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REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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DEPARTMENT OF THE PRIME MINISTER

No. 620. 9 April 1976.

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

No. 54 of 1976: Abattoir Industry Act, 1976.

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 620. 9 April 1976.

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

No. 54 van 1976: Wet op die Abattoirbedryf, 1976.

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WET

Om voorsiening te maak vir beheer oor alle aangeleenthede in verband met die plasing, oprigting, gebruik, verandering, sluiting, bestuur en dryf van, en die verrigting van dienste by, abattoirs; die koördinering en rasionalisering van alle sodanige aangeleenthede; die gee van advies oor sodanige aangeleenthede aan die Minister en sekere ander persone en om te dien einde 'n kommissie in te stel; die instelling van 'n korporasie met die bevoegdheid om abattoirs in die algemene belang op te rig, te huur of te verkry, en om sodanige abattoirs op 'n nutsgrondslag en 'n ordelike, ekonomiese en doeltreffende wyse te bestuur en te dryf; en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 29 Maart 1976.)

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

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Woordomskrywing.

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

(i) „abattoir" 'n plek waar diere geslag word of wat vir die slag van diere bestem is, met inbegrip van al die fasiliteite wat normaalweg by so 'n plek tuishoort of daaraan verbonde is, ongeag of sodanige fasiliteite op dieselfde plek as so 'n plek geleë is, al dan nie; (i)

(ii) „Departement" die Departement van Landbou-ekonomie en -bemarking; (xi)

(iii) „die gebied" die gebied Suidwes-Afrika; (xxx)

(iv) „diens" 'n handeling wat by 'n abattoir verrig word—

(*a*) in verband met die ontvangs, hou of versorging van diere wat bestem is om by daardie abattoir geslag te word;

(*b*) in verband met die slag van diere by daardie abattoir;

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ACT

To provide for control over all matters in connection with the siting, erection, use, alteration, closing, management and conduct of, and the performance of services at, abattoirs; the co-ordination and rationalization of all such matters; the giving of advice on such matters to the Minister and certain other persons and for that purpose to establish a commission; the establishment of a corporation with the power to erect, hire or acquire abattoirs in the general interest, and to manage and conduct such abattoirs on a utility basis and in an orderly, economical and effective manner; and to provide for incidental matters.

(*Afrikaans text signed by the State President.*)
(*Assented to* 29 *March* 1976.)

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

ARRANGEMENT OF SECTIONS

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Definitions.

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

(i) "abattoir" means a place where animals are slaughtered or are intended to be slaughtered and includes all facilities which normally appertain or are attached to such a place, whether or not such facilities are situated at the same place as such place; (i)

(ii) "account books" includes accounts, deeds, records, writings and other documents; (xxiv)

(iii) "animal" means any member of any of the following kinds of animals, namely, cattle, donkeys, goats, horses, mules, pigs or sheep, of any age, or any member of any other kind of animals in respect of which the State President may by proclamation in the *Gazette* apply the provisions of this Act: Provided that a karakul lamb which is slaughtered mainly to obtain its pelt shall not be deemed to be an animal for the purposes of this Act; (v)

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(*c*) in verband met die behandeling, verwerking, hou of verkoop van produkte by daardie abattoir;
(*d*) deur 'n gemagtigde operateur in verband met die toepassing van die skema by daardie abattoir;
(*e*) in verband met die bestuur en dryf van daardie abattoir; (xxvii)

(v) „dier" 'n lid van enigeen van die volgende soorte diere, te wete, beeste, bokke, donkies, muile, perde, varke of skape, van enige ouderdom, of 'n lid van enige ander soort diere ten opsigte waarvan die Staatspresident by proklamasie in die *Staatskoerant* die bepalings van hierdie Wet van toepassing verklaar: Met dien verstande dat 'n karakoellam wat geslag word hoofsaaklik vir die verkryging van sy pels, nie geag word 'n dier by die toepassing van hierdie Wet te wees nie; (iii)

(vi) „direkteur" 'n direkteur van die Korporasie; (xii)

(vii) „eenheid" een bees, of een perd, of een muil, of een donkie, of vyftien skape of bokke of skape en bokke tesame, of vyf varke of drie kalwers; (xxxii)

(viii) „eienaar", met betrekking tot 'n abattoir, die persoon by wie die eiendomsreg van die abattoir berus of, in die geval van 'n abattoir ten opsigte waarvan die reg van algemene beheer berus by 'n ander persoon as die persoon by wie die eiendomsreg berus, daardie ander persoon; (xx)

(ix) „gemagtigde operateur" iemand wat uit hoofde van 'n reg ingevolge die skema verleen 'n diens verrig, maar omvat dit nie, behalwe by die toepassing van artikels 22 en 32, iemand wat uit hoofde van so 'n reg diere by 'n abattoir slag nie; (iv)

(x) „geproklameerde gebied" 'n gebied wat die Staatspresident van tyd tot tyd by proklamasie in die *Staatskoerant* tot 'n geproklameerde gebied vir die doeleindes van hierdie Wet verklaar; (xxii)

(xi) „hierdie Wet" ook die regulasies; (xxxi)

(xii) „inspekteur" 'n persoon wat ingevolge artikel 31 (1) as 'n inspekteur aangewys is; (xvi)

(xiii) „kalf" 'n bees waarvan geen gedeelte van die agterste komponente van die vierde kiestand in die bokaak deur die tandvlies gebreek het nie; (vi)

(xiv) „kode" die ingevolge artikel 26 gepubliseerde kode; (viii)

(xv) „Kommissie" die by artikel 2 ingestelde Abattoirkommissie; (ix)

(xvi) „Korporasie" die by artikel 44 ingestelde Suid-Afrikaanse Abattoirkorporasie; (x)

(xvii) „Minister" die Minister van Landbou; (xviii)

(xviii) „operateur" 'n persoon, behalwe die eienaar van 'n abattoir, wat 'n besigheid vir eie rekening dryf en wat vir die doeleindes van so 'n besigheid 'n abattoir gebruik om 'n diens te verrig; (xix)

(xix) „oprig", met betrekking tot 'n abattoir, ook om 'n plek vir die slag van diere in te rig, toe te rus of voor te berei, en het „oprigting" 'n ooreenstemmende betekenis; (xiv)

(xx) „plaaslike bestuur" 'n instelling of liggaam beoog in artikel 84 (1) (*f*) van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961); (xvii)

(xxi) „produk" enige deel van 'n geslagte dier met inbegrip van enige voorwerp wat deur verwerking van so 'n deel verkry word; (xxiii)

(xxii) „Raad" die Raad van Beheer oor die Vee- en Vleisnywerhede vermeld in die skema; (v)

(xxiii) „regulasie" 'n regulasie ingevolge hierdie Wet uitgevaardig; (xxiv)

(xxiv) „rekeningboeke" ook aantekeninge, aktes, geskrifte, rekeninge en ander stukke; (ii)

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(iv) "authorized operator" means any person who by virtue of a right granted in terms of the scheme performs a service, but does not include, except for the purposes of sections 22 and 32 a person who by virtue of such right slaughters animals at an abattoir; (ix)

(v) "Board" means the Livestock and Meat Industries Control Board referred to in the scheme; (xxii)

(vi) "calf" means a bovine animal of which no portion of the backmost components of the fourth molar in the upper jaw has penetrated the gum; (xiii)

(vii) "close", in relation to an abattoir, means to discontinue using the abattoir for the slaughter of animals, or to discontinue allowing the abattoir to be used for the slaughter of animals, and "closure", in relation to an abattoir, has a corresponding meaning; (xxviii)

(viii) "code" means the code published in terms of section 26; (xiv)

(ix) "Commission" means the Abattoir Commission established by section 2; (xv)

(x) "Corporation" means the South African Abattoir Corporation established by section 44; (xvi)

(xi) "Department" means the Department of Agricultural Economics and Marketing; (ii)

(xii) "director" means a director of the Corporation; (vi)

(xiii) "equipment" means any apparatus, implement or instrument, of any kind, used or intended to be used in the performance of a service; (xxx)

(xiv) "erect", in relation to an abattoir, includes to equip, fit out or prepare a place for the slaughter of animals, and "erection" has a corresponding meaning; (xix)

(xv) "fixed equipment" means any equipment attached to the land taken up by an abattoir or to a building or structure which forms part of an abattoir; (xxxi)

(xvi) "inspector" means a person designated in terms of section 31 (1) as an inspector; (xii)

(xvii) "local authority" means any institution or body contemplated in section 84 (1) (*f*) of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961); (xx)

(xviii) "Minister" means the Minister of Agriculture; (xvii)

(xix) "operator" means a person, other than the owner of an abattoir, who carries on a business for his own account and who for the purposes of such a business uses an abattoir to perform a service; (xviii)

(xx) "owner", in relation to an abattoir, means the person in whom the ownership of the abattoir is vested or, in the case of any abattoir in respect of which the right of general control is vested in a person other than the person in whom the ownership is vested, that other person; (viii)

(xxi) "prescribed" means prescribed by regulation; (xxxii)

(xxii) "proclaimed area" means any area which the State President may from time to time by proclamation in the *Gazette* declare to be a proclaimed area for the purposes of this Act; (x)

(xxiii) "product" any portion of a slaughtered animal including any object derived from such portion through processing; (xxi)

(xxiv) "regulation" means a regulation made in terms of this Act; (xxiii)

(xxv) "scheme" the Livestock and Meat Control Scheme promulgated by Proclamation No. 200 of 1964; (xxvi)

(xxvi) "Secretary" the Secretary of the Department; (xxv)

(xxvii) "service" means any act performed at an abattoir—

(*a*) in connection with the acceptance, keeping or care of animals intended to be slaughtered at such abattoir;

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(xxv) „Sekretaris", die Sekretaris van die Departement; (xxvi)

(xxvi) „skema" die Vee- en Vleisreëlingskema afgekondig by Proklamasie No. 200 van 1964; (xxv)

(xxvii) „slag", met betrekking tot 'n dier, doodmaak ten einde die produkte wat van die dier verkry word vir verbruik deur mense of diere te gebruik; (xxviii)

(xxviii) „sluit", met betrekking tot 'n abattoir, ophou om die abattoir vir die slag van diere te gebruik, of ophou om toe te laat dat die abattoir vir die slag van diere gebruik word, en het „sluiting", met betrekking tot 'n abattoir, 'n ooreenstemmende betekenis; (vii)

(xxix) „spesiale rekening" die spesiale rekening vermeld in artikel 29; (xxix)

(xxx) „toerusting", 'n apparaat, implement of instrument, van enige aard, wat by die verrigting van 'n diens gebruik word of daarvoor bestem is; (xiii)

(xxxi) „vaste toerusting" enige toerusting wat aan die grond wat deur 'n abattoir beslaan word of aan 'n gebou of struktuur wat deel van 'n abattoir uitmaak, geheg is; (xv)

(xxxii) „voorgeskryf" by regulasie voorgeskryf. (xxi)

HOOFSTUK 1

BEHEER OOR ABATTOIRS

Instelling en oogmerk van Abattoirkommissie.

2. (1) Hierby word 'n liggaam met die naam die Abattoirkommissie ingestel.

(2) Die oogmerk van die Kommissie is om die Minister en alle persone wat by die abattoirbedryf betrokke is oor alle aangeleenthede in verband met abattoirs van advies te dien en om die Minister behulpsaam te wees ten einde die koördinering en rasionalisering van bedoelde aangeleenthede te bewerkstellig.

Werksaamhede en bevoegdhede van Kommissie.

3. (1) Ten einde die oogmerk te bereik waarvoor hy ingestel is, kan die Kommissie—

(*a*) advies en leiding gee in verband met die plasing, ontwerp, beplanning, oprigting, verandering, uitbreiding, gebruik, sluiting en die bestuur en dryf van abattoirs en die verrigting van dienste;

(*b*) advies gee oor die maatreëls wat nodig of wenslik is ten einde te verseker dat abattoirs bestuur en gedryf word en dienste verrig word op 'n wyse wat ordelik, ekonomies en doeltreffend is;

(*c*) met die toestemming van die Minister, tegniese en ander inligting inwin en verwerk;

(*d*) persone wat betrokke is by die bestuur en dryf van abattoirs of die verrigting van dienste, gelas om in verband met sodanige bestuur, dryf of verrigting, die inligting te verstrek wat hy bepaal, en sodanige persone gelas om die hulp en bystand te verleen wat redelikerwys nodig mag wees vir die insameling en beskikbaarstelling van inligting wat hy nodig het;

(*e*) in die algemeen, met die goedkeuring van die Minister, die dinge doen wat na oordeel van die Kommissie vir die abattoirbedryf bevorderlik sal wees.

(2) Die werk verbonde aan die verrigting van die werksaamhede of die uitoefening van die bevoegdhede van die Kommissie word onder die opdragte en beheer van die Sekretaris verrig deur beamptes in die Staatsdiens wat by die Departement in diens is en wat vir dié doel deur die Sekretaris aangewys word.

Samestelling van Kommissie.

4. (1) Die Kommissie bestaan uit minstens drie en hoogstens vyf lede soos van tyd tot tyd deur die Minister bepaal.

(2) Die lede van die Kommissie word deur die Minister aangestel.

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(*b*) in connection with the slaughter of animals at such abattoir;
(*c*) in connection with the treatment, processing, keeping or sale of products at such abattoir;
(*d*) by an authorized operator in connection with the application of the scheme at such abattoir;
(*e*) in connection with the management and conduct of such abattoir; (iv)

(xxviii) "slaughter", in relation to an animal, means to kill with the intention of using the products derived from the animal for consumption by human beings or animals; (xxvii)

(xxix) "special account" means the special account referred to in section 29; (xxix)

(xxx) "the territory" means the territory of South West Africa; (iii)

(xxxi) "this Act" includes the regulations; (xi)

(xxxii) "unit" means one head of cattle, or one horse, or one mule, or one donkey, or fifteen sheep or goats or sheep and goats together, or five pigs or three calves. (vii)

CHAPTER 1

Control of Abattoirs

Establishment and object of Abattoir Commission.

2. (1) There is hereby established a body to be known as the Abattoir Commission.

(2) The object of the Commission shall be to advise the Minister and all persons concerned in the abattoir industry on all matters in connection with abattoirs and to assist the Minister in order to bring about the co-ordination and rationalization of such matters.

Functions and powers of Commission.

3. (1) For the purpose of achieving the object for which it is established, the Commission may—

(*a*) give advice and guidance in connection with the siting, design, planning, erection, alteration, extension, use, closing and the management and conduct of abattoirs and the performance of services;
(*b*) give advice on the measures which are necessary or desirable in order to ensure that abattoirs are managed and conducted and services are performed in a manner which is orderly, economical and effective;
(*c*) with the consent of the Minister, gather and process technical and other information;
(*d*) require persons concerned in the management and conduct of abattoirs or the performance of services to supply, in connection with such management, conduct or performance, the information determined by it, and require such persons to give the aid and assistance which may be reasonably necessary for the gathering and the rendering available of information required by it;
(*e*) generally, with the approval of the Minister, do such things as will, in the opinion of the Commission, be beneficial to the abattoir industry.

(2) The work incidental to the carrying out of the functions or the exercise of the powers of the Commission shall be performed under the directions and control of the Secretary by officers in the public service serving in the Department and designated for the purpose by the Secretary.

Constitution of Commission.

4. (1) The Commission shall consist of not fewer than three and not more than five members as may be determined by the Minister from time to time.

(2) The members of the Commission shall be appointed by the Minister.

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(3) Minstens een van die lede van die Kommissie word deur die Minister aangewys om hom heeltyds met die sake van die Kommissie besig te hou: Met dien verstande dat indien 'n lid wat aldus aangewys is, afwesig is of nie in staat is om sy pligte te verrig nie, die Minister 'n ander lid van die Kommissie of 'n in artikel 6 bedoelde tydelike lid kan aanstel om gedurende bedoelde afwesigheid of onvermoë die pligte van die afwesige lid te verrig.

Ampstermyn en besoldiging van lede van Kommissie.

5. (1) 'n Lid van die Kommissie word aangestel vir die tydperk, maar hoogstens vyf jaar, wat die Minister ten tyde van die aanstelling bepaal.

(2) Iemand wie se ampstermyn as lid van die Kommissie verstryk het, kan weer aangestel word.

(3) 'n Lid van die Kommissie, behalwe iemand wat 'n beampte in diens van die Staat is, beklee sy amp op die voorwaardes (met inbegrip van die betaling van besoldiging en toelae) wat die Minister met die toestemming van die Minister van Finansies bepaal.

(4) Enige besoldiging of toelae wat kragtens subartikel (3) of artikel 6 (1) betaalbaar word, word uit gelde wat die Parlement vir dié doel bewillig, betaal.

Aanstelling van tydelike lid van Kommissie.

6. (1) Die Minister kan, indien hy dit dienstig ag, iemand vir 'n tydperk van hoogstens drie maande as tydelike lid van die Kommissie aanstel op die voorwaardes (met inbegrip van die betaling van besoldiging en toelae, indien so iemand nie 'n beampte in diens van die Staat is nie) wat hy met die toestemming van die Minister van Finansies bepaal.

(2) Bedoelde tydelike lid beklee sy amp gedurende die tydperk waarvoor hy aangestel is asof hy 'n lid van die Kommissie is: Met dien verstande dat die Kommissie, met inbegrip van 'n lid aldus aangestel, nie uit meer as vyf lede mag bestaan nie.

Ontruiming van amp deur lede van Kommissie en vul van vakatures.

7. (1) 'n Lid van die Kommissie ontruim sy amp—

(*a*) indien sy boedel gesekwestreer word of 'n kennisgewing ingevolge artikel 22 (1) van die Wet op Landboukrediet, 1966 (Wet No. 28 van 1966), met betrekking tot hom gepubliseer word;

(*b*) indien hy 'n geestesongestelde soos omskryf in die Wet op Geestesgesondheid, 1973 (Wet No. 18 van 1973), word;

(*c*) indien hy aan 'n misdryf skuldig bevind word en tot gevangenisstraf sonder die keuse van 'n boete gevonnis word;

(*d*) indien hy as lid bedank;

(*e*) indien hy ingevolge subartikel (2) van sy amp onthef word;

(*f*) by sy verkiesing as lid van die Senaat, die Volksraad of 'n Provinsiale Raad of die Wetgewende Vergadering van Suidwes-Afrika of 'n plaaslike bestuur;

(*g*) by die bereiking van die leeftyd van sewentig jaar.

(2) 'n Lid van die Kommissie kan te eniger tyd deur die Staatspresident van sy amp onthef word.

(3) Indien 'n lid van die Kommissie wat nie 'n tydelike lid is nie ophou om sy amp te beklee, moet die Minister iemand aanstel om die vakature te vul.

Voorsitter en waarnemende voorsitter.

8. (1) Die Minister wys een van die lede van die Kommissie as voorsitter aan.

(2) Indien die voorsitter van die Kommissie ophou om sy amp as lid van die Kommissie of as voorsitter van die Kommisie te beklee, moet die Minister, behoudens die bepalings van subartikel (1), 'n nuwe voorsitter aanwys.

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(3) At least one of the members of the Commission shall be designated by the Minister to occupy himself full-time with the affairs of the Commission: Provided that if a member so designated is absent or unable to perform his duties, the Minister may designate another member of the Commission or a temporary member referred to in section 6 to perform, during such absence or incapacity, the duties of the absent member.

Period of office and remuneration of members of Commission.

5. (1) A member of the Commission shall be appointed for such period, not exceeding five years, as the Minister may determine at the time of appointment.

(2) Any person whose period of office as a member of the Commission has expired, shall be eligible for re-appointment.

(3) A member of the Commission, other than a person who is an officer in the service of the State, shall hold office upon such conditions (including the payment of remuneration and allowances) as the Minister may with the consent of the Minister of Finance determine.

(4) Any remuneration or allowances which may become payable under subsection (3) or section 6 (1) shall be paid from moneys appropriated by Parliament for the purpose.

Appointment of temporary member of Commission.

6. (1) The Minister may, if he deems fit, appoint a person, for a period not exceeding three months, as a temporary member of the Commission on such conditions (including the payment of remuneration and allowances, if such person is not an officer in the service of the State) as he may with the consent of the Minister of Finance determine.

(2) Such temporary member shall hold office during the period for which he is appointed as if he were a member of the Commission: Provided that the Commission, including a member thus appointed, shall not consist of more than five members.

Vacation of office by members of Commission and filling of vacancies.

