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REPUBLIEK VAN SUID-AFRIKA

STAATSKOERANT

GOVERNMENT GAZETTE

OF THE REPUBLIC OF SOUTH AFRICA

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KANTOOR VAN DIE STAATSPRESIDENT

No. 1621. 13 Julie 1990

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

No. 119 van 1990: Wet op Landbouprodukstandaarde, 1990.

STATE PRESIDENT'S OFFICE

No. 1621. 13 July 1990

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

No. 119 of 1990: Agricultural Product Standards Act, 1990.

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Wet No. 119, 1990 WET OP LANDBOUPRODUKSTANDAARDE, 1990

ALGEMENE VERDUIDELIKENDE NOTA:

[ ] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.

Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Om voorsiening te maak vir beheer oor die verkoop en uitvoer van sekere landbouprodukte en ander verwante produkte; en vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 28 Junie 1990.)

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

Woordomskrywing

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

(i) "advertensie", met betrekking tot 'n produk, enige skriftelike, geïllustreerde, visuele of ander beskrywende stof of mondelinge verklaring, mededeling, voorstelling of verwysing wat onder lede van die publiek versprei of andersins onder hul aandag gebring word, en wat bedoel is of heet bedoel te wees om die verkoop van 'n produk te bevorder of die gebruik daarvan aan te moedig of andersins die aandag daarop te vestig; en het "adverteer" 'n ooreenstemmende betekenis; (i)

(ii) "appèlraad" 'n appèlraad ingevolge artikel 10 (1) aangestel; (ii)

(iii) "beampte" 'n beampte soos omskryf in artikel 1 van die Staatsdienswet, 1984 (Wet No. 111 van 1984), en ook 'n werknemer soos in artikel 1 van daardie Wet omskryf; (xi)

(iv) "departement" die Departement van Landbou; (v)

(v) "Direkteur-generaal" die Direkteur-generaal: Landbou; (vi)

(vi) "gemagtigde" 'n persoon, onderneming, liggaam, instelling, vereniging of raad kragtens artikel 2 (3) as sodanig aangewys; (iii)

(vii) "hierdie Wet" ook die regulasies; (xvi)

(viii) "klas of graad", met betrekking tot 'n produk, 'n klas van daardie produk bepaal volgens die grootte, massa, maat, getal, afmetings, kleur, voorkoms, suiwerheid, of chemiese, fisiese of mikrobiologiese samestelling, of 'n ander kenmerk of eienskap van die betrokke produk, of 'n eenheid of hoeveelheid daarvan; (iv)

(ix) "Minister" die Minister van Landbou; (x)

(x) "onderskeidingsmerk" 'n onderskeidingsmerk kragtens artikel 5 (1) voorgeskryf; (vii)

(xi) "produk"—

(a) 'n handelsartikel van plantaardige of dierlike oorsprong, of geproduseer van 'n stof van plantaardige of dierlike oorsprong, en wat uitsluitlik of gedeeltelik uit sodanige stof bestaan; en

(b) 'n ander handelsartikel wat in algemene voorkoms, aanbieding en beoogde gebruik met 'n handelsartikel in paragraaf *(a)* bedoel, ooreenkom; (xiii)

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GENERAL EXPLANATORY NOTE:

[ ] Words in bold type in square brackets indicate omissions from existing enactments.

Words underlined with solid line indicate insertions in existing enactments.

ACT

To provide for control over the sale and export of certain agricultural products and other related products; and for matters connected therewith.

(Afrikaans text signed by the State President.)
(Assented to 28 June 1990.)

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

Definitions

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

(i) "advertisement", in relation to a product, means any written, illustrated, visual or other descriptive matter or oral statement, communication, representation or reference which is distributed among members of the public or otherwise brought to their notice, and which is or purports to be intended to promote the sale of a product or to encourage the use thereof or otherwise to draw attention thereto; and "advertise" has a corresponding meaning; (i)

(ii) "appeal board" means an appeal board appointed in terms of section 10 (1); (ii)

(iii) "assignee" means a person, undertaking, body, institution, association or board designated as such under section 2 (3); (vi)

(iv) "class or grade", in relation to a product, means a class of that product determined according to the size, mass, measure, number, measurements, colour, appearance, purity, or chemical, physical or micro-biological composition, or another feature or characteristic, of the product concerned, or a unit or quantity thereof; (viii)

(v) "department" means the Department of Agriculture; (iv)

(vi) "Director-General" means the Director-General: Agriculture; (v)

(vii) "distinctive mark" means a distinctive mark prescribed under section 5 (1); (x)

(viii) "executive officer" means the officer designated under section 2 (1); (xiv)

(ix) "export" means export from the Republic by any means and for any purpose, and when used as a noun it shall have a corresponding meaning; (xiii)

(x) "Minister" means the Minister of Agriculture; (ix)

(xi) "officer" means an officer as defined in section 1 of the Public Service Act, 1984 (Act No. 111 of 1984), and includes an employee as defined in section 1 of that Act; (iii)

(xii) "prescribed" means prescribed by regulation; (xvi)

(xiii) "product" means—

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(xii) "regulasie" 'n regulasie kragtens artikel 15 uitgevaardig; (xiv)

(xiii) "uitvoer", uit die Republiek uitvoer op enige wyse en vir enige doel, en het "uitvoer" wanneer dit as 'n selfstandige naamwoord gebruik word 'n ooreenstemmende betekenis; (ix)

(xiv) "uitvoerende beampte" die beampte kragtens artikel 2 (1) aangewys; (viii)

(xv) "verkoop" ook ooreenkom om te verkoop, of vir verkoop aanbied, adverteer, hou, uitstal, versend, vervoer, lewer of berei, of om te verruil of op enige wyse vir 'n teenprestasie van die hand te sit, en het "verkoop" wanneer dit as 'n selfstandige naamwoord gebruik word 'n ooreenstemmende betekenis; (xv)

(xvi) "voorgeskryf" by regulasie voorgeskryf. (xii)

Aanwysing van uitvoerende beampte en gemagtigdes

2. (1) Die Minister wys 'n beampte in diens van die departement as uitvoerende beampte aan, wat, onderworpe aan die beheer en opdragte van die Minister, die bevoegdhede uitoefen en die pligte verrig wat by of kragtens hierdie Wet aan die uitvoerende beampte verleen of opgedra word.

(2) *(a)* Die uitvoerende beampte kan, tensy uitdruklik anders bepaal, sodanige bevoegdheid of plig skriftelik aan 'n beampte onder sy beheer delegeer of oordra, of so 'n beampte skriftelik magtig of gelas om sodanige bevoegdheid of plig uit te oefen of te verrig.

(b) 'n Bevoegdheid uitgeoefen of plig verrig deur 'n ander beampte as die uitvoerende beampte word geag deur die uitvoerende beampte uitgeoefen of verrig te wees: Met dien verstande dat die uitvoerende beampte te eniger tyd enige beslissing of opdrag deur sodanige ander beampte geneem of gegee, kan wysig of intrek.

(3) *(a)* Die Minister kan vir die doeleindes van die toepassing van hierdie Wet of sekere bepalings daarvan, met betrekking tot 'n bepaalde produk, enige persoon, onderneming, liggaam, instelling, vereniging of raad wat 'n belang by of besondere kundigheid ten opsigte van die betrokke produk het, as 'n gemagtigde ten opsigte van daardie produk aanwys.

(b) 'n Gemagtigde aldus aangewys—

(i) moet, tensy uitdruklik anders bepaal en onderworpe aan die voorskrifte van die uitvoerende beampte, die bevoegdhede en pligte wat by of kragtens hierdie Wet aan die uitvoerende beampte verleen of opgedra is, met betrekking tot die produk in paragraaf *(a)* bedoel, uitoefen en verrig;

(ii) is, in die geval van 'n regspersoon, ondanks andersluidende bepalings van die een of ander wet of by gebrek aan enige uitdruklike voorsiening te dien effekte, bevoeg om die bevoegdhede en pligte in subparagraaf (i) bedoel, uit te oefen en te verrig; en

(iii) het, tensy die Minister in 'n bepaalde geval anders gelas, geen verhaalsreg teenoor die Staat ten opsigte van enige koste aangegaan in verband met die uitoefening van sodanige bevoegdhede of die verrigting van sodanige pligte nie.

(c) Die hoof- uitvoerende amptenaar, voorsitter of ander persoon in beheer van sodanige gemagtigde wat nie 'n natuurlike persoon is nie—

(i) tree namens daardie gemagtigde op in die uitoefening van die betrokke bevoegdhede en die verrigting van die betrokke pligte; en

(ii) kan enige sodanige bevoegdheid of plig wat die betrokke gemagtigde by of kragtens hierdie Wet moet of kan uitoefen of verrig, skriftelik aan 'n werknemer van daardie gemagtigde delegeer of oordra, of so 'n werknemer skriftelik magtig of gelas om sodanige bevoegdheid of plig uit te oefen of te verrig.

(d) 'n Bevoegdheid uitgeoefen of plig verrig deur 'n werknemer in paragraaf *(c)* (ii) bedoel, word geag deur die hoof- uitvoerende amptenaar, voorsitter of ander persoon in beheer, na gelang van die geval, uitgeoefen of verrig te wees: Met dien verstande dat die hoof- uitvoerende amptenaar, voorsitter of ander persoon in beheer, na gelang van die geval, te eniger tyd enige beslissing of opdrag deur sodanige werknemer geneem of gegee, kan wysig of intrek.

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(a) any commodity of vegetable or animal origin, or produced from a substance of vegetable or animal origin, and which consists wholly or partially of such substance; and

(b) any other commodity which in general appearance, presentation and intended use corresponds to a commodity referred to in paragraph *(a)*; (xi)

(xiv) "regulation" means a regulation made under section 15; (xii)

(xv) "sell" includes agree to sell, or offer, advertise, keep, expose, transmit, convey, deliver or prepare for sale, or to exchange or to dispose of in any way for any consideration; (xv)

(xvi) "this Act" includes the regulations. (vii)

Designation of executive officer and assignees

2. (1) The Minister shall designate an officer in the service of the department as executive officer, who shall, subject to the control and directions of the Minister, exercise the powers and perform the duties conferred upon or assigned to the executive officer by or under this Act.

(2) *(a)* The executive officer may, unless expressly provided otherwise, in writing delegate or transfer to any officer under his control any such power or duty, or in writing authorize or direct any such officer to exercise such power or perform such duty.

(b) A power exercised or duty performed by an officer other than the executive officer shall be deemed to have been exercised or performed by the executive officer: Provided that the executive officer may at any time amend or withdraw any decision made or order given by such other officer.

