



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. 694. 11 April 1984

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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. 32 van 1984: Wysigingswet op die Abattoirbedryf, 1984.

No. 32 of 1984: Abattoir Industry Amendment Act, 1984.

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 authorize the recovery of interest on arrear amounts payable for the use of abattoirs or the performance of services; to increase by one the number of directors of the South African Abattoir Corporation; to make further provision in connection with the appointment, period of office and remuneration of and vacation of office by directors of the Corporation; to provide that the Corporation shall have a share capital divided into shares; to provide for the issue of shares in the Corporation to the State; to limit the liability of the State as shareholder in the Corporation; to provide that the Corporation may be liquidated by or under an Act of Parliament only; to make provision for the expropriation for specified purposes of real rights in or over land; to further regulate the auditing of the Corporation's account books, statements of accounts and annual financial statements; to make provision for the application of provisions of the Companies Act, 1973, with respect to the Corporation; and to adjust certain obsolete designations; to discharge the Corporation from the obligation to pay interest on the outstanding amount of certain loans granted to it by the State; to convert the amount outstanding on those loans into share capital of the Corporation; and to provide for matters connected therewith.

*(Afrikaans text signed by the State President.)
(Assented to 9 March 1984.)*

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 "Board" of the following definition:

"Board" means the **[Livestock and] Meat [Industries Control] Board** referred to in the scheme;"
 - 10 (b) by the substitution for the definition of "Department" of the following definition:

"Department" means the Department of Agriculture **[and Fisheries]**;"
 - 15 (c) by the insertion after the definition of "inspector" of the following definition:

"land" for the purposes of section 60 (2), 61, 62 (3) and 63 includes any real right in or over land;"

and
 - 20 (d) by the substitution for the definition of "Minister" of the following definition:

"Minister" means the Minister of Agriculture **[and Fisheries]**;"

Amendment of section 1 of Act 54 of 1976, as amended by section 1 of Act 69 of 1982.

Wet No. 32, 1984

WYSIGINGSWET OP DIE ABATTOIRBEDRYF, 1984

Wysiging van artikel 3 van Wet 54 van 1976, soos gewysig deur artikel 2 van Wet 69 van 1982.

2. Artikel 3 van die Hoofwet word hierby gewysig deur in subartikel (2) die woorde "en Visserye" te skrap.

Wysiging van artikel 21 van Wet 54 van 1976, soos gewysig deur artikel 4 van Wet 69 van 1982.

3. Artikel 21 van die Hoofwet word hierby gewysig deur na subartikel (4) die volgende subartikel in te voeg:

"(4A) (a) Subartikel (4) raak nie die invordering nie van 5

rente teen 'n koers wat nie hoër is nie as 'n koers deur die Minister ten opsigte van 'n bepaalde abattoir bepaal op enige bedrag wat aan die eienaar van die abattoir of 'n operateur ten opsigte van die gebruik van die abattoir of die verrigting van 'n diens by die abattoir betaalbaar is en nie binne die tydperk wat die Minister bepaal, nadat daardie bedrag betaalbaar geword het, betaal is nie. 10

(b) 'n Bepaling kragtens subartikel (1) word bekend gemaak op 'n wyse en tree in werking op 'n dag wat die Minister bepaal." 15

Wysiging van artikel 38 van Wet 54 van 1976, soos gewysig deur artikel 7 van Wet 69 van 1982.

4. Artikel 38 van die Hoofwet word hierby gewysig deur in subartikel (3) die woorde "en Visserye" te skrap.

Wysiging van artikel 47 van Wet 54 van 1976, soos gewysig deur artikel 8 van Wet 69 van 1982.

5. (1) Artikel 47 van die Hoofwet word hierby gewysig—

(a) deur in paragraaf (b) van subartikel (2) die woorde wat 20 subparagraaf (i) voorafgaan deur die volgende woorde te vervang:

"(b) [vier] vyf ander direkteure wat deur die Minister aangestel word, van wie—";

(b) deur die volgende subparagraaf by paragraaf (b) van 25 subartikel (2) te voeg:

"(iv) een 'n beamppte in diens van die Staat is en na oorlegpleging met die Minister van Finansies aangestel word."