7. (1) A member of the Commission shall vacate his office—

(*a*) if his estate is sequestrated or a notice is published in respect of him in terms of section 22 (1) of the Agricultural Credit Act, 1966 (Act No. 28 of 1966);

(*b*) if he becomes mentally ill as defined in the Mental Health Act, 1973 (Act No. 18 of 1973);

(*c*) if he is convicted of an offence and is sentenced to imprisonment without the option of a fine;

(*d*) if he resigns as a member;

(*e*) if he is removed from office in terms of subsection (2);

(*f*) upon his election as a member of the Senate, the House of Assembly or a Provincial Council or the Legislative Assembly of South West Africa or a local authority;

(*g*) upon the attainment of the age of seventy years.

(2) A member of the Commission may at any time be removed from office by the State President.

(3) If a member of the Commission who is not a temporary member ceases to hold office, the Minister shall appoint a person to fill the vacancy.

Chairman and acting chairman.

8. (1) The Minister shall designate one of the members of the Commission as chairman.

(2) If the chairman of the Commission ceases to hold office as a member of the Commission or as chairman of the Commission the Minister shall, subject to the provisions of subsection (1), designate a new chairman.

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(3) Wanneer die voorsitter van die Kommissie afwesig is of nie in staat is om sy werksaamhede as voorsitter te verrig nie, kan die Minister 'n ander lid of 'n in artikel 6 bedoelde tydelike lid aanwys om gedurende bedoelde afwesigheid of onvermoë as voorsitter waar te neem.

(4) Terwyl hy as voorsitter waarneem, het sodanige lid al die bevoegdhede en verrig hy al die werksaamhede van die voorsitter.

Vergaderings en besluite van Kommissie.

9. (1) 'n Vergadering van die Kommissie word gehou op 'n tyd en plek wat die voorsitter van die Kommissie bepaal.

(2) Die voorsitter van die Kommissie, of die persoon kragtens artikel 8 (3) aangewys om as voorsitter van die Kommissie waar te neem, na gelang van die geval, en een ander lid van die Kommissie, indien dit uit drie lede bestaan, of twee ander lede van die Kommissie, indien dit uit vier of vyf lede bestaan, maak 'n kworum vir 'n vergadering van die Kommissie uit.

(3) Die beslissing van 'n meerderheid van die lede van die Kommissie wat op 'n Kommissievergadering aanwesig is, maak 'n besluit van die Kommissie uit, en by 'n staking van stemme oor enige aangeleentheid, het die voorsitter van die Kommissie, of die persoon wat kragtens artikel 8 (3) aangewys is om as voorsitter van die Kommissie waar te neem, na gelang van die geval, benewens sy beraadslagende stem ook 'n beslissende stem: Met dien verstande dat 'n beslissing wat geneem word op 'n Kommissievergadering ten opsigte waarvan die voorsitter van die Kommissie of bedoelde persoon, na gelang van die geval, en een ander lid daarvan 'n kworum uitmaak en waarop slegs die voorsitter van die Kommissie of bedoelde persoon, na gelang van die geval, en een ander lid daarvan, aanwesig is, nie 'n besluit van die Kommissie uitmaak nie tensy die beslissing eenparig geneem word.

(4) Geen besluit geneem deur die Kommissie of handeling op gesag van die Kommissie verrig, is ongeldig nie bloot vanweë 'n vakature in die Kommissie of omdat 'n persoon wat nie geregtig was om as 'n Kommissielid sitting te neem nie, as 'n Kommissielid sitting geneem het toe die besluit geneem of die handeling gemagtig is, indien die besluit geneem of die handeling gemagtig is deur die vereiste meerderheid van die lede van die Kommissie wat toe aanwesig was en geregtig was om as lede sitting te neem.

Verbod op ongeoorloofde oprigting van abattoir in geproklameerde gebied.

10. (1) Niemand mag sonder die voorafverkreë skriftelike goedkeuring van die Minister 'n abattoir in 'n geproklameerde gebied oprig nie.

(2) Die Minister verleen nie sy goedkeuring kragtens subartikel (1) nie, behalwe na raadpleging met die Kommissie.

(3) Die Minister kan die eienaar van 'n abattoir wat sonder die voorafverkreë skriftelike goedkeuring van die Minister in 'n geproklameerde gebied opgerig is, verbied om sodanige abattoir vir die slag van diere te gebruik of toe te laat dat dit aldus gebruik word.

Aansoek om goedkeuring vir oprigting van abattoir in geproklameerde gebied.

11. 'n Aansoek om goedkeuring vir die oprigting van 'n abattoir in 'n geproklameerde gebied word by die Minister op die voorgeskrewe wyse gedoen en gaan vergesel van die voorgeskrewe bedrag en besonderhede en die ander besonderhede wat die Minister in verband daarmee vereis.

Prosedure in verband met aansoek om goedkeuring.

12. (1) By ontvangs van 'n aansoek in artikel 11 bedoel, moet die Minister op die voorgeskrewe wyse daarvan kennis gee en moet hy belanghebbende persone versoek om enige skriftelike vertoë of besware in verband met die aansoek binne 'n vermelde tydperk, wat nie korter as vier weke vanaf die datum waarop aldus kennis gegee is, mag wees nie, op die voorgeskrewe wyse aan die Minister voor te lê.

(2) Na oorweging van die vertoë of besware in subartikel (1) bedoel, moet die Minister òf sodanige aansoek van die hand wys òf, onderworpe aan die voorwaardes wat hy bepaal, dit toestaan:

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(3) Whenever the chairman of the Commission is absent or is unable to perform his functions as chairman, the Minister may designate another member or a temporary member referred to in section 6 to act as chairman during such absence or incapacity.

(4) Such member shall while acting as chairman have all the powers and perform all the functions of the chairman.

Meetings and decisions of Commission.

9. (1) A meeting of the Commission shall be held at a time and place to be determined by the chairman of the Commission.

(2) The chairman of the Commission, or the person designated under section 8 (3) to act as chairman of the Commission, as the case may be, and one other member of the Commission, if it consists of three members, or two other members of the Commission, if it consists of four or five members, shall constitute a quorum for any meeting of the Commission.

(3) The decision of a majority of the members of the Commission present at a meeting of the Commission, shall constitute a decision of the Commission, and in the event of an equality of votes in regard to any matter, the chairman of the Commission, or the person designated under section 8 (3) to act as chairman of the Commission, as the case may be, shall have a casting vote in addition to his deliberative vote: Provided that a decision taken at a meeting of the Commission in respect of which the chairman of the Commission or such person, as the case may be, and one other member thereof constitute a quorum and at which only the chairman of the Commission or such person, as the case may be, and one other member thereof, are present, shall not constitute a decision of the Commission unless the decision is taken unanimously.

(4) No decision taken by the Commission or act performed under authority of the Commission, shall be invalid by reason only of a vacancy on the Commission or of the fact that a person who was not entitled to sit as member of the Commission sat as a member at the time when the decision was taken or the act was authorized, if the decision was taken or the act was authorized by the requisite majority of the members of the Commission who were present at the time and entitled to sit as members.

Prohibition of unauthorized erection of abattoir in proclaimed area.

10. (1) No person shall erect an abattoir in a proclaimed area without the prior written approval of the Minister.

(2) The Minister shall not give his approval under subsection (1), unless he has consulted with the Commission.

(3) The Minister may prohibit the owner of an abattoir erected in a proclaimed area without the prior written approval of the Minister, from using or permitting the use of such abattoir for the slaughter of animals.

Application for approval to erect abattoir in proclaimed area.

11. Every application for approval to erect an abattoir in a proclaimed area shall be made to the Minister in the prescribed manner and shall be accompanied by the prescribed amount and particulars and such other particulars as may be required by the Minister in connection therewith.

Procedure in connection with application for approval.

12. (1) Upon receipt of an application referred to in section 11 the Minister shall give notice thereof in the prescribed manner and shall request interested persons to submit to the Minister written representations or objections in connection with the application in the prescribed manner within a specified period which shall not be less than four weeks as from the date on which notice was thus given.

(2) After consideration of the representations or objections referred to in subsection (1), the Minister shall either refuse such application or, subject to the conditions he may determine,

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Met dien verstande dat die Minister die Kommissie kan gelas om 'n ondersoek ingevolge artikel 27 te hou voordat hy oor die aansoek besluit.

(3) Die in subartikel (2) bedoelde voorwaardes kan ook betrekking hê op—

(*a*) die plek waar die abattoir opgerig moet word;
(*b*) die inrigting en voorbereiding van die abattoir vir die verrigting van dienste;
(*c*) die verskaffing van fasiliteite by die abattoir;
(*d*) die installering en verskaffing van toerusting by die abattoir;
(*e*) die uitleg, omvang en kapasiteit van die abattoir;
(*f*) enige ander aangeleentheid wat, na die oordeel van die Minister, met die voornoemde aangeleenthede in verband staan.

Verbod op ongeoorloofde veranderings aan abattoir in geproklameerde gebied.

13. (1) Niemand mag sonder die voorafverkreë skriftelike goedkeuring van die Minister—

(*a*) die uitleg van 'n abattoir in 'n geproklameerde gebied wesenlik verander nie;
(*b*) 'n gebou, struktuur of vaste toerusting wat deel van so 'n abattoir uitmaak, sloop, verwyder of wesenlik verander nie; of
(*c*) 'n gebou, struktuur of vaste toerusting by so 'n abattoir oprig of installeer nie.

(2) Die Minister verleen nie sy goedkeuring ingevolge subartikel (1) nie, tensy hy met die Kommissie geraadpleeg het.

(3) Die Minister kan deur middel van 'n skriftelike lasgewing iemand wat sonder die voorafverkreë toestemming van die Minister—

(*a*) die uitleg van 'n abattoir in 'n geproklameerde gebied wesenlik verander het, beveel om sodanige uitleg binne 'n vermelde tydperk te herstel in die toestand waarin dit voor die verandering verkeer het;
(*b*) 'n gebou, struktuur of vaste toerusting wat deel van so 'n abattoir uitmaak, gesloop of verwyder of wesenlik verander het, beveel om sodanige gebou, struktuur of vaste toerusting binne 'n vermelde tydperk te herstel in die toestand waarin dit voor die sloping, verwydering of verandering verkeer het;
(*c*) 'n gebou, struktuur of vaste toerusting by so 'n abattoir opgerig of geïnstalleer het, beveel om sodanige gebou, struktuur of vaste toerusting binne 'n vermelde tydperk te sloop of te verwyder.

(4) Sodanige lasgewing moet aan die in subartikel (3) bedoelde persoon beteken word en, indien sodanige persoon nie die eienaar van die betrokke abattoir is nie, ook aan die eienaar.

(5) Indien 'n persoon ten opsigte van wie 'n in subartikel (3) bedoelde lasgewing van toepassing is, versuim om die handelinge te verrig wat deur sodanige lasgewing beveel word, kan die Minister sodanige handelinge verrig en die koste daaraan verbonde op sodanige persoon verhaal.

Verbod op gebruik van abattoir op sekere wyse.

14. (1) Die Minister kan na raadpleging met die Kommissie by skriftelike kennisgewing aan die eienaar van 'n abattoir die eienaar belet om die abattoir te gebruik of toe te laat dat dit gebruik word op 'n ander wyse as ooreenkomstig voorwaardes wat die Minister bepaal het en wat in daardie kennisgewing vermeld is.

(2) Die Minister kan 'n verbod of voorwaarde wat ingevolge subartikel (1) ten opsigte van 'n abattoir opgelê is, by skriftelike kennisgewing aan die eienaar van daardie abattoir wysig of intrek—

(*a*) op aanbeveling van die Kommissie; of
(*b*) op aansoek van die eienaar en na raadpleging met die Kommissie:

Met dien verstande dat die Minister die Kommissie, in die geval van sodanige aanbeveling, of die eienaar, in die geval van sodanige aansoek, kan gelas om op 'n vermelde wyse van die

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grant it: Provided that the Minister may direct the Commission to conduct an enquiry in terms of section 27 before deciding on the application.

(3) The conditions referred to in subsection (2) may also relate to—

(*a*) the place where the abattoir is to be erected;
(*b*) the fitting out and preparation of the abattoir for the performance of services;
(*c*) the provision of facilities at the abattoir;
(*d*) the installation and provision of equipment at the abattoir;
(*e*) the lay-out, size and capacity of the abattoir;
(*f*) any other matter which is, in the opinion of the Minister, connected with the aforesaid matters.

Prohibition of unauthorized alterations of abattoir in in proclaimed area

13. (1) No person shall without the prior written approval of the Minister—

(*a*) substantially alter the lay-out of any abattoir in a proclaimed area;
(*b*) demolish, remove or substantially alter a building, structure or fixed equipment which forms part of such abattoir; or
(*c*) erect or install a building, structure or fixed equipment at such abattoir.

(2) The Minister shall not grant his approval in terms of subsection (1), unless he has consulted with the Commission.

(3) The Minister may by means of a written order direct a person who without the prior written approval of the Minister—

(*a*) has substantially altered the lay-out of an abattoir in a proclaimed area, to restore such lay-out within a specified period to the state in which it was before the alteration;
(*b*) has demolished or removed or substantially altered a building, structure or fixed equipment forming part of such abattoir, to restore such building, structure or fixed equipment within a specified period to the state in which it was before the demolition, removal or alteration;
(*c*) has erected or installed a building, structure or fixed equipment at such abattoir, to demolish or to remove such building, structure or fixed equipment within a specified period.

(4) Such order shall be served upon the person referred to in subsection (3) and, if such person is not the owner of the abattoir in question, upon the owner as well.

(5) If a person in respect of whom an order referred to in subsection (3) applies, fails to perform the acts directed to be performed by such order, the Minister may perform such acts and recover the costs incidental thereto from such person.

Prohibition of use of abattoir in certain manner.

14. (1) The Minister may after consultation with the Commission by written notice to the owner of an abattoir prohibit the owner to use the abattoir or to allow it to be used in any manner other than in accordance with conditions determined by the Minister and specified in such notice.

(2) The Minister may by written notice to the owner of an abattoir amend or withdraw any prohibition or condition imposed in terms of subsection (1) in respect of such abattoir—

(*a*) on the recommendation of the Commission; or
(*b*) on the application of the owner and after consultation with the Commission:

Provided that the Minister may direct the Commission, in the case of such recommendation, or the owner, in the case of such application, to give notice in a specified manner of the recom-

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aanbeveling of aansoek (na gelang van die geval) kennis te gee en om belanghebbende persone te versoek om vertoë of besware in verband met die aanbeveling of aansoek binne 'n vermelde tydperk aan die Minister voor te lê.

(3) Die in subartikel (1) bedoelde voorwaardes kan ook betrekking hê op—

(*a*) die aantal eenhede of die aantal diere van 'n vermelde soort of klas wat binne 'n vermelde tydperk by die abattoir geslag mag word;
(*b*) die soort of klas van diere wat by die abattoir geslag mag word;
(*c*) die gebruik van die abattoir deur persone of klasse van persone;
(*d*) die gebruik van die abattoir vir die slag van diere na aanleiding van die doel waarvoor die produkte van sodanige diere vekry word of die wyse waarop met sodanige produkte gehandel sal word;
(*e*) die dienste wat by die abattoir verrig moet of kan word;
(*f*) die persone deur wie en die wyse waarop dienste by die abattoir verrig moet of kan word.

(4) Indien 'n abattoir wat by die inwerkingtreding van hierdie Wet bestaan ingevolge die Wet op die Abattoirkommissie, 1967 (Wet No. 86 van 1967), onderworpe aan voorwaardes geregistreer is, word die eienaar van daardie abattoir geag ingevolge subartikel (1) belet te wees om daardie abattoir te gebruik of toe te laat dat dit gebruik word op 'n ander wyse as ooreenkomstig daardie voorwaardes, en word daardie voorwaardes geag ingevolge daardie subartikel opgelê te wees.

(5) 'n Verbod ingevolge subartikel (1) uitgereik, bind iedere persoon wat op enige tydstip eienaar van die betrokke abattoir is.

Sekere kennisgewings moet by abattoir vertoon word.

15. (1) Die eienaar van 'n abattoir moet elke kennisgewing wat ingevolge artikel 14 (1) of (2) ten opsigte van daardie abattoir uitgereik is te alle tye op 'n opvallende plek by of naby die hoofingang van die abattoir laat vertoon.

(2) 'n Sertifikaat van registrasie wat ingevolge die Wet op die Abattoirkommissie, 1967 (Wet No. 86 van 1967), ten opsigte van 'n abattoir uitgereik is, word by die toepassing van subartikel (1) geag 'n kennisgewing te wees wat ingevolge artikel 14 (1) ten opsigte van daardie abattoir uitgereik is.

Minister kan sluiting van abattoir in sekere omstandighede gelas.

16. (1) Indien die Minister van oordeel is dat die sluiting van 'n abattoir in die algemene belang of vir die verwesenliking van die oogmerke van hierdie Wet nodig is, kan hy, na raadpleging met die Kommissie, skriftelik gelas dat daardie abattoir gesluit moet word met ingang van 'n datum wat minstens negentig dae na die datum van die lasgewing moet wees.

(2) 'n Lasgewing ingevolge subartikel (1) moet aan die eienaar van die betrokke abattoir, en afskrifte van die lasgewing moet aan elke operateur wat op die datum van die lasgewing dienste by daardie abattoir verrig, beteken word.

Vergoeding betaalbaar in geval van verpligte sluiting van abattoir.

17. (1) Indien 'n abattoir ingevolge artikel 16 gesluit word, word daar aan die eienaar van sodanige abattoir en aan elke operateur wat op die datum van die in daardie artikel bedoelde lasgewing dienste by sodanige abattoir verrig, 'n bedrag aan vergoeding betaal wat deur sodanige eienaar en operateur en die Minister by 'n ooreenkoms bepaal word.

(2) By ontstentenis van sodanige ooreenkoms word daar aan sodanige eienaar of operateur 'n bedrag aan vergoeding betaal van hoogstens 'n bedrag benodig om enige werklike geldelike verlies of ongerief wat deur die sluiting van die abattoir veroorsaak word, te vergoed: Met dien verstande dat geen vergoeding betaal word nie ten opsigte van—

(i) enige indirekte skade of winsderwing wat deur sodanige sluiting veroorsaak word;
(ii) iets wat gedoen is met die oogmerk om vergoeding daarvoor te verkry;

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mendation or application (as the case may be) and to request interested persons to submit to the Minister within a specified period representations or objections in connection with the recommendation or application.

(3) The conditions referred to in subsection (1) may also relate to—

(*a*) the number of units or the number of animals of a specified kind or class which may be slaughtered during a specified period at the abattoir;

(*b*) the kind or class of animals which may be slaughtered at the abattoir;

(*c*) the use of the abattoir by persons or classes of persons;

(*d*) the use of the abattoir for the slaughter of animals with reference to the purpose for which the products of such animals are obtained or the manner in which such products will be dealt with;

(*e*) the services which shall or may be performed at the abattoir;

(*f*) the persons by whom and the manner in which services shall or may be performed at the abattoir;

(4) If an abattoir which is in existence at the commencement of this Act has been registered in terms of the Abattoir Commission Act, 1967 (Act No. 86 of 1967), subject to conditions, the owner of that abattoir shall be deemed to have been prohibited in terms of subsection (1) to use that abattoir or to allow it to be used in any manner other than in accordance with such conditions, and such conditions shall be deemed to have been imposed in terms of that subsection.

(5) A prohibition issued in terms of subsection (1) shall be binding upon every person who at any point of time is the owner of the abattoir in question.

Certain notices to be displayed at abattoir.

15. (1) The owner of an abattoir shall cause every notice issued in terms of section 14 (1) or (2) in respect of that abattoir to be displayed at all times in a conspicuous place at or near the main entrance of the abattoir.

(2) A certificate of registration issued in terms of the Abattoir Commission Act, 1967 (Act No. 86 of 1967), in respect of an abattoir shall for the purposes of subsection (1) be deemed to be a notice issued in terms of section 14 (1) in respect of that abattoir.

Minister may direct closure of abattoir in certain circumstances.

16. (1) If the Minister is of the opinion that the closure of an abattoir is in the general interest or is necessary for the attainment of the objects of this Act, he may, after consultation with the Commission, in writing direct that such abattoir be closed with effect from a date which shall be at least ninety days after the date of such direction.

(2) A direction in terms of subsection (1) shall be served upon the owner of the abattoir in question, and copies of the direction shall be served upon every operator who on the date of the direction performs services at such abattoir.