(3) *(a)* The Minister may, for the purposes of the application of this Act or certain provisions thereof, with regard to a particular product, designate any person, undertaking, body, institution, association or board having an interest in or particular knowledge in respect of the product concerned, as an assignee in respect of that product.

(b) An assignee thus designated shall—

(i) unless expressly provided otherwise and subject to the directions of the executive officer, exercise the powers and perform the duties that are conferred upon or assigned to the executive officer by or under this Act, with regard to the product referred to in paragraph *(a)*;

(ii) in the case of a juristic person, notwithstanding anything to the contrary contained in any other law or in the absence of any express provision to that effect, be competent to exercise the powers and perform the duties referred to in subparagraph (i); and

(iii) unless the Minister in a particular case otherwise directs, have no recourse against the State in respect of any expenses incurred in connection with the exercising of such powers or the performance of such duties.

(c) The chief executive official, chairman or other person in charge of such assignee who is not a natural person—

(i) shall act on behalf of that assignee in the exercise of the powers concerned and the performance of the duties concerned; and

(ii) may in writing delegate or transfer to an employee of that assignee any such power or duty which the assignee concerned shall or may exercise or perform by or under this Act, or in writing authorize or direct any such employee to exercise such power or perform such duty.

(d) A power exercised or duty performed by an employee referred to in paragraph *(c)* (ii), shall be deemed to have been exercised or performed by the chief executive official, chairman or other person in charge, as the case may be: Provided that the chief executive official, chairman or other person in charge, as the case may be, may at any time amend or withdraw any decision made or order given by such employee.

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Beheer oor verkoop van produkte

3. (1) Die Minister kan—

(a) die verkoop van 'n voorgeskrewe produk verbied—

(i) tensy daardie produk volgens die voorgeskrewe klas of graad verkoop word;

(ii) tensy daardie produk aan die voorgeskrewe standaarde betreffende die gehalte daarvan, of 'n klas of graad daarvan, voldoen;

(iii) tensy die voorgeskrewe vereistes in verband met die verpakking, merk en etikettering van daardie produk nagekom is;

(iv) indien daardie produk 'n voorgeskrewe verbode stof bevat of nie 'n voorgeskrewe stof bevat nie; en

(v) tensy daardie produk op die voorgeskrewe wyse of met die voorgeskrewe besonderhede verpak, gemerk en geëtiketteer is;

(b) bepaal dat 'n verbod in paragraaf *(a)* bedoel, slegs van toepassing is op 'n voorgeskrewe kategorie persone of in 'n voorgeskrewe gebied, of 'n voorgeskrewe kategorie persone of 'n voorgeskrewe gebied van sodanige verbod uitsonder, of bepaal dat 'n verbod slegs van toepassing is onder sodanige ander voorgeskrewe omstandighede as wat die Minister nodig ag; en

(c) slegs die uitvoerende beampte magtig om iemand skriftelik, algeheel of gedeeltelik, op die voorwaardes wat die uitvoerende beampte nodig ag, van 'n verbod in paragraaf *(a)* bedoel, vry te stel, en die uitvoerende beampte kan sodanige vrystelling in die algemeen of ten opsigte van 'n bepaalde hoeveelheid van 'n produk verleen.

(2) *(a)* 'n Kennisgewing kragtens artikel 84 van die Bemarkingswet, 1968 (Wet No. 59 van 1968), uitgereik, en wat onmiddellik voor die inwerkingtreding van hierdie artikel van krag is, word geag 'n verbod in subartikel (1) *(a)* bedoel, te wees.

(b) 'n Regulasie uitgevaardig kragtens artikel 89 van die Bemarkingswet, 1968, wat met 'n kennisgewing bedoel in artikel 84 van daardie Wet verband hou, en wat onmiddellik voor die inwerkingtreding van hierdie artikel van krag is, word geag 'n regulasie uitgevaardig kragtens artikel 15 van hierdie Wet te wees.

Beheer oor uitvoer van produkte

4. (1) Die Minister kan—

(a) die uitvoer van 'n voorgeskrewe produk uit die Republiek verbied tensy elke hoeveelheid van daardie produk wat vir uitvoer bestem is, deur die uitvoerende beampte vir dié doel goedgekeur is;

(b) bepaal dat 'n verbod in paragraaf *(a)* bedoel slegs van toepassing is op die uitvoer van 'n voorgeskrewe produk na 'n voorgeskrewe land of vir 'n voorgeskrewe doel, of in 'n voorgeskrewe vorm of hoeveelheid, of kragtens sodanige ander voorgeskrewe omstandighede as wat die Minister nodig ag; en

(c) die uitvoer van 'n voorgeskrewe produk na 'n voorgeskrewe land of vir 'n voorgeskrewe doel, of in 'n voorgeskrewe vorm of hoeveelheid, van 'n verbod in paragraaf *(a)* bedoel, uitsonder.

(2) 'n Aansoek om 'n goedkeuring in subartikel (1) bedoel, word op die voorgeskrewe wyse gedoen, en die voorgeskrewe gelde is, op die voorgeskrewe wyse en tyd, ten opsigte van sodanige aansoek betaalbaar.

(3) *(a)* 'n Hoeveelheid van 'n produk word slegs vir uitvoer kragtens subartikel (1) goedgekeur—

(i) onderworpe aan die voorwaardes deur die uitvoerende beampte in die goedkeuring uiteengesit; en

(ii) indien daardie hoeveelheid van die produk aan die standaarde betreffende die gehalte van die produk, en aan die vereistes betreffende die verpakking, merk en etikettering van die produk, wat slegs deur die uitvoerende beampte vir die betrokke produk vasgestel is, voldoen.

(b) Besonderhede van die standaarde en vereistes in paragraaf *(a)* (ii) bedoel—

(i) is kosteloos ter insae beskikbaar slegs by die kantoor van die uitvoerende beampte en, indien hy dit nodig ag, by enige ander kantoor deur hom bepaal; en

(ii) is slegs van die uitvoerende beampte verkrygbaar teen betaling van die toepaslike bedrag deur hom bepaal.

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Control over sale of products

3. (1) The Minister may—

(a) prohibit the sale of a prescribed product—

(i) unless that product is sold according to the prescribed class or grade;

(ii) unless that product complies with the prescribed standards regarding the quality thereof, or a class or grade thereof;

(iii) unless the prescribed requirements in connection with the packing, marking and labelling of that product are complied with;

(iv) if that product contains a prescribed prohibited substance or does not contain a prescribed substance; and

(v) unless that product is packed, marked and labelled in the prescribed manner or with the prescribed particulars;

(b) determine that a prohibition referred to in paragraph *(a)* shall apply only to a prescribed category of persons or in a prescribed area, or exclude a prescribed category of persons or a prescribed area from such prohibition, or determine that a prohibition shall only apply under such other prescribed circumstances as the Minister deems necessary; and

(c) authorize only the executive officer to exempt any person in writing, either entirely or partially, on the conditions which the executive officer deems necessary, from a prohibition referred to in paragraph *(a)*, and the executive officer may grant such exemption either in general or in respect of a particular quantity of a product.

(2) *(a)* A notice issued under section 84 of the Marketing Act, 1968 (Act No. 59 of 1968), and in force immediately prior to the commencement of this section, shall be deemed to be a prohibition referred to in subsection (1) *(a)*.

(b) A regulation made under section 89 of the Marketing Act, 1968, which is connected with a notice referred to in section 84 of that Act, and in force immediately prior to the commencement of this section, shall be deemed to be a regulation made under section 15 of this Act.

Control over export of products

4. (1) The Minister may—

(a) prohibit the export from the Republic of a prescribed product unless each quantity of that product, intended for export, has been approved by the executive officer for that purpose;

(b) determine that a prohibition referred to in paragraph *(a)* shall only apply to the export of a prescribed product to a prescribed country or for a prescribed purpose, or in a prescribed form or quantity, or under such other prescribed circumstances as the Minister deems necessary; and

(c) exclude the export of a prescribed product to a prescribed country or for a prescribed purpose, or in a prescribed form or quantity, from a prohibition referred to in paragraph *(a)*.

(2) An application for an approval referred to in subsection (1) shall be made in the prescribed manner, and the prescribed fees shall be payable, in the prescribed manner and at the prescribed time, in respect of such application.

(3) *(a)* A quantity of a product shall only be approved for export under subsection (1)—

(i) subject to the conditions specified by the executive officer in the approval; and

(ii) if that quantity of the product complies with the standards regarding the quality of the product, and with the requirements regarding the packing, marking and labelling of the product, stipulated only by the executive officer for the product concerned.

(b) Particulars of the standards and requirements referred to in paragraph *(a)* (ii)—

(i) shall be available free of charge for inspection only at the office of the executive officer and, if he deems it necessary, at any other office determined by him; and

(ii) shall only be obtainable from the executive officer on payment of the applicable amount determined by him.

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(c) Die standaarde en vereistes in paragraaf *(a)* (ii) bedoel, of enige wysiging daarvan, tree in werking op 'n datum sewe dae nadat die uitvoerende beampte kennis in die *Staatskoerant* van die vasstelling of wysiging daarvan, na gelang van die geval, gegee het.

(4) Ondanks die bepalings van subartikel (3) *(a)* kan die uitvoerende beampte afwyk van die standaarde en vereistes kragtens daardie subartikel vasgestel en die goedkeuring in subartikel (1) bedoel, uitreik ten opsigte van 'n hoeveelheid van 'n produk wat—

(a) as 'n proefneming of kragtens sodanige ander spesiale omstandighede as wat die uitvoerende beampte in die betrokke geval goedkeur, uitgevoer staan te word; en

(b) voldoen aan die vereistes vir sodanige produk wat van krag is in die land waarheen dit vir verkoop uitgevoer staan te word.

Onderskeidingsmerke

5. (1) Die Minister kan 'n onderskeidingsmerk voorskryf vir gebruik in verband met die verkoop van 'n produk in artikel 3 (1) *(a)* bedoel, of 'n bepaalde klas of graad van sodanige produk, ten einde die korrektheid van die aanduiding van die betrokke klas of graad te sertifiseer.

