



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 1021.

19 Mei 1982.

No. 1021.

19 May 1982.

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

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

No. 69 van 1982: Wysigingswet op die Abattoirbedryf, 1982.

No. 69 of 1982: Abattoir Industry Amendment Act, 1982.

GENERAL EXPLANATORY NOTE:

- []** Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Abattoir Industry Act, 1976, so as to substitute or delete certain designations therein; to make further provision regarding the fixing by the Minister of Agriculture and Fisheries of tariffs payable to the owner of an abattoir in respect of the performance of a service; to provide for the imposition under certain circumstances by the Minister of a levy in respect of meat introduced for consumption or processing into certain areas; and to make other provision regarding the appointment of the managing director of the South African Abattoir Corporation; and to provide for matters connected therewith.

(English text signed by the State President.)
(Assented to 8 May 1982.)

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

1. Section 1 of the Abattoir Industry Act, 1976 (hereinafter referred to as the principal Act), is hereby amended—
- 5 (a) by the substitution for the definition of “Department” of the following definition:
 “‘Department’ means the Department of **[Agricultural Economics and Marketing]** Agriculture and Fisheries”;
- 10 (b) by the insertion after the definition of “Department” of the following definition:
 “‘meat’ means those portions of a slaughtered animal
 which are ordinarily used for consumption by human beings or animals as well as the other portions thereof which are not so used, as long as they form part of the first-mentioned portions”;
- 15 (c) by the substitution for the definition of “Minister” of the following definition:
 “‘Minister’ means the Minister of Agriculture and Fisheries”;
- 20 (d) by the deletion of the definition of “Secretary”.
2. Section 3 of the principal Act is hereby amended by the substitution in subsection (2) for the word “Secretary”, where it occurs for the first time, of the words “Director-General: Agriculture and Fisheries” and, where it occurs for the second time, of the words “said Director-General”.
 Amendment of section 3 of Act 54 of 1976.
3. Section 7 of the principal Act is hereby amended by the deletion in paragraph (f) of subsection (1) of the words “the Senate”.
 Amendment of section 7 of Act 54 of 1976.
4. Section 21 of the principal Act is hereby amended by the addition of the following subsection:
 30 (5) For the purposes of this section, “service” includes the conveyance by the owner of an abattoir of products
 Amendment of section 21 of Act 54 of 1976.

van produkte vanaf daardie abattoir na enige punt in 'n deur die Minister bepaalde gebied.''

Invoeging van artikel 21A in Wet 54 van 1976.

5. Die volgende artikel word hierby in die Hoofwet na artikel 21 ingevoeg:

„Heffing op inbring van vleis in sekere gebiede. **21A.** (1) Indien 'n abattoir waarvan 'n plaaslike bestuur die eenaar is, nie benut word in die mate waarin dit na die oordeel van die Minister benut behoort te word nie, kan die Minister, na raadpleging met die Kommissie, by kennisgewing in die *Staatskoerant* en vanaf 'n datum in die kennisgewing vermeld 'n heffing ten bate van die eenaar van daardie abattoir opelê ten opsigte van vleis van diere wat nie by daardie abattoir geslag is nie en vir verbruik of verwerking ingebring word in die regsgebied van 'n plaaslike bestuur in die kennisgewing vermeld en wat deel uitmaak van die gebied wat ingevolge subartikel (5) as die bedieningsgebied van daardie abattoir bepaal is.

(2) 'n Heffing ingevolge subartikel (1) opgelê, word op die wyse, binne die tydperk en deur die persone in die betrokke kennisgewing bepaal, betaal aan die plaaslike bestuur in wie se regsgebied die vleis ten opsigte waarvan die heffing opgelê is, ingebring word.

(3) (a) 'n Plaaslike bestuur aan wie 'n heffing ingevolge subartikel (2) betaal word, moet, indien hy nie die betrokke eenaar is ten bate van wie die heffing opgelê is nie, die opbrengs van die heffing wat aan hom betaal is, na aftrekking van die kommissie waarop hy ingevolge paragraaf (b) geregtig is, aan daardie eenaar oorbetaal binne die tydperk wat die Minister bepaal.

(b) 'n Plaaslike bestuur aan wie 'n heffing ingevolge subartikel (2) betaal word, is, indien hy nie die betrokke eenaar is ten bate van wie die heffing opgelê is nie, geregtig op 'n kommissie, teen 'n koers wat die Minister bepaal, op die geld wat by wyse van daardie heffing aan hom betaal is.

(4) Die opbrengs van 'n heffing ingevolge hierdie artikel aan die eenaar van 'n abattoir betaal, word vir alle doeleindes geag geld te wees wat die eenaar vir die gebruik van die abattoir ontvang het.

