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GOVERNMENT GAZETTE

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KAAPSTAD, 20 APRIL 1983

OFFICE OF THE PRIME MINISTER

No. 819.

20 April 1983

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

No. 37 of 1983: Dairy Industry Amendment Act, 1983.

KANTOOR VAN DIE EERSTE MINISTER

No. 819.

20 April 1983

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

No. 37 van 1983: Wysigingswet op die Suiwelnywerheid, 1983.

Act No. 37, 1983

DAIRY INDUSTRY AMENDMENT ACT, 1983

GENERAL EXPLANATORY NOTE:

I 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 Dairy Industry Act, 1961, so as to delete or substitute certain obsolete designations and references; to define the expressions "butter" and "animal fat or oil"; and to increase the maximum penalties prescribed by the said Act for a contravention thereof or for a failure to comply therewith; and to provide for incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 13 April 1983.)

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

Amendment of section 1 of Act 30 of 1961, as amended by section 1 of Act 34 of 1965, section 1 of Act 96 of 1971, section 1 of Act 32 of 1972 and section 1 of Act 7 of 1976.

1. Section 1 of the Dairy Industry Act, 1961 (hereinafter referred to as the principal Act), is hereby amended—
 - (a) by the insertion before the definition of "board" of the following definition:
“animal fat or oil excludes butterfat;”;
 - (b) by the substitution in the definition of "board" for the expression "Proclamation R.25 of 1972" of the expression "Proclamation R.290 of 1978";
 - (c) by the insertion after the definition of "board" of the following definition:
“butter includes any substance in the form of butter and whereof the consistency is substantially similar to that of butter and which has been manufactured mainly from butterfat;”;
 - (d) by the substitution for the definition of "department" of the following definition:
“department means the Department of [Agricultural Economics and Marketing] Agriculture;”;
 - (e) by the insertion after the definition of "department" of the following definition:
“Director-General means the Director-General: Agriculture;”;
 - (f) by the substitution for the definition of "Minister" of the following definition:
“Minister means the Minister of [Agricultural Economics and Marketing] Agriculture;”;
 - (g) by the substitution for the definition of "scheme" of the following definition:
“scheme means the Dairy [Products Marketing] Scheme promulgated by Proclamation No. [183] R.290 of [1954] 1978 under the provisions of the Marketing Act, [1937 (Act No. 26 of 1937)] 1968 (Act No. 59 of 1968);”;
 - (h) by the deletion of the definition of "Secretary".

Amendment of section 23 of Act 30 of 1961, as amended by

2. Section 23 of the principal Act is hereby amended by the substitution for paragraphs (ii) to (v) of the following paragraphs, respectively:

ALGEMENE VERDUIDELIKENDE NOTA:

- Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.
- Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.
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WET

Tot wysiging van die Wet op die Suiwelnywerheid, 1961, ten einde sekere verouderde benamings en verwysings te skrap of te vervang; die uitdrukking „botter“ en „dierenvet of -olie“ te omskryf; en die maksimum strawwe te verhoog wat genoemde Wet voorskryf vir 'n oortreding daarvan of vir 'n versuim om daaraan te voldoen; en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 13 April 1983.)

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

1. Artikel 1 van die Wet op die Suiwelnywerheid, 1961 (hierna die Hoofwet genoem), word hierby gewysig—
5 (a) deur na die omskrywing van „afgeroomdemelkpoeierfabriek“ die volgende omskrywing in te voeg:
„botter“ ook enige stof wat in die vorm van botter is en waarvan die tekstuur wesenlik ooreenstem met dié van botter en wat in hoofsaak vervaardig is van bottervet;”;
10 (b) deur die omskrywing van „departement“ deur die volgende omskrywing te vervang:
„departement“ die Departement van **[Landbou-ekonomies en -bemarking]** **Landbou;**”;
15 (c) deur na die omskrywing van „departement“ die volgende omskrywings in te voeg:
„dierenvet of -olie“ nie ook bottervet nie;
„Direkteur-generaal“ die Direkteur-generaal: **Landbou;**”;
20 (d) deur die omskrywing van „Minister“ deur die volgende omskrywing te vervang:
„Minister“ die Minister van **[Landbou-ekonomies en -bemarking]** **Landbou;**”;
25 (e) deur in die omskrywing van „raad“ die uitdrukking „Proklamasie R.25 van 1972“ deur die uitdrukking „Proklamasie R.290 van 1978“ te vervang;
(f) deur die omskrywing van „Sekretaris“ te skrap; en
(g) deur die omskrywing van „skema“ deur die volgende omskrywing te vervang:
30 „skema“ die **[Suiwelproduktebemarkingskema]** **Suiwelskema** afgekondig by Proklamasie No. **[183]** **R.290 van [1954] 1978** kragtens die bepalings van die Bemarkingswet, **[1937 (Wet No. 26 van 1937)]** **1968 (Wet No. 59 van 1968);”.**
- 35 2. Artikel 23 van die Hoofwet word hierby gewysig deur paragraue (ii) tot (v) deur onderskeidelik die volgende paragraue te vervang:
- Wysiging van artikel 1 van Wet 30 van 1961, soos gewysig deur artikel 1 van Wet 34 van 1965, artikel 1 van Wet 96 van 1971, artikel 1 van Wet 32 van 1972 en artikel 1 van Wet 7 van 1976.

