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STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

As 'n Nuusblad by die Poskantoor Geregistreer *Registered at the Post Office as a Newspaper*

Prys 20c Price
Oorsee 30c Overseas
POSVRY—POST FREE

VOL. 153] KAAPSTAD, 10 MAART 1978 CAPE TOWN, 10 MARCH 1978 [No. 5907

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 438. 10 Maart 1978.

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

No. 9 van 1978: Suikerwet, 1978.

DEPARTMENT OF THE PRIME MINISTER

No. 438. 10 March 1978.

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

No. 9 of 1978: Sugar Act, 1978.

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WET

Tot samevatting en wysiging van die wetsbepalings met betrekking tot die suikernywerheid; en om vir bykomstige aangeleenthede voorsiening te maak.

(*Engelse teks deur die Staatspresident geteken.*)
(*Goedgekeur op 3 Maart 1978.*)

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

Woordbepaling.

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

(i) „aangewese landbouproduk" 'n landbouproduk ingevolge artikel 4 (2) *(a)* aangewys; (iii)

(ii) „geraffineerde suiker" geraffineerde suiker soos omskryf in Bylae 1, met inbegrip van 'n wysiging of vervanging van daardie omskrywing ingevolge artikel 9; (ix)

(iii) „hierdie Wet" ook die Ooreenkoms, 'n kennisgewing ingevolge artikel 6 uitgereik en 'n regulasie ingevolge artikel 10 uitgevaardig; (xiii)

(iv) „jaar" 'n jaar soos in die Ooreenkoms omskryf; (xiv)

(v) „kweker" iemand wat suikerriet of 'n aangewese landbouproduk produseer; (iv)

(vi) „meulenaar" iemand wat suiker van suikerriet of 'n aangewese landbouproduk vervaardig; (vi)

(vii) „Minister" die Minister van Ekonomiese Sake; (vii)

(viii) „nywerheidsprys", met betrekking tot 'n suikernywerheidproduk, die prys waarteen daardie produk deur 'n meulenaar of raffineerder vir verbruik in die Republiek verkoop word; (v)

(ix) „Ooreenkoms" die Suikernywerheidooreenkoms in artikel 4 bedoel; (i)

(x) „produksie", wanneer met betrekking tot die woorde „suikernywerheidproduk" gebruik, ook die plant, kweek, oes, vervoer, verwerking, vervaardiging en raffinering van so 'n produk; (viii)

(xi) „raffineerder" iemand wat geraffineerde suiker vervaardig; (x)

(xii) „spesialiteitsuiker" spesialiteitsuiker soos omskryf in Bylae 2, met inbegrip van 'n wysiging of vervanging van daardie omskrywing ingevolge artikel 9; (xi)

(xiii) „suikernywerheidproduk" suikerriet, suiker of 'n aangewese landbouproduk, of 'n produk of newe-produk regstreeks verkry uit die verwerking van suikerriet, 'n aangewese landbouproduk of die sap van suikerriet of 'n aangewese landbouproduk, of 'n produk of newe-produk regstreeks verkry uit die vervaardiging of raffinering van suiker, maar nie ook iets wat uit die herverwerking van so 'n produk of newe-produk verkry is nie; (xii)

(xiv) „Vereniging" die Suid-Afrikaanse Suikervereniging ingevolge artikel 2 ingelyf. (ii)

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ACT

To consolidate and amend the laws relating to the sugar industry; and to provide for matters incidental thereto.

(English text signed by the State President.)
(Assented to 3 March 1978.)

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

Definitions.

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

(i) "Agreement" means the Sugar Industry Agreement referred to in section 4; (ix)

(ii) "Association" means the South African Sugar Association incorporated in terms of section 2; (xiv)

(iii) "designated agricultural product" means an agricultural product designated in terms of section 4 (2) *(a)*; (i)

(iv) "grower" means a person who produces sugar cane or any designated agricultural product; (v)

(v) "industrial price", in relation to any sugar industry product, means the price at which that product is sold by any miller or refiner for consumption in the Republic; (viii)

(vi) "miller" means a person who manufactures sugar from sugar cane or any designated agricultural product; (vi)