(5) Die Minister kan, vir die doeleindes van hierdie artikel, ten opsigte van 'n abattoir 'n gebied as die bedieningsgebied van daardie abattoir bepaal.''

Wysiging van artikel 37 van Wet 54 van 1976.

6. Artikel 37 van die Hoofwet word hierby gewysig deur na paragraaf (e) die volgende paragraaf in te voeg:
 „(eA) versuim het om 'n ingevolge artikel 21A opgelegde heffing op die wyse of binne die tydperk in die betrokke kennisgewing bepaal, te betaal;”

Wysiging van artikel 38 van Wet 54 van 1976.

7. Artikel 38 van die Hoofwet word hierby gewysig deur in subartikel (3) die woord „Sekretaris” deur die woorde „Direkteur-generaal: Landbou en Visserye” te vervang.

Wysiging van artikel 47 van Wet 54 van 1976.

8. (1) Artikel 47 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:
 „(2) Die raad van direkteure bestaan uit—
 (a) die besturende direkteur wat ingevolge artikel 51 aangestel word; en
 (b) **[vyf persone]** vier ander direkteure wat deur die Minister aangestel word, van wie—
[(a)] (i) **[drie]** twee vanweë hul kennis van die handel en nywerheid of administratiewe aangeleenthede of die bestuur en dryf van abattoirs aangestel word;

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from that abattoir to any point in an area determined by the Minister."

5. The following section is hereby inserted in the principal Act after section 21:

Insertion of section 21A in Act 54 of 1976.

5 "Levy on in-
roduction of
meat into cer-
tain areas. **21A.** (1) If an abattoir of which a local authority is
the owner is not utilized to the extent to which in
the opinion of the Minister it should be utilized, the
Minister may, after consultation with the Commis-
sion, by notice in the *Gazette* and from a date
specified in the notice impose a levy for the benefit
of the owner of that abattoir in respect of meat of
animals not slaughtered at that abattoir and intro-
duced for consumption or processing into the area of
jurisdiction of a local authority specified in the notice
and forming part of the area determined in terms of
subsection (5) as the serving area of that abattoir.
(2) A levy imposed in terms of subsection (1) shall
be paid in the manner, within the period and by the
persons determined in the notice concerned, to the
local authority into the area of jurisdiction of which
the meat in respect of which the levy has been im-
posed, is introduced.
(3) (a) A local authority to which a levy is paid in
terms of subsection (2) shall, if it is not the owner
concerned for whose benefit the levy has been
imposed, pay the proceeds of the levy paid to it,
after deduction of the commission to which it is
entitled in terms of paragraph (b), to that owner
within the period determined by the Minister.
(b) A local authority to whom a levy is paid in terms
of subsection (2) is, if it is not the owner con-
cerned for whose benefit the levy has been im-
posed, entitled to a commission, at a rate deter-
mined by the Minister, on the money paid to it
by way of that levy.
(4) The proceeds of a levy paid to the owner of an
abattoir in terms of this section shall for all purposes
be deemed to be money received by the owner for
the use of the abattoir.
(5) The Minister may, for the purposes of this sec-
tion, in respect of an abattoir determine an area as
the serving area of that abattoir."

6. Section 37 of the principal Act is hereby amended by the insertion after paragraph (e) of the following paragraph:

Amendment of section 37 of Act 54 of 1976.

45 "(eA) has failed to pay a levy imposed in terms of section 21A in the manner or within the period determined in the notice concerned;"

7. Section 38 of the principal Act is hereby amended by the substitution in subsection (3) for the word "Secretary" of the words "Director-General: Agriculture and Fisheries".

Amendment of section 38 of Act 54 of 1976.

8. (1) Section 47 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

Amendment of section 47 of Act 54 of 1976.

"(2) The board of directors shall consist of—
(a) the managing director to be appointed in terms of section 51; and
(b) five persons four other directors to be appointed by the Minister, of whom—
[(a)] (i) three two shall be appointed by reason of their knowledge of trade and industry or administrative matters or the management and conduct of abattoirs;

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- [(b)] (ii) een deur die Kommissie uit sy lede benoem word om die Kommissie te verteenwoordig;
- [(c)] (iii) een deur die Raad uit sy lede benoem word om die Raad te verteenwoordig."

(2) Elke direkteur van die Suid-Afrikaanse Abattoirkorporasie, uitgesonderd die besturende direkteur van daardie Korporasie, wat voor die inwerkingtreding van hierdie Wet ingevolge artikel 47 van die Hoofwet aangestel is en wat by sodanige inwerkingtreding nog sy amp beklee, word vanaf sodanige inwerkingtreding geag ingevolge daardie artikel, soos deur hierdie artikel gewysig, as direkteur van die Suid-Afrikaanse Abattoirkorporasie aangestel te gewees het.

Vervanging van artikel 48 van Wet 54 van 1976.