Compensation payable in case of compulsory closure of abattoir.

17. (1) If an abattoir is closed in terms of section 16, there shall be paid to the owner of such abattoir and to every operator who on the date of the direction referred to in that section, performed services at such abattoir, an amount of compensation determined by such owner and operator and the Minister by agreement.

(2) In the absence of such agreement there shall be paid to such owner or operator an amount of compensation which does not exceed an amount required to make good any actual financial loss or inconvenience caused by the closure of the abattoir: Provided that no compensation shall be paid in respect of—

(i) any indirect damage or loss of profit caused by such closure;

(ii) anything done with the object of obtaining compensation therefor;

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(iii) enige verandering wat aan die betrokke abattoir in stryd met die bepalings van artikel 13 (1) aangebring is; of

(iv) enige ooreenkoms wat ten opsigte van die betrokke abattoir in stryd met die bepalings van artikel 25 (1) gesluit is.

(3) Die bedrag wat kragtens subartikel (2) betaal moet word, word deur 'n gepaste hof ingevolge artikel 14 van die Onteieningswet, 1975 (Wet No. 63 van 1975), vasgestel, en die bepalings van daardie artikel en artikel 15 van daardie Wet is *mutatis mutandis* by die vasstelling van dié bedrag van toepassing.

(4) Geen vergoeding word ingevolge hierdie artikel betaal nie, tensy die persoon wat op vergoeding aanspraak maak 'n aansoek in die voorgeskrewe vorm aan die Minister voorlê en in verband met so 'n aansoek die voorgeskrewe en die ander besonderhede wat die Minister in verband daarmee vereis, verstrek.

(5) By die toepassing van hierdie artikel beteken „eienaar" die persoon by wie die eiendomsreg van die betrokke abattoir berus en, indien die reg van algemene beheer oor so 'n abattoir by iemand anders berus as die persoon by wie die eiendomsreg berus, ook daardie ander persoon.

Verbod op sluiting van sekere abattoir tensy kennis aan Minister gegee word.

18. (1) 'n Plaaslike bestuur mag nie 'n abattoir waarvan hy die eienaar is en wat geleë is in 'n geproklameerde gebied sluit nie tensy hy minstens 180 dae voor die datum waarop hy bedoelde abattoir sluit, 'n skriftelike kennisgewing in die voorgeskrewe vorm aan die Minister besorg het waarin hy sy voorneme om daardie abattoir te sluit, bekend gemaak het: Met dien verstande dat die Minister in 'n besondere geval waar daar nie aan die bepalings van hierdie artikel voldoen is nie, kan toelaat dat die betrokke abattoir gesluit word.

(2) Die Korporasie sluit nie 'n abattoir waarvan hy die eienaar is sonder die toestemming van die Minister nie.

Bevoegdhede van Minister in geval van sluiting of beoogde sluiting of vervreemding van sekere abattoir.

19. (1) Indien 'n abattoir in 'n geproklameerde gebied gesluit is, of indien die eienaar van so 'n abattoir sy voorneme om daardie abattoir te sluit of te vervreem, te kenne gegee het, kan die Minister na raadpleging met die Kommissie—

(*a*) met die eienaar van die abattoir 'n ooreenkoms sluit waarin sodanige eienaar onderneem om die abattoir vir 'n vasgestelde tydperk te bestuur en te dryf; of

(*b*) die Korporasie skriftelik gelas om met sodanige eienaar te onderhandel met die oog op die oordrag of verhuring van die abattoir aan die Korporasie.

(2) 'n In subartikel (1) bedoelde ooreenkoms kan voorsiening maak vir die verlening van geldelike bystand aan die betrokke eienaar.

Oprigting van abattoir deur Korporasie of deur plaaslike bestuur of persoon met wie Minister ooreenkoms gesluit het.

20. (1) Indien die Minister na raadpleging met die Kommissie van oordeel is dat die oprigting van 'n abattoir op 'n plek wat binne die regsgebied van 'n plaaslike bestuur geleë is, nodig is, moet hy vasstel of sodanige bestuur bereid is om 'n abattoir op daardie plek op te rig en, indien sodanige bestuur hom aldus bereid verklaar, moet die Minister 'n ooreenkoms met sodanige bestuur sluit waarin sodanige bestuur onderneem om, òf alleen òf in samewerking met ander deur die Minister bepaalde plaaslike besture, 'n abattoir op so 'n plek op te rig: Met dien verstande dat die Minister nie sodanige ooreenkoms sluit nie tensy hy oorleg gepleeg het met die Administrateur van die betrokke provinsie of die gebied, na gelang van die geval.

(2) Indien die Minister na raadpleging met die Kommissie van oordeel is dat die oprigting van 'n abattoir op 'n besondere plek nodig is en so 'n plek—

(*a*) geleë is binne die regsgebied van 'n plaaslike bestuur wat nie bereid is om 'n ooreenkoms met die Minister

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(iii) any alteration of the abattoir in question made in conflict with the provisions of section 13 (1); or

(iv) any agreement concluded in respect of the abattoir in question in conflict with the provisions of section 25 (1).

(3) The amount to be paid under subsection (2) shall be determined by an appropriate court in terms of section 14 of the Expropriation Act, 1975 (Act No. 63 of 1975), and the provisions of that section and section 15 of that Act shall apply *mutatis mutandis* in the determination of that amount.

(4) No compensation shall be paid in terms of this section, unless the person who claims compensation submits an application in the prescribed form to the Minister and furnishes in connection with such application the prescribed particulars and such other particulars as may be required by the Minister in connection therewith.

(5) For the purposes of this section "owner" shall mean the person in whom the ownership of the abattoir in question is vested and, if the right of general control of such abattoir is vested in a person other than the person in whom the ownership is vested, that other person as well.

Closure of certain abattoir prohibited unless notice is given to Minister.

18. (1) A local authority shall not close any abattoir of which it is the owner and which is situated in a proclaimed area, unless it has given to the Minister, at least 180 days before the date on which it closes such abattoir, a written notice in the prescribed form in which it has notified its intention to close that abattoir: Provided that the Minister may in a particular case where the provisions of this subsection have not been complied with, allow the abattoir in question to be closed.

(2) The Corporation shall not close any abattoir of which it is the owner without the consent of the Minister.

Powers of Minister in case of closure or intended closure or disposal of certain abattoir.

19. (1) If an abattoir in a proclaimed area has been closed, or if the owner of such abattoir notifies his intention to close or to dispose of such abattoir, the Minister may after consultation with the Commission—

(*a*) conclude an agreement with the owner of the abattoir in terms of which such owner undertakes to manage and conduct the abattoir for a specified period; or

(*b*) in writing direct the Corporation to negotiate with such owner with a view to the transfer or letting of the abattoir to the Corporation.

(2) An agreement referred to in subsection (1) may make provision for the rendering of financial assistance to the owner concerned.

Erection of abattoir by Corporation or by local authority or person with whom Minister has concluded agreement.

20. (1) If the Minister after consultation with the Commission is of the opinion that the erection of an abattoir at a place situated within the area of jurisdiction of a local authority is necessary, he shall ascertain whether such authority is prepared to erect an abattoir at such place, and if such authority declares itself prepared to do so, the Minister shall conclude an agreement with such authority in terms of which such authority shall undertake to erect, either alone or in conjunction with other local authorities specified by the Minister an abattoir at such place: Provided that the Minister shall not conclude such agreement unless he has consulted with the Administrator of the province in question or the territory, as the case may be.

(2) If the Minister after consultation with the Commission is of opinion that the erection of an abattoir at a particular place is necessary and such place—

(*a*) is situated within the area of jurisdiction of a local authority which is not prepared to conclude an agree-

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te sluit om 'n abattoir op daardie plek op te rig nie; of

(*b*) buite die regsgebied van 'n plaaslike bestuur geleë is, kan die Minister die Korporasie skriftelik gelas om 'n abattoir onderworpe aan die voorwaardes wat die Minister bepaal op so 'n plek op te rig, of kan hy 'n ooreenkoms met 'n ander persoon sluit waarin so 'n persoon onderneem om 'n abattoir op daardie plek op te rig.

(3) 'n Ooreenkoms ingevolge subartikel (1) of (2) gesluit, kan voorwaardes bevat met betrekking tot die aangeleenthede in artikel 12 (3) bedoel.

(4) Indien 'n plaaslike bestuur waarmee of 'n persoon met wie die Minister 'n ooreenkoms ingevolge subartikel (1) of (2) gesluit het, versuim om die voorwaardes van daardie ooreenkoms na te kom, kan die Minister sodanige plaaslike bestuur of persoon skriftelik gelas om binne 'n tydperk in die lasgewing vermeld sodanige voorwaardes na te kom, en kan hy, indien sodanige persoon versuim om dit te doen, die ooreenkoms beëindig.

(5) Die Staat betaal nie vergoeding ten opsigte van iets gedoen of uitgawes aangegaan deur die in subartikel (4) bedoelde plaaslike bestuur of persoon ter nakoming van die voorwaardes van 'n ooreenkoms wat ingevolge gemelde subartikel beëindig is nie, tensy die Minister anders gelas.

(6) Die Minister reik nie 'n lasgewing aan die Korporasie kragtens subartikel (2) uit nie, behalwe met die toestemming van die Minister van Finansies.

(7) Indien iemand aansoek doen om die goedkeuring van die Minister ingevolge artikel 10 vir die oprigting van 'n abattoir op 'n plek geleë binne die regsgebied van 'n plaaslike bestuur en, wanneer kennis van bedoelde aansoek ingevolge artikel 12 gegee word, daardie plaaslike bestuur geen beswaar teen die oprigting van 'n abattoir op daardie plek deur bedoelde persoon aan die Minister voorlê nie, is die bepalings van subartikel (1) nie ten opsigte van die oprigting van die betrokke abattoir van toepassing nie.

Vasstelling van sekere tariewe deur Minister.

21. (1) Die Minister kan, op aanbeveling van die Kommissie of op aansoek van die eienaar van 'n abattoir en na raadpleging met die Kommissie, van tyd tot tyd die tariewe vasstel wat aan die eienaar van 'n abattoir of 'n operateur ten opsigte van die gebruik van so 'n abattoir of die verrigting van 'n diens betaalbaar is.

(2) 'n Tarief ingevolge subartikel (1) vasgestel, kan verskil ten opsigte van verskillende abattoirs, verskillende deur die Minister omskrewe klasse van abattoirs, verskillende dienste of verskillende soorte of klasse van diere, en kan vasgestel word op enige grondslag wat die Minister goedvind.

(3) 'n Tarief ingevolge subartikel (1) vasgestel, word bekend gemaak op 'n wyse en tree in werking op 'n dag wat die Minister bepaal.

(4) Niemand mag ten opsigte van die gebruik van 'n abattoir of die verrigting van 'n diens—

(*a*) 'n ander of 'n hoër of 'n laer tarief vorder as die tarief wat deur die Minister ten opsigte daarvan vasgestel is nie; of

(*b*) indien geen tarief ten opsigte daarvan deur die Minister vasgestel is nie, 'n ander of 'n hoër of 'n laer tarief vorder as die tarief wat onmiddellik voor die inwerkingtreding van hierdie Wet ten opsigte daarvan gevorder is nie.

Lasgewings deur Minister.

22. (1) Die Minister kan van tyd tot tyd, na raadpleging met die Kommissie, met betrekking tot alle abattoirs geleë in 'n geproklameerde gebied of 'n bepaalde abattoir of bepaalde deur die Minister omskrewe klasse van sodanige abattoirs, aan 'n bepaalde persoon of bepaalde klasse van persone die lasgewings uitreik wat hy nodig ag vir die verwesenliking van die oogmerke van hierdie Wet.

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ment with the Minister to erect an abattoir at such place; or

(*b*) is situated outside the area of jurisdiction of a local authority,

the Minister may order the Corporation in writing to erect, subject to such conditions as may be determined by the Minister, an abattoir at such place, or he may conclude an agreement with another person in terms of which such person undertakes to erect an abattoir at such place.

(3) An agreement concluded in terms of subsection (1) or (2) may contain conditions relating to the matters referred to in section 12 (3).

(4) If a local authority with which or a person with whom the Minister has concluded an agreement in terms of subsection (1) or (2) fails to comply with the conditions of such agreement, the Minister may in writing direct such local authority or person to comply with such conditions within a period specified in the direction and may, if such person fails to do so, terminate the agreement.

(5) The State shall not pay any compensation in respect of anything done or any expenses incurred by the local authority or person referred to in subsection (4) in complying with the conditions of an agreement terminated in terms of that subsection, unless the Minister directs otherwise.

(6) The Minister shall not issue any order to the Corporation in terms of subsection (2), except with the consent of the Minister of Finance.

(7) If any person applies for the approval of the Minister in terms of section 10 for the erection of an abattoir at a place situated within the area of jurisdiction of a local authority and that local authority does not, when notice of such application is given under section 12, submit to the Minister any objection to the erection of an abattoir at that place by such person, the provisions of subsection (1) shall not apply in respect of the erection of the abattoir in question.

Fixing of certain tariffs by Minister.

21. (1) The Minister may, on recommendation of the Commission or on the application of the owner of an abattoir and after consultation with the Commission, from time to time fix the tariffs payable to the owner of an abattoir or an operator in respect of the use of such abattoir or the performance of a service.

(2) A tariff fixed in terms of subsection (1) may differ in respect of different abattoirs, different classes of abattoirs defined by the Minister, different services or different kinds or classes of animals, and may be fixed on any basis which the Minister deems fit.

(3) A tariff fixed in terms of subsection (1) shall be made known in a manner and shall come into operation on a date to be determined by the Minister.

(4) No person shall in respect of the use of an abattoir or the performance of a service—

(*a*) demand a tariff other or higher or lower than the tariff fixed by the Minister in respect thereof; or

(*b*) if no tariff has been fixed in respect thereof by the Minister, demand a tariff other or higher or lower than the tariff demanded in respect thereof immediately before the commencement of this Act.

Orders by Minister.

22. (1) The Minister may from time to time, after consultation with the Commission, in respect of all abattoirs situated in a proclaimed area or a particular abattoir or specified classes of such abattoirs defined by him, issue to a specified person or to specified classes of persons the orders which he deems necessary for the achievement of the objects of this Act.

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(2) 'n Lasgewing ingevolge subartikel (1) uitgereik, kan gelas—

(*a*) dat die eienaar van 'n abattoir—

(i) daardie abattoir op 'n vermelde wyse moet bestuur en dryf;

(ii) toerusting wat by daardie abattoir in gebruik is, moet vervang, verwyder, verbeter of herstel;

(iii) toerusting by daardie abattoir beskikbaar moet stel;

(iv) geboue of strukture by daardie abattoir moet oprig;

(v) geboue of strukture by daardie abattoir moet verander, herstel of sloop;

(vi) die uitleg of konstruksie van daardie abattoir moet verander;

(vii) fasiliteite vir die verrigting van dienste by daardie abattoir moet verskaf;

(viii) fasiliteite wat vir die verrigting van dienste by daardie abattoir verskaf word, moet intrek;

(ix) aan die voorskrifte van die kode moet voldoen;

(*b*) dat 'n persoon wat 'n diens verrig (met inbegrip van die eienaar van die betrokke abattoir)—

(i) van vermelde toerusting of fasiliteite by die verrigting van sodanige diens gebruik moet maak;

(ii) sodanige diens op 'n vermelde wyse moet verrig of die verrigting van sodanige diens op 'n vermelde wyse moet koördineer met die verrigting van ander dienste wat by sodanige abattoir verrig word;

(iii) aan die voorskrifte van die kode moet voldoen;

(*c*) dat 'n persoon, behalwe 'n gemagtigde operateur, wat 'n diens verrig sy verrigting van sodanige diens vir 'n bepaalde tydperk moet opskort of sy verrigting daarvan moet staak;

(*d*) dat 'n persoon wat fasiliteite vir die verrigting van 'n diens verskaf, sodanige fasiliteite moet intrek;

(*e*) dat 'n diens alleenlik deur die eienaar van die betrokke abattoir of deur 'n vermelde persoon verrig mag word;

(*f*) dat die verrigting van 'n diens gestaak of vir 'n vermelde tydperk opgeskort moet word:

Met dien verstande dat 'n lasgewing wat ingevolge paragraaf (*e*) of (*f*) uitgereik word, nie 'n gemagtigde operateur belet om 'n diens te verrig of hom verplig om sy verrigting van 'n diens te staak of op te skort nie.

(3) Indien 'n eienaar van 'n abattoir ten opsigte van wie 'n in subartikel (1) bedoelde lasgewing van toepassing is, versuim om aan daardie lasgewing te voldoen, kan die Minister alle handelinge laat verrig waarvan die verrigting ingevolge sodanige lasgewing gelas word en kan hy die koste daaraan verbonde op sodanige eienaar verhaal.

(4) Indien iemand (behalwe die eienaar van 'n abattoir of 'n gemagtigde operateur) ten opsigte van wie 'n lasgewing in subartikel (1) vermeld van toepassing is, versuim om daaraan te voldoen, kan die Minister daardie persoon by wyse van 'n lasgewing en met ingang van 'n datum in sodanige lasgewing vermeld, belet om enige dienste by die betrokke abattoir te verrig.

(5) Die Minister kan te eniger tyd 'n lasgewing uitgereik ingevolge subartikel (1) of (4) wysig of intrek: Met dien verstande dat indien die eienaar van 'n abattoir ten opsigte van wie 'n in subartikel (2) (*a*) bedoelde lasgewing van toepassing is, begin het om daaraan te voldoen, sodanige lasgewing nie gewysig word nie tensy sodanige eienaar daarin toestem.

Vergoeding betaalbaar in geval van sekere lasgewings.

23. (1) Aan 'n eienaar van 'n abattoir of 'n operateur wat 'n diens by so 'n abattoir verrig wat ingevolge 'n lasgewing kragtens artikel 22 (1) uitgereik, belet word om 'n diens by 'n abattoir te verrig, of beveel word om bepaalde fasiliteite in te

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(2) An order issued in terms of subsection (1) may direct—

(*a*) that the owner of an abattoir—

(i) shall manage and conduct such abattoir in a specified manner;

(ii) shall replace, remove, improve or repair equipment in use at such abattoir;

(iii) shall provide equipment at such abattoir;

(iv) shall erect buildings or structures at such abattoir;

(v) shall alter, repair or demolish buildings or structures at such abattoir;

(vi) shall alter the lay-out or construction of such abattoir;

(vii) shall provide facilities for the performance of services at such abattoir;

(viii) shall withdraw facilities provided for the performance of services at such abattoir;

(ix) shall comply with the instructions of the code;

(*b*) that a person who performs a service (including the owner of the abattoir in question)—

(i) shall make use of specified equipment or facilities in the performance of such service;

(ii) shall perform such service in a specified manner or shall co-ordinate the performance of such service in a specified manner with the performance of other services performed at such abattoir;

(iii) shall comply with the instructions of the code;

(*c*) that a person, except an authorized operator, who performs a service shall suspend his performance of such service for a specified period or shall discontinue his performance thereof;

(*d*) that a person who provides facilities for the performance of a service shall withdraw such facilities;

(*e*) that a service may be performed only by the owner of the abattoir in question or by a specified person;

(*f*) that the performance of a service shall be discontinued or be suspended for a specified period:

Provided that an order issued in terms of paragraph (*e*) or (*f*) shall not preclude an authorized operator from performing a service or oblige him to discontinue or suspend his performance of a service.

(3) If an owner of an abattoir in respect of whom an order referred to in subsection (1) applies, fails to comply with such order, the Minister may cause all acts directed to be performed in terms of such order to be performed and may recover the costs incidental thereto from such owner.

(4) If any person (except the owner of an abattoir or an authorized operator) in respect of whom an order referred to in subsection (1) applies, fails to comply therewith, the Minister may by means of an order and with effect from a date specified in such order preclude such person from performing any services at the abattoir in question.

(5) The Minister may at any time amend or withdraw an order issued in terms of subsection (1) or (4): Provided that if the owner of an abattoir in respect of whom an order referred to in subsection (2) (*a*) applies has commenced giving effect thereto, such order shall not be amended unless such owner consents thereto.

Compensation payable in case of certain orders.

23. (1) An owner of an abattoir or an operator who performs a service at such abattoir who in terms of an order issued under section 22 (1) is precluded from performing a service at such abattoir, or is directed to withdraw specified facilities, shall be

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trek, word die vergoeding betaal wat deur sodanige eienaar of operateur (na gelang van die geval) en die Minister by ooreenkoms bepaal word.