(2) Niemand mag in verband met die verkoop van 'n produk, of 'n klas of graad van daardie produk, 'n onderskeidingsmerk, of 'n naam, woord, uitdrukking, verwysing, besonderhede of aanduiding wat die indruk skep of kan skep dat dit 'n onderskeidingsmerk is, gebruik nie, tensy—

(a) dit 'n onderskeidingsmerk is wat deur die Minister ingevolge subartikel (1) voorgeskryf is;

(b) sodanige produk, of sodanige klas of graad van daardie produk, aan die voorskrifte wat ingevolge artikel 3 (1) *(a)* vir die verkoop van die betrokke produk voorgeskryf is, voldoen; en

(c) daardie persoon skriftelik deur die uitvoerende beampte gemagtig is om die betrokke onderskeidingsmerk in verband met die verkoop van sy produk, of 'n klas of graad van daardie produk, na gelang van die geval, te gebruik.

(3) 'n Aansoek om 'n magtiging in subartikel (2) *(c)* bedoel, word op die voorgeskrewe wyse gedoen, en die Minister kan, indien hy dit in die geval van 'n produk of 'n klas of graad daarvan nodig ag, die gelde voorskryf wat ten opsigte van sodanige aansoek betaalbaar is: Met dien verstande dat die Minister verskillende bedrae ten opsigte van die onderskeie produkte, of klasse of grade van daardie produkte, kan voorskryf.

(4) Behoudens die bepalings van subartikel (2) *(b)* reik die uitvoerende beampte 'n magtiging in subartikel (2) *(c)* bedoel, uit onderworpe aan die voorwaardes wat hy bepaal en in die magtiging uiteensit.

(5) Iemand aan wie 'n magtiging in subartikel (2) *(c)* bedoel, verleen is, en ten opsigte van wie gelde ingevolge subartikel (3) voorgeskryf is, betaal die voorgeskrewe gelde binne die voorgeskrewe tydperk ten einde die magtiging vir die gebruik van die betrokke onderskeidingsmerk in stand te hou.

(6) 'n Magtiging in subartikel (2) *(c)* bedoel—

(a) verval indien die houer daarvan versuim om die gelde in subartikel (5) bedoel, te betaal; en

(b) kan deur die uitvoerende beampte ingetrek word indien hy oortuig is dat die houer daarvan weier of versuim om te voldoen aan die voorskrifte in subartikel (2) *(b)* bedoel, of dat die voorwaardes in subartikel (4) bedoel, nie nagekom word nie.

Verbod op valse of misleidende beskrywings vir produkte

6. Niemand mag enige naam, woord, uitdrukking, verwysing, besonderhede of aanduiding op enige wyse, hetsy alleenstaande of in samehang met enige ander mondelinge, skriftelike, gedrukte, geïllustreerde of visuele materiaal, in verband met die verkoop van 'n produk gebruik nie op 'n wyse wat 'n valse of misleidende indruk aangaande die aard, wese, gehalte of ander eienskappe, of die klas of graad, oorsprong, identiteit, of wyse of plek van produksie, van daardie produk, weergee of skep of waarskynlik sal weergee of skep.

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(c) The standards and requirements referred to in paragraph *(a)* (ii), or any amendment thereof, shall come into operation on a date seven days after notice of the stipulation or amendment thereof, as the case may be, has been given by the executive officer in the *Gazette*.

(4) Notwithstanding the provisions of subsection (3) *(a)*, the executive officer may deviate from the standards and requirements stipulated under that subsection and issue the approval referred to in subsection (1) in respect of a quantity of a product that—

(a) is to be exported as an experiment or under such other special circumstances as may be approved by the executive officer in the case concerned; and

(b) complies with the requirements for such product in force in the country to which it is to be exported.

Distinctive marks

5. (1) The Minister may prescribe a distinctive mark for use in connection with the sale of a product referred to in section 3 (1) *(a)*, or a particular class or grade of such product, so as to certify the correctness of the indication of the class or grade concerned.

(2) No person shall in connection with the sale of a product, or a class or grade of that product, use a distinctive mark, or any name, word, expression, reference, particulars or indication which creates or is likely to create the impression that it is a distinctive mark, unless—

(a) it is a distinctive mark prescribed by the Minister in terms of subsection (1);

(b) such product, or such class or grade of that product, complies with the requirements prescribed in terms of section 3 (1) *(a)* for the sale of the product concerned; and

(c) that person has been authorized in writing by the executive officer to use the distinctive mark concerned in connection with the sale of his product, or a class or grade of that product, as the case may be.

(3) An application for an authorization referred to in subsection (2) *(c)* shall be made in the prescribed manner, and the Minister may, if he deems it necessary in the case of a product, or a class or grade thereof, prescribe the fees payable in respect of such application: Provided that the Minister may prescribe different amounts in respect of the distinctive products, or classes or grades of those products.

(4) Subject to the provisions of subsection (2) *(b)*, the executive officer shall issue an authority referred to in subsection (2) *(c)* subject to such conditions as he may determine and specify in the authorization.

(5) A person to whom an authority referred to in subsection (2) *(c)* has been issued, and in respect of whom fees have been prescribed in terms of subsection (3), shall pay the prescribed fees within the prescribed period in order to maintain the authorization for the use of the distinctive mark concerned.

(6) An authority referred to in subsection (2) *(c)*—

(a) shall lapse if the holder thereof fails to pay the fees referred to in subsection (5); and

(b) may be withdrawn by the executive officer if he is satisfied that the holder thereof refuses or fails to comply with the requirements referred to in subsection (2) *(b)* or that the conditions referred to in subsection (4) are not being complied with.

Prohibition of false or misleading descriptions for products

6. No person shall use any name, word, expression, reference, particulars or indication in any manner, either by itself or in conjunction with any other verbal, written, printed, illustrated or visual material, in connection with the sale of a product in a manner that conveys or creates or is likely to convey or create a false or misleading impression as to the nature, substance, quality or other properties, or the class or grade, origin, identity, or manner or place of production, of that product.

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Betredings-, ondersoek- en monsternemingsbevoegdhede

7. (1) *(a)* Die uitvoerende beampte of 'n ander beampte in artikel 2 (2) *(a)* bedoel wat kragtens 'n delegasie of magtiging van die uitvoerende beampte optree, kan, wanneer hy dit nodig ag by die uitoefening of verrigting deur hom van enige bevoegdheid of plig wat aan die uitvoerende beampte by of kragtens hierdie Wet verleen of opgedra is, te eniger redelike tyd, sonder voorafgaande kennisgewing, enige plek, perseel of vervoermiddel betree.

(b) Die bepalings van paragraaf *(a)* is, vir sover dit betrekking het op die uitoefening van 'n bevoegdheid of die verrigting van 'n plig met betrekking tot 'n produk ten opsigte waarvan 'n gemagtigde ingevolge artikel 2 (3) *(a)* aangewys is, *mutatis mutandis* van toepassing op die gemagtigde, of hoof-uitvoerende amptenaar, voorsitter of ander persoon in beheer van daardie gemagtigde, of 'n werknemer in artikel 2 (3) *(c)* (ii) bedoel wat kragtens 'n delegasie of magtiging van daardie gemagtigde, of hoof- uitvoerende amptenaar, voorsitter of ander persoon in beheer, na gelang van die geval, optree.

(c) Iemand wat 'n plek, perseel of vervoermiddel ingevolge hierdie subartikel betree, moet bewys van sy identiteit en magtiging toon wanneer hy deur die persoon in beheer van die betrokke plek, perseel of vervoermiddel daartoe versoek word.

(2) Iemand wat 'n plek, perseel of vervoermiddel betree ingevolge die bevoegdheid kragtens subartikel (1) verleen, kan—

(a) 'n hoeveelheid van 'n produk waarop hierdie Wet van toepassing is en wat in of op daardie plek, perseel of vervoermiddel gevind word, ooreenkomstig die voorgeskrewe vereistes klassifiseer, gradeer, verpak en merk, of die eienaar of persoon in beheer van daardie plek, perseel of vervoermiddel gelas om sodanige hoeveelheid aldus te klassifiseer, gradeer, verpak of merk;

(b) enige hoeveelheid van 'n produk, of enige materiaal, stof of ander artikel wat gebruik word of na vermoede gebruik word by of in verband met die produksie, verwerking, behandeling, bereiding, klassifisering, gradering, verpakking, merk, etikettering, hou, verwydering, vervoer, uitstalling of verkoop van sodanige produk, ondersoek of toets of laat ondersoek of toets;

(c) die werksaamhede of prosesse in verband met enige handeling in paragraaf *(b)* bedoel, ondersoek, en van die eienaar van die betrokke produk, materiaal, stof of ander artikel, of van die persoon wat dit in sy bewaring het, of wat oor sodanige werksaamhede of prosesse toesig hou, inligting of 'n verduideliking betreffende die betrokke werksaamheid, proses, produk, materiaal, stof of ander artikel eis: Met dien verstande dat sodanige inligting of verduideliking slegs as getuienis in 'n geregshof teen daardie eienaar of persoon toelaatbaar is op 'n aanklag in artikel 11 (1) *(e)* bedoel;

(d) die monsters van die betrokke produk, materiaal, stof of ander artikel neem wat hy nodig ag, en vir dié doel enige houer oopmaak waarin daardie produk, materiaal, stof of ander artikel bevat is en van die eienaar of persoon wat daardie produk, materiaal, stof of ander artikel onder sy bewaring het redelike bystand vereis;

(e) enige boek of stuk ten opsigte waarvan hy op redelike gronde vermoed dat dit op sodanige produk, materiaal, stof of ander artikel betrekking het, nagaan en afskrifte daarvan of uittreksels daaruit maak, ongeag of dit op of by die betrokke plek, perseel of vervoermiddel of by 'n ander plek gehou word, en van die eienaar van daardie boek of stuk of van die persoon wat dit in sy bewaring het, 'n verduideliking betreffende enige aantekening of inskrywing daarin eis: Met dien verstande dat sodanige verduideliking slegs as getuienis in 'n geregshof teen daardie eienaar of persoon toelaatbaar is op 'n aanklag in artikel 11 (1) *(e)* bedoel;

(f) indien hy van oordeel is—

(i) dat die klas of graad van 'n produk foutief op die produk of 'n houer van die produk aangedui word; of

(ii) dat 'n onderskeidingsmerk of 'n voorstelling wat voorgee 'n onderskeidingsmerk te wees, in stryd met die bepalings van artikel 5 op die produk of 'n houer van die produk aangedui word,

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Powers of entry, investigation and sampling

7. (1) *(a)* The executive officer or any other officer referred to in section 2 (2) *(a)* acting under a delegation or authorization of the executive officer may, whenever he deems it necessary in the exercising or performing by him of any power or duty which is conferred upon or assigned to the executive officer by or under this Act, at any reasonable time, without prior notice, enter upon any place, premises or conveyance.