(c) deur subartikel (3) deur die volgende subartikel te ver- 30 vang:

"(3) Niemand wat 'n beamppte in diens van die Staat is, word as 'n direkteur bedoel in subartikel (2) (b) (i) aangestel nie [, behalwe so 'n beamppte wat as 'n lid van die Kommissie of Raad aangestel word om die Kommissie of Raad te verteenwoordig]."; en 35

(d) deur die volgende subartikel by te voeg:

"(4) Die Minister kan, ten bate van die Staatsinkomstefonds, enige reis- en verblyftoelaes en enige reisuittgawe wat uit Staatsgelde betaal is aan of ten opsigte van 'n direkteur wat 'n beamppte in diens van die Staat is, op die Korporasie verhaal." 40

(2) Subartikel (1) raak nie iets wat voor die inwerkingtreding van daardie subartikel deur of op gesag van die raad van direkteure van die Suid-Afrikaanse Abattoirkorporasie of die direkteure vermeld in artikel 47 (2) (b) van die Hoofwet gedoen is nie. 45

Wysiging van artikel 48 van Wet 54 van 1976, soos vervang deur artikel 9 van Wet 69 van 1982.

6. Artikel 48 van die Hoofwet word hierby gewysig— 50

(a) deur na subartikel (1) die volgende subartikel in te voeg:

"(1A) 'n Direkteur bedoel in artikel 47 (2) (b) (iv) beklee sy amp solank dit die Minister behaag."; en

(b) deur in subartikel (3) die woorde wat paragraaf (a) 55 voorafgaan deur die volgende woorde te vervang:

"(3) 'n Direkteur, behalwe iemand wat 'n beamppte in diens van die Staat is, beklee sy amp op die voorwaardes (met inbegrip van die betaling van besoldiging en toelaes) wat—" 60

ABATTOIR INDUSTRY AMENDMENT ACT, 1984

Act No. 32, 1984

2. Section 3 of the principal Act is hereby amended by the deletion in subsection (2) of the words "and Fisheries". Amendment of section 3 of Act 54 of 1976, as amended by section 2 of Act 69 of 1982.
3. Section 21 of the principal Act is hereby amended by the insertion after subsection (4) of the following subsection: Amendment of section 21 of Act 54 of 1976, as amended by section 4 of Act 69 of 1982.
- 5 "(4A) (a) Subsection (4) shall not affect the recovery of interest at a rate not exceeding the rate fixed by the Minister in respect of any particular abattoir on any amount payable to the owner of such abattoir or an operator in respect of the use of such abattoir or the performance of a service at such abattoir and not paid within the period determined by the Minister after that amount became payable.
- 10 (b) Any determination under paragraph (a) shall be made known in a manner and shall come into operation on a date determined by the Minister."
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4. Section 38 of the principal Act is hereby amended by the deletion in subsection (3) of the words "and Fisheries". Amendment of section 38 of Act 54 of 1976, as amended by section 7 of Act 69 of 1982.
5. (1) Section 47 of the principal Act is hereby amended— Amendment of section 47 of Act 54 of 1976, as amended by section 8 of Act 69 of 1982.
- 20 (a) by the substitution in paragraph (b) of subsection (2) for the words preceding subparagraph (i) of the following words:
- "[four] five other directors to be appointed by the Minister, of whom—";
- 25 (b) by the addition to paragraph (b) of subsection (2) of the following subparagraph:
- "(iv) one shall be an officer in the service of the State and appointed after consultation with the Minister of Finance.";
- 30 (c) by the substitution for subsection (3) of the following subsection:
- "(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] referred to in subsection 2 (b) (i)."; and
- 35 (d) by the addition of the following subsection:
- "(4) The Minister may, for the benefit of the State Revenue Fund, recover from the Corporation any travelling and subsistence allowances and any travelling expenses paid out of State moneys to or in respect of a director who is an officer in the service of the State."
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- (2) Subsection (1) shall not affect anything done prior to the commencement of that subsection by or under the authority of the board of directors of the South African Abattoir Corporation or the directors mentioned in section 47 (2) (b) of the principal Act.
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6. Section 48 of the principal Act is hereby amended— Amendment of section 48 of Act 54 of 1976, as substituted by section 9 of Act 69 of 1982.
- 50 (a) by the insertion after subsection (1) of the following subsection:
- "(1A) A director referred to in section 47 (2) (b) (iv) shall hold office at the Minister's pleasure."; and
- 55 (b) by the substitution in subsection (3) for the words preceding paragraph (a) of the following words:
- "(3) A director, 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—".

Wet No. 32, 1984

WYSIGINGSWET OP DIE ABATTOIRBEDRYF, 1984

Wysiging van artikel 49 van Wet 54 van 1976, soos gewysig deur artikel 10 van Wet 69 van 1982.

7. Artikel 49 van die Hoofwet word hierby gewysig deur paragraaf (g) van subartikel (1) deur die volgende paragraaf te vervang:

“(g) by sy aanstelling, nadat hy so ’n direkteur geword het, as ’n beampte in diens van die Staat;”.

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Invoeging van artikels 57A, 57B en 57C in Wet 54 van 1976.