(2) By ontstentenis van sodanige ooreenkoms word daar aan sodanige eienaar of operateur 'n bedrag aan vergoeding betaal van hoogstens 'n bedrag benodig om enige werklike geldelike verlies of ongerief wat deur sy voldoening aan die in subartikel (1) vermelde lasgewing veroorsaak word, te vergoed: Met dien verstande dat geen vergoeding betaal word nie ten opsigte van—

(i) enige indirekte skade of winsderwing wat aldus veroorsaak is;

(ii) iets wat gedoen is met die oogmerk om vergoeding daarvoor te verkry;

(iii) enige verandering wat aan die betrokke abattoir in stryd met die bepalings van artikel 13 (1) aangebring is; of

(iv) enige ooreenkoms wat ten opsigte van die betrokke abattoir in stryd met die bepalings van artikel 25 (1) gesluit is.

(3) Die bedrag wat ingevolge subartikel (2) betaal moet word, word deur 'n gepaste hof ingevolge artikel 14 van die Onteieningswet, 1975 (Wet No. 63 van 1975), vasgestel, en die bepalings van daardie artikel en artikel 15 van daardie Wet is *mutatis mutandis* by die vasstelling van dié bedrag van toepassing.

(4) Geen vergoeding word ingevolge die bepalings van hierdie artikel betaal nie, tensy die persoon wat op vergoeding aanspraak maak 'n aansoek in die voorgeskrewe vorm aan die Minister voorlê en in verband met so 'n aansoek die voorgeskrewe en die ander besonderhede wat die Minister vereis, verstrek.

(5) By die toepassing van hierdie artikel beteken „eienaar" die persoon by wie die eiendomsreg op die betrokke abattoir berus en, indien die reg van algemene beheer oor so 'n abattoir by iemand anders berus as die persoon by wie die eiendomsreg berus, ook daardie ander persoon.

Omstandighede wat deur Minister as grondslag vir omskrywing van klasse van abattoirs gebruik kan word.

24. Waar by hierdie Wet 'n bevoegdheid aan die Minister verleen word om klasse van abattoirs te omskryf, kan enige van die volgende omstandighede met betrekking tot 'n abattoir as grondslag van die omskrywing gebruik word—

(*a*) die aantal eenhede of diere van 'n bepaalde soort of klas wat binne 'n bepaalde tydperk daar geslag word;

(*b*) die soort of klas van diere wat daar geslag word;

(*c*) of dit binne die regsgebied van 'n plaaslike bestuur of 'n plaaslike bestuur van 'n bepaalde soort geleë is, al dan nie;

(*d*) of dit vir 'n openbare doel gebruik word, al dan nie;

(*e*) of dit tydelik of vir 'n onbepaalde tyd opgerig word;

(*f*) of 'n plaaslike bestuur of 'n bepaalde soort plaaslike bestuur die eienaar daarvan is, al dan nie;

(*g*) of die Korporasie die eienaar daarvan is, al dan nie;

(*h*) of die skema daar toegepas word, al dan nie;

(*i*) of dit gebruik word om diere te slag ten einde produkte vir uitvoer te verkry, al dan nie; of

(*j*) enige ander omstandigheid wat die Minister goedvind.

Verbod op sekere ooreenkomste.

25. (1) Niemand mag sonder die voorafverkreë skriftelike goedkeuring van die Minister 'n ooreenkoms sluit waarby aan 'n persoon die reg verleen word om 'n abattoir vir 'n tydperk van langer as twee jaar vir die verrigting van 'n diens te gebruik nie.

(2) 'n Ooreenkoms—

(*a*) wat vir 'n onbepaalde tydperk gesluit word; of

(*b*) wat, alhoewel dit vir 'n korter tydperk as twee jaar gesluit is, aan een van die partye daartoe die reg verleen om dit te verleng vir 'n onbepaalde tydperk of

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paid such compensation as may be determined by such owner or operator (as the case may be) and the Minister by agreement.

(2) In the absence of such agreement there shall be paid to such owner or operator an amount of compensation not exceeding an amount required to make good any actual financial loss or inconvenience caused by complying with the order referred to in subsection (1): Provided that no compensation shall be paid in respect of—

(i) any indirect damage or loss of profit thus caused;
(ii) anything done with the object of obtaining compensation therefor;
(iii) any alteration of the abattoir in question made in conflict with the provisions of section 13 (1); or
(iv) any agreement concluded in respect of the abattoir in question in conflict with the provisions of section 25 (1).

(3) The amount to be paid in terms of subsection (2) shall be determined by an appropriate court in terms of section 14 of the Expropriation Act, 1975 (Act No. 63 of 1975), and the provisions of that section and section 15 of that Act shall apply *mutatis mutandis* in the determination of that amount.

(4) No compensation shall be paid in terms of the provisions of this section unless the person claiming compensation submits an application in the prescribed form to the Minister and furnishes in connection with such application the prescribed particulars and such other particulars as may be required by the Minister.

(5) For the purposes of this section "owner" shall mean the person in whom the ownership of the abattoir in question is vested and, if the right of general control of such abattoir is vested in a person other than the person in whom the ownership is vested, that other person as well.

Circumstances which may be used by Minister as basis for definition of classes of abattoirs.

24. Where a power is conferred upon the Minister by this Act to define classes of abattoirs, any of the following circumstances relating to an abattoir may be used as a basis for the definition—

(*a*) the number of units or animals of a specified kind or class slaughtered there during a specified period;
(*b*) the kind or class of animals slaughtered there;
(*c*) whether or not it is situated within the area of jurisdiction of a local authority or a specified kind of local authority;
(*d*) whether or not it is used for a public purpose;
(*e*) whether it is erected temporarily or for an indefinite period;
(*f*) whether or not a local authority or a local authority of a specified kind is the owner thereof;
(*g*) whether or not the Corporation is the owner thereof;
(*h*) whether or not the scheme is applied there;
(*i*) whether or not it is used to slaughter animals in order to obtain products for export; or
(*j*) any other circumstance which the Minister may deem fit.

Prohibition of certain agreements.

25. (1) No person shall without the prior written approval of the Minister conclude an agreement whereby a person is granted the right to use an abattoir for the performance of a service for a period of more than two years.

(2) An agreement—

(*a*) concluded for an indefinite period; or
(*b*) which although concluded for a period of less than two years, confers on one of the parties thereto the right to extend it for an indefinite period or for a

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vir 'n tydperk wat, indien dit bygevoeg word by die tydperk waarvoor die ooreenkoms gesluit word, langer as twee jaar is,

word by die toepassing van subartikel (1) geag 'n ooreenkoms te wees wat vir 'n tydperk van langer as twee jaar gesluit is.

(3) Die Minister verleen nie sy goedkeuring ingevolge subartikel (1) nie, behalwe na raadpleging met die Kommissie.

Kode.

26. (1) Die Kommissie kan 'n kode van voorskrifte met betrekking tot die volgende aangeleenthede opstel—

(*a*) die geboue, strukture en toerusting wat by abattoirs gebruik word en die materiale en metodes wat by die oprigting, installering, verandering, herstel of verbetering van sodanige geboue, strukture en toerusting gebruik en gevolg word;

(*b*) die fasiliteite wat by abattoirs verskaf word;

(*c*) die beplanning, uitleg en konstruksie van abattoirs;

(*d*) die bestuur en dryf van abattoirs;

(*e*) die gebruik en benutting van abattoirs;

(*f*) die verrigting van dienste;

(*g*) enige aangeleentheid wat met enige van die voorgaande aangeleenthede in verband staan asook enige aangeleentheid wat na die oordeel van die Kommissie in die kode behandel behoort te word.

(2) Die Kommissie lê 'n kode kragtens subartikel (1) opgestel, aan die Minister vir sy goedkeuring voor.

(3) Die Minister moet sodanige kode met die wysigings wat hy goedvind, of sonder enige wysigings, goedkeur en moet dié kode by kennisgewing in die *Staatskoerant* laat publiseer.

(4) Behoudens die bepalings van artikel 22 is die bepalings van 'n kode wat ingevolge subartikel (3) gepubliseer is, nie vir iemand bindend nie.

(5) Die Kommissie kan van tyd tot tyd wysigings van 'n kode wat ingevolge subartikel (3) gepubliseer is, opstel en kan sodanige wysigings aan die Minister vir sy goedkeuring voorlê.

(6) Die bepalings van subartikel (3) is *mutatis mutandis* van toepassing ten opsigte van enige wysiging wat ingevolge subartikel (5) aan die Minister voorgelê word.

Ondersoeke.

27. (1) Die Minister kan die Kommissie gelas om 'n ondersoek in te stel na 'n aangeleentheid in verband met 'n abattoir of abattoirs.

(2) Vir die doeleindes van 'n in subartikel (1) bedoelde ondersoek kan die Kommissie per aangetekende brief, deur sy voorsitter onderteken, enigiemand dagvaar om by die ondersoek getuienis af te lê of 'n boek, geskrif of saak voor te lê wat na die Kommissie se oordeel op die onderwerp van die ondersoek betrekking het.

(3) Die Kommissie kan 'n by die ondersoek aanwesige persoon, hetsy hy ingevolge subartikel (2) gedagvaar is om aanwesig te wees al dan nie, oproep en ondervra en kan enige boek, geskrif of saak waarvan die voorlegging ingevolge subartikel (2) gelas is, inspekteer en vir 'n redelike tyd hou: Met dien verstande dat in verband met die ondervraging van so iemand of die voorlegging van so 'n boek, geskrif of saak die regsreëls met betrekking tot privilege wat geld in die geval van 'n persoon wat gedagvaar is om voor 'n geregshof getuienis af te lê of om 'n boek, geskrif of saak voor te lê, van toepassing is.

(4) (*a*) Wanneer die Kommissie dit nodig ag om dit te doen, kan hy enigiemand gelas om sy getuienis onder eed of na die maak van 'n bevestiging af te lê.

(*b*) Die voorsitter van die Kommissie kan die betrokke persoon 'n eed oplê of van hom 'n bevestiging aanneem.

(5) Iemand wat gedagvaar is om by so 'n ondersoek getuienis af te lê, is geregtig om uit gelde deur die Parlement vir dié doel bewillig as getuiegeld 'n bedrag te ontvang wat gelyk is aan die bedrag wat hy as getuiegeld sou ontvang het as hy gedag-

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period which, if added to the period for which the agreement is concluded, exceeds two years,

shall for the purposes of subsection (1) be deemed to be an agreement concluded for a period of more than two years.

(3) The Minister shall not grant his approval in terms of subsection (1), unless he has consulted with the Commission.

26. (1) The Commission may draw up a code of instructions relating to the following matters— **Code.**

(*a*) the buildings, structures and equipment used at abattoirs and the materials and methods employed in the erection, installation, alteration, repair or improvement of such buildings, structures and equipment;

(*b*) the facilities provided at abattoirs;

(*c*) the planning, lay-out and construction of abattoirs;

(*d*) the management and conduct of abattoirs;

(*e*) the use and utilization of abattoirs;

(*f*) the performance of services;

(*g*) any matter relating to any of the preceding matters as well as any matter which in the opinion of the Commission should be dealt with in such code.

(2) The Commission shall submit a code drawn up under subsection (1) to the Minister for his approval.

(3) The Minister shall approve such code with such amendments as he may deem fit or without any amendments and shall cause such code to be published by notice in the *Gazette*.

(4) The provisions of a code published in terms of subsection (3) shall, subject to the provisions of section 22, not be binding upon any person.

(5) The Commission may from time to time draw up amendments to a code published in terms of subsection (3) and may submit such amendments to the Minister for his approval.

(6) The provisions of subsection (3) shall apply *mutatis mutandis* in respect of any amendment submitted to the Minister in terms of subsection (5).

27. (1) The Minister may direct the Commission to conduct an enquiry into any matter relating to an abattoir or abattoirs. **Enquiries.**

(2) The Commission may for the purposes of an enquiry referred to in subsection (1) by registered letter signed by its chairman summon any person to give evidence at the enquiry or to produce any book, writing or thing which is, in the opinion of the Commission, relevant to the subject matter of the enquiry.

(3) The Commission may call and examine any person present at the enquiry, whether or not he has been summoned to attend in terms of subsection (2), and may inspect and retain for a reasonable period any book, writing or thing the production of which was required in terms of subsection (2): Provided that, in connection with the examination of any such person or the production of any such book, writing or thing, the law relating to privilege as applicable to a person subpoenaed to give evidence or to produce any book, writing or thing before a court of law, shall apply.

(4) (*a*) Whenever the Commission deems it necessary to do so, it may direct any person to give his evidence on oath or affirmation.

(*b*) The chairman of the Commission may administer the oath to, or accept an affirmation from, the person concerned.

(5) Any person who has been summoned to give evidence at such enquiry shall be entitled to receive as witness fees from moneys appropriated by Parliament for the purpose an amount equal to the amount which he would have received as witness

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vaar was om 'n strafgeding in 'n hoër hof, gehou op die plek vermeld in die dagvaarding wat aan hom gestuur is, by te woon.

(6) Niemand mag sodanige ondersoek sonder die verlof van die Kommissie bywoon nie.

(7) Die Kommissie kan te enige redelike tyd enige grond of perseel vir die doeleindes van sodanige ondersoek betree en inspekteer.

(8) Die Kommissie kan vir die doeleindes van sodanige ondersoek iemand gelas om aan hom inligting te verstrek in die vorm wat hy aandui.

Heffing.

28. (1) Die Minister kan na raadpleging met die Kommissie van tyd tot tyd 'n heffing oplê ten opsigte van elke dier wat by 'n abattoir geslag word.

(2) 'n Heffing ingevolge subartikel (1) opgelê, moet op die voorgeskrewe wyse en binne die voorgeskrewe tydperk aan die Minister, ten bate van die spesiale rekening, betaal word en wel deur òf die eienaar van die betrokke abattoir òf 'n gemagtigde operateur òf die persoon ten behoewe van wie die betrokke dier geslag is, na gelang in die regulasies bepaal word: Met dien verstande dat indien daar aldus bepaal word dat bedoelde eienaar of operateur daardie heffing moet betaal, die regulasies kan bepaal dat sodanige heffing deur bedoelde eienaar of operateur, na gelang van die geval, verhaal kan word, op 'n wyse wat in die regulasies bepaal word, op die persoon ten behoewe van wie dié dier geslag is.

(3) 'n Heffing kragtens subartikel (1) opgelê, kan verskil ten opsigte van verskillende soorte of klasse van diere en verskillende deur die Minister omskrewe klasse van abattoirs: Met dien verstande dat die Minister kan bepaal dat geen heffing betaalbaar is nie ten opsigte van 'n dier of soorte of klasse van diere wat by die deur die Minister omskrewe klasse abattoirs geslag word.

(4) 'n Heffing opgelê kragtens subartikel (1) word deur die Minister by kennisgewing in die *Staatskoerant* bekend gemaak en tree in werking op 'n datum in daardie kennisgewing vermeld.

Spesiale rekening.

29. (1) Die Minister laat 'n spesiale rekening hou wat gekrediteer word met—

(i) die opbrengs van 'n heffing ingevolge artikel 28 opgelê; en

(ii) die gelde in artikel 76 (2) (*a*) (i) vermeld.

(2) Die spesiale rekening word deur die Ouditeur-generaal geouditeer.

Aanwending van spesiale rekening.

30. (1) Die gelde in die spesiale rekening word aangewend vir die—

(*a*) betaling van vergoeding ingevolge artikel 17, 20 (5) 23 of 34;

(*b*) verlening van geldelike bystand ingevolge artikel 19;

(*c*) betaling van *ex gratia*-betalings ingevolge artikel 76;

(*d*) bestryding van uitgawes aangegaan vir die bereiking van enige oogmerk wat die Minister na raadpleging met die Kommissie as bevorderlik vir die abattoirbedryf beskou.

(2) Gelde waarmee die spesiale rekening gekrediteer is en wat nie vir onmiddellike gebruik ingevolge subartikel (1) nodig is nie, moet by die Staatskuldkommissarisse of op dié ander wyse wat die Minister in oorleg met die Minister van Finansies bepaal, belê word.

Inspekteurs.

31. (1) Die Minister kan persone as inspekteurs aanwys om die in subartikel (4) bedoelde bevoegdhede en werksaamhede uit te oefen en te verrig.

(2) Elke inspekteur moet van 'n sertifikaat voorsien word wat deur of namens die Minister onderteken is en waarin verklaar word dat hy ingevolge hierdie Wet as 'n inspekteur aangewys is.

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fees if he had been summoned to attend at a criminal trial in a superior court held at the place specified in the summons sent to him.

(6) No person may without the permission of the Commission attend such enquiry.

(7) The Commission may for the purposes of such enquiry at any reasonable time enter upon and inspect any land or premises.

(8) The Commission may for the purposes of such enquiry direct any person to furnish it with information in the form indicated by it.

Levy.

28. (1) The Minister may after consultation with the Commission from time to time impose a levy in respect of every animal slaughtered at an abattoir.

(2) A levy imposed in terms of subsection (1) shall be paid to the Minister, for the benefit of the special account, in the prescribed manner and within the prescribed period and either by the owner of the abattoir in question or an authorized operator or the person on whose behalf the animal in question was slaughtered, as may be determined in the regulations: Provided that if it is so determined that such owner or operator shall pay such levy, the regulations may provide that such levy may be recovered, in a manner determined in the regulations, by such owner or operator, as the case may be, from the person on whose behalf such animal was slaughtered.

(3) A levy imposed under subsection (1) may differ in respect of different kinds or classes of animals and different classes of abattoirs defined by the Minister: Provided that the Minister may determine that no levy shall be payable in respect of an animal or kinds or classes of animals slaughtered at classes of abattoirs defined by the Minister.

(4) A levy imposed under subsection (1) shall be published by the Minister by notice in the *Gazette* and shall take effect on a date to be specified in such notice.

Special account.

29. (1) The Minister shall cause to be kept a special account which shall be credited with—

(i) the proceeds of a levy imposed in terms of section 28; and

(ii) the moneys referred to in section 76 (2) (*a*) (i).

(2) The special account shall be audited by the Auditor-General.

Utilization of special account.

30. (1) The moneys in the special account shall be utilized for—

(*a*) the payment of compensation in terms of section 17, 20 (5), 23 or 34;

(*b*) the rendering of financial aid in terms of section 19;

(*c*) the payment of *ex gratia* payments in terms of section 76;

(*d*) the defrayal of expenses incurred for the attainment of any object which the Minister may after consultation with the Commission deem to be beneficial to the abattoir industry.

(2) Moneys standing to the credit of the special account which are not required for immediate use in terms of subsection (1) shall be invested with the Public Debt Commissioners or in such other manner as the Minister may with the consent of the Minister of Finance determine.

Inspectors.

31. (1) The Minister may designate persons as inspectors to perform and to exercise the functions and powers referred to in subsection (4).

(2) Every inspector shall be furnished with a certificate signed by or on behalf of the Minister and stating that he has been designated as an inspector in terms of this Act.

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(3) Waar 'n inspekteur 'n bevoegdheid, plig of werksaamheid ingevolge hierdie Wet uitoefen of verrig in die teenwoordigheid van persone wat daardeur geraak word, moet dié inspekteur eers die in subartikel (2) bedoelde sertifikaat aan die een of ander van daardie persone toon.

(4) 'n Inspekteur kan vir die doeleindes van hierdie Wet—

(*a*) sonder kennisgewing vooraf, te enige redelike tyd 'n abattoir of enige perseel vanwaar 'n abattoir of die verrigting van 'n diens beheer, bestuur of gedryf word, betree;

(*b*) 'n boek, geskrif of saak wat betrekking het op die bestuur of dryf van 'n abattoir of die verrigting van 'n diens ondersoek, en van die bewaarder of ander persoon wat beheer het oor sodanige boek, geskrif of saak, 'n verduideliking van 'n inskrywing daarin vereis;

(*c*) iemand ondervra wat, na hy redelikerwys vermoed, in besit is van inligting betreffende die bestuur of dryf van 'n abattoir of die verrigting van 'n diens of enige oortreding of beweerde oortreding van 'n bepaling van hierdie Wet;

(*d*) die voorlegging van 'n rekening, faktuur of geskrif wat deur 'n persoon in verband met die bestuur of dryf van 'n abattoir of die verrigting van 'n diens uitgereik is, en 'n verduideliking van 'n inskrywing daarin, van bedoelde persoon of die bewaarder daarvan vereis; en

(*e*) uittreksels of afskrifte maak uit of van 'n boek, geskrif, saak, rekening of faktuur in paragrawe (*b*) en (*d*) vermeld, en vir die doeleindes van verrigtinge teen 'n persoon, op enige sodanige boek, geskrif, saak, rekening of faktuur beslag lê.