(b) The provisions of paragraph *(a)* shall, in so far as it relates to the exercising of a power or the performing of a duty with regard to a product in respect of which an assignee is designated in terms of section 2 (3) *(a)*, apply *mutatis mutandis* to the assignee, or chief executive official, chairman, or other person in charge of such assignee, or an employee referred to in section 2 (3) *(c)* (ii) acting under a delegation or authorization of that assignee, or chief executive official, chairman or other person in charge, as the case may be.

(c) A person who enters upon any place, premises or conveyance in terms of this subsection shall show proof of his identity and authority when requested thereto by the person in charge of the place, premises or conveyance concerned.

(2) A person entering upon a place, premises or conveyance in terms of the power conferred under subsection (1), may—

(a) classify, grade, pack or mark any quantity of a product to which this Act applies and which is found in or upon that place, premises or conveyance, in accordance with the prescribed requirements, or direct the owner or person in charge of that place, premises or conveyance to thus classify, grade, pack or mark such quantity;

(b) examine or test or cause to be examined or tested any quantity of a product, or any material, substance or other article which is used or is suspected to be used at or in connection with the production, processing, treatment, preparation, classification, grading, packing, marking, labelling, keeping, removal, transporting, exhibition or sale of such product;

(c) inspect the operations or processes in connection with any action referred to in paragraph *(b)*, and demand from the owner or custodian of the product, material, substance or other article concerned, or from the person supervising such operations or processes, any information or an explanation regarding the operation, process, product, material, substance or other article concerned: Provided that such information or explanation shall only be admissible as evidence in a court of law against such owner, custodian or person on a charge referred to in section 11 (1) *(e)*;

(d) take such samples of the product, material, substance or other article concerned as he may deem necessary, and for such purpose open any container in which that product, material, substance or other article is contained and require reasonable assistance from the owner or custodian of that product, material, substance or other article;

(e) examine and make copies of or take extracts from any book or document in respect of which he on reasonable grounds suspects that it relates to such product, material, substance or other article, irrespective of whether or not it is kept on or at the place, premises or conveyance concerned or at any other place, and demand from the owner or custodian of that book or document an explanation regarding any record or entry therein: Provided that such explanation shall only be admissible as evidence in a court of law against such owner or custodian on a charge referred to in section 11 (1) *(e)*;

(f) if he is of the opinion—

(i) that the class or grade of a product is indicated incorrectly on the product or a container of the product; or

(ii) that a distinctive mark or a representation purporting to be a distinctive mark is indicated on that product or a container of the product in contravention of the provisions of section 5,

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genoemde aanduiding rojeer of die eienaar of persoon in beheer van die betrokke plek, perseel of vervoermiddel gelas om so 'n aanduiding te rojeer, en die bepalings van paragraaf *(a)* is *mutatis mutandis* van toepassing betreffende die herklassifisering, hergradering, herverpakking of hermerk van die betrokke produk;

(g) die helpers, toestelle, instrumente, gereedskap of ander goed wat hy vir die doeleindes van hierdie subartikel nodig ag, met hom saamneem; en

(h) enige handeling verrig of daardie stappe doen wat hy ingevolge hierdie Wet gemagtig of verplig is om te verrig of te doen, of wat hy nodig ag om te verrig of te doen ten einde die oogmerke van hierdie Wet te bevorder.

(3) 'n Monster ingevolge subartikel (2) *(d)* geneem, word, so spoedig moontlik nadat dit geneem is, aan 'n persoon voorgelê wat bevoeg is om daardie monster te toets, te ondersoek of te ontleed.

(4) 'n Persoon in subartikel (1) bedoel, moet, ten opsigte van elke monster geneem, 'n bewys van monsterneming aan die persoon in beheer van daardie produk, op die versoek van sodanige persoon, uitreik.

(5) In die geval van optrede ingevolge subartikel (2) *(a)* of *(f)* deur 'n persoon in subartikel (1) *(a)* of *(b)* bedoel, betaal die eienaar van die betrokke produk die voorgeskrewe gelde vir sodanige optrede: Met dien verstande dat in die geval van optrede deur 'n persoon in subartikel (1) *(b)* bedoel sodanige gelde ten behoewe van die betrokke gemagtigde betaalbaar is, indien deur die Minister met instemming van die Minister van Finansies aldus bepaal.

Beslagleggings

8. (1) 'n Persoon in artikel 7 (1) bedoel, kan te eniger redelike tyd op enige wyse wat hy geskik ag, sonder voorafgaande kennisgewing aan enige persoon, beslag lê op die geheel, of op enige gedeelte of hoeveelheid, van 'n produk, materiaal, stof of ander artikel, of op enige boek of stuk, wat—

(a) betrokke is of op redelike gronde deur hom vermoed word betrokke te wees by die pleging of vermeende pleging van 'n misdryf kragtens hierdie Wet;

(b) tot bewys kan strek van die pleging of vermeende pleging van so 'n misdryf; of

(c) wat bestem is of op redelike gronde deur hom vermoed word bestem te wees om by die pleging van so 'n misdryf gebruik te word.

(2) Die betrokke persoon kan enige hoeveelheid van 'n produk, materiaal, stof of ander artikel, of 'n boek of stuk, waarop aldus beslag gelê is, van die plek, perseel of vervoermiddel waar hy beslag daarop gelê het, verwyder of daarop laat en, indien hy dit nodig ag, enige identifikasiemerk of seël wat hy nodig ag, op sodanige produk, materiaal, stof of ander artikel, of die houer daarvan, of op sodanige boek of stuk, aanbring.

(3) *(a)* Die uitvoerende beampte of 'n beampte in artikel 2 (2) *(a)* bedoel, kan—

(i) magtiging verleen dat 'n produk, materiaal, stof of ander artikel waarop ingevolge subartikel (1) beslag gelê is, binne die tydperk en op die wyse in so 'n magtiging vermeld, behandel of mee gehandel mag word;

(ii) indien hy oortuig is dat die oorsaak vir die betrokke beslaglegging deur sodanige behandeling of handeling verwyder is, daardie produk, materiaal, stof of ander artikel teruggee aan die persoon van wie dit in beslag geneem is.

(b) Indien geen strafregtelike verrigtinge ingestel word in verband met 'n produk, materiaal, stof of ander artikel waarop ingevolge subartikel (1) beslag gelê is nie, of indien dit blyk dat sodanige produk, materiaal, stof of ander artikel nie by die verhoor vir die doeleindes van bewyslewering of 'n hofbevel nodig is nie, word daardie produk, materiaal, stof of ander artikel teruggegee aan die persoon van wie dit in beslag geneem is.

Geheimhouding

9. Niemand mag, behalwe vir die doeleindes van die verrigting van sy werksaamhede kragtens hierdie Wet, of vir die doeleindes van geregtelike verrigtinge kragtens hierdie Wet, of wanneer dit deur 'n bevoegde hof of kragtens 'n wet van hom vereis

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cancel the said indication, or direct the owner or person in charge of the place, premises or conveyance concerned to cancel such indication, and the provisions of paragraph *(a)* shall apply *mutatis mutandis* regarding the reclassification, regrading, repacking or re-mark of the product concerned;

(g) take with him such assistants, appliances, instruments, tools or other things as he may deem necessary for the purposes of this subsection; and

(h) perform any act or take those steps which he is empowered or compelled to perform or to take in terms of this Act, or which he deems necessary to perform or to take in order to promote the objects of this Act.

(3) A sample taken in terms of subsection (2) *(d)* shall, as soon as possible after it has been taken, be submitted to a person who is competent to test, examine or analyse that sample.

(4) A person referred to in subsection (1) shall in respect of each sample taken, issue a receipt of sampling to the custodian of that product, at the request of such custodian.

(5) In the case of action in terms of subsection (2) *(a)* or *(f)* by a person referred to in subsection (1) *(a)* or *(b)*, the owner of the product concerned shall pay the prescribed fees for such action: Provided that in the case of action by a person referred to in subsection (1) *(b)* such fees shall be payable in favour of the assignee, if so determined by the Minister with the concurrence of the Minister of Finance.

Seizures

8. (1) A person referred to in section 7 (1) may at any reasonable time and in any manner deemed fit by him, without prior notice to any person, seize the whole, or any part or quantity, of a product, material, substance or other article, or any book or document, that—

(a) is concerned or is on reasonable grounds believed by him to be concerned in the commission or suspected commission of any offence under this Act;

(b) may afford evidence of the commission or suspected commission of any such offence; or

(c) is intended or is on reasonable grounds suspected to be intended to be used in the commission of any such offence.

(2) The person concerned may remove any quantity of a product, material, substance or other article, or any book or document thus seized, from the place, premises or conveyance where he seized it, or leave it thereon and, if he deems it necessary, attach such identification mark or seal as he may deem necessary on such product, material, substance or other article or the container thereof, or on such book or document.

(3) *(a)* The executive officer or an officer referred to in section 2 (2) *(a)* may—

(i) grant authority that a product, material, substance or other article seized in terms of subsection (1), may within the period specified in such authorization, be treated or dealt with;

(ii) if he is satisfied that the cause for the seizure concerned has been removed by such treatment or action, return that product, material, substance or other article to the person from whom it was seized.

(b) If no criminal proceedings are instituted in connection with a product, material, substance or other article seized in terms of subsection (1), or if it appears that such product, material, substance or other article is not required at the trial for the purposes of evidence or an order of court, that product, material, substance or other article shall be returned to the person from whom it was seized.

Secrecy

9. No person shall, except for the purpose of the performance of his functions under this Act, or for the purpose of legal proceedings under this Act, or when required to do so by any competent court or under any law, or with the written

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word, of met die skriftelike toestemming van die Minister, inligting wat deur hom by die verrigting van sy werksaamhede kragtens hierdie Wet verkry is en wat op die besigheid of sake van 'n persoon betrekking het, aan iemand anders openbaar nie.

Appèlle

10. (1) Iemand wie se belange geraak word deur 'n beslissing of lasgewing van die uitvoerende beampte of 'n gemagtigde kragtens hierdie Wet, kan teen sodanige beslissing of lasgewing appelleer na 'n appèlraad wat vir die doeleindes van die betrokke appèl deur die Direkteur-generaal aangestel word.

(2) 'n Appèl in subartikel (1) bedoel, word binne die voorgeskrewe tydperk op die voorgeskrewe wyse aangeteken, en die voorgeskrewe gelde is ten opsigte van sodanige appèl betaalbaar.