8. Die volgende artikels word hierby in die Hoofwet na artikel 57 ingevoeg:

“Aandelekapitaal.

57A. (1) Die gemagtigde aandelekapitaal van die Korporasie bedra eenhonderd miljoen rand wat verdeel is in eenhonderd miljoen aandele met ’n parawaarde van een rand elk.

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(2) Die aandele van die Korporasie kan slegs aan die Staat uitgereik word en aandele wat aldus uitgereik is, is nie oordraagbaar nie.

(3) Die aandele van die Korporasie in soverre hulle nie uitgereik is nie, is onder die beheer van die raad van direkteure van die Korporasie, en die raad kan die aandele aan die Staat uitreik teen dié pryse, in dié hoeveelhede, op dié voorwaardes en met dié regte daaraan verbonde waarop die raad, die Minister en die Minister van Finansies ooreenkom.

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(4) Die Minister betaal vir aandele kragtens subartikel (3) aan die Staat uitgereik, uit gelde deur die Parlement vir dié doel bewillig.

(5) Die regte verbonde aan aandele kragtens subartikel (3) aan die Staat uitgereik, word deur die Minister uitgeoefen.

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(6) Geen dividende (met inbegrip van rente) word deur die Korporasie op aandele kragtens subartikel (3) aan die Staat uitgereik, verklaar of betaal nie.

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Beperking van aanspreeklikheid van Staat as aandeelhouer.

57B. Die aanspreeklikheid van die Staat as houer van aandele in die Korporasie is beperk tot die onopbetaalde bedrag van aandele wat kragtens artikel 57A aan die Staat uitgereik is.

Likwidasie van Korporasie.

57C. Die Korporasie word nie gelikwedeer nie behalwe by of kragtens ’n Wet van die Parlement.”.

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Wysiging van artikel 62 van Wet 54 van 1976.

9. Artikel 62 van die Hoofwet word hierby gewysig deur na subartikel (2) die volgende subartikel in te voeg:

“(2A) Enige saaklike reg ten opsigte waarvan subartikel

(2) nie van toepassing is nie en wat ingevolge artikel 60 of 61 ten bate van die Korporasie of iemand anders onteien is, kan deur die Korporasie of so iemand (na gelang van die geval) vanaf die onteieningsdatum uitgeoefen word, en die onteieningskennisgewing van die Minister is magtiging aan die betrokke registrateur van aktes om daardie reg ten gunste van die Korporasie of so iemand te registreer.”.

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Wysiging van artikel 64 van Wet 54 van 1976.

10. Artikel 64 van die Hoofwet word hierby gewysig—

(a) deur in subartikel (1) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

“(1) Indien die onteining van enige abattoir of grond, met inbegrip van enige saaklike reg in of oor 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—”;

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(b) deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:

“(b) kan hy die grense van enige abattoir, [of] grond of serwituut wat nodig is, laat afbaken.”.

Wysiging van artikel 68 van Wet 54 van 1976.

11. Artikel 68 van die Hoofwet word hierby gewysig deur subartikel (2) te skrap.

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ABATTOIR INDUSTRY AMENDMENT ACT, 1984

Act No. 32, 1984

7. Section 49 of the principal Act is hereby amended by the substitution for paragraph (g) of subsection (1) of the following paragraph:

Amendment of section 49 of Act 54 of 1976, as amended by section 10 of Act 69 of 1982.

5 “(g) upon his appointment, after he became such a director, as an officer in the service of the State;”.

8. The following sections are hereby inserted in the principal Act after section 57:

Insertion of sections 57A, 57B and 57C in Act 54 of 1976.

“Share capital.

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57A. (1) The authorized share capital of the Corporation shall be one hundred million rand divided into one hundred million shares with a par value of one rand each.

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(2) The shares of the Corporation may be issued to the State only and shares so issued shall not be transferable.

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(3) The shares of the Corporation, in so far as they have not been issued, shall be under the control of the board of directors of the Corporation, and the board may issue the shares to the State at such prices, in such quantities, on such conditions and with such rights attached thereto as the board, the Minister and the Minister of Finance may agree upon.

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(4) The Minister shall pay for shares issued to the State under subsection (3) from moneys appropriated by Parliament for such purpose.

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(5) The rights attached to shares issued to the State under subsection (3) shall be exercised by the Minister.

Limitation of liability of State as shareholder.

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(6) No dividends (including interest) shall be declared or paid by the Corporation on shares issued to the State under subsection (3).

57B. The liability of the State as holder of shares in the Corporation shall be limited to the unpaid amount of shares which have been issued to the State under section 57A.

Liquidation of Corporation.