(vii) "Minister" means the Minister of Economic Affairs; (vii)

(viii) "production", when used in relation to the words "sugar industry product", includes the planting, growing, harvesting, transportation, milling, manufacture and refining of such a product; (x)

(ix) "refined sugar" means refined sugar as defined in Schedule 1, including any amendment or substitution of that definition in terms of section 9; (ii)

(x) "refiner" means a person who manufactures refined sugar; (xi)

(xi) "speciality sugar" means speciality sugar as defined in Schedule 2, including any amendment or substitution of that definition in terms of section 9; (xii)

(xii) "sugar industry product" means sugar cane, sugar or any designated agricultural product, or any product or by-product derived directly from the processing of sugar cane, a designated agricultural product or the juice of sugar cane or of a designated agricultural product, or any product or by-product derived directly from the manufacture or refining of sugar, but does not include anything derived from the reprocessing of any such product or by-product; (xiii)

(xiii) "this Act" includes the Agreement, a notice issued in terms of section 6 and any regulation made in terms of section 10; (iii)

(xiv) "year" means a year as defined in the Agreement. (iv)

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Inlywing van Suid-Afrikaanse Suikervereniging.

2. (1) Die Vereniging bekend as die Suid-Afrikaanse Suikervereniging is met daardie naam, met ingang vanaf die datum van inwerkingtreding van hierdie Wet, 'n regspersoon met 'n grondwet waarvan die bepalings deur die Minister by kennisgewing in die *Staatskoerant* gepubliseer word.

(2) Die Minister publiseer op soortgelyke wyse enige wysiging van genoemde grondwet.

(3) Die Registrateur van Maatskappye skryf so gou doenlik na die inwerkingtreding van hierdie Wet die naam van die Vereniging in in die register deur hom gehou van liggame wat by Wet ingelyf is.

Oordrag van bates, laste, regte en verpligtings.

3. (1) Enige bate, las, reg of verpligting van die Suid-Afrikaanse Suikervereniging onmiddellik voor die inwerkingtreding van hierdie Wet, met inbegrip van 'n bate geregistreer op naam van, enige reg gevestig in, en enige las of verpligting bindend vir, 'n trustee van genoemde Vereniging, is vanaf bedoelde inwerkingtreding gevestig in of, na gelang van die geval, bindend vir genoemde Vereniging soos ingelyf.

(2) Die Registrateur van Aktes in wie se kantoor enige akte of ander dokument wat betrekking het op 'n bate, las, reg of verpligting in subartikel (1) beoog, onmiddellik voor die inwerkingtreding van hierdie Wet geregistreer is, moet, na bedoelde inwerkingtreding, by ontvangs van 'n aansoek deur iemand namens die Vereniging en die voorlegging aan hom deur so iemand van die dokumente en die inligting wat hy nodig het, die endossemente op genoemde akte of ander dokument en die inskrywings in sy registers aanbring wat nodig is om uitvoering te gee aan die bepalings van subartikel (1), en geen hereregte, seëlreg, registrasiegeld of -koste of ander reg, geld of koste is betaalbaar ten opsigte van enige sodanige endossement of enige sodanige inskrywing nie.

Suikernywerheid-ooreenkoms.

4. (1) *(a)* Die Minister bepaal na oorleg met die Vereniging die bepalings van 'n ooreenkoms wat bekend moet staan as die Suikernywerheidooreenkoms en wat voorsiening moet maak vir, en handel oor, die aangeleenthede betreffende die suikernywerheid wat, na die oordeel van die Minister, in belang van daardie nywerheid is maar nie vir die openbare belang skadelik is nie.

(b) (i) Die Minister kan op versoek van, of na oorleg met, die Vereniging, die Ooreenkoms wysig indien die Minister oortuig is dat so 'n wysiging in belang van die Suikernywerheid is en nie vir die openbare belang skadelik is nie.

(ii) Tensy die Vereniging anders versoek, kan 'n wysiging met terugwerkende krag aangebring word tot 'n datum wat nie vroeër is as die aanvangsdatum van die jaar waarin die wysiging ingevolge paragraaf *(c)* gepubliseer word nie.