(3) *(a)* 'n Appèlraad bestaan uit die persoon of persone wat, na die oordeel van die Direkteur-generaal, oor voldoende bekwaamheid beskik en wat andersins geskik is om oor die betrokke appèl te beslis.

(b) Indien 'n appèlraad bestaande uit meer as een persoon aangestel word, wys die Direkteur-generaal een van die lede as voorsitter van die betrokke appèlraad aan.

(c) 'n Appellant of iemand in diens van die appellant of, in die geval van 'n appèl teen 'n beslissing of lasgewing van die uitvoerende beampte, die uitvoerende beampte of 'n beampte onder die beheer van die uitvoerende beampte of, in die geval van 'n appèl teen 'n beslissing of lasgewing van die gemagtigde, die gemagtigde of 'n werknemer van die gemagtigde, of iemand anders wat 'n regstreekse of onregstreekse persoonlike belang by die uitslag van 'n appèl het, word nie as 'n lid van 'n appèlraad aangestel nie.

(4) Al die lede van die betrokke appèlraad maak 'n kworum vir 'n vergadering van daardie appèlraad uit, en indien 'n appèlraad uit meer as een lid bestaan—

(a) maak die beslissing van die meerderheid van die lede daarvan die beslissing van daardie appèlraad uit; en

(b) het die voorsitter van daardie appèlraad, in die geval van 'n staking van stemme, benewens sy beraadslagende stem 'n beslissende stem.

(5) Daar kan aan 'n lid van 'n appèlraad wat nie in die heeltydse diens van die Staat is nie, die vergoeding of toelaes uit geld vir dié doel deur die Parlement bewillig, betaal word wat die Minister, met die instemming van die Minister van Finansies, in die algemeen of in 'n besondere geval bepaal.

(6) 'n Appèlraad kan—

(a) die betrokke beslissing of lasgewing waarteen geappelleer word, bevestig, tersyde stel of wysig; of

(b) enige ander bevel in verband daarmee uitreik wat hy dienstig ag.

(7) Die uitvoerende beampte of die gemagtigde, na gelang van die geval, is gebonde aan 'n beslissing van 'n appèlraad.

(8) Die beslissing van 'n appèlraad tesame met die gronde daarvoor moet op skrif wees, en afskrifte daarvan moet aan die Direkteur-generaal, die appellant, en die uitvoerende beampte of die gemagtigde, na gelang van die geval, voorsien word.

(9) Indien 'n beslissing of lasgewing waarteen geappelleer word—

(a) tersyde gestel word, word die bedrag in subartikel (2) bedoel, aan die betrokke appellant terugbetaal; en

(b) gewysig word, word daardie gedeelte van die bedrag in subartikel (2) bedoel wat die betrokke appèlraad bepaal, aan die betrokke appellant terugbetaal.

Misdrywe en strawwe

11. (1) Iemand wat—

(a) 'n bepaling van artikel 5 (2), 6 of 9 oortree of versuim om daaraan te voldoen;

(b) weier of versuim om die voorgeskrewe gelde ingevolge artikel 7 (5) te betaal;

(c) 'n voorwaarde ingevolge artikel 4 (3) *(a)* (i) of 16 (3) *(a)* opgelê, oortree of versuim om daaraan te voldoen;

(d) 'n persoon in artikel 7 (1) bedoel, by die uitoefening van sy bevoegdhede of die verrigting van sy pligte of werksaamhede kragtens hierdie Wet dwars-

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consent of the Minister, disclose to any other person any information acquired by him in the performance of his functions under this Act and which relates to the business or affairs of any person.

Appeals

10. (1) Any person whose interests are affected by any decision or direction of the executive officer or an assignee under this Act, may appeal against such decision or direction to an appeal board appointed by the Director-General for the purposes of the appeal concerned.

(2) An appeal referred to in subsection (1) shall be lodged in the prescribed manner within the prescribed period, and the prescribed fee shall be payable in respect of such appeal.

(3) *(a)* An appeal board shall consist of the person or persons who, in the opinion of the Director-General, have adequate skills and who are otherwise suitable to decide on the appeal concerned.

(b) If an appeal board consisting of more than one person has been appointed, the Director-General shall designate one of the members as chairman of the appeal board concerned.

(c) An appellant or a person employed by the appellant or, in the case of an appeal against a decision or direction of the executive officer, the executive officer or an officer under the control of the executive officer or, in the case of an appeal against a decision or direction of the assignee, the assignee or an employee of the assignee, or any other person who has a direct or indirect personal interest in the outcome of an appeal, shall not be appointed as a member of an appeal board.

(4) All the members of the appeal board in question shall constitute a quorum for a meeting of that appeal board, and if an appeal board consists of more than one member—

(a) the decision of the majority of the members thereof shall be the decision of that appeal board; and

(b) the chairman of that appeal board shall, in the case of an equality of votes, have a casting vote in addition to his deliberative vote.

(5) There may be paid to a member of an appeal board who is not in the full-time employment of the State, from moneys appropriated by Parliament for this purpose, such remuneration or allowances as may be determined by the Minister, with the concurrence of the Minister of Finance, in general or in any particular case.

(6) Any appeal board may—

(a) confirm, set aside or amend the decision or direction concerned which is the subject of the appeal; or

(b) make any other order in connection therewith as it may deem fit.

(7) The executive officer or the assignee, as the case may be, shall be bound to a decision of an appeal board.

(8) The decision of an appeal board together with the reasons therefor shall be in writing, and copies thereof shall be furnished to the Director-General, the appellant and the executive officer or the assignee, as the case may be.

(9) If a decision or direction which is the subject of an appeal—

(a) is set aside, the amount referred to in subsection (2) shall be refunded to the appellant concerned; and

(b) is amended, such portion of the amount referred to in subsection (2) as the appeal board concerned may determine, shall be refunded to the appellant concerned.

Offences and penalties

11. (1) Any person who—

(a) contravenes or fails to comply with a provision of section 5 (2), 6 or 9;

(b) refuses or fails to pay the prescribed fees in terms of section 7 (5);

(c) contravenes or fails to comply with a condition imposed in terms of section 4 (3) *(a)* (i) or 16 (3) *(a)*;

(d) obstructs or hinders a person referred to in section 7(1) in the exercise of his powers or the performing of his duties or functions under this Act, or

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boom of hinder, of weier of versuim om aan 'n lasgewing in artikel 7 (2) *(a)* bedoel, te voldoen of die bystand in artikel 7 (2) *(d)* bedoel, te verleen;

(e) weier of versuim om inligting te verstrek of 'n verduideliking te gee of na sy beste vermoë te antwoord op 'n vraag wat regtens deur 'n persoon in artikel 7 (1) bedoel, by die uitoefening van sy bevoegdhede of die verrigting van sy pligte kragtens hierdie Wet van hom geëis of aan hom gestel word, of aan sodanige persoon inligting, 'n verduideliking of 'n antwoord verstrek wat vals of misleidend is wetende dat dit vals of misleidend is;

(f) met 'n monster ingevolge artikel 7 (2) *(d)* geneem of die identifikasie of seël van sodanige monster peuter;

(g) 'n produk, materiaal, stof of ander artikel, of 'n boek of stuk waarop ingevolge artikel 8 beslag gelê is, verkoop, verwyder of daarmee peuter, of met 'n identifikasiemerk of ander seël wat ingevolge daardie artikel daarop aangebring is, peuter;

(h) valslik voorgee om die uitvoerende beampte of 'n ander beampte in artikel 2 (2) *(a)* bedoel, of in die geval van 'n gemagtigde, so 'n gemagtigde, of 'n persoon of 'n werknemer in artikel 2 (3) *(c)* bedoel, te wees,

is aan 'n misdryf skuldig.

(2) Iemand wat aan 'n misdryf ingevolge hierdie Wet skuldig bevind is, is strafbaar—

(a) in die geval van 'n eerste skuldigbevinding aan 'n misdryf in subartikel (1) *(a)*, *(c)*, *(d)* of *(e)* bedoel, met 'n boete van hoogstens R8 000 of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar of met daardie boete sowel as daardie gevangenisstraf;

(b) in die geval van 'n tweede of daaropvolgende skuldigbevinding aan 'n misdryf in paragraaf *(a)* vermeld, hetsy aan dieselfde of aan enige ander misdryf in daardie paragraaf vermeld, met 'n boete van hoogstens R16 000 of met gevangenisstraf vir 'n tydperk van hoogstens vier jaar of met daardie boete sowel as daardie gevangenisstraf;

(c) in die geval van 'n eerste skuldigbevinding aan 'n misdryf in subartikel (1) *(b)*, *(f)*, *(g)* of *(h)* bedoel, met 'n boete van hoogstens R2 000 of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met daardie boete sowel as daardie gevangenisstraf; en

(d) in die geval van 'n tweede of daaropvolgende skuldigbevinding aan 'n misdryf in paragraaf *(c)* vermeld, hetsy aan dieselfde of aan enige ander misdryf in daardie paragraaf vermeld, met 'n boete van hoogstens R4 000 of met gevangenisstraf vir 'n tydperk van hoogstens een jaar of met daardie boete sowel as daardie gevangenisstraf.

(3) Ondanks andersluidende wetsbepalings is 'n landdroshof bevoeg om enige straf op te lê waarvoor hierdie Wet voorsiening maak.

Vermoedens en bewys

12. In strafregtelike verrigtinge kragtens hierdie Wet—

(a) word daar vermoed, tensy die teendeel bewys word, dat die toepaslike bepalings van hierdie Wet van toepassing is op die produk ten opsigte waarvan die betrokke misdryf na bewering gepleeg is;

(b) word enige hoeveelheid van 'n produk, materiaal, stof of ander artikel wat in of op 'n plek, perseel of vervoermiddel is wanneer 'n monster daarvan ooreenkomstig die bepalings van hierdie Wet geneem word, geag van dieselfde samestelling as daardie monster te wees, en in alle ander opsigte dieselfde eienskappe as daardie monster te besit, tensy die teendeel bewys word;

(c) is 'n verklaring of inskrywing wat bevat is in 'n boek of stuk wat deur iemand of die bestuurder, agent of werknemer van so iemand, gehou word, of wat gevind word in of op 'n plek of perseel geokkupeer deur, of 'n vervoermiddel gebruik in verband met die besigheid van, so iemand, toelaatbaar as getuienis teen so iemand as 'n erkenning van die feite uiteengesit in daardie verklaring of inskrywing, tensy daar bewys word dat sodanige verklaring of inskrywing nie deur so iemand of deur die bestuurder, agent of werknemer van so iemand in die loop van sy werk as bestuurder of in die loop van sy agentskap of diens gemaak is nie; en

(d) word daar vermoed, tensy die teendeel bewys word, dat geen permit,

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refuses or fails to comply with a direction referred to in section 7 (2) *(a)* or to render the assistance referred to in section 7 (2) *(d)*;

(e) refuses or fails to furnish information or give an explanation or to answer to the best of his ability to a question lawfully demanded from or put to him by a person referred to in section 7 (1) in the exercising of his powers or the performing of his duties under this Act, or furnishes information, an explanation or an answer to such person which is false or misleading, knowing that it is false or misleading;

(f) tampers with a sample taken in terms of section 7 (2) *(d)*, or the identification or seal of such sample;

(g) sells, removes or tampers with a product, material, substance or other article, or a book or document seized in terms of section 8, or tampers with an identification mark or other seal attached thereto in terms of that section;

(h) falsely holds himself out to be the executive officer, another officer referred to in section 2 (2) *(a)*, or in the case of an assignee, such an assignee, or a person or an employee referred to in section 2 (3) *(c)*,

shall be guilty of an offence.