57C. The Corporation shall not be liquidated except by or under an Act of Parliament.”.

9. Section 62 of the principal Act is hereby amended by the insertion after subsection (2) of the following subsection:

Amendment of section 62 of Act 54 of 1976.

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“(2A) Any real right in respect of which subsection (2) is not applicable and which has been expropriated for the benefit of the Corporation or any other person in terms of section 60 or 61, may be exercised by the Corporation or such person (as the case may be) as from the date of the expropriation, and the expropriation notice of the Minister shall be authority to the registrar of deeds concerned to register that right in favour of the Corporation or such person.”.

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10. Section 64 of the principal Act is hereby amended—

Amendment of section 64 of Act 54 of 1976.

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(a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

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“(1) If the expropriation of any abattoir or land, including any real right in or over 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—”; and

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(b) by the substitution for paragraph (b) of subsection (1) of the following paragraph:

“(b) may demarcate or cause to be demarcated the boundaries of any abattoir [or], land or servitude which may be required.”.

11. Section 68 of the principal Act is hereby amended by the deletion of subsection (2).

Amendment of section 68 of Act 54 of 1976.

Wet No. 32, 1984

WYSIGINGSWET OP DIE ABATTOIRBEDRYF, 1984

Invoeging van artikel 70A in Wet 54 van 1976.

12. Die volgende artikel word hierby in die Hoofwet na artikel 70 ingevoeg:

“Toepassing van Maatskappywet, 1973.

70A. (1) Behoudens die bepalings van subartikel (2) en behalwe waar ander voorsiening in hierdie Wet gemaak is, is geen bepaling van die Maatskappywet, 1973 (Wet No. 61 van 1973), met betrekking tot die Korporasie van toepassing nie.

(2) Die Minister kan na raadpleging met die Korporasie by kennisgewing in die *Staatskoerant* verklaar dat enige bepaling van die Maatskappywet, 1973, wat nie met 'n bepaling van hierdie Wet in stryd is nie, met betrekking tot die Korporasie van toepassing is met die veranderings wat hy bepaal, en kan so 'n kennisgewing by kennisgewing in die *Staatskoerant* intrek of wysig.”.

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Kwytstelling van Suid-Afrikaanse Abattoirkorporasie van sekere verpligting, en omskepping van sekere lenings van Korporasie in aandelekapitaal.

13. (1) Geen rente is met ingang van 1 Oktober 1983 deur die Suid-Afrikaanse Abattoirkorporasie ingestel by artikel 44 van die Hoofwet aan die Staat betaalbaar nie op die uitstaande bedrag van die Korporasie se leningsverpligting teenoor die Staat soos op daardie datum.

(2) Die uitstaande bedrag van die Korporasie se leningsverpligting teenoor die Staat soos op die datum vermeld in subartikel (1), word geag 'n bedrag te wees wat deur die Staat aan die Korporasie betaal is ten opsigte van aandele in die Korporasie, watter aandele so gou doenlik na daardie inwerkingtreding aan die Staat kragtens artikel 57A (3) van die Hoofwet uitgereik moet word.

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Kort titel en inwerkingtreding.

14. (1) Hierdie Wet heet die Wysigingswet op die Abattoirbedryf, 1984, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

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

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ABATTOIR INDUSTRY AMENDMENT ACT, 1984

Act No. 32, 1984

12. The following section is hereby inserted in the principal Act after section 70:

Insertion of section 70A in Act 54 of 1976.

5 "Application of Companies Act, 1973. **70A. (1)** Subject to the provisions of subsection (2) and except where other provision has been made in this Act, no provision of the Companies Act, 1973 (Act No. 61 of 1973), shall apply with respect to the Corporation.
 10 (2) The Minister may after consultation with the Corporation by notice in the *Gazette* declare that any provision of the Companies Act, 1973, which is not in conflict with a provision of this Act, shall apply with respect to the Corporation with such modifications as he may determine, and may withdraw or amend any
 15 such notice by notice in the *Gazette*."

13. (1) As from 1 October 1983 no interest shall be payable to the State by the South African Abattoir Corporation established by section 44 of the principal Act on the outstanding amount of the Corporation's loan liability towards the State as at that date.
 20 (2) The outstanding amount of the Corporation's loan liability towards the State as at the date mentioned in subsection (1), shall be deemed to be an amount paid by the State to the Corporation in respect of shares in the Corporation, which shares shall as soon as may be practicable after that commencement be
 25 issued to the State under section 57A (3) of the principal Act.

Remission of South African Abattoir Corporation from certain obligation, and conversion of certain loans of Corporation into share capital.

14. (1) This Act shall be called the Abattoir Industry Amendment Act, 1984, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

Short title and commencement.

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