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section 10 of
Act 34 of 1965,
section 5 of
Act 1 of 1969
and section 5 of
Act 96 of 1971.

- (ii) in the case of an offence referred to in paragraph (b), to a fine not exceeding [one hundred rand] R500;
- (iii) in the case of an offence referred to in paragraph (c), to a fine not exceeding [one thousand rand] R5 000 or to imprisonment for a period not exceeding [six] 12 months or to both such fine and such imprisonment;
- (iv) in the case of an offence referred to in paragraph (d), if it is—
- (aa) a contravention of section 3 or 9, to a fine not exceeding [one hundred rand] R500 and to a further 10 fine not exceeding [ten rand] R50 for every day on which the offence continues;
- (bb) a contravention of section 12, 13, 17, 18 or 21, to a fine not exceeding [one hundred rand] R500;
- (cc) a contravention of section 15 or paragraph (l) or 15 (m) of this section, to a fine not exceeding [two hundred rand] R1 000 for a first conviction under the said section, and to a fine not exceeding [four hundred rand] R2 000 for a second or subsequent conviction under the said section; 20
- (dd) a contravention of paragraph (a), (b), (c), (f) or (i) of subsection (1) of section 16, or of section 20, to a fine not exceeding [two hundred rand] R1 000; and
- (ee) a contravention of paragraph (d), (e), (g) or (h) of 25 subsection (1) of section 16, to a fine not exceeding [twenty rand] R100;
- (v) in the case of an offence referred to in paragraph (e), (f), (g), (h), (i), (j) or (k), to a fine not exceeding [twenty rand] R100, and, if it is an offence referred to 30 in paragraph (e), (h) or (i), to a further fine not exceeding [two rand] R10 for every day on which the offence continues.”.

Amendment of
section 24 of
Act 30 of 1961.

3. Section 24 of the principal Act is hereby amended by the substitution for the words “twenty rand” of the expression 35 “R100”.

Amendment of
section 28 of
Act 30 of 1961.

4. Section 28 of the principal Act is hereby amended by the substitution for subsections (2) and (3) of the following subsections, respectively:

“(2) All such amendments shall be laid on the [Tables of 40 both Houses of Parliament] Table of the House of Assembly within fourteen days after the publication thereof, if [Parliament] the House of Assembly is then in ordinary session, or, if it is not then in ordinary session, within fourteen days after the commencement of its next ensuing ordinary session.

(3) Every such amendment shall be of force and effect unless or until [both Houses of Parliament have] the House of Assembly has by resolution [passed in the same session] requested the State President to rescind or vary the amendment, in which case it shall be forthwith rescinded or varied, as the case may be, by further proclamation in the Gazette.”.

Amendment of
section 29 of
Act 30 of 1961,
as amended by
section 11 of
Act 34 of 1965,
section 6 of
Act 96 of 1971
and section 3 of
Act 7 of 1976.

5. Section 29 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection: 55

“(3) The regulations may prescribe penalties for any contravention thereof or failure to comply therewith, not exceeding a fine of [twenty rand] R100 or imprisonment for a period not exceeding [fourteen] 50 days on a first conviction and [fifty rand] R500 or imprisonment for a period not exceeding [two] 12 months on a second or subsequent conviction.”.

