA

(Approved by the State President on 28 June 1978)

No. AG. 41 1978

AMENDMENT OF PROCLAMATION R. 172 OF
28 JUNE 1968 AND PROCLAMATION AG. 18 OF
1977

Under the powers vested in me by Proclamation 181 of 19 August 1977, I hereby make the laws set out in the Schedule.

M. T. STEYN

Administrator-General Windhoek, 29 June 1978

SCHEDULE

Amendment of section 1 of Proclamation R.172 of 1968

1. Section 1 of Proclamation R.172 of 1968 (herein-after called Proclamation R.172) is hereby amended by the deletion in subsection (2) of the words "in the Republic of South Africa and".

Amendment of section 2 of Proclamation R.172 of 1968

2. Section 2 of Proclamation R.172 is hereby amend-
ed —

(a) deur in die omskrywing van "beheerde gebied" die woorde "die Republiek van Suid-Afrika en" te skrap;

(b) deur die omskrywing van "Minister" te skrap; en

(c) deur die omskrywing van "Raad" deur die volgende omskrywing te vervang:

"'Raad' die by artikel 3 ingestelde Karakoelraad van Suidwes-Afrika;"

Wysiging van artikel 3 van Proklamasie R.172 van 1968

3. Artikel 3 van Proklamasie R.172 word hierby gewysig —

(a) deur in subartikel (1) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

"Hierdie Skema word toegepas deur die Karakoelraad van Suidwes-Afrika, wat bestaan uit twaalf lede wat deur die Administrateur-generaal aangestel word, van wie —"; en

(b) deur in paragraaf (a) van subartikel (1) die woorde "vyf verteenwoordigers moet wees van produsente waarvan drie en twee onderskeidelik produsente in Suidwes-Afrika en in die Republiek moet verteenwoordig en moet, na gelang van die geval," te vervang deur die woorde "agt verteenwoordigers moet wees van produsente in die beheerde gebied en".

Wysiging van artikel 6 van Proklamasie R.172 van 1968

4. Artikel 6 van Proklamasie R.172 word hierby gewysig —

(a) deur in subartikel (1) die woord "twee" deur die woord "drie" te vervang;

(b) deur subartikel (2) deur die volgende subartikel te vervang:

"(2) (a) Twee van die lede in paragraaf (a) van subartikel (1) van artikel 3 bedoel, en een ander lid, synde 'n lid in paragraaf (b), (c) of (d) van daardie subartikel bedoel, tree af na verloop van een jaar na die eerste aanstelling van lede in die Raad.

(b) Drie van die lede wat by die eerste aanstelling van lede in die Raad ingevolge genoemde paragraaf (a) genomineer is en een ander lid, synde 'n lid wat aldus

(a) by the substitution for the definition of "Board" of the following definition:

"'Board' means the Karakul Board of South West Africa established by section 3;"

(b) by the deletion in the definition of "controlled area" of the words "the Republic of South Africa and"; and

(c) by the deletion of the definition of "Minister".

Amendment of section 3 of Proclamation R.172 of 1968

3. Section 3 of Proclamation R.172 is hereby amended —

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

"This Scheme shall be administered by the Karakul Board of South West Africa, which shall consist of twelve members who shall be appointed by the Administrator-General and of whom —"; and

(b) by the substitution in paragraph (a) of subsection (1), for the words "five shall be representatives of producers of whom three and two respectively shall represent producers in South West Africa and in the Republic and shall as the case may be," of the words "eight shall be representatives of producers in the controlled area and shall".

Amendment of section 6 of Proclamation R.172 of 1968

4. Section 6 of Proclamation R.172 is hereby amended —

(a) by the substitution in subsection (1) for the word "two" of the word "three";

(b) by the substitution for subsection (2) of the following subsection:

"(2) (a) Two of the members referred to in paragraph (a) of subsection (1) of section 3, and one other member, being a member referred to in paragraph (b), (c) or (d) of that subsection, shall retire upon the expiration of a period of one year after the first appointment of members to the Board.

(b) Three of the members nominated in terms of the said paragraph (a) at the first appointment of members to the Board, and one other member, being a member so nominated otherwise than in terms of that

genomineer is anders as ingevolge daardie paragraaf of paragraaf (e) van genoemde subartikel, tree af na verloop van twee jaar na bedoelde eerste aanstelling.”; en

- (c) deur in subartikel (6) die woorde “Minister iemand anders wat hy geskik ag” te vervang deur die woorde “Administrateur-generaal, nadat hy die betrokke vereniging of verenigings versoek het om drie persone te nomineer, een van die persone aldus genomineer”.