9. (1) Artikel 48 van die Hoofwet word hierby deur die volgende artikel vervang:

„Ampstermyn en besoldiging van direkteure. 48. (1) 'n Direkteur word aangestel— 15

- (a) in die geval van 'n in artikel 47 (2) [(a)] (b) (i) 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]; 20
- (b) in die geval van 'n in artikel 47 (2) [(b) of (c)] (b) (ii) of (iii) 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; 30
- (c) in die geval van die besturende direkteur, vir 'n onbepaalde tydperk. 25

(2) Iemand wie se ampstermyn as direkteur uit hoofde van die bepaling van subartikel (1) (a) of (b) verstryk het, kan, behoudens die bepaling van artikel 47 (2) (b), weer aangestel word. 35

(3) 'n Direkteur beklee sy amp op die voorwaardes (met inbegrip van die betaling van besoldiging en toelaes) wat— 40

- (a) in die geval van 'n in artikel 47 (2) (b) bedoelde direkteur, die Minister met die toestemming van die Minister van Finansies bepaal; 40
- (b) in die geval van die besturende direkteur, die meerderheid van die in artikel 47 (2) (b) bedoelde direkteure met die toestemming van die Minister en 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." 45

(2) Die voorwaardes waarop die besturende direkteur van die Suid-Afrikaanse Abattoirkorporasie sy amp onmiddellik voor die inwerkingtreding van hierdie Wet beklee het, word vanaf sodanige inwerkingtreding geag ingevolge artikel 48 van die Hoofwet, soos deur hierdie artikel gewysig, bepaal te gewees het. 55

Wysiging van artikel 49 van Wet 54 van 1976.

10. Artikel 49 van die Hoofwet word hierby gewysig—

- (a) deur in subartikel (1) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang: 60
„'n In artikel 47 (2) (b) bedoelde direkteur ontruim sy amp —”;
- (b) deur in paragraaf (f) van subartikel (1) die woorde „die Senaat” te skrap; en

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- [(b)] (ii) one shall be nominated by the Commission from among its members to represent the Commission;
- [(c)] (iii) one shall be nominated by the Board from among its members to represent the Board.”.

5 (2) Every director of the South African Abattoir Corporation, excluding the managing director of that Corporation, who was before the commencement of this Act appointed in terms of section 47 of the principal Act and who at such commencement still holds office, shall as from such commencement be deemed to
 10 have been appointed as director of the South African Abattoir Corporation in terms of that section, as amended by this section.

9. (1) The following section is hereby substituted for section 48 of the principal Act: Substitution of section 48 of Act 54 of 1976.

“Period of office and remuneration of directors.”

15 48. (1) A director shall be appointed—

- (a) in the case of a director referred to in section 47 (2) [(a)] (b) (i), for such period, not exceeding five years, as the Minister may determine at the time of the appointment [Provided that a director who after his appointment as a director is appointed as managing director in terms of section 20 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];
- 25 (b) in the case of a director referred to in section 47 (2) [(b) or (c)] (b) (ii) or (iii), for a period which terminates on the date on which his current appointment as a member of the Commission or the Board, as the case may be, terminates;
- 30 (c) in the case of the managing director, for an indefinite period.

(2) Any person whose period of office as a director has expired by virtue of the provisions of subsection (1) (a) or (b) shall, subject to the provisions of section 47 (2) (b), be eligible for reappointment.

(3) A director shall hold office upon such conditions (including the payment of remuneration and allowances) as—

- 40 (a) in the case of a director referred to in section 47 (2) (b), the Minister may with the consent of the Minister of Finance determine;
- 45 (b) in the case of the managing director, the majority of the directors referred to in section 47 (2) (b) may with the consent of the Minister and 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.”.

50 (2) The conditions upon which the managing director of the South African Abattoir Corporation held office immediately prior to the commencement of this Act, shall as from such commencement be deemed to have been determined in terms of section 48 of the principal Act, as amended by this section.

55 10. Section 49 of the principal Act is hereby amended— Amendment of section 49 of Act 54 of 1976.

- (a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words: “A director referred to in section 47 (2) (b) shall vacate his office—”;
- 60 (b) by the deletion in paragraph (f) of subsection (1) of the words “the Senate”; and

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(c) deur subartikels (2) en (3) deur die volgende subartikels te vervang:

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

(3) Indien so 'n direkteur ophou om sy amp te beklee of indien sy aanstelling verval soos in artikel 51 (2) beoog, moet die Minister, behoudens die bepalings van artikel 47 (2) (b), iemand aanstel om die vakature in die raad van direkteure te vul.”.

Vervanging van artikel 51 van Wet 54 van 1976.