(2) Any person who is convicted of an offence in terms of this Act shall—

(a) in the case of a first conviction of an offence referred to in subsection (1) *(a), (c), (d)* or *(e)*, be liable to a fine not exceeding R8 000 or to imprisonment for a period not exceeding two years or to both that fine and that imprisonment;

(b) in the case of a second or subsequent conviction of an offence mentioned in paragraph *(a)*, whether it be the same or some other offence mentioned in that paragraph, be liable to a fine not exceeding R16 000 or to imprisonment for a period not exceeding four years or to both that fine and that imprisonment;

(c) in the case of a first conviction of an offence referred to in subsection (1) *(b), (f), (g) or (h)*, be liable to a fine not exceeding R2 000 or to imprisonment for a period not exceeding six months or to both that fine and that imprisonment; and

(d) in the case of a second or subsequent conviction of an offence mentioned in paragraph *(c)*, whether it be the same or some other offence mentioned in that paragraph, be liable to a fine not exceeding R4 000 or to imprisonment for a period not exceeding one year or to both that fine and that imprisonment.

(3) Notwithstanding anything to the contrary in any law contained, a magistrate's court shall be competent to impose any penalty provided for in this Act.

Presumptions and evidence

12. In criminal proceedings under this Act—

(a) it shall be presumed, unless the contrary is proved, that the applicable provisions of this Act apply to the product in respect of which the offence concerned has allegedly been committed;

(b) any quantity of a product, material, substance or other article in or upon any place, premises or conveyance when a sample thereof is taken pursuant to the provisions of this Act shall, unless the contrary is proved, be deemed to be of the same composition as that sample, and to possess in all other respects the same properties as that sample;

(c) any statement or entry contained in any book or document kept by any person or the manager, agent or employee of such person, or found in or upon any place or premises occupied by, or any conveyance used in connection with the business of, such person, shall be admissible in evidence against him as an admission of the facts set forth in that statement or entry, unless it is proved that such statement or entry was not made by such person, or by the manager, agent or employee of such person in the course of his work as manager, or in the course of his agency or employment; and

(d) it shall be presumed, unless the contrary is proved, that no permit,

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magtiging, toestemming, goedkeuring, sertifikaat of ander stuk uitgereik, gegee of verleen is nie aan iemand van wie daar ingevolge hierdie Wet vereis word om in besit daarvan te wees en wat nie sodanige permit, magtiging, toestemming, goedkeuring, sertifikaat of ander stuk op versoek van die uitvoerende beampte, 'n beampte in artikel 2 (2) *(a)* bedoel, 'n gemagtigde, of 'n persoon of werknemer in artikel 2 (3) *(c)* bedoel, kan toon nie.

Verbeurdverklaring

13. 'n Hof wat iemand aan 'n misdryf ingevolge hierdie Wet skuldig bevind, kan, wanneer deur die staatsaanklaer daartoe versoek, benewens enige ander straf ten opsigte van daardie misdryf opgelê, beveel dat die betrokke hoeveelheid van die produk, materiaal, stof of ander artikel wat die onderwerp van die aanklag teen daardie persoon uitgemaak het, aan die Staat verbeurd verklaar word.

Middelike aanspreeklikheid

14. (1) Wanneer 'n bestuurder, verteenwoordiger, agent, werknemer of lid van die gesin van iemand (in hierdie artikel die prinsipaal genoem) enige handeling verrig of versuim om dit te verrig, en dit 'n misdryf ingevolge hierdie Wet sou wees indien die prinsipaal self so 'n handeling sou verrig of versuim om dit te verrig, word daardie prinsipaal geag self die handeling te verrig het of te versuim het om dit te verrig, tensy hy die hof oortuig dat—

(a) hy die handeling of versuim van die betrokke bestuurder, verteenwoordiger, agent, werknemer of lid nòg veroorloof nòg oogluikend toegelaat het;

(b) hy alle redelike stappe gedoen het om die handeling of versuim te voorkom; en

(c) 'n handeling of versuim, hetsy wettig of onwettig, van die ten laste gelegde aard op geen voorwaarde of onder geen omstandigheid binne die bestek van die bevoegdhede of diens van die betrokke bestuurder, verteenwoordiger, agent, werknemer of lid geval het nie.

(2) By die toepassing van subartikel (1) *(b)* word die feit dat sodanige prinsipaal opdragte uitgereik het waarvolgens 'n handeling of versuim van daardie aard verbied word, nie op sigself as voldoende bewys beskou dat hy alle redelike stappe gedoen het om die handeling of versuim te voorkom nie.

(3) Wanneer 'n prinsipaal uit hoofde van subartikel (1) aanspreeklik is vir 'n handeling of versuim van 'n bestuurder, verteenwoordiger, agent, werknemer of lid van sy gesin, is daardie bestuurder, verteenwoordiger, agent, werknemer of lid ook daarvoor aanspreeklik asof hy die betrokke prinsipaal is.

(4) Subartikel (2) onthef nie 'n bestuurder, verteenwoordiger, agent, werknemer of lid in daardie subartikel beoog, van enige ander aanspreeklikheid wat hy opgeloop het afgesien van die aanspreeklikheid wat hy met die betrokke prinsipaal deel nie.

(5) By die toepassing van hierdie artikel in strafregtelike verrigtinge, is getuienis dat enige artikel op die tydstip van die ten laste gelegde handeling of versuim in die besit of onder die bewaring, toesig, beheer of versorging was van 'n bestuurder, verteenwoordiger, agent, werknemer of lid van die gesin van 'n prinsipaal, *prima facie*-bewys dat die betrokke prinsipaal die eienaar van die betrokke artikel is.

Regulasies

15. (1) Die Minister kan regulasies uitvaardig betreffende—

(a) enige aangeleentheid wat ingevolge hierdie Wet voorgeskryf moet of kan word;

(b) 'n verbod op die verkoop of uitvoer van 'n voorgeskrewe produk;

(c) metodes en prosedures in verband met die neem van monsters;

(d) die prosedure by verrigtinge van 'n appèlraad;

(e) die toelaatbare toleransies met betrekking tot voorgeskrewe vereistes, spesifikasies of ander voorskrifte;

(f) die tydperk waarbinne 'n appèlraad oor 'n appèl moet beslis; of

(g) enige ander aangeleentheid waarvan die reëling, volgens die oordeel van die Minister, nodig of wenslik is ten einde die oogmerke van hierdie Wet te bereik of te bevorder: Met dien verstande dat die algemeenheid van hierdie

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authorization, consent, approval, certificate or other document has been issued, given or granted to any person who in terms of this Act is required to be in possession thereof and who cannot produce such permit, authorization, consent, approval, certificate or other document at the request of the executive officer, an officer referred to in section 2 (2) *(a)*, an assignee, or a person or employee referred to in section 2 (3) *(c)*.

Forfeiture

13. A court convicting any person of an offence under this Act may, when requested thereto by the public prosecutor, in addition to any other penalty imposed in respect of that offence, order that the quantity of the product, material, substance or other article concerned which formed the subject of the charge against that person, be forfeited to the State.

Vicarious liability

14. (1) When a manager, representative, agent, employee or member of the family of a person (in this section referred to as the principal) does or omits to do any act, and it would be an offence in terms of this Act for the principal to perform or omit to do such act himself, that principal shall be deemed himself to have done or omitted to do the act, unless he satisfies the court that—

(a) he neither connived at nor permitted the act or omission by the manager, representative, agent, employee or member concerned;

(b) he took all reasonable steps to prevent the act or omission; and

(c) an act or omission, whether lawful or unlawful, of the nature charged, on no condition or under no circumstance came within the scope of the authority or employment of the manager, representative, agent, employee or member concerned.

(2) In the application of subsection (1) *(b)* the fact that such principal issued instructions whereby an act or omission of that nature is prohibited, shall not in itself be regarded as sufficient proof that he took all reasonable steps to prevent the act or omission.

(3) When a principal is by virtue of subsection (1) liable for an act or omission by a manager, representative, agent, employee or member of his family, that manager, representative, agent, employee or member shall also be liable therefor as if he is the principal concerned.

(4) Subsection (2) shall not release a manager, representative, agent, employee or member contemplated in that subsection from any other liability which he may have incurred apart from the liability which he shares with the principal concerned.

(5) In the application of this section in criminal proceedings, evidence that any article was at the time of the act or omission charged, in the possession or under the custody, supervision, control or care of any manager, representative, agent, employee or member of the family of the principal, shall be *prima facie* proof that the principal concerned is the owner of the article concerned.

Regulations

15. (1) The Minister may make regulations regarding—

(a) any matter which in terms of this Act is required or permitted to be prescribed;

(b) a prohibition of the sale or export of a prescribed product;

(c) methods and procedures in connection with the taking of samples;

(d) the procedure at proceedings of an appeal board;

(e) the permissible tolerances with regard to prescribed requirements, specifications or other directions;

(f) the period within which an appeal board shall decide on an appeal; or

(g) any other matter the regulation of which, in the opinion of the Minister, may be necessary or desirable in order to achieve or promote the objects of

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paragraaf nie deur die voorafgaande paragrawe van hierdie subartikel beperk word nie.

(2) Verskillende regulasies wat in dié opsigte verskil wat die Minister dienstig ag, kan, behoudens die bepalings van hierdie Wet, kragtens subartikel (1) uitgevaardig word ten opsigte van verskillende gebiede in die Republiek of verskillende produkte of klasse daarvan.