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- ,,(ii) in die geval van 'n misdryf in paragraaf (b) bedoel, met 'n boete van hoogstens **[honderd rand]** R500; artikel 10 van Wet 34 van 1965,
(iii) in die geval van 'n misdryf in paragraaf (c) bedoel, met 'n boete van hoogstens **[eenduisend rand]** R5 000 of artikel 5 van Wet 1 van 1969 en
5 met gevengenisstraf vir 'n tydperk van hoogstens **[ses]** 12 maande of met sowel sodanige boete as sodanige gevengenisstraf; artikel 5 van Wet 96 van 1971.
(iv) in die geval van 'n misdryf in paragraaf (d) bedoel, indien dit—
- 10 (aa) 'n oortreding van artikel 3 of 9 is, met 'n boete van hoogstens **[honderd rand]** R500 en tot 'n verdere boete van hoogstens **[tien rand]** R50 vir elke dag waarop die oortreding voortduur;
(bb) 'n oortreding van artikel 12, 13, 17, 18 of 21 is, 15 met 'n boete van hoogstens **[honderd rand]** R500;
(cc) 'n oortreding van artikel 15 of paragraaf (l) of (m) van hierdie artikel is, met 'n boete van hoogstens **[tweehonderd rand]** R1 000 indien dit 'n eerste skuldigbevinding kragtens genoemde artikel is, en met 'n boete van hoogstens **[vierhonderd rand]** R2 000 indien dit 'n tweede of daaropvolgende skuldigbevinding kragtens genoemde artikel is;
(dd) 'n oortreding van paragraaf (a), (b), (c), (f) of (i) 20 van subartikel (1) van artikel 16, of van artikel 20 is, met 'n boete van hoogstens **[tweehonderd rand]** R1 000; en
(ee) 'n oortreding van paragraaf (d), (e), (g) of (h) van subartikel (1) van artikel 16 is, met 'n boete van hoogstens **[twintig rand]** R100;
- 25 (v) in die geval van 'n misdryf in paragraaf (e), (f), (g), (h), (i), (j) of (k) bedoel, met 'n boete van hoogstens **[twintig rand]** R100, en, indien dit 'n misdryf is in paragraaf (e), (h) of (i) bedoel, met 'n verdere boete van hoogstens **[twee rand]** R10 vir elke dag waarop die misdryf voortduur.”.
- 30 3. Artikel 24 van die Hoofwet word hierby gewysig deur die Wysiging van woorde „twintig rand” deur die uitdrukking „R100” te vervang. artikel 24 van Wet 30 van 1961.
- 40 4. Artikel 28 van die Hoofwet word hierby gewysig deur sub- Wysiging van artikels (2) en (3) deur onderskeidelik die volgende subartikels artikel 28 van 45 te vervang: Wet 30 van 1961.
- 45 „(2) Alle sodanige wysigings moet in **[beide Huse van die Parlement]** die Volksraad ter Tafel gelê word binne veertien dae na die publikasie daarvan, indien die **[Parlement]** Volksraad dan in gewone sitting is, of, indien die **[Parlement]** Volksraad dan nie in gewone sitting is nie, binne veertien dae na die aanvang van sy eersvolgende gewone sitting.
- 50 (3) Elke sodanige wysiging is van krag tensy of totdat **[beide Huse van die Parlement]** die Volksraad by besluit **[gedurende dieselfde sitting geneem]** die Staatspresident versoek het om die wysiging in te trek of te wysig, in welke geval dit onverwyld by verdere proklamasie in die *Staatskoerant* ingetrek of gewysig moet word, na gelang van die geval.”.
- 55 5. Artikel 29 van die Hoofwet word hierby gewysig deur sub- Wysiging van artikels (3) deur die volgende subartikel te vervang: artikel 29 van Wet 30 van 1961,
„(3) Die regulasies kan vir 'n oortreding daarvan of ver- soos gewysig deur suim om daaraan te voldoen, strawwe voorskryf wat nie 'n artikel 11 van boete van **[twintig rand]** R100 of gevengenisstraf vir 'n tyd- Wet 34 van 1965,
60 perk van **[veertien]** 50 dae by 'n eerste skuldigbevinding en artikel 6 van **[vyftig rand]** R500 of gevengenisstraf vir 'n tydperk van Wet 96 van 1971 en **[twee]** 12 maande by 'n tweede of daaropvolgende skuldig- artikel 3 van bevinding, te bowe gaan nie.”.
- Wet 7 van 1976.

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Substitution of cer-
tain designation.

6. The principal Act is hereby amended by the substitution for
the word "Secretary", wherever it appears, of the word "Direc-
tor-General".

Short title and com-
mencement.

7. This Act shall be called the Dairy Industry Amendment
Act, 1983, and shall come into operation on a date fixed by the 5
State President by proclamation in the *Gazette*.

WYSIGINGSWET OP DIE SUIWELNYWERHEID, 1983

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6. Die Hoofwet word hierby gewysig deur die woord „Sekretaris”, oral waar dit voorkom, deur die woord „Direkteur-generaal” te vervang. Vervanging van sekere benaming.

7. Hierdie Wet heet die Wysigingswet op die Suiwelnywerheid, 1983, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal. Kort titel en inwerkingtreding.