Verantwoordelikhede en bevoegdhede van eienaar van abattoir.

32. (1) Die eienaar van 'n abattoir is verantwoordelik vir die ordelike en doeltreffende bestuur en dryf van sodanige abattoir en vir die ordelike verrigting en doeltreffende koordinering van dienste by sodanige abattoir.

(2) Die eienaar van 'n abattoir kan, behoudens die bepalings van hierdie Wet, die bepalings van 'n ingevolge artikel 22 uitgereikte lasgewing of die bepalings van enige voorwaarde wat ingevolge artikel 14 ten opsigte van die gebruik van so 'n abattoir opgelê is, aan persone wat dienste by daardie abattoir verrig, die bevele uitreik wat nodig is ten einde sodanige eienaar in staat te stel om aan die bepalings van subartikel (1) te voldoen: Met dien verstande dat geen bevel aan 'n gemagtigde operateur uitgereik word nie tensy dit met die toestemming van die Raad gedoen word.

(3) Indien 'n persoon aan wie 'n bevel ingevolge subartikel (2) uitgereik is, versuim om daaraan te voldoen, kan die eienaar van die betrokke abattoir sodanige persoon verbied om enige dienste by daardie abattoir te verrig, ongeag die bestaan van 'n ooreenkoms tussen daardie eienaar en daardie persoon waardeur 'n reg aan sodanige persoon verleen word om die betrokke abattoir vir die verrigting van 'n diens te gebruik.

(4) Iemand ten opsigte van wie 'n bevel uitgereik ingevolge subartikel (2) van toepassing is, kan 'n beswaar daarteen op die voorgeskrewe wyse by die Minister indien.

(5) Die Minister kan uit eie beweging 'n bevel uitgereik ingevolge subartikel (2) wysig of intrek of kan, nadat 'n beswaar daarteen ingevolge subartikel (4) ingedien is, sodanige bevel bekragtig, wysig of intrek.

(6) Die Minister oefen nie sy bevoegdhede ingevolge subartikel (5) verleen uit nie, behalwe na raadpleging met die Kommissie.

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(3) Where an inspector exercises or performs any power, duty or function in terms of this Act in the presence of any persons affected thereby, such inspector shall first exhibit the certificate referred to in subsection (2) to any of these persons.

(4) An inspector may for the purposes of this Act—

(*a*) without previous notice, at all reasonable times enter any abattoir or upon any premises from which an abattoir or the performance of a service is controlled, managed or conducted;

(*b*) examine any book, writing or thing which relates to the management or conduct of an abattoir or the performance of a service, and require from the custodian or other person who has control over such book, writing or thing, an explanation of any entry therein;

(*c*) question any person whom he reasonably believes to be in possession of information relating to the management or conduct of an abattoir or the performance of a service or any contravention or alleged contravention of any provision of this Act;

(*d*) require the production of any account, invoice or writing issued by a person in connection with the management or conduct of an abattoir or the performance of a service, and require an explanation of any entry therein from such person or the custodian thereof; and

(*e*) make extracts from or copies of any book, writing, thing, account or invoice referred to in paragraphs (*b*) and (*d*), and for the purposes of any proceedings against any person, seize any such book, writing, thing, account or invoice.

Responsibilities and powers of owner of abattoir.

32. (1) The owner of an abattoir is responsible for the orderly and efficient management and conduct of such abattoir and for the orderly performance and efficient co-ordination of services at such abattoir.

(2) The owner of an abattoir may, subject to the provisions of this Act, the provisions of an order issued in terms of section 22 or the provisions of any condition imposed in terms of section 14 in respect of the use of an abattoir, issue to persons performing services at such abattoir such directions as may be necessary in order to enable such owner to comply with the provisions of subsection (1): Provided that no direction shall be issued to an authorized operator unless it is done with the consent of the Board.

(3) If a person to whom a direction has been issued in terms of subsection (2) fails to comply therewith, the owner of the abattoir in question may prohibit such person from performing any services at that abattoir notwithstanding the existence of an agreement between such owner and such person whereby a right is granted to such person to use the abattoir in question for the performance of a service.

(4) Any person in respect of whom a direction issued in terms of subsection (2) applies may lodge an objection thereto with the Minister in the prescribed manner.

(5) The Minister may of his own accord amend or withdraw a direction issued in terms of subsection (2) or may, after an objection thereto has been lodged in terms of subsection (4), confirm, amend or withdraw such direction.

(6) The Minister shall not exercise his powers conferred under subsection (5), except after consultation with the Commission.

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(7) Die eienaar van 'n abattoir moet die Minister onverwyld in kennis stel van die versuim van 'n persoon wat dienste by die betrokke abattoir verrig om aan die bepalings van hierdie Hoofstuk, 'n bevel ingevolge subartikel (2) uitgereik of 'n lasgewing ingevolge artikel 22 uitgereik, te voldoen.

Raadpleging deur Minister.

33. Die Minister neem nie 'n besluit—

(*a*) wat betrekking het op 'n gemagtigde persoon of op die ligging, omvang, gebruik en benutting of die kapasiteit van 'n abattoir wat opgerig gaan word of op 'n in artikel 13 (1) beoogde verandering van 'n abattoir waar die skema toegepas word, tensy hy met die Raad geraadpleeg het nie;

(*b*) wat 'n finansiële verpligting van 'n kapitale aard met betrekking tot 'n abattoir op 'n plaaslike bestuur plaas, tensy hy met die Administrateur van die betrokke provinsie of die gebied, na gelang van die geval, geraadpleeg het nie.

Minister kan sekere werksaamhede aan Raad of Korporasie opdra.

34. (1) Die Minister kan met die toestemming van die Raad of Korporasie, na gelang van die geval, en onderworpe aan die voorwaardes en beperkings wat deur hom bepaal word, aan die Raad of Korporasie enige werksaamheid, waarvan die Minister die verrigting nodig of wenslik ag ten einde hom en die Kommissie in staat te stel om die bepalings van hierdie Hoofstuk toe te pas, skriftelik verleen of opdra.

(2) Die Raad of Korporasie kan enigiets doen wat nodig is vir die verrigting van 'n werksaamheid aan hom ingevolge subartikel (1) opgedra.

(3) Aan die Raad of Korporasie, na gelang van die geval, kan die bedrae betaal word wat nodig is om hom te vergoed vir uitgawes aangegaan in verband met die verrigting van 'n werksaamheid ingevolge hierdie artikel aan hom opgedra.

Regulasies.

35. (1) Die Minister kan regulasies uitvaardig—

(*a*) betreffende die hou van en die prosedure op vergaderings van die Kommissie;

(*b*) betreffende die vorm waarin en die wyse waarop 'n aansoek ingevolge hierdie Hoofstuk aan die Minister voorgelê moet word;

(*c*) betreffende die wyse waarop en tydperk waarin 'n ingevolge artikel 28 opgelegde heffing aan die Minister betaal moet word en die betaling van rente op die bedrag van 'n onbetaalde heffing;

(*d*) waarin die opgawes wat deur die eienaar van 'n abattoir of 'n persoon wat 'n diens verrig, verstrek moet word, voorgeskryf word;

(*e*) betreffende enige aangeleentheid wat ingevolge hierdie Hoofstuk voorgeskryf moet word of kan word;

(*f*) waardeur die wyse van betekening van 'n lasgewing, kennisgewing, bevel of ander stuk wat ingevolge hierdie Hoofstuk uitgereik word en wat deur hierdie Hoofstuk vereis word beteken te word, voorgeskryf word;

(*g*) wat, in die algemeen, alle aangeleenthede voorskryf wat hy nodig of raadsaam ag om voor te skryf ten einde die oogmerke van hierdie Hoofstuk te bereik, en die algemeenheid van hierdie bepaling word nie beperk deur die bepalings van die voorafgaande paragrawe nie.

(2) Verskillende regulasies kan ingevolge subartikel (1) uitgevaardig word met betrekking tot verskillende klasse van abattoirs en verskillende soorte aansoeke ingevolge hierdie Hoofstuk vereis.

(3) Regulasies wat ingevolge hierdie artikel uitgevaardig word, kan vir 'n oortreding daarvan of versuim om daaraan te voldoen, strawwe voorskryf wat nie 'n boete van tweehonderd rand of gevangenisstraf vir 'n tydperk van ses maande te bowe gaan nie.

(4) 'n Regulasie ingevolge subartikel (1) uitgevaardig en wat op Staatsinkomste of -uitgawe betrekking het, word met die toestemming van die Minister van Finansies uitgevaardig.

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(7) The owner of an abattoir shall forthwith inform the Minister of the failure by a person who performs services at the abattoir in question to comply with the provisions of this Chapter, a direction issued in terms of subsection (2) or an order issued in terms of section 22.

Consultation by Minister.

33. The Minister shall not take any decision—

(*a*) which relates to an authorized person or to the situation, size, use and utilization or the capacity of an abattoir which is to be erected or to an alteration contemplated in section 13 (1) of any abattoir where the scheme is being applied, unless he has consulted with the Board;

(*b*) which places a financial liability of a capital nature in relation to an abattoir on a local authority, unless he has consulted with the Administrator of the province in question or the territory, as the case may be.

Minister may assign certain functions to Board or Corporation.

34. (1) The Minister may with the consent of the Board or Corporation, as the case may be, and subject to such conditions and limitations as may be determined by him, in writing assign to the Board or Corporation any function the performance of which the Minister considers necessary or desirable in order to enable him and the Commission to administer the provisions of this Chapter.

(2) The Board or Corporation may do anything necessary for the performance of any function assigned to it in terms of subsection (1).

(3) The Board or Corporation, as the case may be, may be paid such amounts as are necessary to compensate it for expenditure incurred in connection with the performance of any function assigned to it in terms of this section.

Regulations.

35. (1) The Minister may make regulations—

(*a*) relating to the conduct of and procedure at meetings of the Commission;

(*b*) relating to the form and manner in which any application under this Chapter shall be submitted to the Minister;

(*c*) relating to the manner in which and the period within which a levy imposed in terms of section 28 shall be paid to the Minister and the payment of interest on the amount of an unpaid levy;

(*d*) prescribing the returns which shall be rendered by the owner of an abattoir or a person who performs a service;

(*e*) relating to any matter which by this Chapter is required or permitted to be prescribed;

(*f*) prescribing the manner of serving any order, notice, direction or document issued in terms of this Chapter and required by this Chapter to be served;

(*g*) prescribing, generally, all matters which he considers necessary or expedient to prescribe in order that the objects of this Chapter may be achieved, the generality of this provision not being limited by the provisions of the preceding paragraphs.

(2) Different regulations may be made in terms of subsection (1) with regard to different classes of abattoirs and different kinds of applications required in terms of this Chapter.

(3) Regulations made in terms of this section may prescribe penalties for any contravention thereof or a failure to comply therewith, not exceeding a fine of two hundred rand or imprisonment for a period of six months.

(4) Any regulation made in terms of subsection (1) and relating to State revenue or expenditure shall be made with the consent of the Minister of Finance.

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Geheimhouding.

36. Niemand mag inligting openbaar wat hy by die uitoefening van sy bevoegdhede, die verrigting van sy werksaamhede of die uitvoering van sy pligte ingevolge hierdie Hoofstuk verkry het nie, behalwe—

(*a*) in die mate waarin dit vir die behoorlike toepassing van die bepalings van hierdie Hoofstuk nodig mag wees; of

(*b*) vir die doeleindes van 'n regsgeding daarkragtens.

Misdrywe en strawwe.

37. Iemand wat—

(*a*) sonder voldoende rede (waarvan die bewyslas op hom rus) versuim het om die inligting te verstrek of die hulp of bystand te verleen wat ingevolge artikel 3 (1) (*d*) van hom geverg word;

(*b*) die bepalings van artikel 10 (1), 13 (1), 15 (1), 18 (1), 25 (1) of 36 oortree het;

(*c*) 'n verbod ingevolge artikel 10 (3) of 14 (1) uitgevaardig, oortree het;

(*d*) bepalings van artikel 21 (4) oortree het;

(*e*) versuim het om aan 'n lasgewing uitgereik ingevolge artikel 13 (3), 16 (1) of 22 (1) te voldoen;

(*f*) versuim het om 'n ingevolge artikel 28 opgelegde heffing op die voorgeskrewe wyse of binne die voorgeskrewe tydperk te betaal;

(*g*) (i) nadat hy gedagvaar is om by 'n ondersoek ingevolge artikel 27 getuienis af te lê, sonder voldoende rede (waarvan die bewyslas op hom rus) versuim om op die tyd en plek in die dagvaarding vermeld, te verskyn, of versuim om aanwesig te bly totdat die ondersoek voltooi is of totdat die persoon wat by die ondersoek voorsit hom verlof gegee het om weg te bly, of versuim om 'n boek, geskrif of saak in sy besit of bewaring of onder sy beheer, tot voorlegging waarvan hy gedagvaar is, voor te lê; of

(ii) nadat hy ingevolge artikel 27 opgeroep is, sonder voldoende rede (waarvan die bewyslas op hom rus) weier om as getuie die eed af te lê of 'n bevestiging te maak nadat hy gelas is om dit te doen, of weier om getuienis af te lê, of weier of versuim om na sy beste wete en oortuiging enige vraag wettig aan hom gestel ten volle en op bevredigende wyse te beantwoord;

(*h*) (i) 'n inspekteur by die uitoefening van sy bevoegdhede of die uitvoering van sy pligte kragtens artikel 31 hinder of belemmer; of

(ii) sonder geldige verskoning weier of versuim om 'n vraag wat 'n inspekteur by die uitoefening van sy bevoegdhede of die uitvoering van sy pligte kragtens gemelde artikel aan hom gestel het, na sy beste vermoë te beantwoord; of

(iii) weier of versuim om na sy beste vermoë aan 'n vereiste deur 'n inspekteur by die uitoefening van sy bevoegdhede of die verrigting van sy pligte ingevolge gemelde artikel gestel, te voldoen; of

(iv) opsetlik aan 'n inspekteur inligting verstrek wat vals of misleidend is;

(*i*) in 'n aansoek ingevolge hierdie Hoofstuk wetens inligting verstrek of 'n verklaring doen wat vals of misleidend is;

(*j*) 'n bevel wat ingevolge artikel 32 (5) gewysig of bekragtig is, oortree,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vierhonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens twaalf maande of met daardie boete sowel as daardie gevangenisstraf en, in die geval van 'n in paragraaf (*c*), (*d*) of (*e*) bedoelde misdryf, 'n addisionele boete van hoogstens twintig rand of vier dae gevangenisstraf vir elke dag wat die oortreding voortduur.

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36. No person shall disclose any information obtained by him in the exercise of his powers, the performance of his functions or the carrying out of his duties in terms of this Chapter, except— Preservation of secrecy.

(*a*) to the extent to which it may be necessary for the proper administration of the provisions of this Chapter; or

(*b*) for the purposes of any legal proceedings thereunder.

37. Any person who— Offences and penalties.

(*a*) without sufficient cause (the onus of proof whereof shall rest upon him) has failed to furnish the information or render the aid or assistance required of him in terms of section 3 (1) (*d*);

(*b*) has contravened the provisions of section 10 (1), 13 (1), 15 (1), 18 (1), 25 (1) or 36;

(*c*) has contravened a prohibition imposed in terms of section 10 (3) or 14 (1);

(*d*) has contravened the provisions of section 21 (4);

(*e*) has failed to comply with an order issued in terms of section 13 (3), 16 (1) or 22 (1);

(*f*) has failed to pay a levy imposed in terms of section 28 in the prescribed manner or within the prescribed period;

(*g*) (i) having been summoned to give evidence at an enquiry in terms of section 27, without sufficient cause (the onus of proof whereof shall rest upon him) fails to attend at the time and place specified in the summons, or fails to remain in attendance until the conclusion of the enquiry or until excused by the person presiding at the enquiry from further attendance, or fails to produce any book, writing or thing in his possession or custody or under his control, which he has been summoned to produce; or

(ii) having been called in terms of section 27, without sufficient cause (the onus of proof whereof shall rest upon him) refuses to be sworn or to make affirmation as a witness after he has been directed to do so, or refuses to testify, or refuses or fails to answer fully and satisfactorily to the best of his knowledge and belief any question lawfully put to him;

(*h*) (i) hinders or obstructs an inspector in the exercise of his powers or the carrying out of his duties under section 31; or

(ii) without valid excuse refuses or fails to answer to the best of his ability any question which an inspector in the exercise of his powers or the carrying out of his duties under the said section has put to him; or

(iii) refuses or fails to comply to the best of his ability with any requirement made by an inspector in the exercise of his powers or the carrying out of his duties in terms of the said section; or

(iv) wilfully furnishes to an inspector any information which is false or misleading;

(*i*) in any application in terms of this Chapter, knowingly furnishes information or makes a statement which is false or misleading;

(*j*) contravenes a direction amended or confirmed in terms of section 32 (5),

shall be guilty of an offence and liable on conviction to a fine not exceeding four hundred rand or to imprisonment for a period not exceeding twelve months or to both such fine and such imprisonment and, in the case of an offence referred to in paragraph (*c*), (*d*) or (*e*), an additional fine not exceeding twenty rand or four days' imprisonment for every day on which the offence continues.

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Bewys van sekere feite, en spesiale verweer.

38. (1) Wanneer by die verhoor van iemand op aanklag weens 'n oortreding van 'n bepaling van hierdie Hoofstuk die vraag ontstaan of iemand met 'n bepaalde naam—

(*a*) 'n bepaalde opgawe binne 'n bepaalde tydperk aan die Minister verstrek het, al dan nie; of

(*b*) 'n bepaalde heffing of 'n gedeelte daarvan binne 'n bepaalde tydperk aan die Minister betaal het, al dan nie,

is 'n geskrif wat 'n beëdigde verklaring heet te wees van 'n persoon wat in daardie beëdigde verklaring beweer dat hy 'n beampte in diens van die Staat is wat diens doen in die Departement en dat niemand met daardie naam sodanige opgawe binne sodanige tydperk aan die Minister verstrek het nie, of sodanige heffing of gedeelte daarvan binne sodanige tydperk aan die Minister betaal het nie, na gelang van die geval, by blote voorlegging daarvan by sodanige verhoor deur enige persoon, *prima facie*-bewys van die daarin vermelde feite.

(2) Wanneer by die verhoor van iemand op aanklag weens 'n oortreding van 'n bepaling van hierdie Hoofstuk bewys word dat 'n valse verklaring gedoen is of dat valse inligting verstrek is deur so iemand, word daar geag, tensy die teendeel bewys word, dat so iemand daardie verklaring gedoen het of daardie inligting verstrek het met die wete dat dit vals is.

(3) Dit is 'n verweer teen 'n aanklag dat die beskuldigde 'n verbod opgelê ingevolge artikel 14 oortree het indien die beskuldigde bewys dat die kennisgewing wat die verbod bevat nie aan hom uitgereik was nie en dat hy tydens die beweerde pleging van die ten laste gelegde misdryf onbewus daarvan was dat daardie kennisgewing uitgereik was, ten spyte van die feit dat hy redelike stappe gedoen het, met inbegrip van die doen van navraag by die Sekretaris, om vas te stel of so 'n kennisgewing uitgereik was.

Daad of versuim van bestuurder, agent of werknemer.

39. (1) Wanneer 'n bestuurder, agent of werknemer van iemand (hieronder die werkgewer genoem) 'n daad of versuim begaan wat 'n misdryf ingevolge hierdie Wet sou wees as die werkgewer dit begaan het, dan, tensy bewys word dat—

(*a*) die werkgewer daardie daad of versuim van die bestuurder, agent of werknemer nie oogluikend toegelaat of veroorloof het nie; en

(*b*) die werkgewer alle redelike stappe gedoen het om so 'n daad of versuim te voorkom; en

(*c*) 'n daad of versuim, hetsy wettig of onwettig, van die ten laste gelegde aard onder geen voorwaarde of omstandigheid binne die bestek van die bevoegdheid of in die loop van die diens van die bestuurder, agent of werknemer geval het nie,

word daar veronderstel dat die werkgewer self daardie daad of versuim begaan het en kan hy ten opsigte daarvan skuldig bevind en gevonnis word; en die feit dat hy 'n daad of versuim van die betrokke aard verbied het, word nie op sigself aanvaar as voldoende bewys dat hy alle redelike stappe gedoen het om die daad of versuim te voorkom nie.