11. (1) Artikel 51 van die Hoofwet word hierby deur die volgende artikel vervang:

„Besturende direkteur. 51. (1) Die in artikel 47 (2) (b) bedoelde direkteur stel by eenparige besluit enigiemand as besturende direkteur van die Korporasie aan: Met dien verstande dat indien genoemde direkteure versuim of nie in staat is nie om 'n besturende direkteur op die voormelde wyse aan te stel binne 'n redelike tyd nadat hulle deur die Minister versoek is om dit te doen, die Minister na goedvinde enigiemand as besturende direkteur kan aanstel.

(2) Die aanstelling as sodanig van 'n in artikel 47 (2) (b) bedoelde direkteur verval indien hy as besturende direkteur aangestel word.

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

(4) Indien die besturende direkteur afwesig is of nie in staat is om sy werksaamhede te verrig nie of indien iemand nog nie as besturende direkteur aangestel is nie, moet die in artikel 47 (2) (b) bedoelde direkteure iemand uit hul midde of 'n werknemer van die Korporasie aanwys om gedurende bedoelde afwesigheid of onvermoë of totdat 'n besturende direkteur aangestel word, as besturende direkteur waar te neem en in daardie hoedanigheid dié werksaamhede van die besturende direkteur te verrig wat genoemde direkteure bepaal.”.

(2) Die besturende direkteur van die Suid-Afrikaanse Abattoirkorporasie wat voor die inwerkingtreding van hierdie Wet ingevolge artikel 51 van die Hoofwet aangestel is en wat by sodanige inwerkingtreding nog sy amp beklee, word vanaf sodanige inwerkingtreding geag ingevolge daardie artikel, soos deur hierdie artikel gewysig, as besturende direkteur van die Suid-Afrikaanse Abattoirkorporasie aangestel te gewees het.

Vervanging van artikel 52 van Wet 54 van 1976.

12. Artikel 52 van die Hoofwet word hierby deur die volgende artikel vervang:

„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]** hom in 'n in paragraaf (a), (b), (c), (f), (g) of (h) van artikel 49 (1) bedoelde omstandigheid bevind;

(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 van sy amp onthef word—

(a) deur die in artikel 47 (2) (b) bedoelde direkteure by eenparige besluit; of

(b) deur die Minister.

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

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(c) by the substitution for subsections (2) and (3) of the following subsections:

“(2) **[A] Any such** director may at any time be removed from office by the State President.

5 (3) If **[a] any such** director ceases to hold office or if his appointment lapses as contemplated in section 51 (2), the Minister shall, subject to the provisions of section 47 (2) (b), appoint a person to fill the vacancy on the board of directors.”.

10 **11.** (1) The following section is hereby substituted for section 51 of the principal Act:

Substitution of section 51 of Act 54 of 1976.

“Managing director.

15 **51.** (1) The directors referred to in section 47 (2) (b) shall by unanimous decision appoint any person as managing director of the Corporation: Provided that if the said directors fail or are unable to appoint a managing director in the abovementioned manner within a reasonable time after having been requested by the Minister to do so, the Minister may in his discretion appoint any person as managing director.

20 (2) The appointment as such of a director referred to in section 47 (2) (b) shall lapse if he is appointed as managing director.

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

30 (4) If the managing director is absent or unable to perform his functions or if a person has not yet been appointed as managing director, the directors referred to in section 47 (2) (b) shall designate one of their number or an employee of the Corporation to act, during such absence or incapacity or until a managing director is appointed, as managing director and in that capacity to perform such functions of the managing director as the said directors may determine.”.

35 (2) The managing director of the South African Abattoir Corporation who was before the commencement of this Act appointed in terms of section 51 of the principal Act and who at such commencement still holds office, shall as from such commencement be deemed to have been appointed as managing director of the South African Abattoir Corporation in terms of that section, as amended by this section.

40 **12.** The following section is hereby substituted for section 52 of the principal Act:

Substitution of section 52 of Act 54 of 1976.

45 “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]** finds himself in any circumstance referred to in paragraph (a), (b), (c), (f), (g) or (h) of section 49 (1);

50 (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—

55 (a) by the directors referred to in section 47 (2) (b) by unanimous decision; or

(b) by the Minister.

60 (3) If the managing director ceases to hold office, **[the Minister]** another person shall within a reasonable time **[and subject to the provisions of section 51 (1) appoint any other director as the]** be appointed in terms of section 51 as managing director.”.

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Wysiging van
artikel 70 van
Wet 54 van 1976.

13. Artikel 70 van die Hoofwet word hierby gewysig deur die woorde „in die Senaat en” te skrap.

Kort titel.

14. Hierdie Wet heet die Wysigingswet op die Abattoirbedryf, 1982.

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13. Section 70 of the principal Act is hereby amended by the deletion of the words "in the Senate and".

Amendment of section 70 of Act 54 of 1976.

14. This Act shall be called the Abattoir Industry Amendment Act, 1982.

Short title.