Wysiging van artikel 7 van Proklamasie R.172 van 1968

5. Artikel 7 van Proklamasie R.172 word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Mits hy lid van die Raad bly, beklee die Voorsitter van die Raad sy amp as Voorsitter tot die eerste vergadering van die Raad in die boekjaar van die Raad wat volg op die boekjaar waarin hy as voorsitter gekies is.”.

Wysiging van artikel 9 van Proklamasie R.172 van 1968

6. Artikel 9 van Proklamasie R.172 word hierby gewysig —

- (a) deur in subartikel (1) die woord “Ses” deur die woord “Sewe” te vervang; en
- (b) deur in subartikel (2) die woorde “minstens vyf” deur die woorde “’n meerderheid van die” te vervang.

Wysiging van artikel 14 van Proklamasie R.172 van 1968

7. Artikel 14 van Proklamasie R.172 word hierby gewysig —

- (a) deur die volgende paragraaf na paragraaf (c) in te voeg:
- “(c)*bis* met die goedkeuring van die Administrateur-generaal die stappe te doen wat nodig is om ’n handelsmerk op naam van die Raad te laat registreer;”; en
- (b) deur in paragraaf (h) die woord “Republiek” deur die woorde “gebied Suidwes-Afrika” te vervang.

paragraph or paragraph (e) of the said subsection, shall retire upon the expiration of a period of two years after such first appointment.”; and

- (c) by the substitution in subsection (6) for the words “Minister may appoint any other person whom he considers suitable” of the words “Administrator-General, after requesting the association or associations concerned to nominate three persons, may appoint one of the persons so nominated”.

Amendment of section 7 of Proclamation R.172 of 1968

5. Section 7 of Proclamation R.172 is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) The Chairman of the Board shall, subject to his remaining a member of the Board, hold office as Chairman until the first meeting of the Board in the financial year of the Board following upon the financial year in which he was elected as Chairman.”.

Amendment of section 9 of Proclamation R.172 of 1968

6. Section 9 of Proclamation R.172 is hereby amended —

- (a) by the substitution in subsection (1) for the word “Six” of the word “Seven”; and
- (b) by the substitution in subsection (2) for the words “at least five” of the words “a majority of the”.

Amendment of section 14 of Proclamation R.172 of 1968

7. Section 14 of Proclamation R.172 is hereby amended —

- (a) by the insertion after paragraph (c) of the following paragraph:
- “(c)*bis* with the approval of the Administrator-General, take such steps as may be necessary for the purpose of the registration of a trade mark in the name of the Board;”; and
- (b) by the substitution in paragraph (h) for the word “Republic” of the words “territory of South West Africa”.

Wysiging van artikel 16 van Proklamasie R.172 van 1968

8. Artikel 16 van Proklamasie R.172 word hierby gewysig deur in subartikel (1) die woord "Karakoelpelsheffingsfonds" deur die woorde "Algemene Fonds" te vervang.

Vervanging van woorde "Staatspresident" en "Minister" in Proklamasie R.172 van 1968

9. Proklamasie R.172 word hierby gewysig deur die woorde "Staatspresident" en "Minister", oral waar hulle in die Bylae daarby voorkom, deur die woord "Administrateur-generaal" te vervang.

Geldigheid van samestelling van die Karakoelraad van Suidwes-Afrika.

10. Ondanks andersluidende bepalings van die Bemarkingswet, 1968 (Wet 59 van 1968), word die Karakoelraad van Suidwes-Afrika bedoel in artikel 3 van Proklamasie R.172 soos deur artikel 3 van hierdie Proklamasie gewysig, saamgestel en word die lede daarvan aangestel ooreenkomstig die bepalings van Proklamasie R.172 soos deur hierdie Proklamasie gewysig.

Oorgangsbepalings

11. (1) Enigiets wat voor die inwerkingtreding van hierdie Proklamasie gedoen is kragtens 'n bepaling van Proklamasie R.172 en wat by bedoelde inwerkingtreding van krag is, in of met betrekking tot die gebied Suidwes-Afrika, met inbegrip van 'n heffing of spesiale heffing kragtens artikel 15 daarvan opgelê maar uitgesonderd die nominering en aanstelling van enige persoon kragtens artikel 3 daarvan, word geag kragtens die betrokke bepaling soos deur hierdie Proklamasie gewysig, gedoen te wees.