(2) Wanneer 'n bestuurder, agent of werknemer van enige sodanige werkgewer 'n daad of versuim begaan wat 'n misdryf ingevolge hierdie Wet sou wees as die werkgewer dit begaan, kan hy ten opsigte daarvan skuldig bevind en gevonnis word asof hy die werkgewer is.

(3) Enige sodanige bestuurder, agent of werknemer kan benewens die werkgewer aldus skuldig bevind en gevonnis word.

Bykomende boetes.

40. Wanneer iemand aan 'n in artikel 37 (*f*) bedoelde misdryf skuldig bevind word, moet die hof wat hom skuldig bevind, benewens enige straf ten opsigte van daardie misdryf opgelê, onverwyld vonnis uitspreek teen daardie persoon en ten gunste van die Minister, ten bate van die spesiale rekening vir die bedrag wat, na die hof bevind, deur daardie persoon aan die Minister

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Proof of certain facts, and special defence.

38. (1) Whenever upon the trial of any person charged with a contravention of a provision of this Chapter the question arises whether a person bearing a particular name—

(*a*) did or did not within a particular period furnish the Minister with a particular return; or

(*b*) did or did not pay to the Minister within a particular period a particular levy, or a portion thereof,

a writing purporting to be an affidavit made by a person who in that affidavit alleges that he is an officer in the service of the State serving in the Department and that no person bearing that name furnished the Minister within such period with such return, or paid to the Minister within such period such levy or portion thereof, as the case may be, shall on its mere production at that trial by any person be *prima facie* proof of the facts stated therein.

(2) Whenever upon the trial of a person charged with a contravention of a provision of this Chapter, it is proved that a false statement was made or that false information was furnished by such person, such person shall, unless the contrary is proved, be deemed to have made that statement or to have furnished that information knowing it to be false.

(3) It shall be a defence to a charge that the accused contravened a prohibition imposed in terms of section 14 if the accused proves that the notice containing the prohibition was not issued to him and that he was unaware at the time of the alleged commission of the offence charged that such notice had been issued, despite the fact that he took reasonable steps to ascertain whether such notice had been issued, including the making of written enquiries to the Secretary.

Act or omission of manager, agent or employee.

39. (1) Whenever any manager, agent or employee of any person (hereinafter called the employer) does or omits to do any act which it would be an offence under this Act for the employer to do or to omit to do, then, unless it is proved that—

(*a*) in doing or omitting to do that act the manager, agent or employee was acting without the connivance or the permission of the employer; and

(*b*) all reasonable steps were taken by the employer to prevent any act or omission of the kind in question; and

(*c*) it was not under any condition or in any circumstances within the scope of the authority or in the course of the employment of the manager, agent or employee to do or to omit to do any act, whether lawful or unlawful, of the character of the act or omission charged,

the employer himself shall be presumed to have done or omitted to do that act and shall be liable to be convicted and sentenced in respect thereof; and the fact that he issued instructions forbidding any act or omission of the kind in question shall not, in itself, be accepted as sufficient proof that he took all reasonable steps to prevent the act or omission.

(2) Whenever any manager, agent or employee of any such employer does or omits to do an act which it would be an offence in terms of this Act for the employer to do or omit to do, he shall be liable to be convicted and sentenced in respect thereof as if he were the employer.

(3) Any such manager, agent or employee may be so convicted and sentenced in addition to the employer.

Additional fines.

40. Whenever a person is convicted of an offence referred to in section 37 (*f*) the court convicting him shall, in addition to any punishment imposed in respect of that offence, forthwith give judgment against that person and in favour of the Minister, for the benefit of the special account, for the amount the court

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verskuldig is, en so 'n vonnis kan ten uitvoer gelê word op dieselfde wyse asof dit in die loop van 'n siviele geding uitgespreek was.

Regsbevoegdheid van landdroshof.

41. Ondanks 'n andersluidende bepaling van die een of ander Wet, besit 'n landdroshof regsbevoegdheid om 'n straf op te lê wat hierdie Hoofstuk voorskryf of om 'n bevel uit te vaardig waarvoor hierdie Hoofstuk voorsiening maak.

Uitsluiting van gebiede, abattoirs of diere en vrystelling van persone.

42. (1) Die Staatspresident kan by proklamasie in die *Staatskoerant* van die toepassing van die een of ander of al die bepalings van hierdie Hoofstuk uitsluit—

(*a*) 'n in die proklamasie vermelde gebied of 'n ander gebied as 'n aldus vermelde gebied;

(*b*) 'n aldus vermelde abattoir of 'n ander abattoir as 'n aldus vermelde abattoir;

(*c*) 'n aldus vermelde klas van abattoirs of 'n ander klas van abattoirs as 'n aldus vermelde klas van abattoirs;

(*d*) 'n dier of soort of klas van dier òf in die algemeen òf ten opsigte van 'n in die proklamasie vermelde gebied of 'n ander gebied as 'n aldus vermelde gebied.

(2) Die Staatspresident kan by proklamasie in die *Staatskoerant* en op die voorwaardes wat hy bepaal, 'n in die proklamasie vermelde persoon of kategorie van persone òf in die algemeen òf ten opsigte van dié omstandighede òf ten opsigte van dié diere of klas van of soort diere of klas van abattoirs wat in die proklamasie vermeld word, van voldoening aan die een of ander of al die bepalings van hierdie Hoofstuk vrystel.

(3) Die Staatspresident kan te eniger tyd by proklamasie in die *Staatskoerant* 'n proklamasie wat ingevolge hierdie artikel uitgevaardig is, wysig of intrek.

Uitsluiting van sekere abattoirs.

43. Die bepalings van hierdie Hoofstuk is nie van toepassing nie ten opsigte van 'n abattoir waar diere uitsluitlik deur of ten behoewe van die eienaar van daardie abattoir geslag word, mits—

(*a*) vleis wat van sodanige diere verkry word uitsluitlik gebruik word—

(i) vir verbruik deur daardie eienaar, sy huishouding en gaste;

(ii) vir verbruik deur sy werknemers, met inbegrip van hul huishoudings en gaste; of

(iii) vir verkoop, in die vorm van vleis, deur daardie eienaar regstreeks aan ander persone as handelaars in of verwerkers van vleis; en

(*b*) die getal diere wat gedurende 'n voorgeskrewe tydperk geslag word nie 'n voorgeskrewe getal oorskry nie.

HOOFSTUK 2

SUID-AFRIKAANSE ABATTOIRKORPORASIE

Instelling van Suid-Afrikaanse Abattoirkorporasie.

44. Hierby word 'n regspersoon met die naam die Suid-Afrikaanse Abattoirkorporasie ingestel.

Oogmerke van Korporasie.

45. (1) Die oogmerke van die Korporasie is om ooreenkomstig 'n beleid deur die Minister bepaal abattoirs in die algemene belang op te rig, te huur, te koop of andersins te verkry, om sodanige abattoirs op 'n nutsgrondslag en 'n wyse wat ekonomies, ordelik en doeltreffend is te bestuur en te dryf en, in die algemeen, om die hulp en bystand te verleen wat die Minister van hom vereis ten einde die oogmerke van Hoofstuk 1 te bereik.

(2) Subartikel (1) word nie so uitgelê dat dit die Korporasie magtig om in produkte, behalwe abattoiruitval, handel te dryf nie.

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finds is due to the Minister by that person, and such judgment may be executed in the same manner as if it had been pronounced in the course of civil proceedings.

Jurisdiction of magistrate's court.

41. Notwithstanding anything to the contrary in any other law contained, a magistrate's court shall have jurisdiction to impose any penalty prescribed by this Act or to make any order provided for by this Act.

Exclusion of areas, abattoirs or animals and exemption of persons.

42. (1) The State President may by proclamation in the *Gazette* exclude from the operation of any or all of the provisions of this Chapter—

(*a*) any area specified in the proclamation or any area other than an area so specified;

(*b*) any abattoir so specified or any abattoir other than an abattoir so specified;

(*c*) any class of abattoirs so specified or any class of abattoirs other than a class of abattoirs so specified;

(*d*) any animal or kind or class of animal either generally or in respect of an area specified in the proclamation or any area other than an area so specified.

(2) The State President may by proclamation in the *Gazette* and subject to such conditions as he may determine, exempt any person or category of persons specified in the proclamation either generally or under such circumstances or in respect of such animals or class or kind of animals or class of abattoirs as may be specified in the proclamation from compliance with any or all of the provisions of this Chapter.

(3) The State President may at any time by proclamation in the *Gazette* amend or repeal any proclamation issued in terms of this section.

Exclusion of certain abattoirs.

43. The provisions of this Chapter shall not apply in respect of any abattoir where animals are slaughtered exclusively by or on behalf of the owner of such abattoir, provided—

(*a*) the meat derived from such animals is exclusively used—

(i) for consumption by such owner, his household and guests;

(ii) for consumption by his employees, including their households and guests;

(iii) for sale, in the form of meat, by that owner directly to persons other than dealers in or processors of meat; and

(*b*) the number of animals slaughtered during a prescribed period does not exceed a prescribed number.

CHAPTER 2

SOUTH AFRICAN ABATTOIR CORPORATION

Establishment of South African Abattoir Corporation.

44. There is hereby established a juristic person to be known as the South African Abattoir Corporation.

Objects of Corporation.

45. (1) The objects of the Corporation shall be, in accordance with a policy determined by the Minister, to erect, hire, purchase or otherwise acquire abattoirs in the general interest, to manage and conduct such abattoirs on a utility basis and in a manner which is economical, orderly and effective and, generally, to give such aid and assistance as the Minister may require of it in order to achieve the objects of Chapter 1.

(2) Subsection (1) shall not be construed so as to authorize the Corporation to deal in products, other than abattoir waste.

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Werksaamhede en bevoegdhede van Korporasie.

46. Die werksaamhede van die Korporasie is om met al die middele waaroor hy beskik die oogmerke waarmee hy ingestel is, te probeer bereik, en ten einde daardie oogmerke te bereik, kan die Korporasie, behoudens die bepalings van hierdie Wet—

(*a*) (i) roerende of onroerende goed verkry of huur;

(ii) roerende of onroerende goed van die Korporasie verhipotekeer, verhuur, verkoop of op 'n ander wyse van die hand sit;

(*b*) die werk verbonde aan die verrigting van sy werksaamhede en die uitoefening van sy bevoegdhede laat verrig deur—

(i) persone wat hy op voorwaardes wat hy bepaal, in diens neem;

(ii) persone met wie hy kontrakte aangegaan het vir die verrigting van 'n besondere handeling of besondere werk of die lewering van besondere dienste;

(*c*) met die voorafgaande goedkeuring van, en op voorwaardes deur die Minister met die toestemming van die Minister van Finansies bepaal, geld leen en belê;

(*d*) met die goedkeuring van die Minister geld en goed aanneem wat by wyse van skenking, toekenning of andersins aan die Korporasie gegee word;

(*e*) rekenings by bankinstellings open;

(*f*) die maatreëls tref wat hy nodig of wenslik ag ten einde te verseker dat abattoirs waarvan hy die eienaar is, bestuur en gedryf word, en dat dienste by daardie abattoirs verrig word, op 'n wyse wat na sy mening ordelik, ekonomies en doeltreffend is;

(*g*) die Minister en die Kommissie van advies dien oor dié aangeleenthede in verband met abattoirs wat deur die Minister of Kommissie aangedui word;

(*h*) studies onderneem en proefnemings doen in verband met die bestuur en dryf van abattoirs of die verrigting van dienste;

(*i*) tegniese en ander inligting in verband met die ontwerp, beplanning, bestuur en dryf van abattoirs of die verrigting van dienste inwin en verwerk;

(*j*) met die goedkeuring van die Minister, met enigeen saamwerk by die verrigting van 'n handeling wat die Korporasie regtens kan verrig;

(*k*) 'n lid word van 'n vereniging of organisasie wat hom beywer vir die bevordering van kennis en die ontwikkeling van bedrywe en beroepe wat met die abattoirbedryf in verband staan;

(*l*) in die algemeen, met die goedkeuring van die Minister, die dinge doen wat na die Korporasie se oordeel sal bydra tot die bereiking van sy oogmerke.

Raad van direkteure van Korporasie.

47. (1) Die sake van die Korporasie word deur 'n raad van direkteure bestuur en beheer wat die bevoegdhede van die Korporasie kan uitoefen.

(2) Die raad van direkteure bestaan uit vyf persone wat deur die Minister aangestel word, van wie—

(*a*) drie vanweë hul kennis van die handel en nywerheid of administratiewe aangeleenthede of die bestuur en dryf van abattoirs aangestel word;

(*b*) een deur die Kommissie uit sy lede benoem word om die Kommissie te verteenwoordig;

(*c*) een deur die Raad uit sy lede benoem word om die Raad te verteenwoordig.

(3) Niemand wat 'n beampte in diens van die Staat is, word as 'n direkteur aangestel nie, behalwe so 'n beampte wat as 'n lid van die Kommissie of Raad aangestel word om die Kommissie of Raad te verteenwoordig.

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Functions and powers of Corporation.

46. The functions of the Corporation shall be to endeavour to achieve the objects for which it is established with all the means at its disposal, and for the purpose of achieving those objects the Corporation may, subject to the provisions of this Act—

(*a*) (i) acquire or hire movable or immovable property;
(ii) hypothecate, let, sell or otherwise dispose of movable or immovable property of the Corporation;

(*b*) cause the work incidental to the performance of its functions and the exercise of its powers to be performed by—
(i) persons employed by it on conditions determined by it;
(ii) persons with whom it has entered into contracts for the performance of any particular act or particular work or the rendering of particular services;

(*c*) with the prior approval of, and on conditions determined by the Minister with the consent of the Minister of Finance, borrow and invest money;

(*d*) with the approval of the Minister accept money and property which is given to the Corporation by way of donation, award or otherwise;

(*e*) open accounts with banking institutions;

(*f*) adopt such measures as it may deem necessary or desirable in order to ensure that abattoirs of which it is the owner are managed and conducted, and that services are performed at such abattoirs in a manner which is, in its opinion, orderly, economical and effective;

(*g*) advise the Minister and the Commission on such matters relating to abattoirs as may be specified by the Minister or Commission;

(*h*) undertake studies and make experiments in connection with the management and conduct of abattoirs or the performance of services;

(*i*) gather and process technical and other information in connection with the design, planning, management and conduct of abattoirs or the performance of services;

(*j*) with the approval of the Minister, collaborate with anyone in the performance of any act which the Corporation is by law permitted to perform;

(*k*) become a member of an association or organization which exerts itself for the promotion of knowledge and the development of trades and occupations related to the abattoir trade;

(*l*) generally, with the approval of the Minister, do such things as will in the opinion of the Corporation contribute towards the attainment of its objects.

Board of directors of Corporation.

47. (1) The affairs of the Corporation shall be managed and controlled by a board of directors which may exercise the powers of the Corporation.

(2) The board of directors shall consist of five persons to be appointed by the Minister, of whom—

(*a*) three shall be appointed by reason of their knowledge of trade and industry or administrative matters or the management and conduct of abattoirs;

(*b*) one shall be nominated by the Commission from among its members to represent the Commission;

(*c*) one shall be nominated by the Board from among its members to represent the Board.

(3) No person who is an officer in the service of the State shall be appointed as a director, except any such officer who as a member of the Commission or Board is appointed to represent the Commission or the Board.

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Ampstermyn en besoldiging van direkteure.

48. (1) 'n Direkteur word aangestel—

(*a*) in die geval van 'n in artikel 47 (2) (*a*) bedoelde direkteur, vir die tydperk, maar hoogstens vyf jaar, wat die Minister ten tyde van die aanstelling bepaal: Met dien verstande dat 'n direkteur wat na sy aanstelling as direkteur as besturende direkteur ingevolge artikel 51 (1) aangestel word, by verstryking van sy ampstermyn as direkteur ingevolge hierdie artikel nie ophou om 'n direkteur te wees nie, maar aanhou om sy amp as direkteur te beklee solank as hy as besturende direkteur optree;

(*b*) in die geval van 'n in artikel 47 (2) (*b*) of (*c*) bedoelde direkteur, vir 'n tydperk wat eindig op die dag waarop sy lopende aanstelling as 'n lid van die Kommissie of die Raad, na gelang van die geval, eindig.

(2) Iemand wie se ampstermyn as direkteur verstryk het, kan behoudens die bepalings van artikel 47 (2) weer aangestel word.

(3) 'n Direkteur beklee sy amp op die voorwaardes (met inbegrip van die betaling van besoldiging en toelaes) wat die Minister met die toestemming van die Minister van Finansies bepaal.

Ontruiming van amp deur direkteure en vul van vakatures.

49. (1) 'n Direkteur ontruim sy amp—

(*a*) indien sy boedel gesekwestreer word of 'n kennisgewing kragtens artikel 22 (1) van die Wet op Landboukrediet, 1966 (Wet No. 28 van 1966), met betrekking tot hom gepubliseer word;

(*b*) indien hy 'n geestesongestelde soos omskryf in die Wet op Geestesgesondheid, 1973 (Wet No. 18 van 1973), word;

(*c*) indien hy aan 'n misdryf skuldig bevind word en tot gevangenisstraf sonder die keuse van 'n boete gevonnis word;

(*d*) indien hy as direkteur bedank;

(*e*) indien hy ingevolge subartikel (2) van sy amp onthef word;

(*f*) by sy verkiesing as lid van die Senaat, die Volksraad of 'n Provinsiale Raad of die Wetgewende Vergadering van Suidwes-Afrika of 'n plaaslike bestuur;

(*g*) by sy aanstelling as 'n beampte in diens van die Staat;

(*h*) by die bereiking van die leeftyd van sewentig jaar.

(2) 'n Direkteur kan te eniger tyd deur die Staatspresident van sy amp onthef word.

(3) Indien 'n direkteur ophou om sy amp te beklee, moet die Minister, behoudens die bepalings van artikel 47 (2), iemand aanstel om die vakature in die raad van direkteure te vul.

Voorsitter en waarnemende voorsitter.

50. (1) Die Minister wys een van die direkteure as voorsitter van die raad van direkteure van die Korporasie aan.

(2) Indien die voorsitter van die raad van direkteure ophou om sy amp as direkteur of as voorsitter van die raad van direkteure te beklee, moet die Minister behoudens die bepalings van subartikel (1) 'n nuwe voorsitter aanwys.

(3) Wanneer die voorsitter afwesig is of nie in staat is om sy werksaamhede as voorsitter te verrig nie, kan die Minister 'n ander direkteur aanwys om gedurende die afwesigheid of onvermoë van die voorsitter as voorsitter waar te neem.

(4) Terwyl hy as voorsitter waarneem, het sodanige direkteur al die bevoegdhede en verrig hy al die werksaamhede van die voorsitter.

Besturende direkteur.

51. (1) Die Minister stel een van die direkteure bedoel in artikel 47 (2) (*a*) as besturende direkteur van die Korporasie aan.

(2) Die besturende direkteur is die hoof- uitvoerende beampte van die Korporasie en moet hom heeltyds met die sake van die Korporasie besig hou.

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Period of office and remuneration of directors.

48. (1) A director shall be appointed—

(*a*) in the case of a director referred to in section 47 (2) (*a*), for such period, not exceeding five years, as the Minister may determine at the time of appointment: Provided that a director who after his appointment as a director is appointed as managing director in terms of section 51 (1), shall not cease to be a director upon the expiration of his period of office as a director in terms of this section but shall continue to hold office as a director for as long as he acts as managing director;

(*b*) in the case of a director referred to in section 47 (2) (*b*) or (*c*), for a period which terminates on the date on which his current appointment as a member of the Commission or Board, as the case may be, terminates.

(2) Any person whose period of office as a director has expired, shall subject to the provisions of section 47 (2) be eligible for re-appointment.

(3) A director shall hold office upon such conditions (including the payment of remuneration and allowances) as the Minister may with the consent of the Minister of Finance determine.

Vacation of office by directors and filling of vacancies.