(c) Die Minister publiseer die Ooreenkoms en enige wysiging daarvan by kennisgewing in die *Staatskoerant* waarop die Ooreenkoms of so 'n wysiging bindend vir elke kweker, meulenaar en raffineerder word.

(2) Sonder om afbreuk te doen aan die algemeenheid van subartikel (1) *(a)*, omvat die aangeleenthede met betrekking waartoe die Minister in die Ooreenkoms voorsiening voor kan maak en oor kan handel—

(a) die aanwysing van 'n landbouproduk waarvan dit moontlik is of word om suiker te vervaardig as 'n produk wat aan die Ooreenkoms onderhewig is;

(b) (i) die reëling van en beheer oor die produksie, bemarking en uitvoer van suikernywerheidprodukte;

(ii) die verbod op die produksie, bemarking en uitvoer van suikernywerheidprodukte;

(c) die inbeslagneming of vernietiging van, hetsy met of sonder vergoeding, en die verkoop van of ander beskikking oor, hetsy tot voordeel van die Vereniging of nie, 'n suikernywerheidproduk in omstandighede waarin

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Incorporation of South African Sugar Association.

2. (1) The Association known as the South African Sugar Association shall under that name, with effect from the date of commencement of this Act, be a juristic person with a constitution of which the terms shall be published by the Minister by notice in the *Gazette*.

(2) The Minister shall in like manner publish any amendment of the said constitution.

(3) The Registrar of Companies shall as soon as possible after the commencement of this Act enter the name of the Association in the register kept by him of bodies incorporated by Statute.

Transfer of assets, liabilities, rights and obligations.

3. (1) Any asset, liability, right or obligation of the South African Sugar Association immediately prior to the commencement of this Act, including any asset registered in the name of, any right vested in, and any liability or obligation binding upon, any trustee of the said Association, shall, as from such commencement, vest in or, as the case may be, be binding upon the said Association as incorporated.

(2) The Registrar of Deeds in whose office any deed or other document relating to any asset, liability, right or obligation contemplated in subsection (1) is registered immediately prior to the commencement of this Act, shall, after such commencement, upon receipt of an application by any person on behalf of the Association and the production to him by such person of the documents and the information required by him, make such endorsements on the said deed or other document and such entries in his register as may be necessary to give effect to the provisions of subsection (1), and no transfer duty, stamp duty, registration fee or charge or other duty, fee or charge shall be payable in respect of any such endorsement or any such entry.

Sugar Industry Agreement.

4. (1) *(a)* The Minister shall after consultation with the Association determine the terms of an agreement to be known as the Sugar Industry Agreement, which shall provide for, and deal with, such matters relating to the sugar industry as are, in the opinion of the Minister, in the interests of that industry but not detrimental to the public interest.

(b) (i) The Minister may at the instance of, or after consultation with, the Association, amend the Agreement if the Minister is satisfied that such amendment is in the interests of the sugar industry and not detrimental to the public interest.

(ii) Unless the Association requests otherwise, an amendment may be made with retrospective effect to a date not earlier than the date of commencement of the year during which the amendment is published under paragraph *(c)*.

(c) The Minister shall publish the Agreement and any amendment thereof by notice in the *Gazette*, whereupon the Agreement or such amendment shall become binding upon every grower, miller and refiner.

(2) Without derogating from the generality of subsection (1) *(a)*, the matters with reference to which the Minister may provide for, and deal with, in the Agreement, shall include—

(a) the designation of any agricultural product from which it is or becomes possible to manufacture sugar as a product which is subject to the Agreement;

(b) (i) the regulation and control of the production, marketing and exportation of sugar industry products;

(ii) the prohibition of the production, marketing and exportation of sugar industry products;

(c) the confiscation or destruction, which may be with or without compensation, and the sale or other disposal, which may be for the benefit of the Association or not, of any sugar industry product in circumstances in which

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die produksie van daardie produk, of die bemarking daarvan of ander beskikking daaroor of die uitvoer daarvan, geskied het of gepoog is in stryd met die Ooreenkoms of 'n kennisgewing kragtens artikel 6 gepubliseer of 'n regulasie kragtens artikel 10 uitgevaardig;