(2) Die bates van die raad wat die Karakoelskema in die gebied Suidwes-Afrika uitgevoer het voor die inwerkingtreding van hierdie Proklamasie, word tussen daardie raad en die Karakoelraad van Suidwes-Afrika in artikel 10 van hierdie Proklamasie bedoel, verdeel op die wyse wat die Minister van Landbou van die Republiek van Suid-Afrika goedkeur.

(3) Geen herereg, seëlreg, kantoorgeld of ander geld is betaalbaar nie ten opsigte van die oordrag van goed aan genoemde Karakoelraad van Suidwes-Afrika as gevolg van 'n verdeling in subartikel (2) beoog.

Toepassing van Proklamasie R.172 van 1968 in Suidwes-Afrika

12. Proklamasie R.172 van 1968 geld in die gebied Suidwes-Afrika soos dit bestaan het voor die wysiging daarvan deur Proklamasie R.152 van 1978 en word

Amendment of section 16 of Proclamation R.172 of 1968

8. Section 16 of Proclamation R.172 is hereby amended by the substitution in subsection (1) for the words "Karakul Pelt Levy Fund" of the words "General Fund".

Substitution of words "State President" and "Minister" in Proclamation R.172 of 1968

9. Proclamation R.172 is hereby amended by the substitution for the words "State President" and "Minister", wherever they occur in the Schedule thereto, of the word "Administrator-General".

Validity of constitution of the Karakul Board of South West Africa

10. Notwithstanding anything to the contrary contained in the Marketing Act, 1968 (Act 59 of 1968), the Karakul Board of South West Africa referred to in section 3 of Proclamation R.172 as amended by section 3 of this Proclamation, shall be constituted, and the members thereof shall be appointed, in accordance with the provisions of Proclamation R.172 as amended by this Proclamation.

Transitional provisions

11. (1) Anything done before the commencement of this Proclamation under a provision of Proclamation R.172 and in force in or in relation to the territory of South West Africa at such commencement, including any levy or special levy imposed under section 15 thereof but excluding the nomination and appointment of any person under section 3 thereof, shall be deemed to have been done under the relevant provision as amended by this Proclamation.

(2) The assets of the board which administered the Karakul Scheme in the territory of South West Africa before the commencement of this Proclamation, shall be divided between that board and the Karakul Board of South West Africa referred to in section 10 of this Proclamation, in the manner approved by the Minister of Agriculture of the Republic of South Africa.

(3) No transfer duty, stamp duty, office fee or other moneys shall be payable in respect of the transfer of property to the said Karakul Board of South West Africa as a result of any division contemplated in subsection (2).

Application of Proclamation R.172 of 1968 in South West Africa

12. Proclamation R.172 of 1968 shall be applicable in the territory of South West Africa as it existed prior to the amendment thereof by Proclamation R.152 of

geag deur die Administrateur-generaal kragtens die Bemerkingswet, 1968 (Wet 59 van 1968), uitgevaardig te wees.

Wysiging van artikel 3 van Proklamasie AG.18 van 1977

13. Artikel 3 van die Proklamasie op die Oordrag van Uitvoerende Gesag (Landbou-ekonomie en -bemarking), 1977 (Proklamasie AG.18 van 1977), word hierby gewysig deur in paragraaf (b) van subartikel (1) die woorde "die Karakoelskema en" en "onderskeidelik, Proklamasie R.172 van 1968 en" te skrap.

Kort titel en inwerkingtreding

14. Hierdie Proklamasie heet die Wysigingsproklamasie op die Karakoelskema, 1978, en tree in werking op 1 Julie 1978.

1978 and shall be deemed to have been issued by the Administrator-General under the Marketing Act, 1968 (Act 59 of 1968).

Amendment of section 3 of Proclamation AG. 18 of 1977

13. Section 3 of the Executive Powers (Agricultural Economics and Marketing) Transfer Proclamation, 1977 (Proclamation AG.18 of 1977), is hereby amended by the deletion in paragraph (b) of subsection (1) of the words "the Karakul Scheme and", "Proclamation R.172 of 1968 and" and "respectively".

Short title and commencement

14. This Proclamation shall be called the Karakul Scheme Amendment Proclamation, 1978, and shall come into operation on 1 July 1978.