49. (1) A director shall vacate his office—

(*a*) if his estate is sequestrated or a notice is published in respect of him under section 22 (1) of the Agricultural Credit Act, 1966 (Act No. 28 of 1966);

(*b*) if he becomes mentally ill as defined in the Mental Health Act, 1973 (Act No. 18 of 1973);

(*c*) if he is convicted of an offence and is sentenced to imprisonment without the option of a fine;

(*d*) if he resigns as a director;

(*e*) if he is removed from office in terms of subsection (2);

(*f*) upon his election as member of the Senate, the House of Assembly or a Provincial Council or the Legislative Assembly of South West Africa or a local authority;

(*g*) upon his appointment as an officer in the service of the State;

(*h*) upon the attainment of the age of seventy years.

(2) A director may at any time be removed from office by the State President.

(3) If a director ceases to hold office, the Minister shall, subject to the provisions of section 47 (2), appoint a person to fill the vacancy on the board of directors.

Chairman and acting chairman.

50. (1) The Minister shall designate one of the directors as chairman of the board of directors of the Corporation.

(2) If the chairman of the board of directors ceases to hold office as director or as chairman of the board of directors, the Minister shall subject to the provisions of subsection (1) designate a new chairman.

(3) Whenever the chairman is absent or is unable to perform his functions as chairman, the Minister may designate another director to act as chairman during the absence or incapacity of the chairman.

(4) Such director shall while acting as chairman have all the powers and perform all the functions of the chairman.

Managing director.

51. (1) The Minister shall appoint one of the directors referred to in section 47 (2) (*a*) as managing director of the Corporation.

(2) The managing director shall be the chief executive officer of the Corporation and shall occupy himself full-time with the affairs of the Corporation.

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(3) Die besturende direkteur beklee sy amp op die voorwaardes (met inbegrip van die betaling van besoldiging en toelae) wat die Minister met die toestemming van die Minister van Finansies bepaal: Met dien verstande dat iemand wat die amp van besturende direkteur beklee, deel kan neem aan of lid kan word van 'n personeelskema wat deur die Korporasie as 'n diensvoorreg vir sy werknemers ingestel word.

Ontruiming van amp deur besturende direkteur.

52. (1) Die besturende direkteur van die Korporasie ontruim sy amp—

(*a*) as hy ophou om 'n direkteur te wees;

(*b*) as hy as besturende direkteur bedank;

(*c*) as hy kragtens subartikel (2) van sy amp onthef word.

(2) Die besturende direkteur kan te eniger tyd deur die Minister van sy amp onthef word.

(3) Indien die besturende direkteur ophou om sy amp te beklee, moet die Minister binne 'n redelike tyd en behoudens die bepalings van artikel 51 (1) 'n ander direkteur as die besturende direkteur aanstel.

Vergaderings en besluite.

53. (1) 'n Vergadering van die raad van direkteure van die Korporasie word gehou op 'n tyd en plek wat die voorsitter van die raad bepaal.

(2) Die voorsitter van die raad van direkteure, of die persoon kragtens artikel 50 (3) aangewys om as voorsitter waar te neem, na gelang van die geval, en twee ander direkteure maak 'n kworum vir 'n vergadering van die raad uit.

(3) Die beslissing van die meerderheid van die direkteure wat op 'n raadsvergadering aanwesig is, maak 'n besluit van die raad van direkteure uit, en by 'n staking van stemme oor 'n aangeleentheid het die voorsitter van die raad of die persoon kragtens artikel 50 (3) aangewys om as voorsitter van die raad waar te neem, na gelang van die geval, benewens sy beraadslagende stem, ook 'n beslissende stem.

(4) Geen besluit deur die raad van direkteure of handeling op gesag van die raad van direkteure verrig, is ongeldig nie bloot vanweë 'n vakature in die raad of omdat 'n persoon wat nie geregtig is om as 'n direkteur sitting te neem nie, as 'n direkteur sitting geneem het toe die besluit geneem of die handeling gemagtig is, indien die besluit geneem of die handeling gemagtig is deur die vereiste meerderheid van die direkteure wat toe aanwesig was en geregtig was om as direkteure sitting te neem.

Minister of aangewese beampte kan vergaderings van raad van direkteure bywoon.

54. Die Minister of 'n beampte in diens van die Staat wat vir hierdie doel deur die Minister aangewys is, kan 'n vergadering van die raad van direkteure bywoon, maar is nie geregtig om aan die verrigtinge op daardie vergadering deel te neem of om te stem nie.

Notule.

55. (1) Die Korporasie moet notule van die verrigtinge op vergaderings van die raad van direkteure in een van die amptelike tale van die Republiek laat aanteken in 'n notuleboek wat vir daardie doel by die hoofkantoor van die Korporasie gehou word.

(2) Die notule van 'n vergadering van die raad van direkteure wat geteken heet te wees deur die voorsitter van die raad of die persoon kragtens artikel 50 (3) aangewys om as voorsitter van die raad waar te neem, na gelang van die geval, is in 'n geregshof *prima facie*-bewys van die plaasvind van enigiets wat volgens daardie notule op daardie vergadering plaasgevind het.

(3) Die Minister kan te eniger tyd vereis dat 'n notuleboek van die Korporasie aan hom vir insae voorgelê word.

Belange van direkteur in sekere kontrak moet geopenbaar word.

56. (1) Die bepalings van artikels 234 (1), (2), (3) en (5), 235 en 237 (1) en (4) van die Maatskappywet, 1973 (Wet No. 61 van 1973), is *mutatis mutandis* ten opsigte van 'n direkteur van toepassing, en by sodanige toepassing, tensy uit die samehang

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(3) The managing director shall hold office on such conditions (including the payment of remuneration and allowances) as the Minister may with the consent of the Minister of Finance determine: Provided that any person who holds office as managing director, may take part in or become a member of any staff scheme established by the Corporation as a service benefit for its employees.

Vacation of office by managing director.

52. (1) The managing director of the Corporation shall vacate his office—

(*a*) if he ceases to be a director;

(*b*) if he resigns as managing director;

(*c*) if he is removed from office under subsection (2).

(2) The managing director may at any time be removed from office by the Minister.

(3) If the managing director ceases to hold office, the Minister shall within a reasonable time and subject to the provisions of section 51 (1) appoint any other director as the managing director.

Meetings and decisions.

53. (1) A meeting of the board of directors of the Corporation shall be held at a time and place to be determined by the chairman of the board.

(2) The chairman of the board of directors, or the person designated under section 50 (3) to act as chairman, as the case may be, and two other directors shall constitute a quorum for any meeting of the board.

(3) The decision of the majority of the directors present at a meeting of the board, shall constitute a decision of the board of directors, and in the event of an equality of votes relating to any matter the chairman of the board or the person designated under section 50 (3) to act as chairman of the board, as the case may be, shall have a casting vote in addition to his deliberative vote.

(4) No decision taken by the board of directors or act performed under authority of the board shall be invalid by reason only of a vacancy on the board or of the fact that a person who is not entitled to sit as a director sat as a director at the time when the decision was taken or the act was authorized, if the decision was taken or the act was authorized by the requisite majority of the directors who were present at the time and entitled to sit as directors.

Minister or designated officer may attend meetings of board of directors.

54. The Minister or any officer in the service of the State designated for this purpose by the Minister, may attend any meeting of the board of directors but shall not be entitled to take part in the proceedings at such meeting or to vote.

Minutes.

55. (1) The Corporation shall cause minutes of the proceedings at meetings of the board of directors to be entered in one of the official languages of the Republic in a minute-book kept for that purpose at the head office of the Corporation.

(2) The minutes of any meeting of the board of directors purporting to be signed by the chairman of the board or the person designated under section 50 (3) to act as chairman of the board, as the case may be, shall in any court of law be *prima facie* proof of the taking place of anything which according to such minutes took place at such meeting.

(3) The Minister may at any time require a minute-book of the Corporation to be submitted to him for inspection.

Interest of director in certain contract to be disclosed.

56. (1) The provisions of sections 234 (1), (2), (3) and (5), 235, 237 (1) and (4) of the Companies Act, 1973 (Act No. 61 of 1973), shall *mutatis mutandis* apply in respect of a director, and in such application, unless the context otherwise indicates,

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anders blyk, word 'n verwysing daarin na 'n maatskappy, 'n direkteur of beampte van 'n maatskappy uitgelê as 'n verwysing na die Korporasie, 'n direkteur of beampte van die Korporasie, na gelang van die geval.

(2) 'n Direkteur wat versuim om te voldoen aan 'n bepaling van die Maatskappywet, 1973, soos toegepas deur subartikel (1), is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vierhonderd rand of gevangenisstraf vir 'n tydperk van hoogstens twaalf maande of met sowel sodanige boete as sodanige gevangenisstraf.

(3) 'n Verklaring van belang ingevolge subartikel (1) gedoen, moet aangeteken word in die notule van die vergadering van direkteure waarop die verklaring gedoen is.

Versekering.

57. Die Korporasie kan, by wyse van versekering, voorsiening maak vir dekking—

(*a*) van 'n direkteur ten opsigte van liggaamlike besering, ongeskiktheid of dood wat uitsluitlik en regstreeks die gevolg is van 'n ongeluk wat in die loop van die verrigting van sy pligte as direkteur plaasvind; en

(*b*) van die Korporasie teen enige verlies, skade, risiko of aanspreeklikheid wat hy mag ly of oploop.

Verkryging of huur van abattoir deur Korporasie.

58. (1) Die Korporasie kan 'n abattoir in 'n geproklameerde gebied verkry of huur.

(2) 'n Ooreenkoms vir die verkryging of huur van 'n abattoir bedoel in subartikel (1) is nie vir 'n party daartoe bindend nie tensy die ooreenkoms deur die Minister na raadpleging met die Kommissie bekragtig is.

Onteiening van sekere abattoir deur Minister ten bate van Korporasie.

59. (1) Die Minister kan na raadpleging met die Kommissie 'n abattoir wat in 'n geproklameerde gebied geleë is en wat gesluit is of ten opsigte waarvan die eienaar daarvan sy voorneme om dit te sluit of te vervreem te kenne gegee het, ten bate van die Korporasie onteien—

(*a*) indien die eienaar van daardie abattoir nie bereid is om 'n in artikel 19 (1) (*a*) bedoelde ooreenkoms te sluit nie; of

(*b*) indien die Korporasie, nadat 'n skriftelike lasgewing ingevolge artikel 19 (1) (*b*) aan hom beteken is, nie daardie abattoir op redelike voorwaardes kon verkry nie.

(2) Die Minister oefen nie sy bevoegdhede ingevolge subartikel (1) uit nie behalwe met die toestemming van die Minister van Finansies.

Oprigting van abattoir deur Korporasie.

60. (1) Indien die Minister die Korporasie ingevolge artikel 20 (2) aangesê het om 'n abattoir op te rig, moet die Korporasie daardie abattoir op die betrokke plek ooreenkomstig die voorwaardes ingevolge daardie artikel bepaal, oprig.

(2) Indien die Korporasie nie die grond wat vir die oprigting van die abattoir nodig is op redelike voorwaardes kan verkry nie, kan die Minister daardie grond ten bate van die Korporasie onteien.

Onteiening van grond vir uitbreiding van abattoirs en sekere ander doeleindes.

61. Die Minister kan grond wat nodig is—

(*a*) vir die uitbreiding van 'n abattoir waarvan die Korporasie die eienaar is; of

(*b*) vir die hantering, bewerking, opberging, verpakking, verkoeling, bevriesing, verkoping, verspreiding of verwerking van produkte van diere wat by 'n abattoir waarvan die Korporasie die eienaar is, geslag is,

ten bate van die Korporasie of iemand anders onteien, indien die Minister oortuig is dat die Korporasie of so iemand, na gelang van die geval, nie daardie grond op redelike voorwaardes kan verkry nie.

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any reference therein to a company, a director or an officer of a company shall be construed as a reference to the Corporation, a director or an officer of the Corporation, as the case may be.

(2) Any director who fails to comply with a provision of the Companies Act, 1973, as applied by subsection (1), shall be guilty of an offence and liable on conviction to a fine not exceeding four hundred rand or to imprisonment for a period not exceeding twelve months or to both such fine and such imprisonment.

(3) Any declaration of interest made in terms of subsection (1), shall be recorded in the minutes of the meeting of the board of directors at which the declaration was made.

Insurance.

57. The Corporation may provide insurance cover—

(*a*) for a director in respect of bodily injury, disablement or death resulting solely and directly from an accident occurring in the course of the performance of his duties as a director; and

(*b*) for the Corporation against any loss, damage, risk or liability which it may suffer or incur.

Acquisition or hire of abattoir by Corporation.

58. (1) The Corporation may acquire or hire any abattoir in any proclaimed area.

(2) Any agreement for the acquisition or hire of an abattoir referred to in subsection (1) shall not be binding on any party thereto unless the agreement has been confirmed by the Minister after consultation with the Commission.

Expropriation of certain abattoir by Minister for benefit of Corporation.

59. (1) The Minister may after consultation with the Commission expropriate for the benefit of the Corporation any abattoir which is situated within any proclaimed area and which has been closed or in respect of which the owner thereof has notified his intention to close or to dispose of it—

(*a*) if the owner of such abattoir is not prepared to conclude an agreement referred to in section 19 (1) (*a*); or

(*b*) if the Corporation, after a direction in terms of section 19 (1) (*b*) had been served upon it, was unable to acquire such abattoir on reasonable terms.

(2) The Minister shall not exercise his powers in terms of subsection (1) except with the consent of the Minister of Finance.

Erection of abattoir by Corporation.

60. (1) If the Minister has directed the Corporation in terms of section 20 (2) to erect an abattoir, the Corporation shall erect that abattoir at the place in question, in accordance with such conditions as may be determined in terms of that section.

(2) If the Corporation is unable to acquire the land required for the erection of the abattoir on reasonable terms, the Minister may expropriate such land for the benefit of the Corporation.

Expropriation of land for extension of abattoirs and certain other purposes.

61. The Minister may for the benefit of the Corporation or any other person expropriate land which is required—

(*a*) for the extension of any abattoir of which the Corporation is the owner; or

(*b*) for the handling, treatment, storage, packing, cooling, freezing, sale, distribution or processing of products of animals slaughtered at any abattoir of which the Corporation is the owner,

if the Minister is satisfied that the Corporation or such person, as the case may be, is unable to acquire that land on reasonable terms.

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Toepassing van sekere bepalings van Onteieningswet, 1975.

62. (1) Behoudens die bepalings van subartikel (2), is die bepalings van artikels 6 tot 23 van die Onteieningswet, 1975 (Wet No. 63 van 1975), *mutatis mutandis* ten opsigte van 'n onteiening ingevolge artikel 59, 60 of 61 van toepassing.

(2) Enige abattoir of grond wat ingevolge artikel 59, 60 of 61 ten bate van die Korporasie of iemand anders onteien word, word die eiendom van die Korporasie of so iemand (na gelang van die geval), en die onteieningskennisgewing van die Minister is magtiging aan die betrokke registrateur van aktes om oordrag van daardie grond op naam van die Korporasie of so iemand te registreer.

(3) Alle koste deur die Minister aangegaan by die verrigting van sy werksaamhede ten opsigte van die onteiening van enige abattoir of grond ingevolge artikel 59, 60 of 61 ten bate van die Korporasie of iemand anders, word deur die Korporasie of so iemand (na gelang van die geval) aan die Minister vergoed.

Gelde, regte en ander koste betaalbaar by onteiening.

63. Ten opsigte van die onteiening van enige abattoir of grond ingevolge artikel 59, 60 of 61, is dié gelde, regte (uitgesonderd hereregte) of ander koste betaalbaar deur die Korporasie of, in die geval van 'n onteiening ten bate van iemand anders, so iemand, wat betaalbaar sou gewees het indien die Korporasie of so iemand daardie abattoir of grond gekoop het.

Ondersoek van grond of abattoir vir doeleindes van onteiening.

64. (1) Indien die onteiening van enige abattoir of grond ingevolge artikel 59, 60 of 61 deur die Minister beoog word, kan hy iemand magtig om daardie abattoir binne te gaan of daardie grond te betree met die nodige werksmense, toerusting en voertuie, en—

(*a*) kan hy alle handelinge verrig of laat verrig wat nodig is om hom in staat te stel om tot 'n besluit betreffende die beoogde onteiening te geraak;

(*b*) kan hy die grense van enige abattoir of grond wat nodig is, laat afbaken:

Met dien verstande dat so iemand nie sonder die toestemming van die eienaar of bewoner 'n gebou mag binnegaan of 'n afgekampte werf of tuin aan 'n gebou verbonde, mag betree nie, tensy hy die eienaar of bewoner minstens vier-en-twintig uur kennis gegee het van sy voorneme om dit te doen.

(2) Indien iemand skade gely het as gevolg van die uitoefening van 'n bevoegdheid ingevolge subartikel (1) verleen, moet die Korporasie of, in die geval van 'n onteiening ten bate van iemand anders, so iemand, vergoeding vir daardie skade betaal.

(3) (*a*) Die bedrag van sodanige vergoeding word by ontstentenis van 'n ooreenkoms deur die hof bepaal.

(*b*) 'n Geding vir die vasstelling van sodanige vergoeding moet ingestel word binne ses maande nadat die eisoorsaak ontstaan het, en skriftelike kennis van bedoelde geding en eisoorsaak moet deur die eiser aan die verweerder gegee word minstens een maand voor die geding ingestel word.

Boekhouding.

65. (1) Die Korporasie moet in een van die amptelike tale van die Republiek die rekeningboeke hou wat nodig is om die toestand van die sake en besigheid van die Korporasie redelik weer te gee en om die transaksies en finansiële toestand van die besigheid van die Korporasie te verduidelik, met inbegrip van—

(*a*) aantekeninge wat die bate en laste van die Korporasie aantoon;

(*b*) 'n register van vaste bate wat die onderskeie datums van verkrygings en die koste daarvan, depresiasie, as daar is, die onderskeie datums van vervreemdings en die vergoeding ten opsigte daarvan ontvang, aantoon;

(*c*) boeke wat daaglikse inskrywings bevat in voldoende besonderhede van alle kontant ontvang en uitbetaal en van die aangeleenthede ten opsigte waarvan ontvangste en uitbetalings plaasvind;

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Application of certain provisions of the Expropriation Act, 1975.

62. (1) Subject to the provisions of subsection (2), the provisions of sections 6 to 23 of the Expropriation Act, 1975 (Act No. 63 of 1975), shall apply in respect of an expropriation in terms of section 59, 60 or 61.

(2) Any abattoir or land which is expropriated in terms of section 59, 60 or 61 for the benefit of the Corporation or another person, shall become the property of the Corporation or such person (as the case may be), and the expropriation notice of the Minister shall be authority to the registrar of deeds concerned to register transfer of such land in the name of the Corporation or such person.

(3) All costs incurred by the Minister in the performance of his functions in respect of the expropriation of any abattoir or land in terms of section 59, 60 or 61 for the benefit of the Corporation or another person, shall be refunded to the Minister by the Corporation or such person (as the case may be).

Fees, duties and other charges to be paid in respect of expropriation.

63. In respect of the expropriation of any abattoir or land in terms of section 59, 60 or 61 there shall be payable by the Corporation or, in the case of an expropriation for the benefit of another person, such person, such fees, duties (except transfer duty) and other charges as would have been payable if the Corporation or such person had purchased such abattoir or land.

Inspection of abattoir or land for purposes of expropriation.

64. (1) If the expropriation of any abattoir or land in terms of section 59, 60 or 61 is contemplated by the Minister, he may authorize any person to enter that abattoir or to enter upon that land with the necessary workmen, equipment and vehicles, and—

(*a*) may perform or cause to be performed all acts which may be necessary to enable him to come to a decision in regard to the contemplated expropriation;

(*b*) may demarcate or cause to be demarcated the boundaries of any abattoir or land which may be required:

Provided that such person shall not, without the consent of the owner or occupier, enter any building or enter upon any enclosed yard or garden attached to any building, unless he has given the owner or occupier at least twenty-four hours' notice of his intention to do so.

(2) If any person has suffered any damage as a result of the exercise of any power conferred in terms of subsection (1), the Corporation or, in the case of any expropriation for the benefit of another person, such person, shall pay compensation for any such damage.

(3) (*a*) The amount of such compensation shall in the absence of an agreement be determined by the court.

(*b*) Any proceedings for the determination of such compensation shall be instituted within six months after the cause of action arose, and written notice of any such proceedings and cause of action shall be given by the plaintiff to the defendant not less than one month before the proceedings are instituted.