(d) 'n formule vir die bepaling van die prys wat deur meulenaars aan kwekers vir suikerriet of 'n aangewese landbouproduk betaal moet word, wat 'n faktor mag insluit wat betrekking het op die verkoop van, of ander beskikking oor, 'n suikernywerheidproduk;

(e) die werksaamhede wat deur die Vereniging verrig moet word by die uitvoering van die Ooreenkoms;

(f) die instelling en samestelling van 'n raad om uitvoering te gee aan die bepalings van die Ooreenkoms, en die werksaamhede wat die raad daarkragtens moet verrig;

(g) die oplegging van heffings op kwekers, meulenaars en raffineerders ten einde uitvoering aan die bepalings van die Ooreenkoms te gee en ten einde die Vereniging in staat te stel om enige verpligting na te kom wat hy ooreenkomstig sy grondwet aangaan.

(3) Die Minister kan na oorleg met die Vereniging, in die Ooreenkoms of in 'n latere kennisgewing in die *Staatskoerant*, 'n oortreding van, of versuim om te voldoen aan, 'n bepaling van die Ooreenkoms, 'n misdryf verklaar, en kan op soortgelyke wyse strawwe voorskryf vir so 'n oortreding of versuim.

Gelyke behandeling van kwekers, meulenaars en raffineerders.

5. Tensy die Ooreenkoms ten opsigte van enige bepaalde kwekers, meulenaars of raffineerders, of 'n bepaalde klas of kategorie kwekers, meulenaars of raffineerders, uitdruklik die teendeel bepaal, word 'n reg verleen aan, of 'n verpligting opgelê op, kwekers, meulenaars of raffineerders ingevolge die Ooreenkoms, uitgelê dat dit van gelyke toepassing is, sonder onderskeid, op onderskeidelik alle kwekers, meulenaars en raffineerders.

Bevoegdhede van Minister ten opsigte van pryse en bybetaling.

6. (1) *(a)* Die Minister kan, na oorleg met die Vereniging, by kennisgewing in die *Staatskoerant* die maksimum nywerheidsprys voorskryf waarteen 'n ander suikernywerheidproduk as spesialiteitsuiker verkoop mag word.

(b) So 'n prys kan verskil ten opsigte van verskillende grade, soorte, hoeveelhede en kwaliteite van die betrokke produk, en ten opsigte van verskillende plekke of gebiede.

(2) Die Minister kan op versoek van, of na oorleg met, die Vereniging by kennisgewing in die *Staatskoerant* of by skriftelike kennisgewing aan die betrokke persoon—

(a) 'n bybetaling hef op enige suiker of melasse gekoop of andersins verkry—

(i) deur enigiemand of enige klas of kategorie persone in die kennisgewing beskryf;

(ii) vir enige doel in die kennisgewing beskryf; en

(b) die wyse waarop bedoelde bybetaling gevorder moet word, die persone deur wie dit betaal moet word, die persone of fonds aan wie dit betaal moet word en die doel waarvoor dit aangewend moet word, voorskryf.

(3) Die Minister kan in die geval van 'n kennisgewing in subartikel (1) of (2) bedoel, op versoek van, of na oorleg met, die Vereniging, die kennisgewing by kennisgewing in die *Staatskoerant* of by skriftelike kennisgewing aan die betrokke persoon herroep of wysig.

(4) Die Minister kan, na oorleg met die Vereniging, in 'n kennisgewing in subartikel (1) of (2) bedoel, of in 'n latere kennisgewing, 'n oortreding van, of versuim om te voldoen aan, 'n bepaling van 'n aldus bedoelde kennisgewing 'n misdryf verklaar, en kan op soortgelyke wyse die strawwe voorskryf vir so 'n oortreding of versuim.

Strawwe.