(3) 'n Regulasie kan ten opsigte van enige oortreding daarvan of versuim om daaraan te voldoen, 'n straf voorskryf wat 'n boete van R8 000 of gevangenisstraf van twee jaar of daardie boete sowel as daardie gevangenisstraf nie te bowe gaan nie.

(4) 'n Regulasie waarby gelde voorgeskryf word, word met die instemming van die Minister van Finansies uitgevaardig.

Diskresionêre bevoegdhede

16. (1) Wanneer die uitvoerende beampte of 'n gemagtigde, na gelang van die geval, enige aansoek of versoek wat ingevolge hierdie Wet gedoen is, oorweeg, kan sodanige beampte of gemagtigde, na gelang van die geval, enige ondersoek of navraag in verband daarmee doen wat nodig geag word, en vir die doeleindes van sodanige ondersoek of navraag vereis dat die tersaaklike stukke, inligting of monsters voorgelê word.

(2) Die uitvoerende beampte of 'n gemagtigde, na gelang van die geval, kan, indien goeie gronde aangevoer word, enige voorgeskrewe tydperk verleng, hetsy voor of na die verstryking daarvan.

(3) 'n Goedkeuring, magtiging of toestemming gegee of verleen ingevolge hierdie Wet kan, tensy uitdruklik anders bepaal—

(a) onderworpe gemaak word aan die voorwaardes wat die uitvoerende beampte of 'n gemagtigde, na gelang van die geval, in elke geval bepaal; en

(b) deur die uitvoerende beampte of 'n gemagtigde, na gelang van die geval, gewysig of ingetrek word.

(4) Indien die uitvoerende beampte of 'n gemagtigde, na gelang van die geval, uit hoofde van 'n bevoegdheid hom of die gemagtigde by of kragtens hierdie Wet verleen—

(a) weier om 'n aansoek of versoek wat skriftelik voorgelê is, goed te keur; of

(b) 'n goedkeuring, magtiging of toestemming ingevolge subartikel (3) *(b)* wysig of intrek,

stel die uitvoerende beampte of gemagtigde, na gelang van die geval, die betrokke persoon skriftelik van sy beslissing en van die gronde waarop dit gebaseer is, in kennis.

Delegering van bevoegdhede

17. Die Direkteur-generaal kan, onderworpe aan die voorwaardes wat hy bepaal, 'n bevoegdheid by hierdie Wet aan hom verleen skriftelik aan 'n beampte in diens van die departement delegeer, maar is nie ontdoen van 'n bevoegdheid aldus gedelegeer nie en kan 'n beslissing van die gedelegeerde geneem by die uitoefening van sodanige bevoegdheid, wysig of tersyde stel.

Vormgebreke

18. 'n Vormgebrek in 'n dokument wat ingevolge die een of ander wet op 'n besondere wyse verly moet word, of in 'n dokument wat ingevolge hierdie Wet uitgereik is, maak, indien die dokument wesentlik aan die toepaslike regsvereistes voldoen, nie 'n administratiewe handeling wat ingevolge hierdie Wet verrig word ten opsigte van die aangeleentheid waarop sodanige dokument betrekking het, ongeldig nie, en is nie 'n grond vir eksepsie teen enige regsprosedure wat ten opsigte van so 'n aangeleentheid ingestel word nie.

Beperking van aanspreeklikheid

19. Niemand, met inbegrip van die Staat, is aanspreeklik nie ten opsigte van enigiets wat te goeder trou gedoen of gelaat is by die uitoefening van 'n bevoegdheid

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this Act: Provided that the generality of this paragraph shall not be limited by the preceding paragraphs of this subsection.

(2) Different regulations which differ in the respects deemed expedient by the Minister, may, subject to the provisions of this Act, be made under subsection (1) in respect of different areas in the Republic or different products or classes thereof.

(3) A regulation may for any contravention thereof or failure to comply therewith, prescribe a penalty which shall not exceed a fine of R8 000 or imprisonment for a period of two years or both that fine and that imprisonment.

(4) A regulation prescribing fees shall be made with the concurrence of the Minister of Finance.

Discretionary powers

16. (1) When the executive officer or an assignee, as the case may be, considers any application or request made in terms of this Act, such officer or assignee, as the case may be, may make any investigation or inquiry in connection therewith which may be deemed necessary, and for the purposes of such investigation or inquiry demand that the relevant documents, information or samples be submitted to the executive officer or the assignee, as the case may be.

(2) The executive officer or an assignee, as the case may be, may, on good cause shown, extend any prescribed period, either before or after the expiry thereof.

(3) An approval, authorization or consent given or granted in terms of this Act may, unless expressly provided otherwise—

(a) be made subject to such conditions as the executive officer or an assignee, as the case may be, may in each case determine; and

(b) be amended or withdrawn by the executive officer or an assignee, as the case may be.

(4) If the executive officer or an assignee, as the case may be, by virtue of a power vested in him or the assignee by or under this Act—

(a) refuses to approve an application or a request which was submitted in writing; or

(b) amends or withdraws an approval, authorization or consent in terms of subsection (3) *(b)*,

the executive officer or assignee, as the case may be, shall notify the person concerned in writing of his decision and of the grounds on which it is based.

Delegation of powers

17. The Director-General may, subject to such conditions as he may determine, in writing delegate any power conferred on him by this Act to an officer employed by the department, but shall not be divested of any power so delegated and may amend or set aside any decision of the delegate made in the exercise of such a power.

Defects in form

18. A defect in the form of any document which in terms of any law is required to be executed in a particular manner, or in a document issued in terms of this Act, shall, if the document substantially complies with the applicable legal requirements, not render unlawful any administrative act performed in terms of this Act in respect of the matter to which such document relates, and shall not be a ground for exception to any legal procedure which may be taken in respect of such matter.

Limitation of liability

19. No person, including the State, shall be liable in respect of anything done or

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of die verrigting van 'n plig kragtens of uit hoofde van hierdie Wet, of ten opsigte van enigiets wat daaruit mag voortspruit.

Herroeping en wysiging van wette

20. Behoudens die bepalings van artikel 3 (2) *(a)* en *(b)* word die wette in die Bylae uiteengesit, hierby herroep of gewysig in die mate in die derde kolom daarvan aangedui.

Kort titel en inwerkingtreding

21. (1) Hierdie Wet heet die Wet op Landbouprodukstandaarde, 1990, en tree in werking op 'n datum deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

(2) Verskillende datums kan kragtens subartikel (1) ten opsigte van verskillende bepalings van hierdie Wet bepaal word.

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omitted in good faith in the exercise of a power or the performance of a duty under or by virtue of this Act, or in respect of anything that may result therefrom.

Repeal and amendment of laws

20. Subject to the provisions of section 3 (2) *(a)* and *(b)*, the laws specified in the Schedule are hereby repealed or amended to the extent indicated in the third column thereof.

Short title and commencement

21. (1) This Act shall be called the Agricultural Product Standards Act, 1990, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

(2) Different dates may be fixed under subsection (1) in respect of different provisions of this Act.

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Bylae

WETTE HERROEP OF GEWYSIG

(ARTIKEL 20)

No. en jaar van wet	Kort titel	Omvang van herroeping of wysiging
Wet No. 30 van 1961	Wet op die Suiwelnywerheid, 1961	Die herroeping van die geheel.
Wet No. 34 van 1965	Wysigingswet op die Suiwelnywerheid,1965	Die herroeping van die geheel.
Wet No. 59 van 1968	Bemarkingswet, 1968	**1.** Wysiging van artikel 1 deur die omskrywing van "gespesifiseerde bevoegdheid" deur die volgende omskrywing te vervang: "'gespesifiseerde bevoegdheid' 'n bevoegdheid wat 'n skema aan sy beheerraad kan verleen kragtens artikel 56 (1) *(dA)*, 58, 59 (3) *(b)* of *(c)* of (6), 60, 60A, 61, 62, 63 (1), 64, 66, 67, 68, 69, 70, 71, 72, 73, 74, 76 of 77;". **2.** Die wysiging van artikel 56 deur die volgende paragraaf na paragraaf *(d)* van subartikel (1) in te voeg: "*(dA)* om, met die goedkeuring van die Minister, voorskrifte uit te reik betreffende die klassifisering, gradering, verpakking en merk van 'n produk wat hy ingevolge paragraaf *(a)* gemagtig is om te koop of ingevolge paragraaf *(d)* gemagtig is om te ontvang;". **3.** Die wysiging van artikel 79 deur paragraaf *(c)* deur die volgende paragraaf te vervang: *(c)* lasgewing, bepaling, voorskrif, voorwaarde of vasstelling van 'n datum kragtens artikel 52 (2) *(a)* of *(b)*, 56 (1) *(dA)*, 59, 60 (1) *(b)*, 61 (1), 63 (1) *(a)*, 65 (1) *(e)*, 66 (3) *(a)*, 70, 72 (1A), 75 (1) *(a)*, *(b)* of *(c)* of 78; of". **4.** Die herroeping van artikels 82, 83, 83A, 83B en 84. **5.** Die wysiging van artikel 85— *(a)* deur subartikel (1) deur die volgende subartikel te vervang: "(1) Wanneer 'n **[nasionale merk kragtens artikel 82 of 'n inspeksiemerk kragtens artikel 83A of 'n]** verbod kragtens artikel **[84]** 84D, 84E, 84F of 87 ten opsigte van 'n produk **[voorgeskryf of]** opgelê is, kan die Minister persone aanwys om, onderworpe aan die beheer van die Minister, die in subartikel (2) bedoelde werksaamhede te verrig."; *(b)* deur in subartikel (2) die woorde wat paragraaf *(a)* voorafgaan, deur die volgende woorde te vervang: "Iemand wat kragtens subartikel (1) aangewys is, kan te alle redelike tye 'n perseel of voertuig betree waarin of waarop daar 'n produk ten opsigte waarvan **[so 'n nasionale merk of so 'n inspeksiemerk voorgeskryf of]** so 'n verbod opgelê is, wel of na vermoede verkoop, gehou, vervaardig, geproduseer, verwerk, behandel, berei, gelaai of afgelaai **[gegradeer, geklassifiseer, verpak of gemerk]** word, en kan—"; *(c)* deur paragrawe *(a)* en *(b)* van subartikel (2) te skrap; en *(d)* deur subartikel (3) te skrap. **6.** Die wysiging van artikel 89— *(a)* deur paragrawe *(c)*, *(cA)*, *(d)*, *(dA)*, *(e)* en *(f)* van subartikel (1) te skrap; en

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Schedule

LAWS REPEALED OR AMENDED

(SECTION 20)