Book-keeping.

65. (1) The Corporation shall keep in one of the official languages of the Republic such account books as are necessary to represent fairly the state of affairs and business of the Corporation and to explain the transactions and financial position of the business of the Corporation, including—

(*a*) records showing the assets and liabilities of the Corporation;

(*b*) a register of fixed assets showing the respective dates of acquisitions and the cost thereof, depreciation, if any, the respective dates of any disposals and the consideration received in respect thereof;

(*c*) books containing daily entries in sufficient detail of all cash received and paid out and of the matters in respect of which receipts and payments take place;

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(*d*) wanneer die besigheid van die Korporasie transaksies in goedere meegebring het, aantekeninge van alle goedere verkoop en gekoop en aantekeninge wat die goedere en die kopers en verkopers daarvan in voldoende besonderhede aantoon ten einde die aard van daardie goedere en daardie kopers en verkopers te kan identifiseer; en

(*e*) state van 'n jaarlikse voorraadopname.

(2) Die Korporasie moet ten einde aan die bepalings van artikel 66 (2) te kan voldoen, afsonderlike aantekeninge, boeke, en state (uitgesonderd die in subartikel (1) (*b*) beoogde register) hou van die verskillende abattoirs waarvan hy die eienaar is.

(3) Die aantekeninge bedoel in subartikels (1) en (2) kan gehou word òf deur inskrywings in ingebinde boeke te maak òf deur die betrokke aangeleenthede op 'n ander wyse aan te teken, en waar sodanige aantekeninge nie gehou word deur inskrywings in ingebinde boeke te maak nie, moet toereikende voorsorgmaatreëls getref word om teen vervalsing te waak en om die opsporing daarvan te vergemaklik.

Finansiële jaarstate.

66. (1) Die Korporasie moet ten opsigte van elke boekjaar van die Korporasie finansiële jaarstate in beide van die amptelike tale van die Republiek laat opstel en moet bedoelde state, na ouditering daarvan soos beoog in artikel 68, binne ses maande na die einde van die betrokke boekjaar aan die Minister voorlê, tesame met 'n afskrif van die verslag oor die betrokke ouditering.

(2) Die finansiële jaarstate in subartikel (1) bedoel, moet bestaan uit—

(*a*) 'n balansstaat wat afsonderlik handel met die toestand van die sake van elke abattoir van die Korporasie;

(*b*) 'n gekonsolideerde balansstaat wat gesamentlik handel met al die sake van die Korporasie;

(*c*) 'n inkomstestaat wat afsonderlik handel met die wins of verlies van elke abattoir van die Korporasie;

(*d*) 'n gekonsolideerde inkomstestaat wat handel met die wins of verlies van die Korporasie;

(*e*) 'n ouditeursverslag ten opsigte van die betrokke jaarlikse ouditering.

(3) Die finansiële jaarstate van die Korporasie moet ooreenkomstig algemeen aanvaarde rekeningkundige praktyk die toestand van sake van die Korporasie en sy besigheid aan die einde van die betrokke boekjaar en die wins of verlies van die Korporasie vir daardie boekjaar redelik weergee, en moet vir daardie doel, in die mate wat die Minister vereis, in ooreenstemming wees met die toepaslike vereistes wat ten opsigte van die finansiële jaarstate van maatskappye in Bylae 4 van die Maatskappywet, 1973 (Wet No. 61 van 1973), voorgeskryf word.

Boekjaar van Korporasie.

67. Die boekjaar van die Korporasie eindig op 30 Junie in elke jaar.

Ouditering.

68. (1) (*a*) Die rekeningboeke, rekeningstate en finansiële jaarstate van die Korporasie word jaarliks geouditeer deur iemand wat ingevolge die bepalings van die Wet op Openbare Rekenmeesters en Ouditeurs, 1951 (Wet No. 51 van 1951), as rekenmeester en ouditeur geregistreer is.

(*b*) 'n Ouditeur in paragraaf (*a*) bedoel, word aangestel en sy vergoeding word bepaal deur die Korporasie met die toestemming van die Minister.

(2) 'n Ouditeur ingevolge subartikel (1) aangestel, mag nie sonder dié voorbehoud wat onder die omstandighede gepas is, na aanleiding van die betrokke ouditering sertifiseer of verslag doen of 'n mening uitspreek soos beoog in subartikel (1) van artikel 26 van die Wet op Openbare Rekenmeesters en Ouditeurs, 1951, nie, tensy hy, benewens te voldoen het aan die bepalings

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(*d*) where the business of the Corporation has involved dealings in goods, records of all goods sold and purchased and records showing the goods and the buyers and the sellers thereof in sufficient detail to enable the nature of those goods and those buyers and sellers to be identified; and

(*e*) statements of an annual stocktaking.

(2) In order to be able to comply with the provisions of section 66 (2), the Corporation shall keep separate records, books and statements (except the register contemplated in subsection (1) (*b*)) in respect of the different abattoirs of which it is the owner.

(3) The records referred to in subsections (1) and (2) may be kept either by making entries in bound books or by recording the matters in question in any other manner, and where such records are not kept by making entries in bound books, adequate precautions shall be taken for guarding against falsification and for the detection of falsification.

Annual financial statements.

66. (1) The Corporation shall in respect of every financial year of the Corporation cause annual financial statements to be made out in both official languages of the Republic and shall submit such statements, after having been audited as contemplated in section 68, to the Minister within six months after the end of the financial year in question, together with a copy of the report on the audit in question.

(2) The annual financial statements referred to in subsection (1) shall consist of—

(*a*) a balance sheet dealing separately with the state of affairs of each abattoir of the Corporation;

(*b*) a consolidated balance sheet dealing collectively with the state of all the affairs of the Corporation;

(*c*) an income statement dealing separately with the profit or loss of each abattoir of the Corporation;

(*d*) a consolidated income statement dealing with the profit or loss of the Corporation;

(*e*) an auditor's report in respect of the annual audit in question.

(3) The annual financial statements of the Corporation shall, in accordance with generally accepted accounting practice, represent fairly the state of affairs of the Corporation and its business as at the end of the financial year in question and the profit or loss of the Corporation for that financial year, and shall for that purpose, to the extent required by the Minister, be in accordance with the appropriate requirements prescribed in respect of the annual financial statements of companies in Schedule 4 of the Companies Act, 1973 (Act No. 61 of 1973).

Financial year of Corporation.

67. The financial year of the Corporation shall terminate on 30 June in each year.

Audit.

68. (1) (*a*) The account books, statements of accounts and annual financial statements of the Corporation shall be audited annually by a person registered as an accountant and auditor in terms of the provisions of the Public Accountants' and Auditors' Act, 1951 (Act No. 51 of 1951).

(*b*) An auditor referred to in paragraph (*a*) shall be appointed and his remuneration shall be determined by the Corporation with the consent of the Minister.

(2) An auditor appointed in terms of subsection (1) shall not without such qualification as may be appropriate in the circumstances, in pursuance of the audit in question, certify or report or express an opinion as contemplated in subsection (1) of section 26 of the Public Accountants' and Auditors' Act, 1951

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van daardie subartikel, homself daarvan vergewis het dat behoorlike voorsiening gemaak is vir die terugbetaling van gelde wat deur die Korporasie geleen is.

Jaarverslag.

69. Die Korporasie moet binne ses maande na die einde van sy boekjaar 'n verslag aangaande sy werksaamhede gedurende daardie boekjaar aan die Minister in beide amptelike tale van die Republiek voorlê.

Tertafellegging van finansiële jaarstate en jaarverslag.

70. Finansiële jaarstate ingevolge artikel 66 aan die Minister voorgelê en die jaarverslag ingevolge artikel 69 aan hom voorgelê, word deur die Minister in die Senaat en in die Volksraad ter Tafel gelê binne veertien dae na ontvangs daarvan indien die Parlement dan in gewone sessie is, of, indien die Parlement nie dan in gewone sessie is nie, binne veertien dae na die aanvang van sy eersvolgende gewone sessie.

HOOFSTUK 3

ALGEMENE BEPALINGS

Delegering van bevoegdhede deur Minister.

71. (1) Die Minister kan al die bevoegdhede wat hierdie Wet aan hom verleen, of een of meer daarvan, met uitsondering van die in artikel 35 bedoelde bevoegdhede, skriftelik aan 'n senior beampte in 'n Staatsdepartement delegeer.

(2) Die Minister kan te eniger tyd enige delegering ingevolge subartikel (1) skriftelik intrek, en geen delegering van 'n bevoegdheid belet die uitoefening van sodanige bevoegdheid deur die Minister self nie.

Beperking van aanspreeklikheid.

72. Die Staat en sy werknemers, die Minister, die lede van die Kommissie, die Korporasie, sy direkteure en werknemers of 'n inspekteur is nie aanspreeklik ten opsigte van enigiets wat te goeder trou kragtens die bepalings van hierdie Wet gedoen is nie.

Betekening van lasgewing, kennisgewing bevel of ander stuk.

73. Tensy 'n ander metode voorgeskryf word, word 'n lasgewing, kennisgewing of bevel of ander stuk ingevolge hierdie Wet uitgereik, beteken—

(*a*) deur 'n afskrif daarvan te oorhandig aan die persoon aan wie dit beteken moet word;

(*b*) deur sodanige afskrif by die gewone of jongsbekende woonplek of sakeplek van sodanige persoon te laat; of

(*c*) deur sodanige afskrif deur die pos na die gewone of jongsbekende woonplek of sakeplek van sodanige persoon te stuur.

Vormgebrek maak 'n kennisgewing, lasgewing of bevel nie ongeldig nie.

74. 'n Vormgebrek in 'n kennisgewing, lasgewing of bevel kragtens hierdie Wet uitgereik, maak nie 'n administratiewe handeling wat verrig word ten opsigte van die saak waarop die kennisgewing, lasgewing of bevel betrekking het, ongeldig nie en is nie 'n grond vir 'n eksepsie teen enige geregtelike verrigting wat ten opsigte van sodanige saak ingestel word nie, mits die vereistes of betekenis daarvan wesenlik en duidelik uiteengesit is.

Toepassing van Wet in Suidwes-Afrika.

75. Hierdie Wet en 'n wysiging daarvan is ook in die gebied, met inbegrip van die Oostelike Caprivi Zipfel, van toepassing.

Herroeping van wette en voorbehoud.

76. (1) Behoudens die bepalings van subartikels (2) en (3) word die wette in die Bylae vermeld hierby herroep.

(2) By die inwerkingtreding van hierdie Wet—

(*a*) gaan alle bates, regte, laste en verpligtings van die Abattoirkommissie ingestel by artikel 2 van die Wet op die Abattoirkommissie, 1967 (Wet No. 86 van 1967), oor op die Korporasie: Met dien verstande dat—

(i) gelde in die rekening bedoel in artikel 46 (1) van die Wet op die Abattoirkommissie, 1967, of

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unless in addition to having complied with the provisions of that subsection, he has satisfied himself that adequate provision has been made for the repayment of moneys lent by the Corporation.

Annual report.

69. The Corporation shall within six months after the end of its financial year submit to the Minister a report on its activities during that financial year in both official languages of the Republic.

Tabling of annual financial statements and annual report.

70. Annual financial statements submitted to the Minister in terms of section 66 and the annual report submitted to him in terms of section 69, shall be laid upon the Table by the Minister in the Senate and in the House of Assembly within fourteen days after receipt thereof, if Parliament is then in ordinary session, or, if Parliament is not then in ordinary session, within fourteen days after commencement of its first ensuing ordinary session.

CHAPTER 3

General Provisions

Delegation of powers by Minister.

71. (1) The Minister may in writing delegate to any senior officer in any department of State all or any of the powers conferred upon him by this Act, other than the powers referred to in section 35.

(2) The Minister may at any time revoke in writing any delegation in terms of subsection (1), and no delegation of any power shall prevent the exercise of such power by the Minister himself.

Limitation of liability.

72. The State and its employees, the Minister, the members of the Commission, the Corporation, its directors and employees or any inspector shall not be liable in respect of anything done in good faith under the provisions of this Act.

Serving of order, notice, direction or other document.

73. Unless another method is prescribed, any order, notice, direction or other document issued in terms of this Act shall be served—

(*a*) by delivering a copy thereof to the person upon whom it is to be served;

(*b*) by leaving such copy at the usual or last known place of residence or business of such person; or

(*c*) by sending such copy by post to the usual or last known place of residence or business of such person.

Defect in form not to invalidate any notice, direction or order.

74. No defect in the form of any notice or direction given or order made in terms of this Act shall render unlawful any administrative action or be a ground for exception to any legal proceedings which may be taken in the matter to which such notice, direction or order relates, provided the requirements or meaning thereof are substantially and intelligibly set forth.

Application of Act in South West Africa.

75. This Act and any amendment thereof shall apply also in the territory, including the Eastern Caprivi Zipfel.

Repeal of laws and saving.

76. (1) Subject to the provisions of subsections (2) and (3) the laws referred to in the Schedule are hereby repealed.

(2) At the commencement of this Act—

(*a*) all assets, rights, liabilities and obligations of the Abattoir Commission established by section 2 of the Abattoir Commission Act, 1967 (Act No. 86 of 1967), shall vest in the Corporation: Provided that—

(i) any moneys in the account referred to in section 46 (1) of the Abattoir Commission Act, 1967, or

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soveel daarvan as wat die Minister bepaal, nie op die Korporasie oorgaan nie, maar aan die Staat oorbetaal word;

(ii) die administratiewe aantekeninge en ander stukke van daardie Abattoirkommissie wat die Minister bepaal, aan die Departement oorgedra moet word;

(*b*) word iemand wat onmiddellik voor bedoelde inwerkingtreding 'n werknemer van daardie Abattoirkommissie was 'n werknemer van die Korporasie;

(*c*) tree iemand wat onmiddellik voor bedoelde inwerkingtreding die voorsitter of 'n lid van daardie Abattoirkommissie was, af: Met dien verstande dat die Minister so iemand as 'n direkteur van die Korporasie of 'n lid van die Kommissie kan aanstel.

(3) Iets wat voor die inwerkingtreding van hierdie Wet ingevolge die bepalings van die Wet op die Abattoirkommissie, 1967—

(i) deur of namens daardie Abattoirkommissie gedoen is en wat ingevolge die bepalings van hierdie Wet deur die Minister gedoen sou kon word, word geag deur die Minister ingevolge laasgenoemde bepalings gedoen te gewees het;

(ii) deur of namens die Minister gedoen is en wat deur hom ingevolge die bepalings van hierdie Wet gedoen sou kon word, word geag deur die Minister ingevolge laasgenoemde bepalings gedoen te gewees het;

(iii) deur of namens daardie Abattoirkommissie gedoen is en wat deur die Korporasie ingevolge die bepalings van hierdie Wet gedoen sou kon word, word geag deur die Korporasie ingevolge laasgenoemde bepalings gedoen te gewees het.

(4) Die Minister kan na goedvinde 'n bedrag *ex gratia* betaal aan iemand wat ingevolge die bepalings van subartikel (2) (*b*) 'n werknemer van die Korporasie word en wie se dienste ooreenkomstig die betrokke dienskontrak deur die Korporasie beëindig word as gevolg van 'n herorganisasie van sy personeel, indien die Minister van oordeel is dat bedoelde herorganisasie die regstreekse gevolg is van die herroeping van die bepalings van die Wet op die Abattoirkommissie, 1967, en die verordening van die bepalings van hierdie Wet.

(5) Die betrokke registrateur van aktes moet so gou doenlik na die inwerkingtreding van hierdie Wet die inskrywings of aantekeninge wat hy nodig ag ten einde aan die bepalings van subartikel (2) (*a*) gevolg te gee, in of op enige tersaaklike register, titelbewys of ander stuk in sy kantoor of aan hom voorgelê, maak, en geen hereregte, seëlreg, kantoorgeld of ander geld is ten opsigte van 'n oordrag ingevolge subartikel (2) (*a*) of ten opsigte van so 'n inskrywing of aantekening betaalbaar nie.

Wysiging van artikel 9 van Wet 40 van 1949, soos gewysig deur artikel 3 van Wet 31 van 1953, artikel 12 van Wet 80 van 1959, artikel 3 van Wet 70 van 1963, artikel 3 van Wet 77 van 1964, artikel 1 van Wet 81 van 1965, artikel 7 van Wet 103 van 1969, artikel 2 van Wet 89 van 1972, artikel 3 van Wet 66 van 1973 en artikel 5 van Wet 88 van 1974.

77. Artikel 9 (1) van die Wet op Hereregte, 1949, word hierby gewysig deur paragraaf (*b*C) deur die volgende paragraaf te vervang:

„(*b*C) die Suid-Afrikaanse Abattoirkorporasie ingestel by artikel 44 van die Wet op die Abattoirbedryf, 1976, ten opsigte van eiendom deur hom vir abattoirdoeleindes verkry;".

Kort titel en inwerkingtreding.

78. Hierdie Wet heet die Wet op die Abattoirbedryf, 1976, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

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so much thereof as may be determined by the Minister, shall not vest in the Corporation but shall be paid over to the State;

(ii) such administrative records and other documents of the said Abattoir Commission as may be determined by the Minister shall be transferred to the Department;

(*b*) any person who immediately before such commencement was an employee of such Abattoir Commission shall become an employee of the Corporation;

(*c*) any person who immediately before such commencement was the chairman or a member of that Abattoir Commission shall retire: Provided that the Minister may appoint such person as a director of the Corporation or a member of the Commission.

(3) Anything done before the commencement of this Act in terms of the provisions of the Abattoir Commission Act, 1967—

(i) by or on behalf of such Abattoir Commission and which could have been done by the Minister in terms of the provisions of this Act, shall be deemed to have been done by the Minister in terms of the latter provisions;

(ii) by or on behalf of the Minister and which could have been done by him in terms of the provisions of this Act, shall be deemed to have been done by the Minister in terms of the latter provisions;

(iii) by or on behalf of such Abattoir Commission and which could have been done by the Corporation in terms of the provisions of this Act, shall be deemed to have been done by the Corporation in terms of the latter provisions.

(4) The Minister may if he deems it fit pay an amount *ex gratia* to any person who in terms of the provisions of subsection (2) (*b*) becomes an employee of the Corporation and whose services are terminated, in accordance with the terms of the contract of service in question, by the Corporation as a result of the reorganization of its staff, if the Minister is of the opinion that such reorganization is the direct result of the repeal of the provisions of the Abattoir Commission Act, 1967, and the enactment of the provisions of this Act.

(5) The registrar of deeds concerned shall as soon as may be practicable after the commencement of this Act make such entries or endorsements in or on any relevant register, title deed or other document in his office or submitted to him, as he may deem necessary in order to give effect to the provisions of subsection (2) (*a*), and no transfer duty, stamp duty, office fee or other charge shall be payable in respect of any vesting in terms of subsection (2) (*a*) or in respect of any such entry or endorsement.

Amendment of section 9 of Act 40 of 1949, as amended by section 3 of Act 31 of 1953, section 12 of Act 80 of 1959, section 3 of Act 70 of 1963, section 3 of Act 77 of 1964, section 1 of Act 81 of 1965, section 7 of Act 103 of 1969, section 2 of Act 89 of 1972, section 3 of Act 66 of 1973 and section 5 of Act 88 of 1974.

77. Section 9 (1) of the Transfer Duty Act, 1949, is hereby amended by the substitution for paragraph (*b*C) of the following paragraph:

"(*b*C) the South African Abattoir Corporation established by section 44 of the Abattoir Industry Act, 1976, in respect of property acquired by it for abattoir purposes;".

Short title and commencement.

78. This Act shall be called the Abattoir Industry Act, 1976, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

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Bylae

WETTE HERROEP

Nommer en jaar van wet	Titel van wet	In hoeverre herroep
Wet No. 86 van 1967	Wet op die Abattoirkommissie, 1967	Die geheel
Wet No. 30 van 1973	Wysigingswet op die Abattoirkommissie, 1973 . .	Die geheel
Wet No. 63 van 1975	Onteieningswet, 1975	Artikels 69, 70, 71, 72 en 73

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Schedule

LAWS REPEALED

Number and year of law	Title of law	Extent of repeal
Act No. 86 of 1967	Abattoir Commission Act, 1967	The whole
Act No. 30 of 1973	Abattoir Commission Amendment Act, 1973 . . .	The whole
Act No. 63 of 1975	Expropriation Act, 1975	Sections 69, 70, 71, 72 and 73