7. 'n Straf wat voorgeskryf kan word vir 'n oortreding van, of 'n versuim om te voldoen aan, 'n bepaling van die Ooreenkoms, of 'n bepaling van 'n kennisgewing ingevolge artikel 6 uitgereik, of 'n regulasie ingevolge artikel 10 uitgevaardig, gaan nie

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the production of that product, or the marketing or other disposal or the exportation thereof, has been effected or attempted in contravention of the Agreement or any notice published under section 6 or any regulation made under section 10;

(d) a formula for determining the price to be paid by millers to growers for sugar cane or any designated agricultural product, which may include any factor related to the sale or other disposal of any sugar industry product;

(e) the functions to be performed by the Association in the execution of the Agreement;

(f) the establishment and constitution of a board to carry out the terms of the Agreement, and the functions to be performed by it thereunder;

(g) the imposition of levies upon growers, millers and refiners for the purpose of giving effect to the terms of the Agreement and for the purpose of enabling the Association to fulfil any obligation incurred by it in accordance with its constitution.

(3) The Minister may, after consultation with the Association, in the Agreement or in any subsequent notice in the *Gazette*, declare any contravention of, or failure to comply with, any term of the Agreement, an offence, and may in like manner prescribe penalties for any such contravention or failure.

Equality of treatment of growers, millers and refiners.

5. Unless the Agreement expressly provides to the contrary in respect of any particular growers, millers or refiners, or any particular class or category of growers, millers or refiners, any right conferred, or any obligation imposed, upon growers, millers or refiners under the Agreement, shall be construed as applying equally and without distinction to all growers, millers and refiners, respectively.

Powers of Minister with regard to prices and surcharge.

6. (1) *(a)* The Minister may, after consultation with the Association, by notice in the *Gazette* prescribe the maximum industrial price at which any sugar industry product, other than speciality sugar, may be sold.

(b) Such price may vary in respect of different grades, kinds, quantities and qualities of the product concerned, and in respect of different places or areas.

(2) The Minister may at the request of, or after consultation with, the Association by notice in the *Gazette* or by written notice to the person concerned—

(a) impose a surcharge upon any sugar or molasses purchased or otherwise acquired—

(i) by any person or class or category of persons described in the notice;

(ii) for any purpose described in the notice; and

(b) prescribe the manner in which such surcharge shall be collected, the persons by whom it shall be paid, the persons to whom or the fund to which it shall be paid and the purpose for which it shall be utilized.

(3) The Minister may in the case of a notice referred to in subsection (1) or (2), at the request of, or after consultation with, the Association, revoke or amend the notice by notice in the *Gazette* or by written notice to the person concerned.

(4) The Minister may, after consultation with the Association, in a notice referred to in subsection (1) or (2), or in any subsequent notice, declare any contravention of, or failure to comply with, any provision of a notice so referred to, an offence, and may in like manner prescribe penalties for any such contravention or failure.

Penalties.

7. Any penalty which may be prescribed for any contravention of, or failure to comply with, any term of the Agreement, or of any provision of a notice issued under section 6, or of any regulation made under section 10, shall not exceed two thousand

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tweeduisend rand, in die geval van 'n boete, of 'n tydperk van twaalf maande, in die geval van gevangenisstraf, of daardie boete sowel as daardie gevangenisstraf, te bowe nie.

Jurisdiksie van landdroshof.

8. 'n Landdroshof het jurisdiksie om enige straf op te lê wat ingevolge hierdie Wet voorgeskryf is.

Minister kan sekere wysigings aan Bylaes aanbring.

9. Die Minister kan op versoek van die Vereniging, en indien hy oortuig is dat dit in belang van die suikernywerheid is en nie skadelik vir die openbare belang is nie, by kennisgewing in die *Staatskoerant* enige omskrywing in Bylae 1 of 2 vervat, wysig, of so 'n omskrywing deur 'n ander omskrywing vervang.

Regulasies.

10. Die Minister kan, na oorleg met die Vereniging, regulasies uitvaardig wat voorsiening maak vir—

(a) die reëling van, beheer oor of verbod op die produksie, bemarking of uitvoer van suiker of suikernywerheidprodukte;

(b) die beter verwesenliking van die oogmerke en die beter administrasie van die bepalings van hierdie Wet en van die Ooreenkoms of enige wysiging daarvan.

Herroepings en voorbehoude.

11. (1) Die Suikerwet, 1936 (Wet No. 28 van 1936), die Wysigingswet op Suiker, 1955 (Wet No. 17 van 1955), en die Wysigingswet op Suiker, 1958 (Wet No. 26 van 1958), word hierby herroep.