No. and year of law	Short title	Extent of repeal or amendment
Act No. 30 of 1961	Dairy Industry Act, 1961	The repeal of the whole.
Act No. 34 of 1965	Dairy Industry Amendment Act, 1965	The repeal of the whole.
Act No. 59 of 1968	Marketing Act, 1968	**1.** The amendment of section 1 by the substitution for the definition of "specified power" of the following definition: "'specified power' means a power which a scheme may confer on its control board under section 56 (1) *(dA)*, 58, 59 (3) *(b)* or *(c)* or (6), 60, 60A, 61, 62, 63 (1), 64, 66, 67, 68, 69, 70, 71, 72, 73, 74, 76 or 77;". **2.** The amendment of section 56 by the insertion of the following paragraph after paragraph *(d)* of subsection (1): "*(dA)* to issue directions, with the approval of the Minister, relating to the classification, grading, packing and marking of a product which it is empowered to buy in terms of paragraph *(a)* or to receive in terms of paragraph *(d)*;". **3.** The amendment of section 79 by the substitution for paragraph *(c)* of the following paragraph: "*(c)* direction, determination, requirement, condition or fixation of a date under section 52 (2) *(a)* or *(b)*, 56 (1) *(dA)*, 59, 60 (1) *(b)*, 61 (1), 63 (1) *(a)*, 65 (1) *(e)*, 66 (3) *(a)*, 70, 72 (1A), 75 (1) *(a)*, *(b)* or *(c)* or 78; or". **4.** The repeal of sections 82, 83, 83A, 83B and 84. **5.** The amendment of section 85— *(a)* by the substitution for subsection (1) of the following subsection: "(1) Whenever a **[national mark has been prescribed under section 82 or any inspection mark has been prescribed under section 83A or a]** prohibition has been imposed under section **[84]** 84D, 84E, 84F or 87 in respect of any product, the Minister may designate persons to perform, subject to the control of the Minister, the functions referred to in subsection (2)."; *(b)* by the substitution in subsection (2) for the words preceding paragraph *(a)* of the following words: "Any person designated under subsection (1) may at all reasonable times enter upon any premises or vehicle in or on which there is or is suspected to be sold, kept, manufactured, produced, processed, treated, prepared, loaded or unloaded **[graded, classified, packed or marked]** any product in respect of which **[any such national mark or any such inspection mark has been prescribed or]** any such prohibition has been imposed, and may—"; *(c)* by the deletion of paragraphs *(a)* and *(b)* of subsection (2); and *(d)* by the deletion of subsection (3). **6.** The amendment of section 89— *(a)* by the deletion of paragraphs *(c)*, *(cA)*, *(d)*, *(dA)*, *(e)* and *(f)* of subsection (1); and

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No. en jaar van wet	Kort titel	Omvang van herroeping of wysiging
		(b) deur paragraaf *(g)* van subartikel (1) deur die volgende paragraaf te vervang: "*(g)* die tyd en wyse waarop 'n appèl kragtens artikel 53 (2), 59 (7), 72 (2) **[85 (3)]** of 87 (3) voortgesit moet word, die sekerheid (as daar is) wat met betrekking tot so 'n appèl (behalwe 'n appèl kragtens artikel 53 (2)) gestel moet word en die beskikking oor aldus gestelde sekerheid **[en die beampte van die departement wat die persoon of persone moet aanwys, of 'n ander sodanige beampte kan benoem om die persoon of persone aan te wys, wat oor 'n appèl kragtens artikel 85 (3) moet beslis]**;". **7.** Wysiging van artikel 89A deur subartikel (1) deur die volgende subartikel te vervang: "(1) Die Minister kan al die bevoegdhede wat hierdie Wet aan hom verleen, of een of meer daarvan, skriftelik aan 'n beampte in die departement, of na oorleg met die Direkteur-generaal aan die Bemarkingsraad, delegeer, met die uitsondering van 'n bevoegdheid aan hom verleen by artikel 12, 14, 15A, 16, 17 (3), 24, 53 (2), 59 (7), 60 (2A), 72 (2), 80, 81, **[82, 83A (1), 83B, 84]** 86 of 87 (1) of (3) of by hierdie artikel of die bevoegdheid om 'n kennisgewing in die *Staatskoerant* te publiseer ooreenkomstig die bepalings van artikel 15 (3), 46A, 64 (4), 84A, 84D, 84E, 84F of 88.". **8.** Wysiging van artikel 90 deur paragrawe *(a)* en *(b)* van subartikel (1) deur onderskeidelik die volgende paragrawe te vervang: "*(a)* 'n kragtens artikel 75 (2), **[83B, 84]** 84D, 84E, 84F, 86 of 87 opgelegde verbod oortree, of 'n voorwaarde van 'n in artikel 86 of 87 vermelde permit oortree of versuim om daaraan te voldoen; of *(b)* 'n bepaling van artikel 31B (2) (of daardie bepaling soos toegepas deur artikel 29 (3)) **[of van artikel 83 of 83A]** oortree of versuim om daaraan te voldoen; of".
Wet No. 1 van 1969	Wysigingswet op die Suiwelnywerheid, 1969	Die herroeping van die geheel.
Wet No. 52 van 1969	Wysigingswet op Bemarking, 1969	Die herroeping van artikel 15.
Wet No. 69 van 1970	Wysigingswet op Bemarking, 1970	Die herroeping van artikel 16.
Wet No. 51 van 1971	Wet op die Uitvoer van Landbouprodukte, 1971	Die herroeping van die geheel.
Wet No. 96 van 1971	Wysigingswet op die Suiwelnywerheid, 1971	Die herroeping van die geheel.
Wet No. 32 van 1972	Wysigingswet op die Suiwelnywerheidswette, 1972	Die herroeping van artikels 1, 2 en 3.
Wet No. 68 van 1972	Wysigingswet op Bemarking, 1972	Die herroeping van artikel 13.
Wet No. 31 van 1973	Wysigingswet op Bemarking, 1973	Die herroeping van artikel 14.
Wet No. 73 van 1974	Wysgingswet op Bemarking, 1974	Die herroeping van artikels 3 en 4.
Wet No. 7 van 1976	Wysigingswet op die Suiwelnywerheid, 1976	Die herroeping van die geheel.
Wet No. 37 van 1983	Wysigingswet op die Suiwelnywerheid, 1983	Die herroeping van die geheel.
Wet No. 66 van 1984	Wysigingswet op Bemarking, 1984	Die herroeping van artikels 36, 37, 38, 39 en 40.

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No. and year of law	Short title	Extent of repeal or amendment
		(b) by the substitution for paragraph *(g)* of subsection (1) of the following paragraph: "*(g)* the time and manner in which an appeal under section 53 (2), 59 (7), 72 (2) **[85 (3)]** or 87 (3) shall be prosecuted, the security (if any) to be lodged in connection with any such appeal (other than an appeal under section 53 (2)), and the disposal of any security so lodged **[and the officer of the department who shall designate, or may nominate another such officer to designate, the person or persons by whom an appeal under section 85 (3) shall be decided]**;". **7.** The amendment of section 89A by the substitution for subsection (1) of the following subsection: "(1) The Minister may in writing delegate to any officer in the department, or after consultation with the Director-General, to the marketing board, all or any of the powers conferred upon him by this Act, other than a power conferred upon him by section 12, 14, 15A, 16, 17 (3), 24, 53 (2), 59 (7), 60 (2A), 72 (2), 80, 81 **[82, 83A (1), 83B, 84]**, 86 or 87 (1) or (3) or by this section, or the power to publish a notice in the *Gazette* in pursuance of the provisions of section 15 (3), 46A, 64 (4), 84A, 84D, 84E, 84F or 88.". **8.** The amendment of section 90 by the substitution for paragraphs *(a)* and *(b)* of subsection (1) of the following paragraphs, respectively: "*(a)* contravenes any prohibition imposed under section 75 (2) **[83B, 84]**, 84D, 84E, 84F, 86 or 87, or contravenes or fails to comply with any condition of a permit referred to in section 86 or 87; or *(b)* contravenes or fails to comply with any provision of section 31B (2) (or that provision as applied by section 29 (3)) **[or of section 83 or 83A]**; or".
Act No. 1 of 1969	Dairy Industry Amendment Act,1969	The repeal of the whole.
Act No. 52 of 1969	Marketing Amendment Act, 1969	The repeal of section 15.
Act No. 69 of 1970	Marketing Amendment Act, 1970	The repeal of section 16.
Act No. 51 of 1971	Agricultural Produce Export Act, 1971	The repeal of the whole.
Act No. 96 of 1971	Dairy Industry Amendment Act, 1971	The repeal of the whole.
Act No. 32 of 1972	Dairy Industry Laws Amendment Act, 1972	The repeal of sections 1, 2 and 3.
Act No. 68 of 1972	Marketing Amendment Act, 1972	The repeal of section 13.
Act No. 31 of 1973	Marketing Amendment Act, 1973	The repeal of section 14.
Act No. 73 of 1974	Marketing Amendment Act, 1974	The repeal of sections 3 and 4.
Act No. 7 of 1976	Dairy Industry Amendment Act, 1976	The repeal of the whole.
Act No. 37 of 1983	Dairy Industry Amendment Act, 1983	The repeal of the whole.
Act No. 66 of 1984	Marketing Amendment Act, 1984	The repeal of sections 36, 37, 38, 39 and 40.

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Wet No. 119, 1990 WET OP LANDBOUPRODUKSTANDAARDE, 1990

No. en jaar van wet	Kort titel	Omvang van herroeping of wysiging
Wet No. 97 van 1986	Wet op die Oordrag van Bevoegdhede en Pligte van die Staatspresident, 1986	Die herroeping in die Eerste en in die Tweede Bylae van die items wat betrekking het op die Wet op die Suiwelnywerheid, 1961 (Wet No. 30 van 1961), en die Wet op die Uitvoer van Landbouprodukte, 1971 (Wet No. 96 van 1971).
Wet No. 79 van 1987	Wysigingswet op Bemarking, 1987	Die herroeping van artikels 13 en 14.

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No. and year of law	Short title	Extent of repeal or amendment
Act No. 97 of 1986	Transfer of Powers and Duties of the State President Act, 1986	The repeal in the First and Second Schedules of the items relating to the Dairy Industry Act, 1961 (Act No. 30 of 1961), and the Agricultural Produce Export Act, 1971 (Act No. 51 of 1971).
Act No. 79 of 1987	Marketing Amendment Act, 1987	The repeal of sections 13 and 14.