(2) Die Suikernywerheidooreenkoms van 1943 word hierby ingetrek.

(3) 'n Vasstelling gedoen, of 'n besluit geneem of 'n handeling verrig, deur iemand of 'n liggaam of gesag kragtens 'n Wet ingevolge subartikel (1) herroep, en 'n ooreenkoms en 'n vasstelling of regulasie ingevolge so 'n Wet gepubliseer, bly van krag, behalwe vir sover dit onbestaanbaar is met 'n bepaling van hierdie Wet, totdat dit ingevolge hierdie Wet herroep of gewysig word.

Kort titel en inwerkingtreding.

12. (1) Hierdie Wet heet die Suikerwet, 1978, en tree in werking op 'n datum deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

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

Bylae 1

Omskrywing van Geraffineerde Suiker

„Geraffineerde suiker" beteken suiker wat wesenlik aan die volgende spesifikasies voldoen:

Polarisasie, nie minder as 99,9° S nie;
Konduktometriese As (5° Bx-oplossing), nie meer as 0,03% nie;
ICUMSA-kleur, nie meer as 125 nie (oplossing is nie gefiltreer of ontlug nie maar vir een uur laat staan voor kleurmeting).

Bylae 2

Omskrywing van Spesialiteitsuiker

„Spesialiteitsuiker" beteken enige van die volgende produkte, naamlik:

Blokkie, superfyn dessert, versier, strooi, wit kristal, gekleurde kristal, koffiekristal, ekstrafyn, mikrofyn, superfyn bak, banketbakkers, sand, inmakers, gekarameliseerde bruin, sagte bruin, stroop, demarara, kandy, invertsuiker, gouestroop, swartstroop,

waarvan die produksie ander verwerkingskoste as die normale meul- en raffineringskoste meebring.

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rand, in the case of a fine, or a period of twelve months, in the case of imprisonment, or both such fine and such imprisonment.

Jurisdiction of magistrate's court.

8. A magistrate's court shall have jurisdiction to impose any penalty prescribed in terms of this Act.

Minister may effect certain amendments to Schedules.

9. The Minister may at the request of the Association, and if he is satisfied that it would be in the interests of the sugar industry and not detrimental to the public interest, by notice in the *Gazette* amend any definition contained in Schedule 1 or 2, or substitute any other definition for any such definition.

Regulations.

10. The Minister may, after consultation with the Association, make regulations providing for—

(a) the regulation, control or prohibition of the production, marketing or exportation of sugar or sugar industry products;

(b) the better achievement of the objects and the better administration of the provisions of this Act and of the Agreement or any amendment thereof.

Repeals and savings.

11. (1) The Sugar Act, 1936 (Act No. 28 of 1936), the Sugar Amendment Act, 1955 (Act No. 17 of 1955), and the Sugar Amendment Act, 1958 (Act No. 26 of 1958), are hereby repealed.

(2) The Sugar Industry Agreement of 1943 is hereby rescinded.

(3) Any determination made, or any decision or action taken, by any person, body or authority under any Act repealed in terms of subsection (1), and any agreement and any determination or regulation published under any such Act, shall, except in so far as it is inconsistent with any provision of this Act, continue to be of force until it is rescinded or varied under this Act.

Short title and commencement.

12. (1) This Act shall be called the Sugar Act, 1978, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

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

Schedule 1

Definition of Refined Sugar

"Refined sugar" means sugar which complies substantially with the following specifications:

Polarization, not less than 99,9° S;
Conductivity Ash (5° Bx solution), not greater than 0,03%:

ICUMSA Colour, not more than 125 (solution is not filtered nor de-aerated but left to stand for one hour prior to colour measurement).

Schedule 2

Definition of Speciality Sugar

"Speciality sugar" means any of the following products, namely:

Cube, superfine dessert, icing, castor, white crystal, coloured crystal, coffee crystal, extra fine, micro fine, superfine baking, confectioners, sanding, canners, caramel brown, soft brown, treacle, demarara, candy, invert sugar, golden syrup, treacle syrup,

the production of which involves processing costs other than the normal milling and refining costs.